

IN-DEPTH ANALYSIS

Requested by the LIBE committee

DRFMG



# **The Situation of Article 2 TEU values in Estonia**

---



Policy Department for Citizens' Rights and Constitutional Affairs  
Directorate-General for Internal Policies  
PE 754.387 - February 2024

EN

# The situation of Article 2 TEU values in Estonia

---

## **Abstract**

This briefing, written by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group, examines the situation of Democracy, Rule of Law and Fundamental Rights in Estonia and how the values of Article 2 of the TEU are respected and implemented in the country.

This document was requested by the European Parliament's Committee of Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group.

## **AUTHORS**

Amanda WIKSTRÖM AVARIA, trainee (March - July 2023), Policy Department for Citizens' Rights and Constitutional Affairs, DG IPOL.

Alina-Theresa SCHNEDL, trainee (October 2023 - March 2024), Policy Department for Citizens' Rights and Constitutional Affairs, DG IPOL.

Ottavio MARZOCCHI, Policy Department for Citizens' Rights and Constitutional Affairs, DG IPOL

## **COORDINATION and ADMINISTRATOR RESPONSIBLE**

Ottavio MARZOCCHI, Policy Department for Citizens' Rights and Constitutional Affairs, DG IPOL

## **EDITORIAL ASSISTANT**

Sybille PECSTEEN de BUYTSWERVE

## **LINGUISTIC VERSIONS**

Original: EN

## **ABOUT THE EDITOR**

Policy departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

To contact the Policy Department or to subscribe for updates, please write to:

Policy Department for Citizens' Rights and Constitutional Affairs

European Parliament

B-1047 Brussels

Email: [poldep-citizens@europarl.europa.eu](mailto:poldep-citizens@europarl.europa.eu)

Manuscript completed in January 2024

© European Union, 2024

This document is available on the internet at:

<http://www.europarl.europa.eu/supporting-analyses>

## **DISCLAIMER AND COPYRIGHT**

The opinions expressed in this document are the sole responsibility of the authors and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

# CONTENTS

<b>LIST OF ABBREVIATIONS</b>	<b>4</b>
<b>1. INTRODUCTION AND BACKGROUND INFORMATION</b>	<b>5</b>
1.1. Recommendations from the Commission Rule of Law report 2023	5
<b>2. DEMOCRACY</b>	<b>7</b>
2.1. Civil society	8
<b>3. RULE OF LAW</b>	<b>9</b>
3.1. Justice system	9
3.1.1. Independence	9
3.1.2. Quality, efficiency and digitalisation	10
3.2. Anti-corruption framework	11
3.2.1. Institutional anti-corruption framework	11
<b>4. FUNDAMENTAL RIGHTS</b>	<b>15</b>
4.1. Media freedom and pluralism, freedom of expression and information	15
4.2. Equality, non-discrimination and minorities	16
4.2.1. Minorities, hate speech, racism	16
4.2.2. Women's rights	18
4.2.3. LGBT+	18
4.2.4. Asylum and migration	19
4.2.5. Privacy and data protection	20
<b>ANNEX 1</b>	<b>21</b>
<b>ANNEX 2</b>	<b>22</b>

## LIST OF ABBREVIATIONS

<b>CERD</b>	Committee on the Elimination of Racial Discrimination
<b>CoE</b>	Council of Europe
<b>CSO</b>	Civil Society Organisations
<b>DRFMG</b>	Monitoring Group on Democracy, Rule of Law and Fundamental Rights
<b>ECRI</b>	European Commission against Racism and Intolerance
<b>EP</b>	European Parliament
<b>EPPO</b>	European Public Prosecutor's Office
<b>GRECO</b>	Group of States against Corruption of the Council of Europe
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>LIBE</b>	Committee on Civil Liberties, Justice and Home Affairs
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>RoL</b>	Rule of Law

## 1. INTRODUCTION AND BACKGROUND INFORMATION

This briefing examines the **situation of democracy, rule of law (RoL) and fundamental rights in Estonia** and how the values of Article 2 of the TEU are respected and implemented in the country - as well as potential shortcomings. It is based on the Commission Rule of Law report of 2023, the FRA Annual report 2023, documents from national and international bodies, NGO reports and media reports.

The briefing is structured around the main pillars of Article 2 of the TEU: democracy, RoL, and fundamental rights. The chapter on RoL covers the topics of the justice system and anti-corruption. The chapter on fundamental rights covers media freedom, equality and fundamental rights in general.

### 1.1. Recommendations from the Commission Rule of Law report 2023

The Commission launched its yearly RoL Report in 2020, stating that it “takes the pulse of the rule of law situation in each Member State and the EU as a whole, detecting and preventing emerging challenges and supporting rule of law reforms”, through *inter alia*, making recommendations to the Member States.<sup>1</sup> The 2022 RoL report introduced recommendations addressed to Member States, while the 2023 report provides an evaluation of the State’s progress in relation to the recommendations issued in 2022, before making recommendations for 2023. In the **2022** Rule of Law report, Estonia received **4 Recommendations**<sup>2</sup>. The **2023** Estonia RoL report evaluated the progress achieved on these, before issuing **3 more Recommendations**<sup>3</sup>:

Recommendation on integrity - conflict of interests

Recommendation 1 RoL report EE 2022	Ensure that the guidelines on the <b>conflict of interests</b> are subject to an effective verification, monitoring and enforcement mechanism.
Evaluation RoL report EE 2023	<b>Significant progress</b> on ensuring that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism.
Recommendation 1 RoL report EE 2023	Ensure that the guidelines on the conflict of interests are subject to an enforcement mechanism.

Recommendation on integrity - lobbying

Recommendation 2 RoL report EE 2022	Continue the efforts in effective implementation of the guidelines on <b>lobbying</b> .
Evaluation RoL report EE 2023	<b>Fully implemented</b> the recommendation to continue the efforts in effective implementation of the guidelines on lobbying.
RoL report EE 2023	(No recommendation on this matter)

Recommendation on access to information

Recommendation 3 RoL report EE 2022	Ensure consistent and effective practical implementation of the <b>right of access to information</b> taking into account European standards on access to official document
--	---

<sup>1</sup> The Commission 2023 Rule of Law Report, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023DC0800>.

<sup>2</sup> The Commission 2022 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2022-07/18\\_1\\_194002\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2022-07/18_1_194002_coun_chap_estonia_en.pdf).

<sup>3</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf).

Evaluation report EE 2023	RoL	<b>Some progress</b> on ensuring consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents
Recommendation 2	RoL report EE 2023	Advance with the efforts to ensure consistent and effective implementation of the right of <b>access to information</b> taking into account European standards on access to official documents

## Recommendation on the legislative process - digital platform

Recommendation 4	RoL report EE 2022	Continue advancing with the <b>digital platform</b> to make the legislative process even more visible and inclusive for public consultation
Evaluation report EE 2023	RoL	<b>Significant progress</b> on continuing to advance with the digital platform to make the legislative process even more visible and inclusive for public consultation
RoL report EE 2023		(no recommendation on this matter)

In the **2023 RoL Report**<sup>4</sup>, the Commission concluded that Estonia had: made **significant progress** on recommendations one (1) and four (4); **fully implemented** recommendation two (2); and had made **some progress** on recommendation three (3) of the recommendations in the 2022 RoL Report. The recommendations were therefore **partly renewed** for 2023, with the confirmation of the recommendations on **conflict of interests** and on the right of **access to information**.

Thus, the two recommendations of the 2023 RoL report are essentially continuations of the recommendations one (1) and three (3) of the 2022 RoL Report, with the recommendation two (2) disappearing due to its full implementation, and the removal of recommendation four (4) notwithstanding the lack of full implementation (but only significant progress).

<sup>4</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf).

## 2. DEMOCRACY

- Estonia is a **parliamentary republic with a single-chamber parliament** (*Riigikogu*). The parliament is made up of 101 members who are directly elected every four years. There is a minimum requirement for parties to have at least 5% of the vote to secure representation in parliament. The electoral system is based on proportional representation with universal suffrage for Estonian citizens above the age of 18. The President, who is Head of State, is indirectly elected.<sup>5</sup>

**The last presidential election was held in October 2021, and the last parliamentary election was held in March 2023** (with the next elections expected to take place in 2026 and 2027 respectively). The current **President is Alar Karis** and the **Prime Minister is Kaja Kallas**, the leader of the Reform Party. The main political parties are: the Reform Party (affiliated to Renew/ALDE), the Centre Party (affiliated to Renew/ALDE), Isamaa (affiliated to EPP), the Social Democratic Party (affiliated to SD/PES), the Free Party, the Conservative People's Party of Estonia (affiliated to ID), Estonia 200, and the Green Party (affiliated to the Greens). The current government is made up of a coalition of the Reform Party, the Social Democratic Party and Estonia 200.

- **Freedom House gives Estonia high scores (94/100)**, and deems Estonia's democratic institutions as generally strong, with 4/4 scores in the areas of electoral process, as well as political pluralism and participation. However, it highlights that about 5 % of the population remains stateless and cannot participate in national elections, and that "corruption is a persistent challenge, as is discrimination against ethnic Russians, Roma, LGBT+ people, and others. Far-right and Eurosceptic forces have become increasingly vocal in Estonian politics in recent years".<sup>6</sup>

**In the IDEA Global State of Democracy's (GSoD) Estonia scores highly in the categories of representation, rights, and the rule of law.** Due to average civic engagement and electoral participation scores, Estonia has a mid-range score in the area of participation. In all categories with the exception of civic engagement and electoral participation, its performance is ranked in the top 25 % globally. IDEA notes that credible elections and the RoL have both significantly decreased during the last five years, although both still being high-range. The country's successful transition to democracy was powered by an active civil society, which provided a radical reformist core to the new political elite, committed to strong rule of law institutions, after Estonia gained its independence from the Soviet Union in 1991.<sup>7</sup>

The **World Justice Project** ranks Estonia **9th** over 142 countries in its **Rule of Law Index**, maintaining its ranking from the previous year.<sup>8</sup>

- The **ombudsperson** in Estonia is the **Office of the Chancellor for Justice**, appointed by the Riigikogu for seven years upon proposal of the President of the Republic. Since 2015, Professor **Ülle Madise** is Chancellor of Justice. The Chancellor is independent and has a broad mandate, playing a relevant role both in relation to the justice system and in the system of checks and balances. The Chancellor works to uphold the rule of law, by publishing annual reports, making proposals to bring legislation in conformity with the Constitution, issuing memoranda to Parliament, ministries and local government on the need to initiate legislation, and submitting requests to the Supreme Court. It is the only institution outside the court system (the chairs of the courts and the Supreme Court sitting in full court),

<sup>5</sup> Economist Intelligence Unit, One-click report: Estonia, updated July 17 2023, <https://viewpoint.eiu.com/analysis/geography/XG/EE>.

<sup>6</sup> Freedom House, Freedom in the World 2023 – Estonia, <https://freedomhouse.org/country/estonia/freedom-world/2023>.

<sup>7</sup> IDEA, Global State of Democracy – Estonia, last visited 26 July 2023, <https://idea.int/democracytracker/country/estonia>.

<sup>8</sup> <https://worldjusticeproject.org/rule-of-law-index/country/2023/Estonia>



that can initiate disciplinary proceedings in respect of a judge by assessing whether a judge has failed to fulfil their official duties or has behaved disreputably (the final decision being made by the disciplinary chamber operating under the Supreme Court). It has received an A-status accreditation from GANHRI (the Global Alliance of National Human Rights Institutions).<sup>9</sup>

- The **Gender Equality and Equal Treatment Commissioner** also plays a relevant role in the system of checks and balances. The Commission reports about improvements in the selection procedure for the Commissioner, which became more transparent and now involves CSOs.<sup>10</sup> **Liberties** also underlines the improvements, which were applied for the election of the new Commissioner in November 2022, although it notes that it has limited resources.<sup>11</sup>

- **Advanced information and communication technology tools** support the **involvement** of the public and stakeholders in public affairs and in the **legislative decision making process**, leading the Commission to conclude that significant progress has been achieved on the 2022 recommendation nr 4 regarding the new digital platform for further improving the law-making process. The "co-creation workspace project", which the Ministry of Justice has continued to work on, aims to create a new digital platform to improve the law-making process and improve the involvement of stakeholders. The project is launched and pilots are underway, with developers receiving feedback daily on the project, while conclusions on the implementation and usability expected to be made available by mid-2023. Some features of the project are still under development.<sup>12</sup>

Recommendation 4 RoL report 2022	Continue advancing with the <b>digital platform</b> to make the legislative process even more visible and inclusive for public consultation
Evaluation RoL report 2023	<b>Significant progress</b> on continuing to advance with the digital platform to make the legislative process even more visible and inclusive for public consultation
RoL report 2023	(no recommendation on this matter)

## 2.1. Civil society

The Commission concludes that **civic space** in Estonia remains **open**, in line with Civicus<sup>13</sup> assessment. However, it notes that concerns have been raised in relation to the absence of clear criteria of the allocation of funding to CSO by MPs and the Parliament and recalls that European standards in the area of CSO funding, in particular that any form of State support for associations, should be governed by clear and objective criteria. **Liberties** in their 2023 report suggest a recommendation on the matter, calling Estonian authorities to "End the use of earmark funding, which allows MPs to distribute state funds to non-governmental organisations once a year at their discretion."<sup>14</sup>

<sup>9</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 17.

<sup>10</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 17.

<sup>11</sup> 2023 Liberties Rule of Law report on Estonia, p. 15, [https://dq4n3btxmrc9.cloudfront.net/files/flkxeff/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxmrc9.cloudfront.net/files/flkxeff/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>12</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 16–17.

<sup>13</sup> Civicus, Monitor tracking civic space, <https://monitor.civicus.org/country/estonia/>.

<sup>14</sup> 2023 Liberties Rule of Law report on Estonia, p. 9, [https://dq4n3btxmrc9.cloudfront.net/files/flkxeff/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxmrc9.cloudfront.net/files/flkxeff/RuleOfLaw_Report_2023_Estonia_EU.pdf).

### 3. RULE OF LAW

#### 3.1. Justice system

The **court system of Estonia is made up of three levels**: County Courts and Administrative Courts at first instance, Circuit Courts at second instance and the Supreme Court serving as the highest court. The County Courts deal with civil, criminal and misdemeanour matters. The Circuit Court reviews decisions of both court types from the first instance. The **Supreme Court** reviews judgements by way of cassation proceedings. There is no Constitutional Court – instead, the Constitutional Review Chamber of the Supreme Court can carry out ex post constitutional review. The **President of the Republic** appoints judges of first and second instance courts based on the proposal of the Supreme Court. The **Council for Administration of Courts** (a non-permanent body) and the **Ministry of Justice** administer the budget and operations of the courts at first and second instance, in cooperation with them. The Supreme Court administers its own budget and operations.<sup>15</sup>

The **Prosecutor's Office** is independent in the performance of its duties, but as a government agency, it is organised under the Ministry of Justice. The Prosecutor General manages the Prosecutor's Office and determines appointments and careers, whilst chief prosecutors perform the same task in the district prosecutor's offices.

The **Estonian Bar Association** is an independent, self-governing professional association. Disciplinary proceedings against lawyers may be initiated before the Court of Honour.

Estonia also participates in the **European Public Prosecutor's Office (EPPO)**, with which it has a constructive collaboration.<sup>16</sup>

##### 3.1.1. Independence

- The general public (65 %) and businesses (58 %) continue to have **respectively high and average levels of perception of judicial independence in Estonia** ("fairly or very good"). Based on data from the 2023 EU Justice Scoreboard<sup>17</sup>, the Commission cannot conclude any clear trend in the evolution of the perceived level of independence since 2016. The levels have at least increased since 2022.<sup>18</sup>

- **Specialised departments** will be created due to **amendments to the Courts Act**, adopted on 16 February 2023. The amendments aim to lower the workload and harmonise case law through a more effective management. This will reform the existing territorial divisions of courts at national level, as they will be converted into specialised civil and criminal departments, with narrower specialisation in each department. Some judges have raised concerns about this reform, as expertise is already acquired through the distribution plans of the courts, and that "compulsory" specialisation would be unnecessary. According to the Commission, European standards show that specialisation can present both advantages and disadvantages. In addition, the amendments also envisage judges as **Heads of Departments to support the administration of justice**. Concerns were raised by the Association of Judges as the concrete implementation of the new powers appointed to the Heads of Departments

<sup>15</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 3.

<sup>16</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 3.

<sup>17</sup> The 2023 EU Justice Scoreboard, [https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023\\_0.pdf](https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023_0.pdf), figures 49 and 51, pp. 41–42.

<sup>18</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 3–4.

could affect judicial independence. The Commission notes that according to European standards, directives or pressure from the president of the court (in this instance the head of department) should not be exercised over individual judges when adjudicating cases. Some concerns have been voiced that the amendments could result in a de facto **transfer without consent**. At this time, the legal framework for transfer of judges seems to contain adequate safeguards. The previous, temporary regime for the transfer of cases, intended to address excessive workload, has not been further used.<sup>19</sup>

### 3.1.2. Quality, efficiency and digitalisation

- According to the Commission and the 2023 EU Justice Scoreboard<sup>20</sup>, Estonia is **among the best Member States when it comes to digitalisation of justice**. Since the 2022 RoL Report, further improvements have been made in the digitalisation of justice to improve cross-system document access, notably through the Document Delivery Portal. A new law on forensic examination was adopted in January 2023, establishing legal grounds for fully digital criminal proceedings, and preparing the field of forensic examination for the transition to digital court proceedings in general.<sup>21</sup>

- Better distribution of the **workload of judges** is expected as the **number of judges was increased**, the existing law was amended and additional funding allocated for court staff. The Commission, which had previously raised concerns on this matter, welcomes the development.<sup>22</sup>

- To improve access to justice, and to address a concern raised by various Estonian institutions (Supreme Court and the Chancellor of Justice) and organisations (among others, Liberties), **new legal aid rules have been adopted** updating for the first time since 2016 the hourly fees for state legal aid. However, stakeholders have noted that the main problem remains the little interest by lawyers to participate in the legal aid scheme, and that a more comprehensive reform is necessary.<sup>23</sup>

- The Commission raised concerns in the 2022 RoL relating to the court fees in Estonia, which according to the 2023 EU Justice Scoreboard<sup>24</sup> remain among the highest in the EU and were increased by 40%, as they may dis-incentivise cases from being brought to court. However, this concern has not materialised, and no challenges have been filed before the Supreme Court in this matter.<sup>25</sup>

- The Commission notes that indicators show that **the Estonian justice system continues to be efficient**, albeit some delays in criminal and administrative cases are observed. The length of proceedings continues to be among the shortest in the EU according to the 2023 EU Justice Scoreboard, remaining at similar rates as in 2022<sup>26</sup>. The number of pending cases are amongst the lowest in the EU, and the length of proceedings in civil, commercial and administrative cases is shorter

<sup>19</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 4–6.

<sup>20</sup> The 2023 EU Justice Scoreboard, [https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023\\_0.pdf](https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023_0.pdf), figures 41–58, pp. 33–37.

<sup>21</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 6.

<sup>22</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 6–7.

<sup>23</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf) p. 7.

<sup>24</sup> The 2023 EU Justice Scoreboard, [https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023\\_0.pdf](https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023_0.pdf), figure 25, p. 23.

<sup>25</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 7–8.

<sup>26</sup> The 2023 EU Justice Scoreboard, [https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023\\_0.pdf](https://commission.europa.eu/system/files/2023-06/Justice%20Scoreboard%202023_0.pdf), figures 6–10 and 17–24, pp. 11–13 and pp. 16–23.

than the EU average. The Estonian court system has been able to remain consistently efficient over the past few years due to the advanced digitalisation of justice.<sup>27</sup>

- **Liberties** notes in its 2023 report that “The justice system in Estonia is becoming better and more independent. More judges are being appointed to alleviate the judicial workload. Several legal amendments are on the way, which have the potential to improve the quality of judicial proceedings by having more specialist judges, digitalised court proceedings and more accessible court judgments.”<sup>28</sup>

- Concerning the **implementation of the European Court of Human Rights (ECtHR) rulings** in Estonia, as of 1 January 2023, there were **three leading judgment of the ECtHR pending implementation** in Estonia, two more than 2022. This number remained the same on 15 June 2023. This has led to an increase of Estonia’s rate of leading judgments from the past 10 years that remained pending (14 % in 2023, compared to 5 % in 2022), and the average time of judgments pending implementation (11 months in 2023, compared with 3 months in 2022).<sup>29</sup>

- Concerning the **implementation and use of the EU Charter at national level**, the FRA 2023 report notes that Estonia still has to decide on its **Charter focal point**, its mandate and key functions and whether it will be placed within the Ministry of Justice.<sup>30</sup> Authorities also issued guidelines to ensure EU funds are administered in **compliance with the Charter**, as foreseen by the Common Provision Regulation.<sup>31</sup> In a number of cases related to disability discrimination in employment, national courts referred to the Charter in their case law.<sup>32</sup>

## 3.2. Anti-corruption framework

### 3.2.1. Institutional anti-corruption framework

- **Transparency International** reports that Estonia ranks **8th in the EU and 14th globally**, and scores **74/100** in the 2022 Corruption Perceptions Index, remaining at relatively stable levels over the years.<sup>33</sup> The 2023 Special Eurobarometer also reveals that the perception of corruption is lower than EU average

<sup>27</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 8.

<sup>28</sup> 2023 Liberties Rule of Law report on Estonia, p. 4, [https://dq4n3btxm8c9.cloudfront.net/files/flkxeffk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/flkxeffk/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>29</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 17.

<sup>30</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), pp. 41–44; European Commission, A thriving civic space for upholding fundamental rights in the EU – 2022 annual report on the application of the Charter of Fundamental Rights, COM(2022) 716 final, Brussels, 6 December 2022, [https://commission.europa.eu/document/688807ed-a1a5-4526-a8b2-9d89dd47911c\\_en](https://commission.europa.eu/document/688807ed-a1a5-4526-a8b2-9d89dd47911c_en).

<sup>31</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32021R1060>. FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 46; Equality Competence Centre of the European Union Cohesion Policy Funds (Ühtekuuluvuspoliitika fondide võrdõiguslikkuse kompetentsikeskus), A collection of good practices “Best ways to create equal opportunities” has been published, 8 February 2022. <https://kompetentsikeskus.sm.ee/en/news/collection-good-practices-best-ways-create-equal-opportunities-has-been-published>.

<sup>32</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), pp. 48–49; Supreme Court (Riigikohus), Case No. 5-19-29, 15 March 2022, <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=310534964>.

<sup>33</sup> Transparency International, Corruption Perceptions Index 2022, [https://images.transparencycdn.org/images/Report\\_CPI2022\\_English.pdf](https://images.transparencycdn.org/images/Report_CPI2022_English.pdf), pp. 2–3.

levels. The Commission concludes that experts and business executives continue to perceive the **level of corruption in the public sector as relatively low**.<sup>34</sup>

- The table below presents the main bodies charged with countering corruption in Estonia and their responsibilities:<sup>35</sup>

Body	Responsibilities
Ministry of Justice	Preparation, coordination, implementation of the anti-corruption Action Plan 2021–2025
Parliament's Anti-Corruption Select Committee	Parliamentary scrutiny and control of the implementation of anti-corruption measures
Political Parties' Financing Surveillance Committee	Control on the funding of political parties
Corruption Crimes' Office of the National Criminal Police	Investigation of corruption cases
Internal Security Service	Investigation of corruption offences committed by higher state and local government officials
Prosecutor's Office	Supervision and direction of pre-trial criminal investigation proceedings on corruption offences; represents the public prosecution in courts

- According to the Commission, the Estonian **2021–2025 Anti-Corruption Action Plan is being efficiently implemented** and carried out according to the time plan. Issues regarding lobbying and conflicts of interests were the focus of the Action Plan in 2022, resulting in concrete steps being taken to ensure efficient implementation of soft law in this area (see below). In addition, the government-stakeholders anti-corruption network continues to support the implementation process in an efficient manner.<sup>36</sup> However, **Freedom House** affirms that corruption is a persistent challenge. It notes that the legal framework and independent law enforcement institutions provide important checks on corruption, but the results of the cases against high-profile defendants have been mixed.<sup>37</sup>

- The Commission states in the RoL report that the Estonian authorities **deal efficiently with the investigation and prosecution of corruption-related cases**. It notes that there are prosecutors in the Prosecutor's Office specialised in white-collar crimes, which have received additional funds to carry out their work, and that sufficient resources and training are dedicated to fight corruption. The healthcare sector, the local government and political party financing remain at high risk of corruption.<sup>38</sup>

- Concerning **conflicts of interests**, the Commission notes that **significant progress** was made for the **effective implementation of the Guidelines on Conflicts of Interest**, as recommended by the RoL report in 2022, but that the enforcement mechanism is still lacking. For this reason, the recommendation on conflict of interest remains in the RoL report 2023, with a focus on enforcement:

<sup>34</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 9.

<sup>35</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 8–9.

<sup>36</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 9.

<sup>37</sup> Freedom House, Freedom in the World 2023 – Estonia, <https://freedomhouse.org/country/estonia/freedom-world/2023>.

<sup>38</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 10.



Recommendation 1 RoL report 2022	Ensure that the guidelines on the <b>conflict of interests</b> are subject to an effective verification, monitoring and enforcement mechanism.
Evaluation RoL report 2023	<b>Significant progress</b> on ensuring that the guidelines on the conflict of interests are subject to an effective verification, monitoring and enforcement mechanism.
Recommendation 1 RoL report 2023	Ensure that the guidelines on the conflict of interests are subject to an enforcement mechanism.

This recommendation mirrors that of GRECO in its 2023 report stating that “complementary efforts are still expected to address the setting-up of an effective mechanism to monitor compliance with integrity standards in respect of all PTEFs, and to strengthen post-employment rules and extend them to political advisers”<sup>39</sup> (see Annex).

The implementation included, inter alia, training of ministers and advisors, each ministry to appoint individuals responsible for conflicts of interest and integrity issues, revising the rules of procedure of the government.<sup>40</sup>

- Regarding **revolving doors** for members of Government, **new amendments** on post-employment rules were adopted in August 2022, foreseeing a **cooling off period of 6 months** after the term of office. These amendments were introduced as a response to a GRECO recommendation<sup>41</sup>. However, civil society has expressed concern, as only private legal entities are covered, while non-profit organisations are not.

- Concerning **lobbying**, the Commission concludes that the 2022 RoL Report recommendation on the matter has been **fully implemented**, as efforts were made for the **effective implementation of the Guidelines on Lobbying**. The recommendation is consequently discontinued in the 2023 RoL report:

Recommendation 2 RoL report 2022	Continue the efforts in effective implementation of the guidelines on <b>lobbying</b> .
Evaluation RoL report 2023	<b>Fully implemented</b> the recommendation to continue the efforts in effective implementation of the guidelines on lobbying.
RoL report 2023	(No recommendation on this matter)

Contact persons in each ministry were established and meetings are declared by the officials and routinely updated in the central registers, indicating the lobbyists, the public officials, the meeting's topic, and its dates. Awards and the title “transparent policy maker” were given to the 10 best performing entities, after review by the Ministry of Justice and Transparency International Estonia. No other initiatives in the area are foreseen for the moment. There have also been proposals to introduce guidelines on lobbying in the Parliament, by the Anti-Corruption Select Committee of the Parliament, but no decision has been made.<sup>42</sup>

**Liberties** notes that “Members of Parliament have shown little interest in disclosing their meetings with lobbyists, despite this being one of the main recommendations of the EU Commission in last year’s

<sup>39</sup> <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680ab92a4>

<sup>40</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 11.

<sup>41</sup> GRECO Fifth Evaluation Round – Compliance Report (2021), <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a1f0ed>, recommendation iii, para. 18.

<sup>42</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 12–13.

rule of law report.”<sup>43</sup> They suggest a recommendation to be made to Estonian authorities as follows: “Adopt the necessary legal amendments for MPs to start making their lobbying meetings public.”<sup>44</sup>

- Concerning **other issues**, the Commission notes the following. Amendments to the Anti-Corruption Act are being prepared, with the aim to clarify current rules set in the law. Enforcement of rules on foreign bribery finds some obstacles due to statutes of limitations, according to Transparency International.<sup>45</sup> Cooperation with **EPPO** is constructive and additional delegated prosecutors will be recruited this year. The adoption of the draft law aiming at strengthening the powers of **the Political Parties' Financing Surveillance Committee** is still pending. Furthermore, legislation on **whistle-blower protection** has yet to be adopted, although whistle-blowing channels are already used to uncover corruption or other irregularities.<sup>46</sup> The Commission launched an infringement proceeding against Estonia on the failure to transpose the directive in time.<sup>47</sup> On this issue, **Liberties** recommends the issuing of a recommendation as follows: “Adopt the Whistleblower Protection Act that is currently under parliamentary review, thereby transposing the EU Directive on Whistleblowing”.<sup>48</sup>

<sup>43</sup> 2023 Liberties Rule of Law report on Estonia, p. 4, [https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw_Report_2023_Estonia_EU.pdf).

<sup>44</sup> 2023 Liberties Rule of Law report on Estonia, p. 8, [https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw_Report_2023_Estonia_EU.pdf).

<sup>45</sup> Transparency International, 2022, Exporting Corruption; covering period 2018-2021.

<sup>46</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), pp. 9–13.

<sup>47</sup> European Commission press release, 15 February 2023, The European Commission decides to refer 8 Member States to the Court of Justice of the European Union over the protection of whistleblowers, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_703](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_703). Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law had to be transposed by end 2021, see <https://news.err.ee/1609070813/eu-demands-substantial-fines-for-late-directive-implementation-in-estonia>

<sup>48</sup> 2023 Liberties Rule of Law report on Estonia, p. 8, [https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw_Report_2023_Estonia_EU.pdf).

## 4. FUNDAMENTAL RIGHTS

### 4.1. Media freedom and pluralism, freedom of expression and information

- **The Constitution** protects freedom of expression in Estonia, while **legislation** guarantees the right of journalists to protect their sources, safeguards for media freedom in the radio and television sector as well as independence of the public service broadcaster. The Constitution, the Public Information Act and the Personal Data Protection Act explicitly recognise the right to information, including access to documents.<sup>49</sup> Furthermore, the Supreme Court has upheld the confidentiality of journalistic sources and freedom of the press, by inter alia, clarifying that a journalist can refuse to reveal the identity of a source even if the latter has provided false information.<sup>50</sup>

- **RSF (Reporters without Borders) Media Freedom Index** ranks Estonia **8th over 180 countries, falling 4 places** compared to last year, when it was 4th.<sup>51</sup> It notes that “Although constitutionally guaranteed, media freedom is constrained by legislation protecting against defamation and disclosure of private data. While the fear of defamation lawsuits may lead to self-censorship, the laws protecting private data have recently become a pretext of Estonian authorities to increasingly restrict media’s access to public information.”

- The 2023 **Media Pluralism Monitor (MPM)** maintains that Fundamental Protection (28%) and Political Independence (25%) are at low risk, while Social Inclusiveness (54%) is at medium risk. Market Plurality is at high risk (68%), due to the high risk for the sub-indicators Plurality of media providers, Plurality in digital markets and Media viability.<sup>52</sup>

- The Commission notes that the responsibilities and resources of the **media regulator**, the Consumer Protection and Technical Regulatory Authority, have been **strengthened** since the 2022 RoL Report, as new functions and competences have been entrusted to it through transposition of the revised Audiovisual Media Services Directive into the amended Media Services Act.<sup>53</sup> Its **independence** and effectiveness are at low risk, according to the MPM 2023.

- The 2023 Media Pluralism Monitor considers the transparency of media ownership and the plurality of media providers to carry respectively medium and high risks due to existing rules on ownership transparency, which do not cover print and digital media, in a rather concentrated market<sup>54</sup> (RSF states that “Media ownership in Estonia is so concentrated that it can be considered an oligopoly.”). However, the Commission finds that information about media ownership is in practice widely accessible in the electronic business register.<sup>55</sup>

<sup>49</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 13–14

<sup>50</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 15; Supreme Court, order of 12 December 2022, 2-21-17817.

<sup>51</sup> RSF, Media Freedom Index, <https://rsf.org/en/country/estonia>.

<sup>52</sup> 2023 Media Pluralism Monitor, country report for Estonia, [https://cadmus.eui.eu/bitstream/handle/1814/75720/Estonia\\_results\\_mpm\\_2023\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/75720/Estonia_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y).

<sup>53</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 14.

<sup>54</sup> 2023 Media Pluralism Monitor, country report for Estonia, p. 14–16 [https://cadmus.eui.eu/bitstream/handle/1814/75720/Estonia\\_results\\_mpm\\_2023\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/75720/Estonia_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y).

<sup>55</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 14.



- **Public service broadcasting is considered trustworthy** by citizens, more than commercial broadcast and its resources were increased. The 2023 Media Pluralism Monitor notes low risk scores. However, public service broadcasting is concerned with its long-term sustainability to produce public service content.<sup>56</sup> RSF states that "The budget for public broadcasting is increasingly limited and may be subject to political influence".<sup>57</sup>

- The 2023 RoL report considers that **some progress** was made to implement the right of **access to information**, notwithstanding the fact that the Parliament has merely commissioned a study, but no amendments were yet made to, or implementation changed in relation to, the Public Information Act. The 2023 **Liberties** Rule of Law report on Estonia evaluates that "The EU Commission's 2022 recommendation to bring the right of access to information and access to official documents up to European standards has **not been implemented**".<sup>58</sup> In any case, the Commission keeps the recommendation also in the 2023 report:

Recommendation 3 RoL report 2022	Ensure consistent and effective practical implementation of the <b>right of access to information</b> taking into account European standards on access to official document
Evaluation RoL report 2023	<b>Some progress</b> on ensuring consistent and effective practical implementation of the right of access to information taking into account European standards on access to official documents
Recommendation 2 RoL report 2023	Advance with the efforts to ensure consistent and effective implementation of the right of <b>access to information</b> taking into account European standards on access to official documents

- The Council of Europe's Platform to promote the **protection of journalism and safety of journalists** has no alerts for Estonia in 2023, while it has one active alert and four resolved alerts in total since 2015.<sup>59</sup> Whilst attacks against journalists in Estonia are extremely rare, journalists have been exposed to a growing number of online threats by private individuals, including in relation to Covid policies, according to the 2023 Media Pluralism Monitor<sup>60</sup> and RSF.<sup>61</sup>

- **Liberties** recalls that five Russian TV channels in Estonia were prohibited from broadcasting, following the transmission of a speech of Putin.<sup>62</sup>

## 4.2. Equality, non-discrimination and minorities

### 4.2.1. Minorities, hate speech, racism

**ECRI** published its report on Estonia for the sixth monitoring cycle in June 2022, containing a series of recommendations to the authorities to improve the fight against racism.<sup>63</sup>

<sup>56</sup> The Commission 2023 Rule of Law Report, Estonia, [https://commission.europa.eu/system/files/2023-07/18\\_1\\_52573\\_coun\\_chap\\_estonia\\_en.pdf](https://commission.europa.eu/system/files/2023-07/18_1_52573_coun_chap_estonia_en.pdf), p. 14–15.

<sup>57</sup> RSF, Media Freedom Index 2023, <https://rsf.org/en/country/estonia>.

<sup>58</sup> 2023 Liberties Rule of Law report on Estonia, p. 4, [https://dq4n3btxm8c9.cloudfront.net/files/flxeffk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/flxeffk/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>59</sup> <https://fom.coe.int/en/pays/detail/11709506>

<sup>60</sup> 2023 Media Pluralism Monitor, country report for Estonia, p. 13, [https://cadmus.eui.eu/bitstream/handle/1814/75720/Estonia\\_results\\_mpm\\_2023\\_cmpf.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/75720/Estonia_results_mpm_2023_cmpf.pdf?sequence=1&isAllowed=y),

<sup>61</sup> RSF, Media Freedom Index 2023, <https://rsf.org/en/country/estonia>.

<sup>62</sup> 2023 Liberties Rule of Law report on Estonia, p. 11, [https://dq4n3btxm8c9.cloudfront.net/files/flxeffk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/flxeffk/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>63</sup> CoE, ECRI Report on Estonia - Sixth monitoring cycle, 2022, <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>.

**FRA** underlines that Member States still need to step up their efforts to enforce the **Racial Equality Directive**<sup>64</sup> and ECRI has stressed the need for initial and ongoing training of teachers in anti-discrimination and anti-racism, in its recommendations (see Annex).<sup>65</sup>

The **Framework Decision on Racism and Xenophobia**<sup>66</sup> defines a common criminal law approach to racist and xenophobic hate speech and hate crimes. Estonia remains one of the 12 EU Member States that has not yet fully and correctly incorporated its provisions into national law.<sup>67</sup> The European Commission has initiated infringement proceedings against Estonia, among other countries, in previous years, which remain open.<sup>68</sup> Estonia has introduced amendments to comply with the provisions of the framework decision, by adding to its Penal Code the offence of public exhibition of a symbol relating to an act of aggression, genocide, crime against humanity or commission of a war crime in a manner that supports or justifies such acts.<sup>69</sup>

In June 2023, the government has adopted a draft law on hate speech. Media report that inciting to hatred, violence or discrimination against a group of people or a member of a group on the grounds of nationality, skin colour, racial background, gender identity, health and disability, language, origin, religion, sexual orientation, political opinion or property or social status, will be a crime.<sup>70</sup>

**CERD issued concluding observations to Estonia.** It also recalled commitments made in 2021 as part of the Durban Declaration. It specifically recommended that states address racial discrimination against people of African descent.<sup>71</sup>

Estonia is one of the few Member States having established a permanent dialogue platform with **Roma** civil society as requested in the 2021 Council recommendation on Roma equality, inclusion and participation.<sup>72 73</sup>

**Freedom House** notes that, despite the fact that the Constitution and laws provide broad safeguards against discrimination, discrimination against ethnic Russians, Roma, LGBT+, women and other groups persists. For example, the gender pay gap is among the highest in the EU. Roma face

<sup>64</sup> Council Directive 2000/43/EC of 29 June 2000, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0043>.

<sup>65</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 96; CoE, ECRI Report on Estonia - Sixth monitoring cycle, 2022, <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>.

<sup>66</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ 2008 L 328 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>.

<sup>67</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), pp. 97–98.

<sup>68</sup> European Commission, January infringements package: Key decisions, press release, inf\_23\_142, 26 January 2023 [https://ec.europa.eu/commission/presscorner/detail/EN/inf\\_23\\_142](https://ec.europa.eu/commission/presscorner/detail/EN/inf_23_142).

<sup>69</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 98.

<sup>70</sup> <https://news.err.ee/1609001696/government-approves-hate-speech-draft-bill>

<sup>71</sup> CERD, Concluding observations on Estonia, CERD/C/EST/CO/12-13, 26 May 2022, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f12-13&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f12-13&Lang=en), paras 51–52.

<sup>72</sup> Council of the European Union, Council recommendation of 12 March 2021 on Roma equality, inclusion and participation, OJ 2021 C 93 [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC\\_2021\\_093\\_R\\_0001](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOC_2021_093_R_0001).

<sup>73</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 122-123; European Roma Forum in Estonia (*Euroopa Romade Foorum Eestis*) (no website exist).

discrimination in employment and disparities in educational outcomes. Extremists fuel hostile views against Jewish, Muslim, and LGBT+ people.<sup>74</sup>

#### 4.2.2. Women's rights

**GREVIO** published its first baseline report on Estonia in November 2022.<sup>75</sup> In December of the same year, the Committee of the Parties to the **Istanbul Convention** adopted key recommendations<sup>76</sup> on implementing the treaty in nine States Parties, including Estonia.<sup>77</sup>

Estonia, together with several other Member States made progress in strengthening victims' rights enshrined in Articles 22, 23 and 24 of the **Victims' Rights Directive**<sup>78</sup>. Estonia improved treatment for victims with specific protection needs and the individual assessment of victims' needs. Legislative changes were adopted to ensure better protection for victims of **domestic and sexual violence**. The **new Victim Support Act**<sup>79</sup> will strengthen the rights of victims of domestic and sexual violence by ensuring their access to mental healthcare to support their recovery.<sup>80</sup> Furthermore, Estonia adopted practical measures to facilitate the identification of victims with special needs.<sup>81</sup>

**Liberties** suggested to recommend Estonia to "keep strengthening the mandate and increasing the resources of the Gender Equality and Equal Treatment Commissioner so that the institution is able to fulfil its tasks in accordance with the proposed Council Directive on standards for equality bodies."<sup>82</sup>

#### 4.2.3. LGBT+

The 2023 **ILGA-Europe Rainbow Map** reports that in 2022 Estonia ranked **25th** of 49 European countries with **36%** in the overall score of achievement of LGBT+ human rights. ILGA-Europe 2023 Annual Review describes the main developments in 2022.<sup>83</sup> ILGA-Europe called Estonian authorities to: introduce marriage equality; develop equality action plans with measures that include all SOGIESC (sexual orientation, gender identity, gender expression, sex characteristics) grounds; reform the legal framework for legal gender recognition.<sup>84</sup>

<sup>74</sup> Freedom House, Freedom in the World 2023 – Estonia, <https://freedomhouse.org/country/estonia/freedom-world/2023>.

<sup>75</sup> CoE, GREVIO Baseline Evaluation Report – Estonia, 2022, <https://rm.coe.int/grevio-inf-2022-32-eng-final-report-on-estonia-publication/1680a8fcc2>.

<sup>76</sup> CoE, Committee of the Parties, Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Estonia, 2022, <https://rm.coe.int/ic-cp-inf-2022-9-cop-recommendation-estonia-eng/1680a952f9>.

<sup>77</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 226.

<sup>78</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>.

<sup>79</sup> Parliament (Riigikogu), Victim Support Act (*Ohvriabi seadus*), <https://www.riigiteataja.ee/akt/106012023001>.

<sup>80</sup> Ministry of Social Affairs (*Sotsiaalministeerium*), New Victim Support Act makes access to help easier (*Uus ohvriabi seadus lihtsustab abi kättesaadavust*), press release, 30 September 2022 <https://www.sm.ee/uudised/uus-ohvriabi-seadu-s-lihtsustab-abi-kattesaadavust>.

<sup>81</sup> The Ministry of Justice issued a booklet on the sensitive treatment of victims, which provides guidance on the needs and treatment of different groups of victims, such as traumatised victims, victims of domestic violence, victims of sexual violence and other victims with special needs: Ministry of Justice (*Justiitsministeerium*), Sensitive treatment of victims (*Kannatanute sensitiivne kohtlemine*), <https://www.just.ee/media/3068/download>. See also FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), pp. 229–230.

<sup>82</sup> 2023 Liberties Rule of Law report on Estonia, p. 14, [https://dq4n3btxm8c9.cloudfront.net/files/fkxeffk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/fkxeffk/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>83</sup> <https://www.ilga-europe.org/sites/default/files/2023/estonia.pdf>

<sup>84</sup> <https://rainbow-europe.org/#8631/0/0>

On 20 June 2023, the **Estonian Parliament effectively legalised same-sex marriage**, by approving a government proposal of May expanding the 2016 registered partnership law. The new law entered into force on the 1st of January 2024 and gives same-sex couples the possibility to marry and adopt children.<sup>85</sup>

ECRI's report called for the prohibition of non-consensual medical interventions against intersex children, for targeted action against anti-LGBT+ bullying, and for the adoption of the necessary implementation provisions of the Registered Partnership Act.

In April 2023, the government pledged to adopt the implementing provisions for the Registered Partnership Act, which had been delayed for years. With the changes to the Family Law Act on 20 June 2023, the implementing provisions for the Act were also enacted.

#### 4.2.4. Asylum and migration

FRA notes that Estonian law allows **redirecting apprehended migrants who entered the country in an unauthorised manner and might wish to seek asylum back to the country they came from (pushbacks) in times of "emergency caused by mass migration"**, which is highlighted as a serious fundamental rights issue and a violation of the principle of non-refoulement requiring an individual assessment for asylum. The **CoE Commissioner for Human Rights notably sent letters** to the authorities to call them to make sure they are in conformity with international human rights law.<sup>86</sup>

The 2023 FRA report examines in detail the issue of the **fundamental rights implications for the EU of the war in Ukraine** and the application of the **Temporary Protection Directive**<sup>87</sup>, which provides minimum standards for granting immediate and temporary protection in the event of a mass influx of displaced people. Estonia granted temporary protection for a one-year period to be extended on an annual basis,<sup>88</sup> has provided accommodation in state-contracted tourist or municipal facilities;<sup>89</sup> has entitled beneficiaries of temporary protection to access the public health services as citizens; and has employed Ukrainian professionals to assist in the provision of this support.<sup>90</sup> The **Victims' Rights Directive**<sup>91</sup> also applies and authorities took steps to ensure, for instance, that crimes related to sexual violence are investigated and prosecuted.<sup>92</sup>

<sup>85</sup> Human Rights Watch, Estonia legalizes same-sex marriage, Andres Burgos, 22 June 2023, <https://www.hrw.org/news/2023/06/22/estonia-legalizes-same-sex-marriage> See also <https://www.theguardian.com/world/2024/jan/01/same-sex-couples-able-to-marry-in-estonia-from-new-years-day>

<sup>86</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), pp. 150–151; CoE, Commissioner for Human Rights, letter to the President of the Estonian Parliament, 16 May 2022, CommHR/DM/sf 016-2022 <https://rm.coe.int/letter-to-mr-juri-ratas-president-of-the-parliament-of-estonia-by-dunj/1680a6891b>; Chair of the Constitutional Committee of the Estonian Parliament (2022), reply to the letter by the Commissioner for Human Rights, 16 May 2022 <https://rm.coe.int/commdh-govrep-2022-6-reply-by-the-chair-of-the-constitutional-committee/1680a69f26>.

<sup>87</sup> Council Directive 2001/55/EC of 20 July 2001 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

<sup>88</sup> <https://ecre.org/eu-eastern-borders-mixed-developments-in-baltic-states-as-eu-defends-lithuania-and-latvia-over-legalisation-of-pushbacks-polish-government-facing-headwind-over-visa-corruption-sche/>

<sup>89</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 15–16; FRA, The Russian war of aggression against Ukraine – The broad fundamental rights impact in the EU – Bulletin 2, 21 October 2022, <https://fra.europa.eu/de/publication/2022/ukraine-bulletin-2-2022> p. 26.

<sup>90</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 24.

<sup>91</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>.

<sup>92</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 26; European Judicial Training Network (2022), 'EJTN is addressing the challenges of the war in Ukraine through training for Ukrainian judiciary', 6 December 2022 <https://ejtn.eu/news/ejtn-is-addressing-the->

**Liberties** suggested issuing a recommendation to Estonia calling it to “Ensure that third-country nationals are allowed judicial review of all decisions of the Police and Border Guard Board in accordance with the law”.<sup>93</sup>

#### 4.2.5. Privacy and data protection

**Liberties** issued a recommendation to Estonia to “Make the necessary changes in the Electronic Communications Act to stop indiscriminate retention of communications data, thereby bringing Estonian national law into line with EU law”, hereby implementing the judgments of the Supreme Court and of the CJEU on the matter.<sup>94</sup> While judicial authorisation is now required to obtain the data, the indiscriminate collection of telecom data by operators continues in Estonia.<sup>95</sup>

FRA notes that Estonia has adopted a **national AI strategy for 2022–2023**, stating that “promoting fundamental rights-compliant AI development and deployment is one of the key aims of the strategy”. A model for assessing a specific technology’s impact on fundamental rights and mitigating the risks is outlined in one of the action points.<sup>96</sup> Public and private bodies at national level continued to promote, test and take up AI applications in practice, for example virtual assistance for interacting with public institutions’ web pages.<sup>97</sup>

---

[challenges-of-the-war-in-ukraine-through-training-for-ukrainian-judiciary/](#); and Eurojust, Eurojust and the war in Ukraine, 18 November 2022, <https://www.eurojust.europa.eu/eurojust-and-the-war-in-ukraine>.

<sup>93</sup> 2023 Liberties Rule of Law report on Estonia, p. 14,

[https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>94</sup> 2023 Liberties Rule of Law report on Estonia, p. 18-19, [https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw\\_Report\\_2023\\_Estonia\\_EU.pdf](https://dq4n3btxm8c9.cloudfront.net/files/fkxefk/RuleOfLaw_Report_2023_Estonia_EU.pdf)

<sup>95</sup> <https://news.err.ee/1609052825/estonian-state-continuing-to-collect-personal-telecoms-data>

<sup>96</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 179–180; Ministry of Economic Affairs and Communications (*Majandus- ja Kommunikatsiooniministeerium*), National artificial intelligence strategy for the period of 2022–2023 (*Eesti riiklik tehisintellekti alane tegevuskava ehk kratikava 2022–2023*), January 2022, [https://www.kratid.ee/files/ugd/7df26f\\_65582ae6b6d24daa8511d8ea50cab1dd.pdf](https://www.kratid.ee/files/ugd/7df26f_65582ae6b6d24daa8511d8ea50cab1dd.pdf), p. 35.

<sup>97</sup> FRA Fundamental Rights Report – 2023, [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf), p. 181; Consumer Protection and Technical Regulatory Authority (*Tarbijakaitse ja Tehnilise Järelevalve Amet*), Bürokratt TTJA kodulehel, press release, 2 May 2022 <https://ttja.ee/uudised/burokratt-ttja-kodulehel>.

## ANNEX 1

### **GRECO Fifth Evaluation Round: Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies - second compliance report:<sup>98</sup>**

#### **"CONCLUSIONS**

45. In view of the foregoing, GRECO concludes that Estonia has satisfactorily implemented eleven of the fifteen recommendations contained in the Fifth Round Evaluation Report. The four remaining recommendations have been partly implemented.

46. More specifically, recommendations i, ii, iv, v, vii, viii, x, xi, xii, xiii and xiv have been implemented satisfactorily, and recommendations iii, vi, ix and xv have been partly implemented.

47. With respect to top executive functions, GRECO welcomes the on-going progress with the implementation of the "Guidelines on conflicts of interest for ministers and their advisers" and the "Good Practices for officials on communication with lobbyists", which organise in particular advice on individual situations, e-trainings, extensive guidance and support for PTEFs, and the regular disclosure of meetings between PTEFs and lobbyists. GRECO welcomes the mapping of risks faced by ministers and their advisers, which has been carried out. The requirement to fill in declarations of interests has been extended to all PTEFs. That said, complementary efforts are still expected to address the setting-up of an effective mechanism to monitor compliance with integrity standards in respect of all PTEFs, and to strengthen post-employment rules and extend them to political advisers.

48. Regarding law enforcement agencies, steps have been taken to consolidate integrity standards in the Internal Rules of Procedure and the Corruption Prevention Guidelines. Regular controls of ancillary activities of policer officers have been introduced, with a view to avoiding possible conflicts of interest. Efforts have been made to improve gender equality in the Police and Border Guard Board, in particular as regards recruitment. The rotation of personnel is now encouraged wherever possible with a view to preventing corruption within high-risk positions. Discussions on the procedure for selecting and appointing the Director General of the Police and Border Guard Board have been initiated with a view to ensuring a transparent and fair process for all candidates. A study concerning the activities of police officers after they leave PBGB has concluded that no specific measure was needed in this area. Developments can be noted in taking awareness raising measures on whistleblowing, while the protection of whistleblowers has yet to be strengthened through the adoption of a new law. Regarding the management of complaints lodged against members of the PBGB, a position of auditor has been created, under the responsibility of the Ministry of the Interior, with a greater guarantee of autonomy and transparency concerning the monitoring of the police.

49. In accordance with Rule 31 revised bis, paragraph 10 of GRECO's Rules of Procedure, the adoption of this Second Compliance Report terminates the Fifth Round compliance procedure with respect to Estonia. The Estonian authorities may, however, wish to inform GRECO of the developments concerning the implementation of recommendations iii, vi, ix and xv which remain incomplete.

50. Finally, GRECO invites the authorities of Estonia to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make the translation public."

<sup>98</sup> Adoption: 9 June 2023, publication: 13 June 2023 ; see <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680ab92a4>



## ANNEX 2

### ECRI report on Estonia - Sixth Monitoring Cycle (2022) - Recommendations<sup>99</sup>

#### "LIST OF RECOMMENDATIONS"

The position of the recommendations in the text of the report is shown in parentheses.

1. (§5) ECRI recommends that the authorities bring the provisions of the Gender Equality and Equality Treatment Commissioner's (GET) competences, independence and effectiveness in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level. In particular, they should i) extend its mandate to cover explicitly action to prevent and combat racist and other forms of hate speech, the discrimination grounds of language, citizenship and gender identity and multiple and intersectional discrimination; (ii) provide it with the competences to represent people exposed to racism and discrimination before the courts and institutions; bring cases of discrimination before the courts and intervene in legal proceedings as amicus curiae, third party or expert. The authorities should also ensure that the GET is fully independent at the institutional level and receives the necessary financial and staffing resources to cover all aspects of its mandate fully and sustainably.
2. (§14) In accordance with General Policy Recommendation No. 10 on combating racism and racial discrimination in and through school education, ECRI recommends that the authorities reinforce initial and continuous teacher training on issues relating to human rights. Related teaching materials should be reviewed to respond to the diverse needs of pupils from different backgrounds, including Russian-speaking children, and the members of the teaching profession should be provided with venues where they can regularly share experiences and update methods used for teaching human rights.
3. (§17) ECRI recommends that the authorities build on the achievements already made with regard to preventing and combating racism and intolerance in schools. In particular, they should move on from general anti-bullying activities to developing and implementing group-specific modules against bullying of children deemed vulnerable on the grounds of their national or ethnic origin, sexual orientation, gender identity or sex characteristics, amongst other things.
4. (§27) ECRI reiterates its recommendation that the amendments to the sectoral legislative acts and implementation provisions of the Registered Partnership Act should be adopted without any further delay to ensure its full enforcement.
5. (§30) ECRI recommends that the authorities amend the current legal framework on gender recognition and gender reassignment with a view to bringing it in line with Council of Europe relevant standards.
6. (§32) ECRI recommends that the authorities conduct research into intersex persons to identify their situation and address their specific needs. Necessary measures should be taken with a view to effectively protecting intersex children's right to physical integrity and bodily autonomy. Medically unnecessary sex- "normalising" surgery and other treatments should be prohibited until such time as the child is able to participate in the decision, based on the right to self-determination and on the principle of free and informed consent.
7. (§34) ECRI recommends that the authorities, together with relevant civil society organisations, including LGBTI communities, develop an action plan, either as a separate policy document or as part of national plans currently in the drafting process, to identify and address areas of intolerance and discrimination against LGBTI persons and make their right to equal treatment a reality.
8. (§56) ECRI recommends as a matter of priority that the authorities take urgent steps to amend Article 151 of the Penal Code with a view to ensuring that anyone who engages in hate speech of a criminal nature is duly prosecuted and punished. This criminal offence should apply to groups as well as individuals without any

<sup>99</sup> Adopted on 29 March 2022, published on 9 June 2022, see <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

threshold for its qualification. In addition, citizenship and gender identity should be included among the prohibited grounds.

9. (§58) ECRI recommends that the authorities reinforce their responses against hate speech by setting up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and LGBTIphobic hate speech. This group should include the relevant authorities, as well as equality bodies, civil society organisations and, as much as possible, media representatives. This strategy should make effective use of ECRI's General Policy Recommendation No.15 on combating Hate Speech.

10. (§61) ECRI reiterates its recommendation to provide expressly for racist and other hate motivation, including on the basis of sexual orientation and gender identity, to constitute an aggravating circumstance for any ordinary offence.

11. (§78) ECRI recommends as a matter of priority that the authorities organise a broad consultation of practitioners, in particular teachers and other education professionals working with pupils and students with Russian and other non-Estonian backgrounds, parents' associations and organisations representative of the relevant communities, in order to effectively implement the new Estonian strategies of relevance to education.

12. (§81) ECRI recommends that the authorities invest more resources in the early childhood education of Russian-speaking children, with a view to facilitating the acquisition of Estonian and preventing and combatting educational disadvantage.

13. (§85) ECRI recommends that the authorities conduct a study on the impact of the Covid-19 pandemic on the Russian speaking population and their access to basic rights, in particular in the fields of employment, health and education.

14. (§98) ECRI recommends that the authorities revise integration measures in order to adopt more tailored measures addressing the needs of different target groups and to including success indicators to measure their impact. This should be done in close co-operation with the local authorities and representatives of each target group. An institutionalised approach to co-operation between central and local authorities should also be ensured.

15. (§105) ECRI strongly recommends that the authorities make legislative amendments to the Equal Treatment Act and other related laws with a view to ensuring accessible and effective general anti-discrimination legislation covering all grounds and all areas of life, in line with its General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination. The legislation should also provide for effective, proportionate and dissuasive sanctions for discrimination cases."



---

This briefing, written by the Policy Department for Citizens' Rights and Constitutional Affairs at the request of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs - Democracy, Rule of Law and Fundamental Rights Monitoring Group, examines the situation of Democracy, Rule of Law and Fundamental Rights in Estonia and how the values of Article 2 of the TEU are respected and implemented in the country.

---