

HATE SPEECH AND EUROSCEPTICISM

IN ESTONIA

NATIONAL REPORT

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The research is conducted in the framework of the project “Active European Citizens Against Hate Speech”. The aim of the project is to raise awareness of the new generation of European citizens about the impact of hate speech on democratic participation and European values. The project is implemented by the “Latvian Centre for Human Rights” (project coordinator), “Participation for All” (Latvia), “Estonian Human Rights Centre”, “Human Rights Monitoring Institute” (Lithuania), “Multi Kulti Collective” (Bulgaria), “Human Rights House Zagreb” (Croatia), “Peace Action Training and Research Institute of Romania - PATRIR”. The project is co-funded by the Europe for Citizens Programme of the European Union and the Ministry of Culture of the Republic of Latvia.

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CONTENT

Introduction.....	5
1. Hate speech	6
1.1 Definitions and Legal Aspects in Estonia.....	6
1.1.1 Case Description.....	8
1.2 Policy Measures	8
1.3 Debate on Restricting Hate Speech	9
1.4 Targets and Narratives	10
1.5 Progress Reports.....	11
1.6 Public Attitudes of Young People	12
1.7 Role of Civil Society and Independent Institutions.....	15
2. Euroscepticism	17
2.1 European Parliament Election 2019 as a Case Study.....	19
2.2 Eurosceptic Messages	20
3. Conclusions and recommendations	22
Bibliography.....	24

FOREWARD

The following national report presents, in detail, the findings of a research undertaken in six EU member states - Bulgaria, Croatia, Estonia, Latvia, Lithuania, and Romania.

Hate speech is often used as a tool to target different vulnerable groups, especially minorities, immigrants and refugees. It causes their alienation and exclusion which leads to marginalisation. Such narratives weaken democracy and strengthen the positions of far right and radical right populists and Eurosceptics. Each national report aims to analyse the hate speech phenomenon in the six participating countries and looks at the links between Euroscepticism and hate speech. The authors of the reports map the levels of intolerance and hate speech among the general population and young people in particular. The reports analyse the policies and law that address hate speech, outline trends, targets, and the actors of hate speech. The reports map the presence of Euroscepticism in each country, its forms, public attitudes and actors, and outline parallels between Eurosceptic discourse and incitement to hatred. The reports also map different initiatives which can be seen as constructive practice in the fight against hate speech and different forms of intolerance. Each report ends with conclusions and recommendations on measures for combating hate speech.

All reports are based on desk research of existing data, reports and research about intolerance, hate speech and Euroscepticism, analysis of relevant political documents, programmes of political parties, and media sources. The desk research is complemented by semi-structured interviews with representatives of NGOs working with youth and vulnerable groups and a survey of young people aged 16-25 on their experiences of hate speech.

The research “Hate Speech and Euroscepticism” was conducted in the framework of the project “Active European Citizens Against Hate Speech”, co-funded by the Europe for Citizens Programme of the European Union and the Ministry of Culture of the Republic of Latvia. The aim of the project is to raise awareness among the new generation of European citizens, about the impact of hate speech on democratic participation and European values. The project consortium comprises the following organisations:

- [Latvian Centre for Human Rights](#) (Project Coordinator, Latvia),
- [Network “Participation for All”](#) (Latvia),
- [Estonian Human Rights Centre](#) (Estonia)
- [Human Rights Monitoring Institute](#) (Lithuania),
- [Multi Kulti Collective](#) (Bulgaria),
- [Human Rights House Zagreb](#) (Croatia),
- [Peace Action Training and Research Institute of Romania - PATRIR](#) (Romania).

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Introduction

In recent years, the European Union has seen the rise of Euroscepticism among its citizens and Estonia is no exception. Even though the public support for Estonia's membership in the European Union has remained high, the views of populist politicians have gained momentum in the country. Additionally, the spread of hate speech has drastically increased, however Estonia is quite exceptional among other EU countries as it has not yet criminalised nor provided a legal framework to protect the public against hate speech and hate crimes. The aim of this report is to provide a brief yet comprehensive overview of Estonia's current situation regarding Euroscepticism and hate speech. In addition, it will provide recommendations for policy making and further research on the matter.

The Estonian report is based on a desk research of existing data such as surveys, reports, policy documents, legislation, and research about hate speech, discrimination and attitudes towards the European Union in Estonia. In addition, a special focus is paid to media coverage on the aforementioned topics. The desk research is complemented by six semi-structured interviews with representatives from youth organisations working with or representing vulnerable groups, policy makers, there was also one expert on anti-Semitism. In addition, a survey of young people aged 16-26 was conducted by the Estonian Human Rights Centre on their experiences of hate speech. 144 respondents took part in the survey in the time period June-August of 2021.

1. Hate speech

1.1 Definitions and Legal Aspects in Estonia

With regards to a hate speech definition and the legal situation, Estonia is quite exceptional among other EU countries. There is no comprehensive legal framework to provide protection against hate speech and hate crimes in Estonia. The Estonian Penal Code does not include hate crime as a specific type of crime, nor bias motive as an aggravating circumstance. Estonian Penal Code (Estonian Parliament 2001) includes a provision for “incitement to hatred” in paragraph 151 that could be considered as the legal definition of hate speech in Estonia.

In paragraph 151 of the Penal Code it states that “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 is punishable by a fine of up to three hundred fine units or by detention”¹ (misdemeanour). The necessary elements of the offence require direct threat to life, health or property of the victim in order for the perpetrator to be held accountable, and therefore the provision is rarely used. Such requirement of immediate danger has been deemed a significant drawback in international appraisals, as it poses hindrances to the application of the provision and means it conflicts with international standards (ECRI 2015).

In some specific cases, hate speech can also be a criminal offence. If the act of incitement causes the death of a person or results in damage to health or other serious consequences; or it is committed by a person who has previously been punished for such an act, then the incitement to hatred is punishable by a pecuniary punishment or up to three years’ imprisonment.

There have been a very limited number of cases in which this provision has been applied in practice. In 2019, there were no cases of incitement to hatred registered under paragraph 151 of the Penal Code. In 2018, eight cases of incitement to hatred were registered, in six of these cases, misdemeanour proceedings were not initiated (Ministry of Justice 2018). In one case, a fine was imposed. In 2017, 13 cases of incitement to hatred were registered, in five cases misdemeanour proceedings were not initiated, and in one case, a fine of EUR 120 was imposed (Ministry of Justice 2017). A couple of these misdemeanours were related to hate speech on Facebook.

¹ Estonian Parliament. (2001), Penal Code, Riigi Teataja. Paragraph 151

The aforementioned issues and gaps in legislation continue to give rise to concern at international level. The European Commission against Racism and Intolerance (ECRI) has made a number of recommendations to the Estonian authorities in its reports regarding hate speech. In its latest report, ECRI urged the Estonian government to change the legislation: “The Estonian authorities should review the Criminal [Penal] Code with a view to criminalising racist offences such as: public insults or defamation; public expression of an ideology which claims the superiority of a grouping of persons; the public denial, justification or condoning of crimes of genocide, crimes against humanity or war crimes; the public dissemination or distribution, or the production or storage of material with a racist content; creation, leadership, participation in or support for a group which promotes racism; and racial discrimination in the exercise of one’s public office or occupation.”² ECRI also recommended that Estonia should change paragraph 151 of the Penal Code, removing the restriction whereby an offence cannot be deemed to have taken place unless it is proven that it entails a risk to the health, life or property of the victim. In addition, ECRI drew attention to the lack of data collection, and recommended that authorities should put in place a system to collect data and produce statistics offering an integrated and consistent view of the cases of racist and homophobic / transphobic hate speech and violence brought to the attention of the police and / or being pursued through the courts.

Estonia has not transposed the European Unions Framework Decision on racism and xenophobia (Council of the European Union 2008) which is very relevant for combating hate speech and hate crime. The transposition of the Framework Decision has continuously been a subject of discussion in society but with little process towards transposition actually happening (Kala 2020). Delay in the transposition was addressed at the European level in 2020. The European Commission launched infringement proceedings against Estonia on 30 October 2020 and sent a formal notice to the government to fully and accurately transpose the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law. It stated that Estonia has failed to transpose criminalisation of specific forms of hate speech, namely public condoning, denying or gross trivialisation of international crimes and the Holocaust, when such conduct aims at inciting violence or hatred. Additionally, it was noted that Estonia has not correctly criminalised hate speech, by omitting the criminalisation of public incitement to violence or hatred when directed at groups and has not provided for adequate penalties. Finally, the Estonian Penal Code does not ensure that the racist and xenophobic motivation of crimes are taken into account as aggravating circumstances, so that such crimes are effectively and adequately prosecuted. Estonia was given two months to reply to the points raised by the Commission. In the case of no response from Estonia, the Commission

² European Commission against Racism and Intolerance. ECRI Report on Estonia, fifth monitoring cycle, adopted on 16 June 2015, ECRI Council of Europe, Strasbourg. p10.

may decide to send a reasoned opinion (European Commission 2020). As of May 2021, there is no public information on the content of Estonia's reply to the Commission.

At the same time, a new government was formed in January 2021 and the new Minister of Justice, Maris Lauri (Reform party) promised that the government is planning to add the criminalisation of hate speech to the Riigikogu's (Estonian parliament) agenda. The Minister explained that the coalition partners, Reform party and Centre party, will take action on hate speech draft legislation but emphasised that the definition of hate speech needs to be specified (Altosaar and Kask 2021). However, even though the bill amending the regulation of hate speech was scheduled to be completed by 15 April 2021, it was shelved because the ruling parties were not able to agree on whether to change the current regulation. Minister Maris Lauri was quoted as saying that the European Commission should be satisfied with Estonia's answers and terminate the infringement proceedings, Estonia would not change anything at all (Lovi and ERR 2021).

1.1.1 Case Description

In March 2019, an incident occurred in a public space in central Tallinn. The Estonian head rabbi, Shmuel Kot, was on his way to the sabbath at the synagogue with his children. He was addressed by a male stranger speaking Estonian who, among other things, said to the rabbi: "What are you looking at, Jew, you're going into an incinerator" (Krjukov and Koppel 2019). The municipal police explained that the incident took place in a situation where the municipal police were escorting a young man off the tram for riding without a ticket, to write him a fine. At the same time, the head rabbi with his children passed the bus where the municipal police were and at that moment the verbal attack took place. The police initiated proceedings under paragraph 151 of the Penal Code which relates to incitement to hatred. Harju County Court, however, convicted the man on the basis of paragraph 262 of the Penal Code, which handles breach of public order and sentenced him to eight days of detention.

1.2 Policy Measures

There are no existing standards or measures to counter hate speech and counteract against hate speech. In addition, research found no draft or future plan to elaborate a policy document or any other measure that would include or specifically address hate speech.

In 2021, a bill amending the Media Services Act reached the Estonian Parliament, including a new provision which prohibits the promoting of violence or hatred based on sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or belief, political or other opinion, nationality, economic status, birth, disability, age,

sexual orientation or citizenship, when providing media services (Committee on Culture 2021). However, the Conservative People's Party of Estonia (EKRE) obstructed the passing of the bill because, in their opinion, the provisions regarding hate speech in the bill would start to restrict the freedom of speech (Hannes 2021).

1.3 Debate on Restricting Hate Speech

Estonian internal debate about hate speech has often concentrated on the freedom of speech and less on the impacts of hate speech on different minorities. Combating hate speech has been a divisive issue in Estonian society, the previous government persistently argued that any stricter hate speech regulation would be an attack on the freedom of expression, this narrative was often also picked up by the media (Salu 2020).

For example, the Isamaa party's leader, Helir-Valdor Seeder, opposed the proposal by the Reform party to change hate speech regulation with censorship arguments: "The attempted further criminalisation of hate speech represents a creeping introduction of censorship. The rights of people and the media to free speech may not be put under ideological pressures. Opinions and expression cannot be influenced solely by the law. Reform's proposals would be a welcome means of intimidation, one which would provide the chance to silence many fundamental debates. The state cannot dictate to people what and how they can think or speak"³. Estonia's prosecutor general Andres Parmas holds a similar view and has said he opposes the criminalisation of hate speech and worries it would divert resources away from other crimes. "Extreme caution should be exercised in extending criminalisation. /.../ As the head of the prosecutor's office, it cannot be ignored that such a change in the law means an additional workload for both the prosecutor's office and the police and the court. This resource must be borne by the prosecutor's office at the expense of other crimes" (Eesti Päevaleht, 2021).

After the announcement of the European Commission's infringement proceedings and the Reform Party's proposed bill, Isamaa party's youth association initiated a petition to "protect freedom of expression" on the platform rahvaalgatus.ee⁴. This platform offers the possibility to make collective propositions to Parliament if the petition gathers at least 1000 digital signatures. The petition asks the Parliament to reject the planned hate speech bill. As of May 2021, the petition had been signed over 1500 times and sent to the Parliament. Comments from the signatories included

³ Whyte, A. (ed). (2020), Isamaa opposes Reform Party's hate speech bill, ERR-ee, 28 October 2020.

⁴ <https://rahvaalgatus.ee/>

anti-EU sentiments, for example, expressing that “The European Union cannot be allowed to destroy a free person!”⁵

1.4 Targets and Narratives

There is no in-depth analysis on the spread, context or main targets of hate speech in the Estonian language online social media. The European Commission’s monitoring exercise (2019) on the implementation of the Code of Conduct shows that the most commonly reported grounds of hate speech are on xenophobia (including anti-migrant hatred) and sexual orientation.

Hate against people who are not ethnically Estonian could be explained by the complex history of the country. After the annexation of Estonia by the Soviet Union, Estonian migration was no longer a naturally developing process. Soviet ethnic and demographic policies moved millions of people around and that affected Estonia in particular. Before the occupation, the composition of the Estonian population was very homogeneous (Eesti Statistikaamet). Germans, Swedes, Jews and Russians made up only a small part of the population. Today, the Russian-speaking minority makes up almost 25% of the population. This significant change in population has led to various tensions and segregation. There is deep friction between the Estonian and Russian speaking populations in Estonia: there are still divisions between the two communities in education, labour market, living environment, media consumption, etc. (Pohla 2020). This historical and cultural context may at least partly explain negative attitudes among people toward immigration, which in turn is exploited by politicians to spread hate and fear.

The previous ruling coalition in Estonia included a far-right political party, the Conservative People's Party of Estonia (EKRE). The party’s platform is built on a strong anti-immigrant sentiment and its leading members have publicly expressed hostile and explicitly racist statements. For example, Mart Helme, the previous Minister of the Interior, said in a speech in 2018 that “the number of black people [using the derogatory term] in Tallinn has exploded”, followed by a story about how he had to teach black people at the university and found that “if you knocked on their heads, it sounds like hollow wood” (Mihkels 2018). This article received numerous comments that are considered to be hate speech, based on the relevant social media platforms’ codes of conduct, but do not qualify as illegal hate speech based on the Estonian Penal Code, due to the lack of real threat to life, health or property of a person.

⁵ Anvelt, K. (2021), Peaprokurör Andres Parmas: on äärmiselt inetu, et prokuratuur püütakse segada poliitilisse mängu [Attorney General Andres Parmas: it is extremely ugly that attempts are being made to interfere in the political game], Eesti Päevaleht, 16 February 2021.

Hate speech can predominantly be found in Facebook comments which are responses to the articles of daily newspapers but also on the page of Uued Uudised, the media platform of EKRE. For example, Uued Uudised published an article (EKRE VÕIMULE! 2020) about migrants in France not following the rules to prevent the spread of the coronavirus, the comments from the EKRE supporter group on Facebook suggested that the whole world would benefit if the migrants would get the virus and die (referring to natural selection).

Another Uued Uudised article (EKRE 2020b) about migrants in Brussels getting in trouble with the police, received multiple comments about exterminating the migrants, referring to them as “cockroaches” and “pests”. Similarly, in the comments on an article about the tough situation of migrants in Italy, it was wished that the migrants would get infected with the coronavirus or go back to their home countries. Furthermore, in the Facebook (EKRE 2020a) comment section of an article on people ignoring restrictions in Bangladesh, these people were called “dirty Muslims”, “worse than animals”, and it was expressed that Allah is apparently wishing them to die of the virus. Most commonly, the proposed actions against these groups include deportation or extermination, or it is expressed that they deserve to get the coronavirus and die. In April 2021, a YouTube video was shared by the Uued Uudised portal (Uued Uudised 2021) of a Muslim praying in a parking lot in Tallinn, which received comments referring to Muslims as insects or trash, and threats of physical violence and deportation. The same user behaviour was seen in Uued Uudised Facebook comment section (EKRE VÕIMULE! 2021).

The peculiarity of Estonian social media is the fact that the far-right agenda is strong and overwhelming, only a few people dare to challenge dominant hate narratives. In addition, there are only a handful of anti-racist social media groups or groups where a human rights agenda is prevalent, as a result there is little impact. This means that counter narratives are not significant or systemic. One exception, having at least some impact, is the Facebook group “Jah vabadusele, ei valedetele” (Yes to freedom, no to lies), a grassroots initiative which seeks to remind the government of its duty to the values of liberty, human rights, justice and the rule of law. They often post comments about the need to fight hate speech and xenophobia, and also use satiric memes about the politicians who act or speak against human rights.

1.5 Progress Reports

The report compiled, at the request of the European Network Against Racism, called “Racism, racial discrimination and migration in Estonia 2015-2016” discusses society’s views on migration as well as migrants’ personal experiences. The author of the report, legal expert Anni Säär, conducted several interviews with persons in

Estonia with migration or refugee backgrounds and conceded that a lot of the interviewed people had had contact with negative attitudes, hate speech or had fallen victim to hate crimes because of the colour of their skin and their background (Säär 2017). At the same time, the availability of legal protection is complicated. The main problem for migrants and ethnic / religious minorities in Estonia is the limited scope of the Penal Code, as it does not contain regulation on hate crimes and their various motivations.

In the autumn of 2019, the Eurobarometer public opinion study on discrimination was published. What stands out in the case of Estonia is that in comparison with the European average, Estonian people think that discrimination is not a widespread problem. 61% of Europeans believe that discrimination of Roma is common in their country, but in Estonia, the corresponding figure is 23% (data.europa.eu 2019). According to the same survey, there is also a significant discrepancy with the European average in perceiving discrimination based on religion or belief. A European average of 47% of people think that such discrimination is widespread, but in Estonia only 17% think that. In other words, discrimination based on religion is considered a rare phenomenon.

However, as a positive development, compared to the results of the same study in 2015, Estonians have become significantly more tolerant in four years. For example, in 2015, only 30% of respondents to the question, “how comfortable would you feel if the highest elected position was occupied by a person from a different ethnic background?”, said they felt “comfortable”. In 2019, the response was up to 53% of the respondents (data.europa.eu 2019). A significant step towards acceptance has taken place in society with similar answers to the same question regarding other groups. For example, 82% of the respondents said they felt comfortable with a woman occupying a high political office, while four years ago it was 57%, which lagged far behind the European average. An increase of that magnitude can perhaps be explained by the fact that in 2015, 33% of the respondents said they “didn’t care”, but in 2019, only 8% said that (data.europa.eu 2019).

1.6 Public Attitudes of Young People

A survey of young people aged 16-26 was conducted by the Estonian Human Rights Centre on their experiences of hate speech. 144 respondents took part in the survey in the time period June-August 2021. 84.7% of respondents found that hate speech is a problem in Estonia, 9% found it to be a problem but not a considerable one, 4.2% did not see any problem, and 2.1% did not have a specific opinion. Hate speech is mostly encountered on the Internet, by the opinion of 95.6% respondents, but it is widely witnessed also in public spaces. 82.5% of participants of the survey have come across hate speech in public spaces such as streets, shops, and public

transport. 88.2% of respondents found that hate speech is mostly used by politicians and anonymous commentators. According to the survey, hate speech mostly targets LGBTQIA+ community (94.4%) and black people (91.5%). Respondents found that hate speech is present in Estonian society due to a prevalence of prejudice (80.6%) and a lack of understanding about what hate speech is and its consequences. It was also pointed out that politicians who use hate speech contribute to the spread of hate speech (72.2%).

26% of respondents answered the last open-ended question regarding their opinion on how hate speech can be reduced and what could be done by the State, media, education department, and young people. Sixteen of the respondents referred to the need for more education in the field of hate speech. The majority found that most of the problems regarding hate speech and lack of respect towards minorities comes from an insufficient representation of cultural diversity in our school education. Some suggested that schools should incorporate more diverse learning material or conduct seminars / classes to educate children from an early age that there are different people, cultures, and sexualities around the world. Additionally, 10 of the respondents further highlighted the need to raise more general awareness in society about hate speech: who it is targeted at, what it is, why is it such a pressing problem, and the scope and impact of hate speech. For example, one person highlighted that, “people must be aware that hate speech is a separate concept since they do not understand it.” Some suggested that the problem of hate speech stems from the lack of information on the topic. For example, one person claimed that, “people are unaware of the problem since many distributors of hate speech are doing it subliminally.” Young people believe that more education and awareness on hate speech would reduce the occurrence of it in Estonian society.

Seven of the respondents referred to the need to criminalise hate speech and make it punishable by a fine. One respondent suggested that, “adults could be punished with a fine and, if necessary, imprisonment”, and gave an example when hate speech turns into an act of violence. Some suggested that the State should enforce new laws to limit the scope of hate speech. For example, one respondent said, “[hate speech] statements made by politicians (especially EKRE) should be punishable under the Estonian Constitution.” Another just wrote, “Anti-hate speech law!”. Two of the respondents questioned the criminalisation of hate speech. One claimed that, “the implementation of hate speech’s concept itself is restricting the freedom of speech”, and explained that Estonia already had this experience from the Soviet Union. Another viewed the criminalisation of hate speech from another point of view, “I think this [hate speech] is a broader ethical issue. (...) I prefer transparency at every level in society, and limiting hate speech and censoring creates the apparent acceptance of everyone. I do not believe in the ability of prohibition and coercion to make society more tolerant, rather of dialogue and patience.” In general, the young people favour

criminalising hate speech despite the few who question the effectiveness of such a move.

Five of the respondents referred to the need to see more action by the (social)media. A few suggested that the media should incorporate more diverse people in their broadcasting or employed as journalists. One respondent further explains, “then people would be used to hearing different groups in society in school or the media, and minorities would also feel better if they were taken into account and treated normally.” Additionally, most of those who saw the media as an conduit of hate speech supported the idea of having hateful comments below (social)media accounts or news articles deleted. One of the respondents stated, “if social media can identify every COVID-19 related post, they should also help society on topics such as hate speech”, and another emphasised the need for “web police”.

Furthermore, some suggested that news outlets should moderate their comments sections to limit the spread of hateful ideas about minorities, which instigate harmful actions towards these groups of people, such as beating, killing, or violating their rights. In addition, one of the respondents emphasised that the media should acknowledge what hate speech is and fight it by editing articles at the editorial level. However, one of the respondents was against deleting comments and claimed that this “would simply erase the problem, and I am afraid it would only make the problem even more invisible to people. Then this problem [hate speech] is set aside too easily, and it does not help if we hide those who incite hatred.” Another respondent agreed by saying that, “any censorship and prohibition takes things to the basement. [I personally] prefer an option, where at least from EKRE’s public speeches and shouts, I know who these people and politicians are and how to avoid them at all costs. With their example, I can discuss with friends what is wrong with humanity”. Overall, young people see (social)media as an active participant in the spread of hate speech.

To conclude, in general, most of the respondents saw hate speech as a growing problem in Estonia; however, only a few did not see this as a pressing issue needing to be addressed. For example, one even suggested that, “one should not make a problem out of something that does not exist [hate speech].” Yet, the general understanding was that hate speech should be dealt with in multiple areas of society, such as education, media, etc. The young people saw adolescents and children as a key to solving this problem and emphasised the need for further educating people on the matter. Additionally, it was understood that younger people should be more active in addressing and confronting those who participate in hate speech and incite harmful actions, even if those are family or friends.

1.7 Role of Civil Society and Independent Institutions

There are two independent institutions in Estonia who deal with human rights and discrimination issues. The institution of the “Gender Equality and Equal Treatment Commissioner” was created in order to help people protect their rights and to avoid any form of discrimination. The “Chancellor of Justice” is an independent official whose duties are to ensure that the legislation in Estonia is constitutional and that the fundamental rights and freedoms of people are protected (Inimõiguste Giid 2017). However, neither institution has made a significant contribution to the hate speech regulation debate.

Nonetheless, Chancellor of Justice Ülle Madise, has stated that society's greatest regulator is society and its norms: “There are unwritten social norms in society. These manifest themselves in a way where some behaviour is considered unfit and ugly - the person who expresses themselves in this manner will be set aside by the society and criticised. And on a whole other level is a situation where the state has drawn lines, and forbidden expression in some form or fashion.”⁶ At the same time, the Gender Equality and Equal Treatment Commissioner, Liisa Pakosta noted in 2015, that she supports the ECRI report recommendations regarding hate speech provisions in the Estonian Penal Code (Meiessaar 2015).

From the civil society perspective, the Equal Treatment Network in Estonia (ETN) and the Estonian Human Rights Centre (EHRC) have played an active role in tackling hate speech issues in society. EHRC has initiated and carried out several educational initiatives and also contributed to several research projects. In January 2021, ETN submitted a joint report to the UN on the Estonian human rights situation, the report addresses the shortcomings of hate speech legislation in Estonia. Among other recommendations, ETN stated that hate speech should be criminalised (Equal Treatment Network 2021). In addition, in 2021 a few anonymous self-proclaimed promoters of the Estonian language, culture and art launched a website “Vihakone”⁷, to raise awareness on hate speech related problems by posting examples of hate speech from various online platforms. The website’s mission is not to pass judgement on people using hate speech but rather refer to the content of hate speech and find a solution to the growing issue in the Estonian society (Vihakõne 2021).

Interviews with civil society representatives and activists demonstrate that hate speech in Estonian social media is spreading and strengthening. Minorities and women are overwhelmingly the main victims of hate and incitement to violence and discrimination. Although experts raise concerns about the situation, a sentiment of

⁶ Kallaste, K. (ed.). (2020), Justice Chancellor: State drawing lines on everything would destroy society, ERR.ee, 29 October 2020

⁷ <https://vihakone.com/>

pessimism is evident. It was noted that there is very little that can be done in the current environment due to public attitudes and lack of legislation. All the interviewed civil society experts concluded that there are not enough activities on combating hate speech, both from the state and civil society sides. As noted by one interviewed expert, the reaction towards hate speech activities is often negative, even aggressive. Social media posts about consequences of hate speech attract Internet trolls, politicians and activists who advocate for total freedom of speech (Estonian Human Rights Centre 2021).

Two of the interviewed experts mentioned the role of religious groups in the context of increasing division within the country. The experts noted that representatives of some churches occasionally spread intolerant statements towards women and the LGBTQIA+ community. One interviewee said that religious groups that call homosexuality a sin and continue to work against the Registered Partnership Act, might be adding to the spread of hate speech and divisions in the country. From a positive side, all the interviewed civil society experts have a working cooperation with the Estonian Police and numerous positive experiences regarding specific cases and projects (Estonian Human Rights Centre 2021).

2. Euroscepticism

Traditionally, the support of Estonians for membership in the European Union has been high. A Eurobarometer survey from 2020 showed that residents of Estonia had increasingly popular feelings towards the European Union and only 9% of the respondents held a negative image of the EU (European Commission 2019). Public support for the European economic and monetary union and the euro is particularly high in Estonia compared to most of the EU countries. Another study conducted in 2019 stated that 74% of Estonians supported the country's membership in the EU (Ots 2019).

Nonetheless, at a time when Eurosceptical populist politicians have gained momentum in many EU countries, Estonia is no exception. Even EU member states with traditionally underdeveloped political opposition towards the EU have seen an activation of Eurosceptic politicians and sentiments. However, ideas about a possible exit from the European Union have not gained widespread societal support and Euroscepticism has not been a widely discussed issue in politics in Estonia.

Nevertheless, Euroscepticism in Estonia is predominantly associated with specific EU-related projects (such as Rail Baltic) or the country's own ability to implement or safeguard its interest at the EU level (Veebel 2017). In the academic circles in Estonia the discussion on European integration has remained neutral, focusing mostly on various topics related to the division of power between small and large member states and their roles in the EU as well as the European Neighbourhood policy and the EU's ability to guarantee security and stability in the region (Veebel 2017).

Despite an overall positive attitude towards the EU, some individual experts have expressed relatively Eurosceptical views and one large party - the Conservative People's Party of Estonia (EKRE) - could be deemed Eurosceptical. Recent secondary research suggests that EKRE could actually be considered as a hard-Eurosceptic party which relies on socio-cultural fears and conservative values to garner people's votes (Jarosak 2019). The party's popularity has grown significantly in recent years. In 2015, EKRE won 8% of the seats in the Estonian Parliament elections (Estonian National Electoral Committee 2019). Then, in 2019, the party more than doubled this number when it won 19% of the seats in the Parliament. In 2019, a new government was formed which included EKRE in the coalition. Foreign press reported that the new coalition involves a party that has often voiced Eurosceptic views (Bloomberg 2019).

EKRE has accomplished rapid growth in popularity through advocating for the Estonian government to place a greater emphasis on sovereignty, national interests

and traditional values (EKRE 2019). For example, Anti Poolamets, EKRE's representative in the 2019 European Parliament elections debate held by Estonian Public Broadcasting, was the only participant to compare the Soviet Union and the European Union and lament Estonia's loss of sovereignty after EU membership (Whyte 2019a). All other participants disagreed with this perspective.

In addition, the party also promotes Eurosceptic language in both its policy goals and rhetoric. Scholars have stated that EKRE should be considered a hard-Eurosceptic party. While EKRE has not actively advocated for exiting the European Union, it is a party that does oppose "the whole project of European integration as it is currently conceived"⁸. EKRE consistently opposes the construction of the EU and believes that the organisation and its policies are fundamentally flawed.

In April 2021, Mart Helme, Deputy Chairman of EKRE, stated in an interview with Estonian Public Broadcasting that he wanted to establish a support group in the Parliament, the aim of which is for Estonia to leave the European Union. According to Helme, this is a "cry for help against a federalised Europe, where neo-Marxist ideology is proliferating"⁹. Helme stressed that he is a supporter of the European Union as an economic community and a union of nation states. However, he opposes the current EU which, according to him, applies ideological pressure, for example, on the subject of regulating hate speech, which he equates with establishing censorship. He compared the EU hate speech rules to the oppressive censorship policies of the Soviet Union. To the question of whether this means that the clear goal of EKRE, as a political party, is now to take Estonia out of the European Union, Helme replied that initially, the aim is still to "start a discussion about where the European Union is moving and where Estonia is moving within the European Union"¹⁰.

Another EKRE member, Jaak Madison, who is also a Member of the European Parliament, expressed support for Mart Helme's idea. Madison posted on his Facebook page (Jaak Madison 2021) that in the long run, it is necessary to discuss very seriously the future of the European Union and not to stay in the Union at all costs. He goes on to explain that people must be given the opportunity to have their say in a referendum about "whether we want to hand over our tax and migration policies to the European Union and give up even more sovereignty, or whether we want to go our own way"¹¹.

⁸ Jarosak, D. R. (2019), Euroscepticism and EKRE: How Nativism Influences the Euroscepticism of Estonia's Largest Populist Radical Right Party, University of Tartu, Faculty of Social Sciences, Johan Skytte Institute of Political Studies. p3.

⁹ Kiisler, I. (2021), Mart Helme asutab Riigikokku Euroopa Liidust väljaastumise toetusgrupi [Mart Helme establishes a support group for leaving the European Union in the Riigikogu], ERR.ee, 10 April 2021

¹⁰ Kiisler, I. (2021), Mart Helme asutab Riigikokku Euroopa Liidust väljaastumise toetusgrupi [Mart Helme establishes a support group for leaving the European Union in the Riigikogu], ERR.ee, 10 April 2021

¹¹ Jaak Madison. (2021, April 10), Ma arvan, et pikaajalises perspektiivis on vaja väga tõsiselt arutada Euroopa Liidu tuleviku üle ja mitte elada silmaklappidega, et Eesti /.../ (I think that in the long run it is

Next to EKRE, there are some prominent experts and individual members of the governmental parties that have expressed Eurosceptic views. For example, a former member of the Estonian Parliament and European Parliament, Igor Gräzin, has shared his Eurosceptic views for decades. He was one of the opponents of EU membership and his position has been that national interests are in contradiction to the interests of the EU elite. Another prominent Eurosceptic is Indrek Neivelt, former director of the Hansapank Group. He could be classified as an economic Eurosceptic, often focusing on the impact of the EU state aid rules and structural funds.

In addition, the Foundation for the Protection of Family and Tradition (SAPTK), a conservative Christian group lobbying for “traditional family values”, regularly expresses anti-EU views. SAPTK opposes the values and ideology of the EU, their platform is based on far-right views, mainly advocating against LGBTQIA+ rights, but also against immigration. The foundation has its own online news portal, *Objektiiv*, which publishes news articles on topics such as how the European Union is threatening to deprive Poland of euro money because Poland is against “LGBT propaganda” (Kallas, ed. 2020), how the pandemic exposed the pointlessness of the European Union (*Objektiiv* 2020a), how the EU has demanded countries organise gay pride parades (Hudijev 2016), and how the EU threatens to restrict freedom of speech by “race laws” (Kallas 2020). *Objektiiv* has also published a YouTube video (*Objektiiv* 2020b) on how any compliance with the EU’s demand to criminalise hate speech shows the mentality of slavery, comparing the “suppression of freedom of expression under the threat of punishment by the central power” to the Soviet Union. Comments under the video express how the imposition of hate speech regulations are “the greatest threat to our hard-earned freedom”.

2.1 European Parliament Election 2019 as a Case Study

The 2019 European Parliament election campaign in Estonia for the election of the delegation from Estonia to the European Parliament was largely occupied with domestic issues. Yet, the debates and election promises also demonstrated that the European and national level are closely interlinked, for example, when it comes to Rail Baltic and the use of EU funds in Estonia. The Reform Party was the most successful, receiving 26.2% of the votes. They were followed by the Social Democrats with 23.3%. The Centre Party received 14.4% of the votes, which was a fall compared to the 22.4% in 2014. Eurosceptic EKRE got its very first MEP seat,

necessary to discuss very seriously the future of the European Union and not to turn blind eye that Estonia (.../), [ERR.ee], [article]. Facebook

gathering 12.7% of the votes - a significant increase from 4% in 2014 (Estonian National Electoral Committee 2019).

The election also witnessed EKRE and its Eurosceptic platform rise to greater prominence and many of their problem settings indeed resonated with the public. EKRE's arguments during the debates were often about criticism of the EU's federalisation, poor response to its recent security and migration crisis, as well as criticism of diversity and LGBTQIA+ policies in western Europe. "The national bloc is starting to fight for a Europe where member states retain their decision-making power, and the law-making process is more transparent," Jaak Madison, one of EKRE's candidates for the European Parliament (and later successfully elected) said in a press release (Whyte 2019).

Before the election, Madison invited and welcomed Marine Le Pen, the leader of the French far right-wing populist and nationalist party, "National Rally", in Estonia. Asked by a journalist at Tallinn Airport about the reason for her visit, Le Pen replied, "I came here to meet with EKRE leaders, with whom we plan to form a joint group in the European Parliament – together with [Italy's] Matteo Salvini, the Freedom Party of Austria (FPÖ), and our Flemish, Danish and Finnish friends."¹² During the visit to Estonia, a meeting was held with the attendance of Madison, Le Pen, the Finns Party representative Olli Kotro, the Danish People's Party representative Anders Vistisen, as well as Manuel Vescovi of Italy's Lega Nord (Vahtla 2019). Jaak Madison was elected as a Member of the European Parliament with 22,819 votes, the fifth highest result in Estonia (Estonian National Electoral Committee 2019).

2.2 Eurosceptic Messages

Present and secondary research (Kivipõld 2020) on the content of Eurosceptic messages in Estonia could be classified into three broad categories:

Economic and Political Arguments

For example, public debates on the implementation of Rail Baltic have been intense, and the project has received strong criticism from different sides. The latest developments in the EU such as the recent European debt crisis, the conflict in Ukraine, uncertainty related to Brexit and constant disagreements between the EU member states have seriously challenged the reputation of the Union.

Example: EKRE chairman Martin Helme claimed in an article on the EKRE's online news portal Uued Uudised: "If we lose tax and budget sovereignty, democracy in

¹² Vahtla, A. (ed.). (2019), French National Rally leader Marine Le Pen arrives in Estonia, ERR.ee, 14 May 2019,

Estonia will become a farce. It does not matter who you support in the elections, taxes and the budget will be decided in Brussels on the basis of who is currently the German Chancellor.”¹³

Populism

The European Union was started as and is still perceived to be an elite project. There is very little for the “ordinary people”.

Example: Before the European Parliament elections in 2019, EKRE politician Urmas Espenberg, described the European Parliament resolution 2018/2855(RSP), which discusses the need to prevent elections from being influenced by manipulation on social media, as an attempt of the left-liberal elite to do anything to stay in power, including silencing the voice of the people (Uued Uudised 2018). Users under the Facebook post’s comments agreed that “It has long been clear that democracy and the freedom of speech is only allowed to the supreme. Ordinary people must be silent.”

Nationalism

European identity as a threat to national identity, hostility against foreigners and diversity. Rhetoric of nationalist Eurosceptics whose celebration of national identity often borders on xenophobia. One could argue that the European refugee crisis between 2015-2017, increased anti-immigrant sentiment and Euroscepticism, but there have been other local issues that have contributed to the narrative of nationalism and isolation. For example, the widespread use of Ukrainian migrant workers in agriculture.

Example: After MEP Jaak Madison expressed his support for Mart Helme’s plan to establish a group in the Parliament with the aim for Estonia to leave the European Union, many EKRE supporters also expressed their support in Facebook comments (Jaak Madison 2021). In the comments the focus was mainly on their problem with minority rights: “The European Union has a policy that I do not like. There are mainly two issues: LGBT and African migration.”¹⁴

¹³ Helme, M. (2021), “Euroliidu taastefond on mürgikarikas, mida pakutakse meile mesimagusa jutuga” [The European Union Recovery Fund is a cup of poison, which is offered to us with a honeycomb story], Uued Uudised, 23 April 2021.

¹⁴ Jaak Madison. (2021, April 10), Ma arvan, et pikaajalises perspektiivis on vaja väga tõsiselt arutada Euroopa Liidu tuleviku üle ja mitte elada silmaklappidega, et Eesti /.../ (I think that in the long run it is necessary to discuss very seriously the future of the European Union and not to turn blind eye that Estonia /.../), [ERR.ee], [article]. Facebook, available at Facebook

3. Conclusions and recommendations

As there is no research concerning the influence of Euroscepticism on hate speech in Estonia, it is difficult to draw clear conclusions. Nonetheless, present secondary research found some inconclusive trends and connections between Euroscepticism and hate speech. Mostly these narratives are connected with one political party, EKRE, and less with other independent experts.

Research shows that for many years after the EU accession, anti-EU sentiment was never a serious part of the national debate. Euroscepticism became visible and prominent during the EU refugee crisis, which occurred shortly after EKRE's electoral breakthrough in 2015 and has allowed EKRE to expand its discursive opportunities. EKRE extensively uses specific anti-EU narratives, boosts fear towards minorities and deepens polarisation. The EU serves as an important actor - the enemy - through which the 'fight' for real and free Estonia is kept alive. These anti-EU narratives also often carry hateful messages towards certain minority groups, especially migrants and the LGBTQIA+ community. For dissemination of these narratives, EKRE uses its news platform Uued Uudised and Facebook account, the latter being very popular and visible in Estonian language Facebook.

At the same time, support for the EU is less after it was announced that the European Commission initiated infringement proceedings against Estonia for the failure to correctly transpose the Framework Decision on combating racism and xenophobia. Resistance against regulating hate speech has also contributed to general anti-EU sentiment. It could partly be explained by fears arising from a historical context, as EKRE politicians and other commentators have voiced claims that the EU is trying to suppress freedom of expression in a similar way that the Soviet Union did.

Based on the report and its conclusions, the authors propose the following recommendations for more effective measures to combat hate speech:

- Since the hate agenda seems to be much more dominant than the counter narratives, a need for civic and human rights education is more urgent than ever.
- There is a need for a clear and depoliticised discussion on what hate speech actually is, since there are many misconceptions among the general public as a result of misunderstandings and disinformation.

- In Estonia, the hate speech laws are too soft and the current Penal Code is futile against hate speech in its wording, it requires more words to accompany “direct danger to one’s life or well-being”. The Penal Code has to be amended so that the state can react to instigations of hate and calls to violence.
- Proper research is needed to deduce the causes, prevalence and impacts of hate speech in Estonia.

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