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ESTONIAN HUMAN
RIGHTS CENTRE

#rolreport2025

LIBERTIES

RULE OF LAW REPORT

2025



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ESTONIA

FOREWORD

This country report is part of the Liberties Rule of Law Report 2025, which is the sixth annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental organisation (NGO) promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties NGOs from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Latvia and Malta.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

The 2025 report was drafted by Liberties and its member and partner organizations, and it covers the situation during 2024. It is a ‘shadow report’ to the European Commission’s annual rule of law audit. As such, its purpose is to provide the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right.

Liberties’ report represents the most in-depth reporting exercise carried out to date by an NGO network to map developments in a wide range of areas connected to the rule of law in the EU. The 2025 report includes 21 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Over forty member and local partner organisations contributed to the compilation of these country reports.

[Download the full Liberties Rule of Law Report 2025 here.](#)

TABLE OF CONTENTS

FOREWORD	2
ABOUT THE AUTHORS	4
KEY CONCERNS	5
JUSTICE SYSTEM	6
Judicial independence	6
Quality of justice	7
Fairness and efficiency of the justice system	8
ANTI-CORRUPTION FRAMEWORK	9
Levels of corruption	9
Framework to prevent corruption	10
Investigation and prosecution of corruption	12
MEDIA ENVIRONMENT AND MEDIA FREEDOM	13
Media and telecommunications authorities and bodies	13
Public trust in media	13
Safety and protection of journalists and other media actors	14
CHECKS AND BALANCES	15
Process for preparing and enacting laws	15
Accessibility and judicial review of administrative decisions	16
Electoral framework	17
CIVIC SPACE	19
Freedom of association	19
Freedom of peaceful assembly	20
Freedom of expression and information	20
DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES	
AFFECTING THE RULE OF LAW ENVIRONMENT	22
Systemic human rights violations	22
FOSTERING A RULE OF LAW CULTURE	23
Contribution of civil society and other non-governmental actors	23
CONTACTS	24

ESTONIA

ABOUT THE AUTHORS

Estonian Human Rights Centre



ESTONIAN HUMAN
RIGHTS CENTRE

Estonian Human Rights Centre (EHRC) is an independent public interest foundation dedicated to the advancement of the protection of human rights in Estonia. EHRC is engaged in research, monitoring, advocacy and awareness-raising activities to advance the protection of human rights. The mission of EHRC is to work collaboratively for Estonia to become a country that respects the human rights of each person in the country. EHRC develops its activities according to the needs of the society. EHRC's focus is currently on the advancement of equal treatment of minority groups, diversity and inclusion, the human rights of asylum seekers and refugees, hate speech and hate crime, and data and privacy. EHRC coordinates the Estonian Diversity Charter. EHRC also monitors the overall human rights situation in Estonia and publishes independent human rights reports about the situation in Estonia. As a whole, EHRC carries out broad-based, effective, and sustainable advocacy in the field of human rights.

KEY CONCERNS

Judicial System

While important steps were taken to reform the administration of courts and make court proceedings more efficient, the legal amendments are still in the draft stage, and real progress is threatened by looming budget cuts. The 2024 EU Commission report recommended Estonia “continue the efforts to reform the Council for the Administration of Courts, taking into account European Standards on councils for the judiciary”. The draft legislative amendment for the reform has been sent for a consultation round.

Anti-Corruption Framework

The Protection of Whistleblowers Reporting Violations of European Union law in the Workplace Act was passed by the Parliament on 5 May and came into force on 1 September 2024, thereby transposing the EU Directive on Whistleblowing. No specific recommendations were made in this regard.

Media Environment and Media Freedom

Although Estonia has risen in the Press Freedom Index and slightly fallen in the Freedom on the Net index, it has neither enacted laws restricting media freedom nor implemented any new measures to support it. There has been no progress in advancing efforts to ensure consistent and effective implementation of the right of access to information, considering European standards on access to official documents.

Checks and Balances

Plans to establish voting restrictions for Russian and Belarusian citizens are still in progress, and all prisoners are still excluded from voting. Unresolved issues with judicial review of visa decisions have escalated, leading to Estonia being referred to the CJEU.







Civic Space

There were no major developments in the Estonian civic space. No specific recommendations were made in this regard.

Disregard of Human Rights Obligations and Other Systemic Issues Affecting the Rule of Law Environment

Violation of privacy rights resulting from the indiscriminate retention of communication data of all residents is still unaddressed. No specific recommendations were made in this regard.

State of play (versus 2024)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances
-  Civic Space
-  Human Rights

Legend

Regression



No progress



Progress



JUSTICE SYSTEM -

Key recommendations

- *The Government should avoid excessive budget cuts targeting the judiciary to prevent compromising the quality of justice.*
- *The Council for the Administration of Courts should introduce clear priorities and resource allocations for the court development plan to ensure effective implementation aligned with current financial constraints.*
- *The generational turnover of judges should be addressed by moving forward with legal amendments in the Parliament and implementing policies in courts that take into account the expectations of the new generation of judges.*

Judicial independence

In October 2024, the Council for the Administration of Courts approved the Court Development Plan 2024-2030¹, which describes the vision and main development goals of the court system until 2030.² It covers areas such as organisation of justice, court management and administration, efficient judicial proceedings, personnel policy, digitisation, and communication.

One of the sub-goals outlined in the development plan is that the judiciary itself should be responsible for the management and administration of the courts. The current model of court administration is based on the Courts Act adopted in 2002, according to which the courts of the first and second instance are administered jointly by the Council for the Administration of Courts and the Ministry of Justice. The Minister of Justice acts as the main decision-making body in the administration of courts, and the Council for the

1 Council for the Administration of Courts, *Court Development Plan 2024-2030 (Kohtu arengukava 2024-2030)*, https://www.riigikohus.ee/sites/default/files/Õigusalaseld%20materjalid/Kohtu_arengukava_2024-2030_seisuga_20.09.2024_toim.pdf

2 Supreme Court of Estonia (Riigikohus), *Arengukava keskendub inimesekeskele ja tehnoloogiliselt edumeelsele kohtule*, 16 October 2024, <https://www.riigikohus.ee/et/uudiste-arhiiv/arengukava-keskendub-inimesekeskele-ja-tehnoloogiliselt-edumeelsele-kohtule>

Administration of Courts has a coordinating and consultative role.³

On 22 July 2024, a draft Act on Amendments to the Courts Act and Related Amendments to Other Acts (Court Administration Model) was sent for consultation. The draft act transfers the majority of court administration tasks from the Ministry of Justice to the new Judicial Administration and Development Council, which will be established by reforming the current Council for the Administration of Courts. The current advisory and coordinating body will become a strategic decision-making body for court administration. In addition, a Court Administration Service will be established, which will provide support services to the courts and support the Judicial Administration and Development Council.⁴

Quality of justice

Resources of the judiciary (human/financial/material)

On 6 December 2024, the Council for the Administration of Courts granted the Minister of Justice approval to merge the Võru and Põlva courthouses of the Tartu County Court starting from 1 January 2025, resulting in the closure of the Põlva courthouse. Additionally, starting from 30 June 2025, the two courthouses of the Pärnu County Court in Pärnu will be merged, resulting in the closure of the Rüütli Street courthouse.⁵

The Council for the Administration of Courts also sent an appeal to the Government and the Finance Committee of the Parliament, emphasising that the executive branch's expectation to cut the 2025 budget of the county, administrative, and circuit courts by €2 million should be abandoned unless supported by legislative amendments that reduce the courts' workload by an equivalent amount. In the Council's view, the planned budget cuts for the courts should take into account the savings achieved from unfilled judicial positions and the reduced salary growth introduced through amendments to the Salaries of Higher State Servants Act.⁶

3 Heiki Loot, Mait Laaring, *Yearbook of Estonian Courts 2023 – 15 years later: another attempt to change the administration of courts*, <https://aastaraamat.riigikohus.ee/en/15-years-later-another-attempt-to-change-the-administration-of-courts/>

4 Draft Legislation Information System (Eelnõude infosüsteem), *Kohtute seaduse muutmise ja sellega seonduvalt teiste seaduste muutmise seadus (kohtuhaldusmudel)*, initiated 22 July 2024, <https://eelvoud.valitsus.ee/main/mount/docList/ef505412-9612-4bd0-b430-df13ccd74a5c>.

5 Supreme Court of Estonia (Riigikohus), *Kohtute haldamise nõukoda pöördus kärpeplaani osas valitsuse poole*, 6 December 2024, <https://www.riigikohus.ee/et/uudiste-arhiiv/kohtute-haldamise-noukoda-poordus-karpeplaani-osas-valitsuse-poole>.

6 Supreme Court of Estonia (Riigikohus), *Kohtute haldamise nõukoda pöördus kärpeplaani osas valitsuse poole*, 6 December 2024, <https://www.riigikohus.ee/et/uudiste-arhiiv/kohtute-haldamise-noukoda-poordus-karpeplaani-osas-valitsuse-poole>.

Generational change among the judges still causes concerns. There are a total of 261 judicial positions in the judicial system, and as of 30 May 2024, 251 of them had been filled. 53 judges will be eligible to retire within the next five years and there is concern about recruiting new highly qualified judges and court officials into the system.⁷ To address this issue, in July 2024, the Ministry of Justice sent a draft law to amend the Courts Act for a consultation round. The draft law eases the restrictions preventing judges from working outside the judicial office, allowing judges to engage in business, legislative work, legal work in an international organisation, in addition to teaching and research, provided there are no conflicts. The draft law also creates a system for providing feedback to judges, the purpose of which is to support judges in improving their professional knowledge and skills.⁸

Fairness and efficiency of the justice system

Length of proceedings

The Chief Justice of the Supreme Court, Villu Kõve, stated in his speech to the Parliament in June 2024 that the pace and efficiency of the court proceedings are gradually deteriorating. In general, judges feel that this is due to matters becoming increasingly complex and voluminous.⁹

To address the issue of efficiency and pace of court proceedings, several legal amendments are underway. Amendments to the Code of Administrative Court Procedure aim to streamline administrative court processes by introducing mechanisms such as error correction for procedural flaws, prioritisation of precedent-setting cases, accelerated proceedings for manifestly unlawful cases, and abolishing the requirement to seek court approval for suspending certain rights and permits.¹⁰ The

7 Villu Kõve, *Ülevaade kohtukorralduse, õigusemõistmise ja seaduste ühetaolise kohaldamise kohta: Ettekanne Riigikogu 2024. aasta kevadistungjärgul*, 12 June 2024, https://www.riigikohus.ee/sites/default/files/1.%20Uudised/2024/Riigikohtu_esimehe_ulevaade_kohtukorralduse_oigusemõistmise_ja_seaduste_uhetaolise_kohaldamise_kohta_2024.pdf.

8 Draft Legislation Information System (Eelnõude Infosüsteem), *Kohtute seaduse muutmise seadus*, initiated 22 July 2024, <https://eelnoud.valitsus.ee/main/mount/docList/2f49c291-d4d1-4bca-a636-8168c8a8bf35>.

9 Villu Kõve, *Ülevaade kohtukorralduse, õigusemõistmise ja seaduste ühetaolise kohaldamise kohta: Ettekanne Riigikogu 2024. aasta kevadistungjärgul*, 12 June 2024, https://www.riigikohus.ee/sites/default/files/1.%20Uudised/2024/Riigikohtu_esimehe_ulevaade_kohtukorralduse_oigusemõistmise_ja_seaduste_uhetaolise_kohaldamise_kohta_2024.pdf.

10 Draft Legislation Information System (Eelnõude Infosüsteem), *Halduskohtumenetluse seadustiku muutmise ja sellega seondvalt teiste seaduste muutmise seadus (kohtumenetluse töhustamine)*, initiated at 22 October 2024, available at: <https://eelnoud.valitsus.ee/main/mount/docList/6d4258ac-f45a-4f96-8133-acef12af9a91>.

Code of Civil Procedure amendments focus on optimising court workloads, for example, by expanding the use of simplified proceedings.¹¹ Amendments to the Code of Criminal Procedure and related acts aim to enhance flexibility in handling complex cases. The amendments include, for example, limiting the possibility

of filing appeals against rulings in certain situations where the ruling can also be effectively disputed by appealing the final decision, clarification of provisions on changing defence counsel, bringing disputes over the admissibility of evidence into preliminary proceedings, and other measures.¹²

ANTI-CORRUPTION FRAMEWORK

Key recommendations

- *The Parliament should adopt the necessary legal amendments to ensure that Members of Parliament make their lobbying meetings public.*
- *The Ministry of Justice should strengthen the draft law amending the Political Parties Act by explicitly defining affiliated organisations based on their connection to political parties to ensure accountability in political party financing.*

Levels of corruption

In the 2023 Corruption Perception Index published by Transparency International in January 2024, Estonia achieved its highest score, improving by two places compared to the previous year, sharing 12th place with Canada

with a score of 76.¹³ Transparency International Estonia commented on the results, noting that while Estonia's score has risen by a strong 12 points since 2012, there have been no substantial changes in measures to prevent and combat corruption, and since 2019, progress has

11 Draft Legislation Information System (Eelnõude Infosüsteem), *Tsiviilkohtumenetluse seadustiku muutmise seadus*, initiated 20 November 2024, <https://eelroud.valitsus.ee/main/mount/docList/783502ab-8013-403b-9a4f-983ecd8b7831>.

12 Draft Legislation Information System (Eelnõude Infosüsteem), *Kriminaalmenetluse seadustiku, riigilõivuseaduse ja riigi õigusabi seaduse muutmise seadus (kohtumenetluse otstarbekamaks muutmise)*, initiated 3 July 2024, <https://eelroud.valitsus.ee/main/mount/docList/383a4f56-297c-44f8-a666-8b938de33f26>.

13 Transparency International, *Corruption Perception Index 2023*, 30 January 2024, <https://www.transparency.org/en/cpi/2023>.

largely stalled with legislative reforms remaining unimplemented.¹⁴

Framework to prevent corruption

General transparency of public decision-making (including public access to information such as lobbying, asset disclosure rules and transparency of political party financing)

In June 2024, the Ministry of Justice sent the draft law amending the Political Parties Act and other legislation for consultation. Most of the amendments proposed in the draft are aimed at strengthening the oversight of political party financing. The current law does not, for example, ensure the accountability of organisations directly associated with a political party in practice. Under the draft law, an affiliated organisation will be defined based on the connection of a foundation or non-profit organisation to a political party. The investigative powers of the Political Party Funding Supervision Committee will also be expanded, including the establishment of authority provisions allowing the committee to require

political parties, individuals who ran on party lists, electoral alliances, individuals who ran on electoral alliance lists, independent candidates, affiliated organisations of political parties, and third parties to submit documents, information, and explanations. Additionally, the Political Party Funding Supervision Committee will be authorised to require these individuals or their representatives to appear in its offices to provide explanations.¹⁵ Transparency International Estonia provided positive feedback on the changes, confirming that they had been long anticipated. However, they emphasised the importance of ensuring that the new definition of affiliated organisations does not allow for the inclusion of organisations that promote certain topics or fields but are not directly involved in party politics.¹⁶ In December, the Political Party Funding Supervision Committee expressed frustration that the draft legislation had been stalled at the Ministry of Justice. According to the ministry, the overwhelming workload with other bills has prevented further progress on this matter.¹⁷

In the context of the European Parliament election campaign, questions have arisen regarding

14 Transparency International Estonia (Korruptsioonivaba Eesti), *Eesti saavutab korruptsioonitaju indeksi kõrgeima tulemuse alates 2012. aastast, ent pole viimase viie aastaga olulisi edusamme teinud*, 30 January 2024, <https://transparency.ee/uudised/eesti-saavutab-korruptsioonitaju-indeksi-korkeima-tulemuse-alates-2012-aastast-ent-pole-0>.

15 Draft Legislation Information System (Eelnõude Infosüsteem), *Erakonnaseaduse, kohaliku omavalitsuse volikogu valimise seaduse ja krediitiasutuse seaduse muutmise seadus*, 7 June 2024, <https://eelvoud.valitsus.ee/main/mount/docList/266dbe27-05d0-41c7-83f4-28436254cb36#z4NdFgDe>.

16 Transparency International Estonia (Korruptsioonivaba Eesti), *Ühingu arvamus erakonnaseaduse muudatustele*, 12 July 2024, <https://transparency.ee/uudised/uhingu-arvamus-erakonnaseaduse-muudatustele>.

17 Estonian Public Broadcasting (ERR), *‘ERJK-d nõrritab erakonnaseaduse muutmise toppamine’*, 2 December 2024, <https://www.err.ee/1609538521/erjk-d-norritab-erakonnaseaduse-muutmise-topamine>.

the campaign financing of candidates, including EP members Jana Toom, Sven Mikser, Jaak Madison, Marina Kaljurand, Urmas Paet, and Riho Terras. These candidates have used funds from European Parliament political party groups and European-level political parties for their campaigns, which is allowed conditionally and must comply with local regulations. According to Estonia's Political Parties Act, donations from legal entities are prohibited, and the Political Party Funding Supervision Committee has recommended that the candidates cover these expenses themselves. The committee commissioned monitoring to assess the candidates' advertisements, enabling a comparison with submitted reports; however, it remains unclear whether the candidates paid for these expenses.¹⁸

Rules on preventing conflicts of interest in the public sector

There has been no progress on regulating meetings between Members of the Parliament and lobbyists since the last report. After MP Liisa-Ly Pakosta appealed to the Board of the Parliament and the Anti-Corruption Select Committee to establish a platform for registering and disclosing MPs' meetings with

lobbyists, the Board of the Parliament discussed the topic, with Speaker Lauri Hussar emphasising that regulating lobbying activities is crucial for transparency in parliamentary work. However, the Board of the Parliament agreed it is essential to avoid unnecessary bureaucracy. Hussar noted that implementing lobby meeting disclosures would require consensus among all parliamentary party groups. The board has tasked the Anti-Corruption Select Committee with further handling of the matter and suggested consulting the Constitutional Committee to ensure transparency aligns with MPs' free mandate principle.¹⁹ The Anti-Corruption Select Committee decided in November to propose an update to the Code of Conduct of the Parliament, focusing on expense reimbursements, lobbying meetings, and member conduct in the chamber. The committee plans to establish guidelines for recording meetings with lobbyists and interest groups, and expects factions to submit proposals by early December.²⁰

An amendment to the Anti-Corruption Act, currently in its second reading in the Parliament, clarifies the obligation of public officials to remove themselves from cases where a personal conflict of interest exists and defines the

18 Parliament Document Register (Riigikogu Dokumendiregister), *Protokoll nr 44, 19.09.2024, 27 September 2024*, <https://www.riigikogu.ee/tegevus/dokumendiregister/dokument/656f6461-564a-41b9-97c5-0ae4983f2fa0/>.

19 Estonian Public Broadcasting (ERR), *'Pakosta soovib avalikustada riigikogu liikmete kohtumised lobistidega'*, 7 February 2024, <https://www.err.ee/1609245831/pakosta-soovib-avalikustada-riigikogu-liikmete-kohtumised-lobistidega>.

20 Estonian Public Broadcasting (ERR), *'Riigikogu liikme hea tava uuenduskuuri fookuses on kuluhüvitised ja lobistid'*, 5 November 2024, <https://www.err.ee/1609511794/riigikogu-liikme-hea-tava-uuenduskuuri-fookuses-on-kuluhuvitised-ja-lobistid>.

concepts of ‘procedural restriction’ and ‘connected person’.²¹

Measures in place to ensure whistleblower protection and encourage reporting of corruption

Estonia was one of the last two EU Member States that had not transposed the EU Whistleblower Directive. On 15 May 2024, the Parliament adopted the Law on the Protection of Whistleblowers Reporting Violations of European Union Law in the Workplace, which came into effect on 1 September 2024.²² The law mandates that public authorities, companies with at least 50 employees, and municipal offices establish reporting channels. Knowingly submitting false reports will be punishable, as will any attempts to obstruct or pressure whistleblowers at work.²³ EU Member States were required to implement the directive by December 2021, and Estonia now faces a financial penalty for the delayed transposition.²⁴

Investigation and prosecution of corruption

Effectiveness of investigation and application of sanctions for corruption offences (including for legal persons and high-level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

Throughout the year, multiple first-instance court rulings have been issued against politicians for fraud and embezzlement. The Harju County Court found the Minister of Education and Research Mailis Reps guilty of arranging for personal expenses unrelated to ministry work to be funded from ministry resources.²⁵ The Harju County Court also found Member of Parliament Kert Kingo guilty of fraud. According to the charges, Kert Kingo submitted invoices from a law firm to the Parliament for reimbursement, listing various consulting services related to her work as an MP, which, in reality, the law firm did not provide in

21 Parliament (Riigikogu), ‘Korruptsioonivastase seaduse muutmise seadus 442 SE’, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/766f7c9b-8932-40de-8a6a-20fae2aac3af/korruptsioonivastase-seaduse-muutmise-seadus/>.

22 Riigi Teataja, ‘Töölasest Euroopa Liidu õiguse rikkumisest teavitaja kaitse seadus’, <https://www.riigiteataja.ee/akt/130052024001>.

23 Ministry of Justice, ‘Töölasest Euroopa Liidu õiguse rikkumisest teavitajad saavad parema kaitse’, 24 May 2024, <https://www.justdigi.ee/tooalasest-rikkumisest-teavitaja-kaitse>.

24 Estonian Public Broadcasting (ERR), ‘Eestil on Euroopa Komisjoniga pidevalt pooleli paarkümmend sisulist vaidlust’, 24 March 2024, <https://www.err.ee/1609292985/eestil-on-euroopa-komisjoniga-pidevalt-pooleli-paarkum-mend-sisulist-vaidlust>.

25 Estonian Courts (Eesti Kohtud), *Harju Maakohus mõistis Mailis Repsi omastamises ja kelmuses süüdi*, 27 September 2024, <https://www.kohus.ee/ajakirjanikule/uudised/harju-maakohus-moistis-mailis-repsi-omastamises-ja-ke-l-muses-suudi>.

connection with her parliamentary duties.²⁶ Both court decisions have not yet entered into force. Former Minister of Justice Kalle Laanet also faced embezzlement allegations. According to the charges, he rented an apartment in Tallinn from his spouse's son while serving

as the Minister of Justice and previously as the Minister of Defence, with the expenses reimbursed by the state. The minister resigned after the information was made public in the media.²⁷

MEDIA ENVIRONMENT AND MEDIA FREEDOM



Key recommendations

- *Authorities should refrain from classifying documents without proper justification.*

Media and telecommunications authorities and bodies

Independence, enforcement powers and adequacy of resources of media and telecommunication authorities and bodies

In the 2024 Reporters Without Borders (RSF) World Press Freedom Index, Estonia rose to sixth place out of 180 countries,²⁸ improving from eighth place in 2023. Meanwhile, in the Freedom House's Internet Freedom assessment, Estonia scored 92 out of 100, a slight decline from 93 in 2023. This decrease

is attributed to concerns over transparency in the government's procurement and use of commercial surveillance products that allow for intrusive monitoring.²⁹

Public trust in media

According to the latest public opinion survey commissioned by the Government Office, Estonians trust Estonian-language television and radio channels the most, with 80% expressing trust, followed by national Estonian-language newspapers and news portals, trusted by 75%. Among other ethnic groups, there is

26 Estonian Courts (Eesti Kohtud), *Harju Maakohus mõistis Kert Kingo kelmuses ja Martin Traadi sellele kaasa aitamises osaliselt süüdi*, 23 September 2024, <https://www.kohus.ee/ajakirjanikule/uudised/harju-maakohus-moistis-kert-kingo-keelmuses-ja-martin-traadi-sellele-kaasa>

27 Estonian Public Broadcasting (ERR), *Endine justiitsminister Kalle Laanet sai kahtlustuse kelmuses*, 9 September 2024, <https://www.err.ee/1609448549/endine-justiitsminister-kalle-laanet-sai-kahtlustuse-keelmuses>

28 Reporters Without Borders, *Press Freedom Index 2024*, <https://rsf.org/en/index>.

29 Freedom House, *Freedom on the Net 2024*, <https://freedomhouse.org/country/estonia/freedom-net/2024>

no high overall trust in any single information channel, as different groups trust different information sources. Trust in Western media is significantly higher among Estonians than among residents of other ethnic backgrounds, at 47% and 26%, respectively.

For Estonians, the most important sources of news and information remain Estonian-language television channels, cited by 62% as being among their top three sources, and Estonian news portals, cited by 54%. For residents of other ethnic backgrounds, the most important information sources are social media, cited by 41%, and Estonian news portals, cited by 37%. Meanwhile, 82% of residents have encountered information in the media and/or social media that they suspect to be misinformation, and 63% feel the need for more knowledge to distinguish misinformation from truthful information in the media.³⁰

A monitoring survey reveals a long-term trend showing that since the Russia-Ukraine war, trust in Estonian-language publications has risen by 8% among Estonians and 4% among other nationalities. Trust in Russian news outlets has remained consistent at 3% among Estonians, both in February 2022 and in December of last year. However, among other

nationalities, trust in Russian news outlets has dropped from 40% to 20%.³¹

Safety and protection of journalists and other media actors

Access to information and public documents

The years-long debate and media's public criticism regarding public authorities classifying documents as 'for internal use only' merely for reasons of convenience continued in 2024. The Ministry of Finance received criticism at the editorial level of the newspaper regarding a public information request from Siim Kiisler, a member of the leadership board of the political party Parempoolsed. Kiisler had asked for the calculations behind the tax increases outlined in the coalition agreement. The ministry responded by saying the information was intended 'for internal use only'. It then classified both Kiisler's question and its response as confidential for 75 years.³² Additionally, the national broadcaster noticed over the summer that the Ministry of Social Affairs had mistakenly classified a draft on healthcare reforms as confidential. The broadcaster also pointed out that it has repeatedly reported on a tendency among government agencies to classify

30 Government Office (Riigikantselei), *Avaliku arvamus seireuring*, June 2024, https://www.riigikantselei.ee/uuringud?view_instance=0¤t_page=1.

31 Eesti Päevaleht, 'Usaldus Eesti ajakirjanduse vastu kasvab, ent tasapisi hiilib ligi meediaväsimus', 23 February 2024, <https://epl.delfi.ee/artikkel/120272475/usaldus-est-ajakirjanduse-vastu-kasvab-ent-tasapisi-hiilib-ligi-meediavasimus>.

32 Postimees, 'Juhtkiri: Salajased maksuaimdused', 15 September 2024, <https://arvamus.postimees.ee/8096461/juhtkiri-salajased-maksuaimdused>.

documents excessively, even though, by law, information meant for public use should be accessible to everyone.³³

On 16 July 2024, the Council of Europe published a report assessing the alignment of Estonia's Public Information Act with the

requirements of the Council of Europe Convention on Access to Official Documents. Among the key recommendations, the expert group advises a better balancing of various interests when establishing restrictions on access to information and addressing information requests.³⁴

CHECKS AND BALANCES

Key recommendations

- *The Ministry of the Interior should initiate amendments to the Aliens Act to provide a possibility of judicial appeal against visa refusals, annulments, or revocations, aligning with constitutional requirements and EU law.*
- *The Parliament should refrain from depriving third-country nationals of their right to vote in local elections.*
- *The Parliament should amend voting laws to lift the blanket ban on prisoners voting in elections.*

Process for preparing and enacting laws

One recent incident, involving the preparation of the draft law to merge the Gender Equality Act and the Equal Treatment Act, has raised

concerns about the transparency and inclusiveness of the legislative process. In May 2024, the Equality Policy Department of the Ministry of Economic Affairs and Communications finished a draft of the Gender Equality and Equal Opportunities Act³⁵ and sent it for a

33 Estonian Public Broadcasting (ERR), 'Sotsiaalministeerium salastas ekslikult tervishoiumuudatuste eelnõu', 15 August 2024, <https://www.err.ee/1609424398/sotsiaalministeerium-salastas-ekslikult-tervishoiumuudatuste-eelnou>.

34 Council of Europe, *Implementation of the Council of Europe Convention on Access to Official Documents (CETS No.205 - Tromsø Convention)*, 16 July 2024, <https://rm.coe.int/baseline-evaluation-report-estonia/1680b0f634>.

35 Draft Legislation Information System (Eelnõude Infosüsteem), *Soolise võrdsuse ja võrdsete võimaluste seadus*, initiated 23 May 2024, <https://eelnoud.valitsus.ee/main/mount/docList/389a2753-fc8e-4e10-9912-469b6fc2acf8>.

consultation round with relevant state institutions and civil society. After this, the Ministry of Justice commissioned a new draft law from the private law firm Sorainen. The decision to outsource this task, at a cost of €16,000 plus VAT, came as a surprise to the Gender Equality and Equal Treatment Commissioner and the NGOs who participated in the consultation process. The Ministry of Justice justified this step by citing critical legal feedback on the initial draft, the need to ensure alignment with constitutional principles while avoiding excessive administrative burdens, and the ministry's overall workload. The ministry also promised to resubmit the draft for consultation with all stakeholders.³⁶

Accessibility and judicial review of administrative decisions

On 3 October 2024, the European Commission referred Estonia to the Court of Justice of the European Union (CJEU) for failing to provide an effective judicial remedy against a visa refusal, annulment or revocation. The Visa Code requires Member States to provide for a right of appeal against a visa refusal, annulment or revocation, however, the Estonian law

only provides for a right of appeal before two non-judicial administrative bodies.³⁷

On 6 November 2024, the Chancellor of Justice issued an opinion on the same matter, as part of the ongoing constitutional review proceedings in the Supreme Court. Tartu Administrative Court declared § 100¹(11), § 100¹⁰(1), § 100¹³(2) and § 100¹⁸ of the Aliens Act to be incompatible with the Constitution as these provisions do not allow for challenges to decisions refusing the issuance of a long-term visa in an administrative court. The court noted that the case is similar to the case No. 5-20-10³⁸ in which the Supreme Court declared § 100¹⁰ (1), § 100¹³ (2) and § 100¹⁸ of the Aliens Act to be unconstitutional and invalid insofar as these provisions preclude judicial review of premature termination of visa-free stay in Estonia. The Chancellor of Justice agreed that the provisions are also inconsistent with the Constitution insofar as they do not allow for judicial appeal against decisions refusing the issuance of long-term visas.³⁹

36 Estonian Public Broadcasting (ERR), 'Riik tellis uue soolise võrdsuse seaduse eelnõu advokaadibüroolt', 20 November 2024, <https://www.err.ee/1609525471/riik-tellis-uee-soolise-vordsuse-seaduse-eelnou-advokaadiburoolt>.

37 European Commission, *The Commission decides to refer ESTONIA to the Court of Justice of the European Union for failing to provide effective judicial remedy against a visa refusal*, 3 October 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_4866.

38 Supreme Court of Estonia (Riigikohus), *Case No. 5-20-10*, 20 April 2021, <https://www.riigikohus.ee/et/lahendid?asjaNr=5-20-10/13>.

39 Chancellor of Justice (Õiguskantsler), *Arvamus põhiseaduslikkuse järelevalve asjas 5-24-28*, 6 November 2024, https://www.riigikohus.ee/sites/default/files/Arvamus_õiguskantsler_5-24-28.pdf.

Electoral framework

The Estonian government aims to amend the Constitution within a year to prevent Russian and Belarusian citizens living in Estonia from voting in local elections. Currently, the Constitution provides that all persons who reside permanently in the territory of the municipality and have attained sixteen years of age have the right to vote in elections of municipal councils.⁴⁰ On 7 November 2024, 61 Members of the Parliament initiated an amendment to the Constitution that restricts the right to vote in local elections to “Estonian citizens, stateless persons, citizens of the European Union and citizens of a member state of NATO”. The amendment further provides that the conditions and procedure for registering stateless persons and foreigners with the right to vote are provided for by law. According to the sponsors of the bill, the amendment grants the right to vote to citizens of countries that share democratic values and have overlapping security interests with the Estonian state, as well as stateless people living in Estonia who have no loyalty or other obligations to any other country.⁴¹ In its opinion on the amendment,

the Estonian Lawyers’ Union criticised the fact that there has been no impact analysis that would assess the long-term impact of the change on society and governance.⁴²

All prisoners in Estonia are still excluded from voting in any elections. This has been widely criticised, including by the Supreme Court, which has found that the blanket ban on prisoners’ right to vote is contrary to the Constitution interpreted in the light of the case law of the European Court of Human Rights.⁴³

Rules on political advertising and their enforcement

See section on campaign financing of candidates in the context of European Parliament elections under the chapters on Anti-Corruption Framework and Framework to prevent corruption.

Eligibility criteria and restrictions to be a candidate

According to the European Parliament Election Act, before nominating candidates, a

40 Riigi Teataja, The Constitution of the Republic of Estonia (*Eesti Vabariigi põhiseadus*), § 156 (2), <https://www.riigiteataja.ee/en/eli/530122020003/consolide>.

41 Parliament (*Riigikogu*), *Eesti Vabariigi põhiseaduse muutmise seadus 536 SE*, 7 November 2024, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/08e7338e-6684-4af8-bf2d-faa95a01c954/eesti-vabariigi-pohiseaduse-muutmise-seadus/>.

42 Estonian Lawyers’ Union (*Eesti Juristide Liit*), ‘*Eesti Juristide Liidu arvamus põhiseaduse muutmise eelnõu kohta seoses kolmandate riikide kodanike valimisõigusega*’, 4 December 2024, <https://www.riigikogu.ee/tegevus/eelnoud/eelnou/arvamusd/08e7338e-6684-4af8-bf2d-faa95a01c954/eesti-vabariigi-pohiseaduse-muutmise-seadus/>.

43 Supreme Court of Estonia (*Riigikohus*), *Judgment in case no. 3-4-1-2-15*, 1 July 2015, <https://www.riigiteataja.ee/kohtulahendid/fail.html?fid=206104838>.

political party or an independent candidate must deposit an amount equal to five minimum monthly wages for each person nominated, in the current account of the Ministry of Finance as a deposit.⁴⁴ In advance of the 2024 European Parliament elections in Estonia, representatives of the Estonian Greens nominated nine candidates as party candidates, but deposits were only paid for two candidates. The National Electoral Committee therefore left seven candidates unregistered. Estonian Greens filed a complaint, challenging the constitutionality of the deposit requirement. On 14 May 2024, the Supreme Court adopted a

court ruling, indicating the need to assess the compliance of the deposit requirement with EU law and decided to refer the matter to the CJEU for a preliminary ruling. The Supreme Court noted that the deposit applied in the European Parliament elections in Estonia is one of the highest in Europe. Since the CJEU ruling would not have entered into force before the European Parliament elections, the Supreme Court decided to apply interim protection to the Estonian Greens and obliged the National Electoral Committee to also register those Estonian Greens candidates for whom the deposit had not been paid.⁴⁵

44 Riigi Teataja, *European Parliament Election Act (Euroopa Parlamendi valimise seadus)*, RT I 2003, 4, 22, <https://www.riigiteataja.ee/en/eli/501102024005/consolide>.

45 Supreme Court of Estonia (Riigikohus), *Case No. 5-24-5*, 14 May 2024, <https://www.riigikohus.ee/et/lahendid?asjaNr=5-24-5/13>.

CIVIC SPACE

Key recommendations

- *The Police and Border Guard Board should not impose bans on public meetings. Additionally, the government should avoid enacting laws that make it easier to impose such restrictions, ensuring that any measures taken are a last resort and strongly justified*
- *The Parliament should amend the Penal Code to criminalise hate speech in accordance with EU law.*

Freedom of association

Formation, establishment and registration of associations, including rules on membership

In January 2025, an amendment to the Auditing Activities Act came into force, significantly easing the reporting obligations for foundations by raising the threshold for annual financial statement review requirements from the previous €15,000 to €1 million.⁴⁶ According to the draft's explanatory memorandum, this change would address the current situation where the disproportionality of the threshold has restricted the work of NGOs. For instance, the low threshold has led smaller foundations

to accept funding only up to the amount that avoids mandatory auditing of the annual financial statement, as such an audit would result in a disproportionately large portion of funds being spent on auditing costs.⁴⁷ Additionally, the Network of Estonian Nonprofit Organizations noted in its comments on the proposal that it is often very challenging for smaller foundations to find an auditor willing to take on the work.⁴⁸

46 Riigi Teataja, *Audiitortegevuse seadus*, § 91 (4), <https://www.riigiteataja.ee/akt/13275292?leiaKehtiv>

47 Draft Legislation Information System (*Eelnõude Infosüsteem*), *Raamatupidamise seaduse, audiitortegevuse seaduse ja väärtpäberituru seaduse muutmise seadus*, 23 February 2024, <https://eelvoud.valitsus.ee/main/mount/docList/b18b9f20-5d12-48bc-8867-438ce40b3033?activity=1#e5clGHSQ>.

48 Network of Estonian Nonprofit Organizations (*Vabäühenduste Liit*), *Vabäühenduste Liidu arvamus raamatupidamise seaduse, audiitortegevuse seaduse ja väärtpäberituru seaduse muutmise seaduse kohta*, https://ngoee.sharepoint.com/:w:/g/Ebuh1AdbiipPso5SRKSJaxcBGWOgQvK_xJnO7OBYuf7guQ?rttime=YZbj1ZX83Eg.

Freedom of peaceful assembly

Rules on organisation, authorisation of and participation in assemblies

The Ministry of the Interior has proposed amendments to the Law Enforcement Act, aiming to give police greater authority to pre-emptively prohibit protests and lower the threshold for using water cannons. The proposal suggests that a police prefect could prohibit a public meeting if there is reason to believe based on preliminary information that the meeting will be unlawful under § 62 of the Law Enforcement Act (e.g. will incite hatred, violence or discrimination). Under current law, water cannons can only be used in cases of ‘serious threat’, meaning a threat to a person’s life, physical inviolability, physical liberty or proprietary benefit of great value, threat of serious environmental damage or threat of a criminal offence in the first degree or an offence dangerous to the public. The amendments would lower the threat level required for the use of water cannons to ‘significant threat’, meaning a threat to a person’s health, proprietary benefit of significant value, the environment, or a threat of any criminal offence.⁴⁹

Bans on protests

The Southern Prefecture of the Police and Border Guard Board banned the event ‘In support of the human rights of Palestinians’ scheduled for 18 November 2023, in Tartu Town Hall Square, citing § 62 section 3 of the Law Enforcement Act, which prohibits events inciting hatred, violence, or discrimination.⁵⁰ In July 2024, the Tartu Administrative Court ruled that the ban imposed by Tartu police on the pro-Palestinian demonstration was unlawful.⁵¹

Freedom of expression and information

Rules on hate speech and their enforcement

On 12 June 2023, the government introduced the Act Amending the Penal Code, the Code of Criminal Procedure, and the Code of Misdemeanour Procedure (incitement to hatred and offences with a hate motive), which passed its first reading in Parliament on 27 September 2023. The new draft law proposes penalising individuals who incite hatred in a manner that may threaten public order. However, the

49 Draft Legislation Information System (Eelnõude Infosüsteem), *Korralduseseaduse muutmise seaduse väljatöötamiskavatsus*, 25 June 2024, <https://eelnoud.valitsus.ee/main/mount/docList/699319ce-7c2a-4bf4-8c6e-86f5002f4f43?activity=1#SrbTMNgQ>.

50 Estonian Public Broadcasting (ERR), ‘PPA banned November Tartu demonstration planned in support of Palestinians’, 6 December 2023, <https://news.err.ee/1609186429/ppa-banned-november-tartu-demonstration-planned-in-support-of-palestinians>.

51 Estonian Public Broadcasting (ERR), ‘Tartu halduskobus: Palestiina meeleavalduse keelamine ei olnud õiguspärase’, 11 July 2024, <https://www.err.ee/1609394194/tartu-halduskobus-palestiina-meeleavalduse-keelamine-ei-olnud-oigusparane>.

bill has not progressed in the Parliament, as coalition parties remain divided on the list of characteristics based on which to classify incitement to hatred as a crime.⁵²

Censorship and self-censorship, including the use of symbols and slogans

In August, the police faced criticism for confiscating a replica of a monument that was being transported to Lihula. The police stated that they received information that a monument was planned to be erected in Lihula, which may display prohibited symbols. The police sent the replica for expert analysis to confirm that it did not display symbols prohibited by § 151¹ of the Penal Code, which pertains to the support

or justification of international crimes.⁵³ Legal experts argued that transporting a monument cannot reasonably be considered as using a symbol to support aggression.⁵⁴ Later, the analysis confirmed that no Nazi symbols were present on the confiscated replica of the Lihula monument.⁵⁵ The police maintained that even if no prohibited symbols were found, the monument could still lead to misinterpretations by those unfamiliar with history, potentially resulting in malicious manipulation. Attorney-at-law Carri Ginter emphasised that the Republic of Estonia is founded on freedoms, and the rule of law faces a significant threat if the Law Enforcement Act is used to pre-emptively address potential misdemeanours.⁵⁶

52 Johannes Voltri, 'Võimuliit ei suuda leppida kokku avaliku vaenamise kriminaliseerimises', Estonian Public Broadcasting (ERR), 19 August 2024, <https://www.err.ee/1609428382/voimuliit-ei-suuda-leppida-kokku-avaliku-vaenamise-kriminaliseerimises>.

53 Estonian Public Broadcasting (ERR), 'Politsei konfiskeeris Lihula monumendi koopia', 1 September 2024, <https://www.err.ee/1609440749/politsei-konfiskeeris-lihula-monumendi-koopia>.

54 Estonian Public Broadcasting (ERR), 'Ginter: seadus ei keela Lihula samba transportimist', 3 September 2024, <https://www.err.ee/1609442177/ginter-seadus-ei-keela-lihula-samba-transportimist>.

55 Estonian Public Broadcasting (ERR), 'Läänemets: ekspertiisid ei tuvastanud Lihula sambalt keelatud sümbolikat', 21 October 2024, <https://www.err.ee/1609498666/laanemets-ekspertiisid-ei-tuvastanud-lihula-sambalt-keelatud-sumboolikat>.

56 Estonian Public Broadcasting (ERR), 'PPA leiab, et Lihula sammas võib tekitada inimestes valesid järeldusi', 22 October 2024, <https://www.err.ee/1609499326/ppa-leiab-et-lihula-sammas-voib-tekitada-inimestes-valesid-jareldusi>.

DISREGARD OF HUMAN RIGHTS OBLIGATIONS AND OTHER SYSTEMIC ISSUES AFFECTING THE RULE OF LAW ENVIRONMENT

Key recommendations

- *The Parliament should amend the Electronic Communications Act to stop indiscriminate retention of communications data, thereby bringing Estonian law in line with EU law.*

Systemic human rights violations

The Estonian state has still not addressed the violation of privacy rights resulting from the indiscriminate retention of communications data of all residents. The Electronic Communications Act § 111¹ requires general and indiscriminate retention of metadata by providers of electronic communications services for one year from the date of the communication, which can be forwarded to the state authorities listed in the act based on relevant laws.⁵⁷ Both the Estonian Supreme Court⁵⁸ and the CJEU⁵⁹ have ruled this requirement incompatible with EU law.

In September 2024, the Tartu Circuit Court declared communications data inadmissible as evidence in criminal proceedings, after which the Office of the Prosecutor General ordered all prosecutors to stop the use of communications data in criminal proceedings.⁶⁰ The Ministry of the Interior is proposing to amend the law so that only communications data collected for commercial purposes can be used in criminal proceedings. However, the proposal would not abolish the obligation imposed under the Electronic Communications Act to retain a larger amount of data, as the Internal Security Service and the Foreign Intelligence Service also use these communications data outside of criminal proceedings.⁶¹

57 Riigi Teataja, Electronic Communications Act (*Elektroonilise side seadus*), § 111¹, 8 December 2004, <https://www.riigiteataja.ee/en/eli/515102024005/consolide>.

58 Supreme Court of Estonia (Riigikohus), *Case No 1-16-6179*, 18 June 2021, <https://www.riigikohus.ee/et/lahendid?asjaNr=1-16-6179/111>.

59 Court of Justice of the European Union, *Case C 746/18*, 2 March 2021, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62018CJ0746>.

60 Estonian Public Broadcasting (ERR), *'Ministeerium plaanib sideandmete kogumise seadusemuudatust'*, 9 October 2024, <https://www.err.ee/1609485895/ministeerium-plaanib-sideandmete-kogumise-seadusemuudatust>.

61 Estonian Public Broadcasting (ERR), *'Ettevõtete kohustus sideandmeid koguda veel niipea ei kao'*, 16 December 2024, <https://www.err.ee/1609552291/ettevotete-kohustus-sideandmeid-koguda-veel-niipea-ei-ka>.

The Ministry of Justice has acknowledged that the general obligation to retain communications data cannot continue, and is considering alternatives, such as retention based on categories of individuals or by geographical areas. However, no concrete action has been taken.⁶²

FOSTERING A RULE OF LAW CULTURE

Contribution of civil society and other non-governmental actors

The Estonian Human Rights Centre (EHRC) contributes to fostering a rule of law culture through strategic litigation, by offering legal aid to people whose cases are of strategic significance, with the aim of influencing the quality of law and its implementation.⁶³ For example, in October 2024, as a result of a strategic court case, a decision by the Police and Border Guard Board (PBGB) to reject the application for a residence permit of a Ukrainian citizen was declared unlawful. The application was originally rejected by the PBGB because the applicant did not submit a military ID card or a certificate of exemption from service, due to which the PBGB argued that they were unable

to assess whether the applicant posed a threat to public order or the security of the Estonian state. The EHRC lawyers appealed the decision, pointing out that the applicant was unable to submit the requested documents and the PBGB had not considered other options for processing his application, as required by the principle of investigation, and the exercise of discretion. Tallinn Administrative Court upheld the appeal, highlighting the importance of the application of legal principles in administrative proceedings.⁶⁴

62 Estonian Public Broadcasting (ERR), 'Estonia may limit data retention obligation to specific areas', *groups*, 14 October 2024, <https://news.err.ee/1609490488/estonia-may-limit-data-retention-obligation-to-specific-areas-groups>.

63 Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*), 'Strategic litigation', <https://humanrights.ee/en/topics-main/strateegiline-hagelemine/>.

64 Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*), '*Kohus: puuduv sõjaväepilet ei takista elamisloa andmist*', 15 October 2024, <https://humanrights.ee/2024/10/kohus-puuduv-sojavaepilet-ei-takista-elamisloa-andmist/>.

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The Estonian Human Rights Centre is an independent non-governmental human rights advocacy organisation. EHRC develops its activities according to the needs of the society. Our focus is currently on the advancement of equal treatment of minority groups and diversity & inclusion and the human rights of asylum seekers and refugees.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 21 national civil liberties NGOs from across the EU.

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