



Fact Sheet Briefing – Afrophobia in Estonia

March 2016

This fact sheet is based on ENAR's Shadow Report questionnaire 2014/2015 answered by Anni Säär, Marianne Meiorg and Kelly Grossthal from the *Estonian Human Rights Centre*, including results of qualitative and quantitative research.

Defining 'People of African Descent (PAD)/Black Europeans (BE) population' is no easy task and indeed various definitions and descriptions exist for the group. The UN Working Group on people of African descent proposed that: "People of African descent may be defined as descendants of the African victims of the trans-Atlantic slave trade (...) Africans and their descendants who, after their countries' independence, emigrated to or went to work in Europe, Canada and the Middle East."¹ The term 'Black Europeans' is used here to refer to Black people born or raised in Europe or with an EU citizenship. In some places the term 'Black people' is used to refer more broadly to all those individuals, groups and communities that define themselves as 'Black'. Accordingly, 'Black' does not necessarily refer to a skin colour so much as a sociologically constructed identity.

There are no official figures on the size of the PAD/BE population in Estonia. According to the latest population census conducted in 2011, there were 414 people or 0.0315% of the total population living in Estonia with at least one parent born in Africa, while there were 141 people currently living in Estonia who were born in Africa, among them in total 15 different African ethnic groups.

Key findings and examples

Political climate, migration and legislative developments

- There is a scarcity of resources allocated to anti-discrimination policies in Estonia. This not only demonstrates a lack of political will to tackle racism and sends a message to the public that these issues are unimportant but it also hinders the effective work of the existing anti-discrimination bodies.
- There is limited representation of Black people in politics. This is partly due to the size of the PAD/BE population but also due to the hostile political atmosphere. The first black politician in Estonia was Abdul Turay and one of his first public political discussions was a one-on-one debate with Martin Helme, board member of the fringe Conservative People's Party, over the latter's anti-immigrant remark, "If you're black, go back".

¹UN Working Group on People of African Descent, Identification and Definition of People of African Descent and How Racial Discrimination Against them is Manifested in Various Regions, E/CN.4/2003/WG.20/WP.3

Racist crimes, policing and hate speech

- There is no provision on crimes motivated by hate on the grounds of race. Furthermore the provision on hate speech is very restrictive and requires that the statement has an actual effect either in the form of loss of life, damage to health or property.² The absence of comprehensive legislation in this area has been under criticism from international organisations. Although draft amendments were developed in 2012, this law is yet to be amended and no information on any further developments is available.³
- There is widespread under-reporting of racist violence and hate speech. Although PAD/BE have reported to be victims of verbal abuse in public places, they also have been reluctant to report these incidents to the police.
- Since the outbreak of the so-called “migrant crisis”, incidents of verbal, racist abuse have increased.
- Interviews with PAD/BE show that ethnic profiling takes place, however, the attitude of the police and law enforcement authorities is reported to be good.

Employment

- PAD/BE are exposed to racism and discrimination in employment and the workplace. For example, a black person was not allowed to enter the building where he worked because the security did not believe that he worked there. The company’s secretary had to come down to attest for him. Another example was an employer deciding not to employ a black person in order to avoid conflict after observing open racism from his employees.
- PAD/BE interviewees stated that since the outbreak of the so-called “migrant crisis”, they have encountered more difficulties in employment.

Health

- Interviews demonstrate that PAD/BE experience widespread discrimination in the health sector. Access to health care being the most problematic as doctors refuse to treat PAD/BE. In one case an Estonian family doctor made a clear indication that this was because “I want nothing to do with the Negroes”.
- Treatment of black people has been refused based on outdated prejudices and stereotypes. For example, interviewees reported that doctors did not want to touch Black people’s skin and claimed: “Black people have diseases that White people know nothing about”.⁴

Housing

- PAD/BE are reported to have more difficulties in finding accommodation as landlords fear that Black people will have anti-social habits and live in overcrowded conditions.

² K. Grossthal and M. Meior (2012) *Monitoring Implementation of the Council of Europe Recommendation to Member States on Measures to Combat discrimination on Grounds of Sexual Orientation or Gender Identity*. Estonia, Compliance Documentation Report, Estonian Human Rights Centre, available at: http://humanrights.ee/wp-content/uploads/2013/03/täisaruanne_ENG.pdf, p 23.

³ Ministry of Justice, Vaenu õhutamise vastane eelnõu, thematic webpage. Available at: <http://www.just.ee/et/eesmargid-tegevused/kriminaalpoliitika/vaenu-ohutamise-vastane-eelnou>. 10 T. Randlo (3.09.2015) Ülevaade: kuidas reageerisid poliitikud Vao pagulaskeskuse põlengule?, Postimees.ee, available at: <http://arvamus.postimees.ee/3315573/ulevaade-kuidasreageerisid-poliitikud-vao-pagulaskeskuse-polengule>

⁴ Estonia shadow report questionnaire response.

Education

- Bullying in Estonian schools is widespread and although racist bullying has not received much attention, experts believe that Black students are likely to be exposed to racist bullying.

Key recommendations

- An amendment to the Penal Code adding (1) a hate motivation as a general aggravating circumstance for any crime, (2) widens protection from hate speech by removing the requirement for the public statement to result in death or damage to health or property and (3) criminalises a denial of reliably attested international crime.
- An amendment to the Equal Treatment Act should be adopted in order to give more effective powers to the Gender Equality and Equal Treatment Commissioner such as fining perpetrators.
- Ease and ensure the process of recognition of foreign qualifications and encourage the validation of practical skills and experiences.
- Political parties and their members should refrain from and sanction hate speech and discourse that legitimates acts of racist crimes; using instruments such as suppressing public financing.
- Develop equality and diversity training for staff in health care settings to improve relations between the staff and clients/patients.