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The progress of the Assembly's monitoring procedure (January-December 2017) and the periodic review of the honouring of obligations by Estonia, Greece, Hungary and Ireland

Periodic review: Estonia

Report¹

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

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Summary

All member States of the Council of Europe that are not under a monitoring procedure *sensu stricto*, or engaged in a post-monitoring dialogue, are the subject of a regular periodic review by the Monitoring Committee of the honouring of their membership obligations to the Council of Europe. In this report, the committee presents the periodic review on Estonia. The committee concluded that Estonia is globally fulfilling its membership obligations to the Council of Europe and, overall, its democratic institutions function in line with the standards of the Council of Europe. However, a number of concerns were raised, and recommendations made in that respect, that deserve the prompt attention of the authorities.

1. See also Doc. 14450 [Part 1](#), [Part 3](#), [Part 4](#) and [Part 5](#).



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Explanatory memorandum by Mr Cezar Florin Preda, rapporteur

1. Introduction

1. The Baltic region occupies a strategic location in the borderlands of north-eastern Europe, making it historically attractive to powers with regional ambitions. Estonia is the most northerly of the Baltic States. From the very beginning, the Estonian nation has been either conquered or permanently threatened by foreign powers. There have been attempts to dominate the country by Sweden, Denmark, the Russian Empire, Germany and the Soviet Union. Modern Estonia has been an independent State since 1918, interrupted by 50 years of Soviet occupation following the Second World War. Estonia regained its independence in 1991. The last Russian troops left in 1994. Since then, Estonia has promoted economic and political ties with Western Europe. It became a member of the European Union in May 2004 and a member of the North Atlantic Treaty Organization (NATO) in April 2004. Its currency is the euro.

2. In the last Sustainable Governance Indicators (SGI) study,² Estonia was the best performing former Soviet republic, but also one of top performers overall. In the SGI's Policy Performance Index that captures the quality of economic, social and environmental policies, Estonia ranks 7th, and is only outperformed by Sweden, Norway, Finland, Denmark, Switzerland and Germany. This illustrates well Estonia's successful transformation from an autocracy with a centrally controlled economy to a market-based democracy.

3. Estonia is a small country with an area of 45 228 km², a population of 1 317 800³ and a density of 29 per km^m. With a small population, Estonia took the political decision to heavily invest in new information technologies to promote efficiency and innovation. Estonia ("e-Estonia") is a pioneer digital society.⁴

4. In December 2014, Estonia launched an e-residency programme – a secure digital identity to non-residents, allowing them access to Estonian e-services from all over the world, such as for company formation, banking, payment processing and taxation. E-residency offers the possibility for every citizen in the world to obtain a government-issued digital identity and the opportunity to run a trusted company online. E-residency is not related to citizenship and does not give the right to enter or reside in Estonia.

5. Estonia became the 27th member State of the Council of Europe on 14 May 1993. Upon its accession to the Council of Europe, Estonia committed itself to respect the obligations incumbent upon every member State under Article 3 of the Statute of the Council of Europe (ETS No. 1) with regard to pluralist democracy, the rule of law and human rights. A monitoring procedure with regard to Estonia was established according to Order 488 (1993) and then under Order 508 (1995). Estonia was the first country in central and eastern Europe for which Parliamentary Assembly closed the monitoring procedure on the honouring of obligations and commitments by Resolution 1117 (1997). Monitoring was succeeded by post-monitoring dialogue focusing on the following areas: the treatment of refugees and asylum seekers, the "non-historic" Russian-speaking minority, as well as conditions of custody and detention and the abolition of the death penalty. The post-monitoring dialogue regarding Estonia was ended in December 2000.

6. As at 23 October 2017, Estonia had ratified 101 Council of Europe treaties and signed 12 additional treaties without ratification. It ratified Protocol No. 16 to the European Convention on Human Rights (CETS No. 214) on 31 August 2017, the Convention on Action against Trafficking in Human Beings (CETS No. 197) on 5 February 2015 and the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201) on 22 November 2016. It signed the Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) on 2 December 2014 and the Additional Protocol to the Convention on the Prevention of Terrorism (CETS No. 217) on 22 October 2015.

7. This periodic report was drafted in line with Resolution 2018 (2014) and the explanatory memorandum approved by the committee on 17 March 2015. This report is based on, *inter alia*, the most recent findings of the Council of Europe monitoring mechanisms, the reports of the Parliamentary Assembly and of the Commissioner for Human Rights of the Council of Europe and, when relevant, reports prepared by other international organisations and civil society.

8. This periodic report is not an exhaustive research on the country but an analysis of the country's developments with regard to Council of Europe standards. It more specifically focuses on major issues identified by the rapporteur, based on geopolitical, political and social developments as well as reports of the monitoring bodies. After looking into the development of political institutions in the country over recent years,

2. Sustainable Governance Indicators (SGI), study by the Bertelsmann Stiftung.

3. Figure on 1 January 2017 according to the initial estimates of Statistics Estonia.

4. <https://www.visitestonia.com/en/why-estonia/estonia-is-a-digital-society>.

the rapporteur has looked at the relations between Estonia and the Russian Federation, which is a prerequisite to the understanding of a number of issues in the country. The rapporteur has paid special attention to the questions of citizenship and statelessness, as well the situation of the Russian minority in the country. As an ultra-digitalised country, Estonia represents an example of e-democracy with specific mechanisms, challenges and threats. Estonia is an overall functioning rule-of-law country with a trusted efficient and independent judiciary. Although Estonia is traditionally seen as being amongst the least corrupt countries in central and eastern Europe, it has faced political corruption cases in recent years. In the field of human rights, the rapporteur has not identified systemic worrying human rights problems, as shown by the limited number of violations of the European Convention on Human Rights (ETS No. 5) found in respect of Estonia. A number of specific human rights questions are hereby under review.

9. I should like to thank the Estonian delegation to Parliamentary Assembly and the Estonian authorities for their active and constructive co-operation, and express my appreciation for the thorough comments provided by a number of institutions in Estonia. While the preliminary review report already acknowledged the positive trends in the country regarding the implementation of Council of Europe standards, positive developments have taken place since the preliminary review was discussed in the Monitoring Committee in May 2017. These developments have been reflected in this report.

2. Background

10. Based on the European Commission's Eurobarometer Survey 85 of 2016,⁵ Estonians trust major institutions more than Europeans on average. The trust that Estonians have in the major public institutions remains high, with Estonians giving higher scores to the trustworthiness of the legal system and the government than the European Union average. Respectively 80% and 78% of Estonian citizens trust the police and the armed forces, while 62% trust the legal system, 53% the municipal authorities and 53% the public administration. Trust in the government (43%), in parliament (33%) and in political parties (14%) is also higher than the EU average.⁶ Compared with the 2015 Eurobarometer Survey 84,⁷ while trust in the parliament (Riigikogu) and political parties have somewhat declined, trust in municipal governments and the European Union climbed in 2016 respectively by 8% and 4%.

11. Estonia is a parliamentary democracy with a unicameral parliament. The 101-member parliament, the Riigikogu, is elected by proportional voting by district. The head of government is the Prime Minister, usually the leader of the party that has gained the most seats in parliament or enough to form a majority coalition. The President is a ceremonial figurehead with no executive power and is elected by the Riigikogu, or a special electoral body, for a five-year term. The electoral body is convened if no candidate secures a two-thirds majority in the Riigikogu after three rounds of voting. This electoral body, which consists of all the members of the Riigikogu and elected representatives of local governments, elects the President, choosing between the two candidates with the largest percentage of votes in the first rounds of voting.

12. Ms Kersti Kaljulaid, a former State official who was Estonia's representative in the European Court of Auditors from 2004 to 2016, was elected President of Estonia in October 2016. She was elected after no other candidate received the required majority of votes in three rounds of parliamentary voting and two rounds of voting by the electoral body. After the failure of the electoral body to choose a President from the five candidates, the six parliamentary parties agreed to propose a single candidate.

13. Estonia was hit hard by the 2008-9 world financial crisis. The right-wing coalition government of the Reform Party and the Pro Patria and Res Publica Union adopted strict austerity policies. From 2005 to 2014, the Prime Minister, Mr Andrus Ansip, leader of the liberal Reform Party, headed three government coalitions. The coalition government faced declining favourability ratings as the 2015 national elections approached, in particular following prolonged austerity policies and party finance scandals. Mr Ansip resigned as Prime Minister in February 2014 to allow the Reform Party to choose a new leader ahead of the 2015 national elections.

5. <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/1974/yearTo/2015/surveyKy/2098>.

6. <http://ec.europa.eu/COMMFronOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2130>.

7. <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/1974/yearTo/2015/surveyKy/2098>.

14. The 2015 parliamentary elections (Riigikogu elections) were held in Estonia on 1 March 2015.⁸ The election was overshadowed by security concerns sparked by Russia's annexation of Crimea. The elections were also marked by populism related to social issues as well as the politicisation of the refugee question and its sociocultural implications.

15. The ruling Reform Party, newly led by Mr Taavi Rõivas, secured 30 of the 101 seats in parliament. The Estonian Centre Party, led by the mayor of Tallinn Mr Edgar Savisaar, popular among the sizeable Russian minority, came in second with 27 seats. The Social Democratic party came in third with 15 seats. The right-wing Union of Pro Patria and Res Publica lost 6.8% of votes with only 14 seats. The national-conservative anti-establishment Freedom Party (8 seats) and the populist far-right anti-establishment Conservative People's Party of Estonia (7 seats) entered parliament for the first time.

16. Long negotiations led to the formation of a coalition composed of the Reform Party together with the Social Democrats and the Pro Patria and Res Publica Union (IRL). The Reform Party had already headed previous governments with the Social Democrats and IRL as successive governing partners.

17. On 9 November 2016, Estonia's Government collapsed after two junior coalition partners called on the Prime Minister to resign and the opposition called for a vote of no confidence in parliament which the Prime Minister, Mr Taavi Rõivas, lost. The government's work had been hampered by serious policy differences between the Reform Party and its coalition partners – the left-leaning Social Democrats and the conservative IRL party. Conflicting views over taxation and improving the state of Estonia's economy, which the two junior coalition partners claimed was stagnant, were amongst the causes for the break-up. Estonian President, Ms Kersti Kaljulaid, called on the heads of the six parliamentary parties to form a new government.

18. The replacement of Mr Edgar Savisaar by Mr Jüri Ratas at the head of the Centre Party in November 2016 opened the way for political parties that had previously said they would not work with the Centre Party to enter discussions on forming a new government. Mr Jüri Ratas distanced himself from Mr Edgar Savisaar's policy and image of pro-Russian and anti-NATO.

19. On 23 November 2016, the Estonian Parliament swore in a new government consisting of the Centre Party, the Social Democratic Party and the Pro Patria and Res Publica Union (totalling 56 out of 101 seats). The Centre Party candidate, Mr Jüri Ratas, was named Prime Minister, and each of the three parties took five ministerial posts. The new coalition partners have stressed the continuity of the country's current defence and foreign policy, based on the alliance with the NATO countries and Estonia's activity in the European Union. Estonia took over the presidency of the Council of the European Union from 1 July 2017 to 31 December 2017.

3. Relations between Estonia and the Russian Federation

20. Estonia's international realignment towards the West after the re-establishment of independence in 1991 has been accompanied by tense relations with the Russian Federation. Disputes have emerged over border treaties, transit arrangements, differing official views of the Soviet annexation period, gas prices, energy security, and the status of the Russian minority.

21. One of the legacies of the Soviet annexation is the large Russian minority. The period between 1944 and 1991 in particular was characterised by extensive immigration from various regions of the Soviet Union into Estonia. One of the peculiarities of Estonia is that a relatively large population of people whose mother tongue is not Estonian was formed in a very short period of time. The status of this Russian minority (about a quarter of the population based on the 2011 census) has been a cause of controversy. On the one hand, Russia has an official policy of responsibility towards these minorities, who found themselves living outside of their nation-State as the Soviet Union collapsed, and Russia accuses Estonia of discriminating against them. On the other hand, Estonia denounces Russia's foreign policy, characterised by the notion of the "Near Abroad" aimed at securing Russia's "sphere of influence" over countries that are strategically vital for it. The Estonian authorities have accused Russia of using the Russian minority for political purposes and as a pretext and self-justification to gain more influence in the domestic affairs of the country.⁹ According to the Estonian

8. The results for the 2015 Riigikogu elections were the following: Estonian Reform Party, 30 seats, 27.7% of the votes; Estonian Centre Party, 27 seats, 24.8% of the votes; Social Democratic Party, 15 seats, 15.2% of the votes; Pro Patria and Res Publica Union, 14 seats, 13.7% of the votes; Estonian Free Party, 8 seats, 8.7% of the votes; Estonian Conservative People's Party, 7 seats, 8.1% of the votes; Estonian Greens Party, 0 seats, 0.9% of the votes; People's Union Party, 0 seats, 0.4% of the votes; Estonian Independence Party, 0 seats, 0.2% of the votes; Estonian United Left Party, 0 seats, 0.1% of the votes; Independent Candidates (11), 0 seats, 0.2% of the votes.

9. <https://www.kapo.ee/sites/default/files/public/.../Annual%20Review%202015.pdf>.

Internal Security Service:¹⁰ “The main concern here is the attempts made by agencies of Russia, including special services, to influence the domestic policy of Estonia. In different times different agencies of Russia have taken an active approach towards Estonia but mostly it is conducted under the political pretext of Russian compatriots.” According to the Estonian Internal Security Service, Russian influence activities take place through its foreign policy tools in espionage and in political, military and economic matters.

22. Relations between Estonia and Russia have indeed further deteriorated because of the Ukrainian crisis and the Estonian authorities’ fears about the security of its border with Russia. Estonia and other Baltic countries have voiced alarm at the Russian Federation’s annexation of Crimea, and its military support in the other eastern territories of Ukraine, fearing for their own national security. There have been several incidents involving intrusion of borders and arrests of Baltic citizens by Russia. In September 2014, Russian forces abducted an Estonian internal security officer, Mr Eston Kohver, who was subsequently, on 26 September 2015, handed over to the Estonian authorities through an exchange deal with Russian authorities. The Estonian authorities consider that Russia’s annexation of Crimea and the use of new forms of hybrid warfare in eastern Ukraine raise difficult questions for Estonia’s national security. “Propaganda wars”, disinformation, attacks on information and communication systems, and psychological pressure are allegedly the non-military tools used to exert pressure and influence the country’s behaviour.

23. In response to requests from the Baltic States and Poland, NATO has increased its defences by stationing rotating deployments in these countries and increasing deliveries of defensive military equipment. Russia denounces NATO’s increasing presence in the Baltic States.¹¹

24. After more than 20 years of disagreements following the collapse of the Soviet Union and the independence of the Baltic countries in 1991, the Russian Federation and Estonia signed an agreement on 18 February 2014 on the delimitation of their common land and maritime borders.¹² During the signing of the border agreement, it was agreed that their ratification by the parliaments would be conducted in parallel. The Riigikogu completed the first reading of the Bill on the Ratification of the State Border Treaty between the Republic of Estonia and the Russian Federation and the Treaty on the Delimitation of Maritime Areas of Narva Bay and the Gulf of Finland between the Republic of Estonia and the Russian Federation on 25 November 2015. On the Russian side, the Duma has yet to begin the ratification process.

25. As underlined by the Estonian authorities,¹³ there has been cultural co-operation between Estonia and Russia through projects in the fields of education, science, youth and languages. Cross-border co-operation between Estonia and Russia has developed, particularly within the framework of co-operation programmes aimed at supporting development and competitiveness of border regions and largely financed by the European Union.

4. Democracy

4.1. E-democracy

26. By investing in the possibilities opened up by internet and the value of innovation, Estonia has become one of the most digitally advanced nations in the world. Estonia has declared internet access a human right, and has digitally streamlined an extraordinary high number of public services. The Estonian State currently offers 600 e-services to its residents and 2 400 to businesses. Estonia is recognised for its e-governance policy, and its considerable achievements regarding transparency and accessibility in government. Estonia conducts its nationwide elections online.¹⁴ It was also the first country in the world to have an “e-cabinet” (paperless government). Estonia has an electronic identity (e-ID) system, with electronic cards being the primary means for establishing proof of identity for Estonian residents, both offline and online.

10. <https://www.kapo.ee/en/content/influence-activities.html>.

11. That is to say, deployment of four multinational battalions on a rotational basis to Estonia, Lithuania, Latvia and Poland in 2017.

12. Back in 2005, a border agreement was already signed between the same two parties. After the Estonian Parliament (Riigikogu) ratified the agreement and supplemented the bill on the ratification with a preamble including a reference to the Tartu Peace Treaty (1920), the Russian Federation revoked its signature and the agreement never came into force.

13. Comments provided by the Ministry of Culture

14. Freedom House Report on Estonia: Freedom on the Net 2016.

27. The rapid global development of information technology by Estonia comes at the price of increased cyberthreats to the country's security. Being highly dependent on computers, it is indeed highly vulnerable to cyberattacks. According to the Estonian Foreign Intelligence Service,¹⁵ Russia's increased cyberattack capacity is a major threat to Estonian cyberspace (see also section 3 above and chapter 6.5 below).¹⁶

4.2. Internet voting (i-voting)

28. Estonia was the first country to use internet voting,¹⁷ for the municipal elections in 2005 and then for the general elections in 2007. Internet voting (i-voting or online voting) – voting via internet – is one of the possibilities to vote in addition to “classic” voting methods. So far, i-voting with binding results has been carried out eight times in Estonia.¹⁸

29. The question of the vulnerabilities of the Estonian i-voting system was raised by researchers in May 2014 after performing a security evaluation of Estonia's internet-based voting system.¹⁹ This security evaluation considered that Estonia's internet voting system could be an attractive target for State-level attacks,²⁰ by Russia for example. According to them, there were staggering gaps in procedural and **operational security**, and the architecture of the system leaves it open to **cyberattacks from foreign powers**. These attacks could potentially alter votes or leave election outcomes in dispute. The Estonian National Electoral Committee reportedly published a response saying that the claims gave no reason to suspend online balloting and the Estonian Information System Authority²¹ described the claims as a political rather than a technical attack on the i-voting system. According to the authorities,²² the research study from 2014 no longer corresponds to the current Estonian e-voting system. They refer to another study of 2016 by the Oxford University²³ which highlights the impressive state of the procedural and operational controls as well as the system's transparency measures. At the same time, problems in the system still exist, in particular with regard to the increasing potential for more highly sophisticated attacks and the need for the system to adapt in order to accommodate this evolution.

30. In the general elections of 1 March 2015, internet voting represented 30.5% of all votes cast. According to the report of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR),²⁴ there was a high degree of trust in the reliability and security of internet voting and it was administered efficiently and in line with the legal framework, although additional measures could be taken to enhance the transparency and accountability of the process.

31. Several amendments have been adopted since the parliamentary elections with regard to internet voting to address a number of the OSCE/ODIHR recommendations. A key development was the establishment in 2012 of the Electronic Voting Committee (EVC), under the auspices of the National Electoral Committee (NEC), to organise internet voting and verify the electronic voting results. The NEC introduced a verification process for voters to confirm that their online vote was cast as intended and recorded on the ballot storage server, which partially addressed a previous OSCE/ODIHR recommendation. The Election Act does not require formal certification of the internet voting system by an independent organisation, which somewhat limits the transparency and accountability of the system. In the 2015 elections, the NEC contracted an auditor to assess compliance of internet voting with procedural requirements and published summaries of its audit reports.

32. Amongst its priority recommendations,²⁵ the OSCE/ODIHR recommended that the authorities should continue efforts to include end-to-end verifiability in the internet voting system to enhance system accountability by verifying that votes are counted as recorded. According to the “General Framework of Electronic Voting and Implementation thereof at National Elections in Estonia”²⁶ published by the State

15. <https://www.teabemet.ee/pdf/2016-en.pdf>.

16. See 6.2 below.

17. www.vvk.ee/voting-methods-in-estonia/.

18. In the local elections in October 2005, October 2009 and October 2013; in the parliamentary elections in March 2007, March 2011 and March 2015; in the European Parliament elections in June 2009 and May 2014.

19. <https://www.theguardian.com/technology/2014/may/12/estonian-e-voting-security-warning-european-elections-research>.

20. A special chapter is devoted to cybercrime below.

21. <https://www.ria.ee/en/e-voting-is-too-secure.html>.

22. comments on the preliminary draft report provided by the Estonian Ministry of Culture and the Ministry of Foreign Affairs.

23. <https://www.politics.ox.ac.uk/materials/publications/15483/workingpaperno6nurse.pdf>

24. www.osce.org/odihr/elections/estonia/160131?download=true.

25. Ibid.

Electoral Office of Estonia in June 2017, the i-voting system is end-to-end verifiable as the input and output of all processes can be verified mathematically. Another OSCE/ODIHR recommendation is that the authorities should consider establishing a formal process for end-to-end certification of the internet voting system by an independent body, in line with the Council of Europe guidelines, which does not appear to have been implemented to date.

4.3. Local democracy

33. In general, the situation of local democracy in Estonia is positive, even though the country is currently facing specific challenges. On 29 March 2017, the Congress of Local and Regional Authorities of the Council of Europe adopted [Recommendation 401 \(2017\)](#) on local democracy in Estonia welcoming the initiatives of the Estonian institutions to start a territorial reform process at the local and State levels and revision of the State Budget Law with a view to strengthening the interaction between the State and local authorities on budgetary items. The Congress nevertheless recommends notably that the Estonian authorities clarify their legislation concerning the distribution of functions between local and central government and recommends that they change the domestic legislation in order to give local authorities more financial autonomy.

5. Human rights

5.1. Citizenship, statelessness, minority protection

34. One of the legacies of Estonia's history is a large Russian minority – about a quarter of the population according to the 2011 census. The Russian minority's status has been a cause of controversy. Some, including the Russian Government, criticise the conditions for obtaining Estonian citizenship – especially the need to show a proficiency in the Estonian language – that left most Russians stateless after independence. In Estonia, stateless persons are officially referred to as “persons with undetermined citizenship”.²⁷ According to the authorities, long-term Estonian residents with undetermined citizenship enjoy all social, economic and cultural rights on an equal footing with the citizens of Estonia. They have travel documents, residence permits, the right to equal treatment, access to social services. They have the status of third country nationals who are long-term residents in the European Union, which also ensures extensive rights of movement and access to employment throughout the European Union. Persons with undetermined citizenship can travel visa-free in both the European Union and to Russia. “Persons of undetermined citizenship” have the right to vote in local elections but not to vote or stand as candidates in parliamentary elections. While “persons with undetermined citizenship” can participate in party activities and donate to parties or candidates, they do not have the right to join political parties, despite an OSCE/ODIHR recommendation to the contrary.²⁸

35. In their comments,²⁹ the authorities recall that although over twenty years have passed since the Soviet Union ceased to exist, members of the various nationalities in Estonia still have many unhealed wounds, and in this context, a compromise had to be found regarding the status of the Russian minority: All Estonian residents who were citizens of the Soviet Union have a right to register themselves as citizens of the Russian Federation, the Successor State of the USSR, or as citizen of any other previous member republic of the USSR. “Persons with undetermined citizenship” who live in Estonia on the basis of a long-term residence permit have a right to apply for Estonian citizenship. The Estonian authorities³⁰ assert that persons with “undetermined citizenship” do not apply for Estonian citizenship because the absence of citizenship does not prevent them from living in Estonia. The number of “persons with undetermined citizenship” has steadily decreased from approximately 500 000 in 1992 (or 32% of the population of Estonia) to 78 107 (or about 6% of the population) by 1 August 2017,³¹ the majority of whom are Russians.

36. Ordinary naturalisation requirements³² are the following: the applicant has lived in Estonia for eight years on the grounds of a residence permit or by right of residence, of which the last five years permanently (following an amendment to the Citizenship Act of January 2016, these five years of permanent residency do

26. <http://vvk.ee/public/EHS/IVXV-UK-1.0-eng.pdf>.

27. Although the Estonian authorities consider that the term “stateless” is misleading, the rapporteur uses in the present report the terminology of international law (“stateless”).

28. www.osce.org/odihr/elections/estonia/160131?download=true.

29. Comments provided by the Ministry of the Interior on the preliminary draft report.

30. Comments of the Ministry of Culture on the preliminary draft report.

31. According to the statistics provided by the Ministry of the Interior.

32. Article 6 of Estonia's Citizenship Act.

not need to be consecutive); has a permanent legal income; knows the language and the Constitution and the Citizenship Act of Estonia (citizenship test); pledges loyalty to the country; and renounces the citizenship of any other country.

37. In recent years, the Estonian authorities have indeed taken significant steps to reduce statelessness. On 21 January 2015, the Citizenship Law was amended to simplify naturalisation requirements for several categories of people, including children. The new amendments entered into force on 1 January 2016. In particular, the changes abolished (in respect of newborn babies) the principle of *jus sanguinis* and retrospectively granted citizenship to stateless children under the age of 15 born in Estonia; they scrapped the written language exam for persons older than 65; they allowed for the double citizenship of minors who would then be obliged to choose their single country of citizenship within three years of reaching the age of 18. The amendments do not affect adolescents between the ages of 16 and 18, and children born outside Estonia to stateless residents of Estonia still cannot automatically obtain citizenship. According to the authorities,³³ while minors between the ages of 15 and 18 cannot get Estonian citizenship automatically, they can apply for it if they so wish.

38. In its last [opinion](#) on the Framework Convention for the Protection of National minorities (ETS No. 157),³⁴ the Advisory Committee notes that notwithstanding the authorities' efforts to facilitate the acquisition of citizenship by stateless persons, and noting that such persons have mostly the same rights as citizens, except the right to stand in any election, vote in parliamentary elections, establish or join a political party and work in public service, over 6% of the population still cannot participate fully in the democratic life of the country, on account of their lack of citizenship. In its last resolution³⁵ on the implementation of the Framework Convention for the Protection of National Minorities by Estonia, the Committee of Ministers recommended further reducing the number of persons without citizenship by facilitating access to citizenship for long-term residents.

39. According to Human Rights Watch,³⁶ there can be far-reaching repercussions for children who are not covered by the recent amendments (namely adolescents between the ages of 16 and 18 and children born outside Estonia to stateless residents of Estonia who still cannot automatically obtain citizenship). While acknowledging that stateless persons in Estonia hold a special legal status and that the children can access [education](#) and [healthcare](#) on an almost equal basis, Human Rights Watch refers to a report of the Office of the United Nations High Commissioner for Refugees (UNHCR) showing that a lack of citizenship and identity can expose children to discrimination and can [affect them psychologically](#): the UNHCR report says that “[s]tateless children across the world share similar feelings of discrimination, frustration and despair, creating problems that can endure into adulthood”.³⁷

40. In January 2017, the Prime Minister of Estonia and Chair of the Centre Party said that granting citizenship to everyone who has lived in Estonia for at least 25 years, or since 1991, would be one of the primary campaign promises for the Centre Party in the next elections as it would increase cohesion in Estonian society. This proposal led to criticism and of accusations of it being a pro-Kremlin measure.

41. The rapporteur fully understands the specific historical context surrounding the issue of naturalisation in Estonia and the concerns expressed by the authorities in this regard. He nevertheless encourages the authorities to explore all possible options to put an end to the troubling situation of stateless persons.

42. Estonia ratified the Framework Convention for the Protection of National Minorities (FCNM) in 1997 but has neither signed nor ratified the European Charter for Regional or Minority Languages (ETS No. 148).

43. In its last [opinion](#) on the FCNM, the Advisory Committee notes that strong legislative provisions and policies are designed to protect the Estonian language and to guarantee its pre-eminence in all areas of public life. The Language Inspectorate has broad competences, including checking the level of language proficiency of employees, requiring that persons take the Estonian language proficiency examination, recommending termination of employment contracts of employees or civil servants whose Estonian language proficiency does not meet the required standard and issuing fines for breaches of the provisions of the Language Act. In the last seven years, Estonian has become the main language of instruction in upper-secondary Russian-

33. Comments provided by the Ministry of the Interior.

34. Of 21 October 2015.

35. Resolution CM/ResCMN(2016)15 on the implementation of the Framework Convention for the Protection of National Minorities by Estonia (adopted by the Committee of Ministers on 26 October 2016 at the 1269th meeting of the Ministers' Deputies).

36. <https://www.hrw.org/news/2017/01/17/its-time-end-child-statelessness-estonia>.

37. www.unhcr.org/563762946.html.

language schools with 60% of the curriculum taught in that language. As a consequence, some schools had to sacrifice their specific profile and adapt their curricula to the availability of qualified teachers able to teach in Estonian.³⁸

44. In its last resolution³⁹ on the implementation of the FCNM by Estonia, the Committee of Ministers made a recommendation concerning the effective implementation of the requirement of teaching of 60% of the study workload in Russian-language secondary schools in Estonian. It recommended that efforts be increased to ensure that the Language Act is implemented in a flexible way and with a policy of positive incentives.

45. The authorities claim⁴⁰ that Estonia provides free education in languages other than the official State language. In particular, Russian-language education is available in public and private schools at all levels – pre-school, basic, and secondary – as well as in vocational schools and in some higher education institutions.

46. The authorities should consider signing and ratifying the European Charter for Regional or Minority Languages.

47. According to the Advisory Committee, conditions required for the display of topographical indications intended for the public in minority languages alongside Estonian should be reviewed. Despite the existing legislative provisions regarding the display of traditional local names, street names and other topographical indications as mentioned by the authorities,⁴¹ no signs in Russian have been used in practice in villages that would have been entitled to do so (while signs in Swedish are used in certain areas), and the legal framework only limits the possibility to display signs in languages of national minorities to small settlements or villages.

48. In areas where persons belonging to national minorities reside traditionally or in substantial numbers, persons belonging to national minorities should have the effective possibility to use their minority language in relations with local authorities. The rapporteur takes note of the explanation provided by the authorities regarding the right to use a national minority language in contacts with local public administration. Yet, according to the Advisory Committee of the FCNM, the threshold of 50% of residents required is prohibitively high and is not compatible with the FCNM and should be decreased. It is to be welcomed that in oral communication, “foreign languages”, including national minority languages, may be used with the agreement of both parties of the conversation. For example, as noted by the Advisory Committee, in municipalities located in the Ida-Virumaa County inhabited by a large number of persons belonging to the Russian minority, municipal employees and officials, who are often themselves Russian speakers, communicate with persons belonging to national minorities in that language. The authorities argue that complaints have even been lodged to the Language Inspectorate about the difficulties to communicate in Estonian in this area.

49. Here again, the rapporteur understands the specific context of the country and the concerns expressed by the authorities in this regard, and he encourages the authorities to do the maximum to implement the recommendations mentioned above.

50. Concerning elections, the OSCE/ODIHR report on the March 2015 elections⁴² noted a positive trend of parties across the political spectrum placing candidates belonging to national minorities on party lists, in some cases in prominent positions, and greater efforts by parties and candidates to reach out to Russian voters, including with campaign information in Russian. The National Electoral Committee website featured detailed election information only in Estonian, with only some general information also available in English. Voting instructions sent to voters, as well as information in polling stations and ballots, were only in Estonian. Some information about internet voting was available in Russian and English. The authorities argue that only citizens (who by definition speak Estonian) can vote at the parliamentary elections, and that information on elections is published in local Russian-speaking media. The rapporteur welcomes the positive trend regarding national minorities in the electoral process. He considers that making election information available in Russian would help increase trust in elections in a more inclusive manner.

38. The authorities mention in their comments that the transfer of Russian-language high schools to Estonian language studies was carried out between 2007 and 2012 after 10 years of preparation.

39. Resolution CM/ResCMN(2016)15, op. cit.

40. Comments provided by the Ministry of Foreign Affairs.

41. According to the Place Names Act of 2004, topographical indications in minority languages may be introduced at the request of local authorities with the agreement of the Minister of the Interior or in a simplified procedure “within the territory of a settlement of which the majority of the residents were non-Estonian speakers as of 27 September 1939” and where the non-Estonian name may be established for historically and culturally justified reasons.

42. www.osce.org/odihr/elections/estonia/160131?download=true.

5.2. Anti-discrimination

51. Estonia has signed Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) but has not ratified it.

52. As mentioned in the last report⁴³ by the European Commission against Racism and Intolerance (ECRI), in its evaluation of the 2008-2013 integration policy, Estonia acknowledged the difficulties inherent in the transition to 60% of subjects to be taught in Estonian in upper secondary schools, the wage gaps between Estonians and other ethnic groups,⁴⁴ the slowing down of the process for acquiring Estonian nationality and the need to take into account the specific features of the different target groups. Accordingly, in December 2014, Estonia adopted a new integration policy for the period up to 2020, which aims to address the main shortcomings referred to above.

53. Similarly, in his last report, the Commissioner for Human Rights⁴⁵ deplored the increased socio-economic gap between ethnic minorities and the majority population, which is perpetuated among young people. According to him, effective measures should be taken to curb long-term unemployment and social exclusion of ethnic minorities in the country, and the labour inclusion of minority youth should be among the priorities. Human Rights Watch, in its recent submission⁴⁶ to the United Nations Committee on the Rights of the Child concerning Estonia, considered that language is a primary human rights concern for the Russian minority whose children are discriminated against on the basis of language, particularly with regard to access to education.

54. According to ECRI, despite the authorities' efforts to integrate the Russian minority, concerns remain, such as higher unemployment in regions which are predominantly Russian. In its last opinion, the Advisory Committee on the Framework Convention for the Protection of National Minorities indeed noted that although the unemployment rate had almost halved in the years 2010-2013 in Estonia in general, in areas inhabited by a large number of persons belonging to national minorities, such as in Ida-Viru County, it was still significantly higher than the State average. Language proficiency requirements continue to be an obstacle to employment for the still considerable, albeit decreasing, number of people whose first language is not Estonian. According to the authorities, there is an increased acceptance amongst ethnic minorities of the need to learn Estonian to increase competitiveness on the labour market. They report that in 2016 the rate of unemployment in the country was 6.8% while it reached 13.5% in Ida-Viru County due to changes in the oil shale industry, and they insist that this county is under special focus by the government in order to create new jobs.

55. The rapporteur welcomes the measures taken by the authorities in the framework of the integration policy, and encourages them to intensify their efforts. He takes note in particular of the information provided by the authorities⁴⁷ regarding: the measures taken to prepare young people for working life and the labour market; the Unemployment Insurance Fund (Eesti Töötukassa); the special (temporary) regional measures applied in Ida-Viru County; the European Globalisation Adjustment Fund providing active labour market measures for the north-east of Estonia.

56. Across Europe, Roma, are still being stigmatised, despite efforts to change that, and Estonia is not spared by the issue of Roma discrimination. In its last opinion, the Advisory Committee on the FCNM referred to the European Commission's 2014 assessment⁴⁸ of Estonia's National Action Plan for Roma Inclusion. Although some progress has been achieved in all the four key areas of education, employment, health care and housing, as well as in the fight against discrimination, the Commission pointed out that in every area measures needed to be reinforced using a systematic approach. According to Amnesty International's 2016/2017 report,⁴⁹ Roma suffer discrimination across a range of economic and social rights, including lack of equal access to education, adequate housing and health care.⁵⁰ While Amnesty International deplores the failure of the government to collect and monitor disaggregated socio-economic data on Roma, thus hindering

43. See European Commission against Racism and Intolerance (ECRI)'s [report](#) on Estonia of 13 October 2015.

44. According to the authorities, the wage gap is very high among Russian-speaking women, who experience different types of discrimination.

45. Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Estonia from 25 to 27 March 2013, [CommDH\(2013\)12](#).

46. <https://www.hrw.org/print/296748>.

47. Comments provided by the Ministry of Social Affairs on the preliminary draft report

48. http://ec.europa.eu/justice/discrimination/files/country_assessment_2014/estonia_en.pdf.

49. <https://www.hrw.org/news/2017/01/17/its-time-end-child-statelessness-estonia>.

50. <https://www.amnesty.org/en/countries/europe-and-central-asia/estonia/report-estonia/>.

its ability to effectively address their situation, the authorities claim that local governments have made considerable efforts to ensure primary and secondary education for Roma and that health care services are accessible for all.

57. Estonia has not been spared by the increase of racist speech in Europe, although it is still a relatively marginal problem there. ECRI noted with concern the prevalence of racist remarks on internet news portals and the failure to take action in response to homo- and transphobic speech by politicians. Incitement to racial hatred and violence as well as racial discrimination are punishable only in cases where the victim's health, life or property are at stake. Discrimination on the grounds of citizenship, language and gender identity is not explicitly prohibited in all relevant legislative provisions. While there are two national authorities entrusted with combating sexism, racism, xenophobia, antisemitism, intolerance and racial discrimination, only the Chancellor of Justice can be considered an independent institution.

58. On 1 January 2016, the Registered Partnership Act⁵¹ came into force, allowing unmarried, including same-sex, couples to register their cohabitation and have access to State benefits. The implementation of the Registered Partnership Act has met some difficulties because the Estonian Parliament has not yet adopted the implementing provisions of the act.⁵² The Supreme Court of Estonia has clearly acknowledged the constitutional rights of same-sex couples as a family.

5.3. Domestic violence, trafficking in human beings, children's rights

59. Estonia signed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") in December 2014. The rapporteur welcomes the ratification of the Istanbul Convention on 26 October 2017.

60. The 2014 European Union Agency for Fundamental Rights⁵³ "Violence against women: an EU-wide survey" showed that since the age of 15, 33% of women in Estonia had experienced physical and/or sexual violence and approximately 44% of women experienced some form of "threatening" sexual harassment.

61. A comprehensive Development Strategy for Reducing Violence 2015-2020 laid out concrete activities on reducing and preventing violence in its various forms, including domestic violence, sexual violence, violence against minors, and trafficking in human beings, including prostitution.⁵⁴

62. The Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) was ratified by Estonia on 5 February 2015. The first evaluation visit of the Group of Experts on Action against Trafficking in Human Beings (GRETA) to Estonia took place in May 2017. The report has not yet been issued.

63. The rapporteur welcomes the ratification, in 2016, of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, "Lanzarote Convention"). He is, however, concerned by the findings of the United Nations Committee on the Rights of the Child⁵⁵ regarding the high prevalence of sexual abuse of children in Estonia, while the level of detection is low and the existence and accessibility of support services is insufficient. At the same time, he welcomed the launching of the first Estonian Barnahus-type of multidisciplinary and interagency Children's House launched in January 2017; the State-funded awareness materials on abuse published recently, as well as the measures taken jointly by the Social Insurance Board and Children's House notably concerning data collection and co-ordination with the police allowing more underage victims of sexual abuse to receive State-funded help.⁵⁶

5.4. Freedom of expression online

64. Estonia's advanced internet freedom environment has continued to make progress thanks to increased internet access and online participation among citizens.⁵⁷ Being a digitally advanced country, Estonia has faced new challenges involving new internet elements, which have led the European Court of Human Rights to decide on these novel issues. The references to judgments in Estonian cases have thus become general principles in the constant case law of the Court.

51. <https://www.riigiteataja.ee/en/eli/527112014001/>

52. Comments provided by the Ministry of Justice of Estonia and Ministry of Social Affairs on the preliminary draft report

53. <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>.

54. www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20845&LangID=E#sthash.fMow9zRr.dpuf.

55. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=en.

56. Information provided by the Ministry of Social Affairs.

57. <https://freedomhouse.org/report/freedom-net/2016/estonia>.

65. With regard to freedom of expression online, the Grand Chamber case *Delfi AS v. Estonia*⁵⁸ was the first case in which the European Court of Human Rights was called upon to examine a complaint about liability for user-generated comments on an internet news portal.⁵⁹ The Court held that there had been no violation of Article 10 (freedom of expression) of the Convention, finding that the Estonian courts' finding of liability against the applicant company had been a justified and proportionate restriction on the portal's freedom of expression, in particular because the comments in question had been extreme and had been posted in reaction to an article published by the applicant on its professionally managed news portal run on a commercial basis.⁶⁰

66. Although this judgment applies strictly to professionally managed internet news portals run on a commercial basis (and not to social media platforms or discussion fora) it can have implications in case of online hate speech with regard to the responsibilities of specific websites over user-generated content.

67. Since this judgement was issued, several major media companies have removed the anonymous comments functions from their online portals.⁶¹

68. In the case of *Kalda v. Estonia* pending execution before the Committee of Ministers, the Court found a violation of the right to receive information on account of the refusal by the authorities to grant the applicant access to the websites of the Chancellor of Justice, the Estonian Parliament and the Council of Europe Information Office in Tallinn (Article 10). The Court found that, in the specific circumstances of the case, the interference with the applicant's right could not be regarded as having been necessary in a democratic society. In the meantime, the Ministry of Justice reportedly started the process of amending paragraph 31 of the Imprisonment Act to at least enable prisoners' access to the websites in question.

6. Rule of law

69. The European Court of Human Rights dealt with 215 applications concerning Estonia in 2016, of which 210 were declared inadmissible or struck out. It delivered five judgments, three of which found at least one violation of the European Convention on Human Rights.⁶² There are a small number of cases pending execution before the Committee of Ministers, none of which is under enhanced supervision. There is generally no particular problem with the execution of the Court judgments under Article 46.1 of the Convention. These figures clearly underscore the adherence of Estonia to the principles of rule of law.

6.1. Judiciary

70. The efficiency, effectiveness and independence of Estonia's judiciary are generally assessed positively. The independence of the Estonian justice system is ranked 21st out of 140 countries.⁶³

71. In its 2013 report,⁶⁴ the Commissioner for Human Rights welcomed the measures taken to improve access to justice, in particular the reduction of court fees, the establishment of remedies for excessively lengthy proceedings and the reform of the system of legal aid. A further step was required: the adoption of the new State Liability Act to ensure compensation for those court cases which are delayed for years without a valid reason. In 2015, the Compensation for Damage Caused in Offence Proceedings Act came into force, providing a legal remedy in cases where the State Liability Act has proved insufficient. On the basis of paragraphs 5.1 and 5.2 of the Compensation for Damage Caused in Offence Proceedings Act, a person may demand compensation for damage caused by unreasonable length of criminal proceedings both in the case of acquittal and of conviction. The Compensation for Damage Caused in Offence Proceedings Act has thus complemented the State Liability Act, providing a legal remedy for compensation for unreasonably lengthy criminal proceedings. The legislation is under preparation in the Ministry of Justice regarding civil and administrative court proceedings. The rapporteur welcomes these promising legislative developments described by the authorities.⁶⁵

58. *Delfi AS v. Estonia*, Application No. 64569/09, judgment of 16 June 2015 (Grand Chamber).

59. The applicant company, which ran a news portal run on a commercial basis, complained that it had been held liable by the national courts for the offensive comments posted by its readers below one of its online news articles about a ferry company. At the request of the lawyers of the owner of the ferry company, the applicant company removed the offensive comments about six weeks after their publication.

60. The steps taken by the applicant to remove the offensive comments without delay after their publication had been insufficient; and the €320 fine had by no means been excessive for the applicant, one of the largest Internet portals in Estonia.

61. <https://freedomhouse.org/report/freedom-net/2016/estonia>.

62. www.echr.coe.int/Documents/CP_Estonia_ENG.pdf.

63. www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf.

64. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806db799>.

6.2. Prisons

72. Overall, there have been improvements in the conditions in Estonian prisons and there is a functioning system of State responsibility. Construction of a new Tallinn Prison is underway and is scheduled to be completed at the end of 2018.⁶⁶ The last country report by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) relates to a visit in 2012. The CPT's sixth visit to Estonia was carried out from 27 September to 5 October 2017 and focused in particular on the treatment and safeguard afforded to persons deprived of their liberty by the police and the conditions of detention in a number of police establishments. The report on the visit has not yet been published.

6.3. Fight against corruption

73. Estonia is considered to have a low level of corruption. According to the 2016 Transparency International Corruption Perceptions Index, Estonia is doing very well, ranking 22nd out of 176 countries with a score of 70 out of 100. Estonia steadily improved its score over the years leading up to 2015 – 64 in 2012, 68 in 2013, 69 in 2014 and 70 in 2015.

74. According to the 2016 periodical survey organised by the Ministry of Justice of Estonia,⁶⁷ corruption is not considered the main social concern in the country but is regarded as a widespread worrying phenomenon by 57% of the population (against 61% in 2010). Bribery is considered quite common (although it is said to have decreased over the last six years), mostly to speed up processes and avoid punishments, notably regarding legislation and public tenders.

75. In 2015 and 2016, there were several reports of political corruption. As mentioned in the US Department of State Country Reports on Human Rights Practices for 2016,⁶⁸ in October 2015 the Viru County Court found the mayor of the north-east Estonian city of Kohtla-Järve guilty of corruption, including such specific charges as embezzlement, competition-related offences, counterfeiting and misuse of trust. The court sentenced him conditionally to a five-year prison sentence and a probation period of five years. On 1 September 2016, the Supreme Court upheld the corruption conviction. Recent investigations by the Internal Security Service also revealed two major corruption cases concerning, on the one hand, the Board of the State-owned Port of Tallinn, accused of taking bribes, and, on the other, Mr Edgar Savisaar, the former head of the Centre Party, who was suspended from his post as Mayor of Tallinn on allegations of bribery. These high-profile cases are still ongoing.

76. Insofar as the transparency of political funding is concerned, GRECO⁶⁹ considered that Estonia had shown remarkable progress with its substantial reform process, through the enactment of significant amendments to the Political Parties Act, which responded positively to the requirements of almost all the recommendations issued in the Evaluation Report. GRECO acknowledged that a solid legal framework for both regular party financing and election campaign financing had thus been established and that improvements to the transparency regulations, the establishment of a new monitoring mechanism and the further development of the regime of sanctions had been accomplished. The only recommendation which had not yet been implemented satisfactorily concerned the disclosure of donations to independent candidates for election and GRECO noted that an initiative was ongoing at that time to address this issue.

77. Similarly, in its report on the 2015 general elections, the OSCE/ODIHR⁷⁰ acknowledged a generally solid legal framework for regulating political party and campaign finance. It nevertheless reported allegations of misuse of public resources, specifically by local government authorities, for campaigning.

78. According to GRECO,⁷¹ Estonia initiated an ambitious reform process in 2015 in respect of a number of the pending recommendations. Concerning members of parliament, some important developments were already noted in the first Compliance Report including the introduction of a series of reforms and new integrity standards, such as the adoption in December 2014 of a code of conduct for MPs and a guidance document

65. Comments provided by the Ministry of Justice on the preliminary draft report.

66. Information provided by the Ministry of Justice.

67. www.korruptsioon.ee/sites/www.korruptsioon.ee/files/elfinder/dokumendid/survey_summary_in_english.pdf.

68. <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

69. Third evaluation round: addendum to the second compliance report on Estonia: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding" adopted by GRECO at its 61st plenary meeting, Strasbourg, 14-18 October 2013, [Greco RC-III\(2013\)10E](https://www.greco-europe.eu/Files/Greco-III(2013)10E).

70. www.osce.org/odihr/elections/estonia/160131?download=true.

71. Fourth evaluation round: Corruption prevention in respect of members of parliament, judges and prosecutors: compliance report: Estonia, adopted by GRECO at its 67th plenary meeting, Strasbourg, 23-27 March 2015, published in April 2015, [Greco RC-IV\(2015\)1E](https://www.greco-europe.eu/Files/Greco-IV(2015)1E).

as well as rules on the way they should engage with lobbyists and other third parties and rules on gifts and other benefits. In its 2nd compliance report⁷² published in June 2017,⁷³ GRECO welcomed the further progress achieved, for example by strengthening the supervision of declarations of assets and interests by the Anti-Corruption Select Committee of the parliament and by putting in place adequate awareness-raising measures for members of parliament. That said, GRECO deplored that other measures were still not implemented, such as clarifying the rules on gifts and other benefits and providing for guidance in this area. More determined action was also needed to improve the supervision of the Code of conduct for MPs. Finally, the development by the Select Committee of recommendations on MPs' contacts with lobbyists was a welcome development, but those recommendations were not yet endorsed by parliament as a whole.

79. As far as judges and prosecutors are concerned, Estonia has taken measures to make them more familiar with integrity standards and to increase the objectivity of decisions on the promotion of prosecutors and for the objectivity of criteria for the advancement of judges (concerning the appointments to appellate courts). A new code of ethics and an Ethics Council have been introduced for prosecutors and appraisal systems were introduced for judges and prosecutors. Finally, Estonia has taken steps to foster the supervision of judges' declarations of assets and interests and changed the supervisory arrangements applicable to prosecutors. In its 2nd Compliance report, GRECO welcomed the further steps taken to foster the supervision of the judges' declarations of assets and interests and to provide prosecutors with training on professional ethics. On the other hand, the adoption of objective criteria for the advancement of judges only concerned the appointments to appellate courts, and GRECO recommended continuing the reform also with respect to other promotions within the judiciary.

80. The rapporteur welcomes the recent reforms carried out by the Estonian authorities towards more integrity and transparency and calls on the authorities to implement the outstanding GRECO recommendations.

6.4. Fight against money laundering

81. In its last report,⁷⁴ the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) called on Estonia to strengthen the sanctioning framework for breaches of anti-money laundering/combating financing of terrorism (AML/CFT) requirements and to apply a broader range of dissuasive and effective sanctions.

82. Based on an analysis of the implementation of international and European standards on AML/CFT, MONEYVAL notes that confiscation measures, while to some extent applied effectively to money laundering and drug-trafficking offences, are not used as a central tool with respect to other serious proceeds-generating offences. Although the money laundering offence is broadly in line with international standards and a number of money laundering convictions have been achieved, some issues remain regarding the level of proof required by the courts to establish the criminal origin of property where the underlying crime has not been identified. In addition, the financing of terrorism offence does not cover all the important elements required under international standards. The Financial Intelligence Unit performs its analytical functions effectively. Legislation providing for preventive measures concerning customer due diligence, record-keeping and reporting of suspicious transactions is sound, as is its implementation. While the supervision of credit, insurance and investment institutions for AML/CFT purposes is to a large extent conducted effectively, further efforts are needed in relation to supervision of other financial institutions. Although the non-financial sector demonstrated a satisfactory level of understanding and awareness of preventive requirements, further improvements are needed with regard to implementation. The supervision of the non-financial sector is weak due to insufficient human resources. There is still no system in place to ensure that information on ownership and control submitted by legal persons is up-to-date.

6.5. Fight against cybercrime

83. The Government of Estonia is one of the most cybersecurity-aware governments in the world. Estonia was among the countries which initiated the development of the Council of Europe's Convention on Cybercrime (CETS No. 185), and its Additional Protocol (CETS No. 189). In 2008, NATO established the

72. Fourth evaluation round: Corruption prevention in respect of members of parliament, judges and prosecutors: second compliance report: Estonia, adopted by GRECO at its 76th Plenary Meeting (Strasbourg, 19-23 June 2017), published in June 2017, [GrecoRC4\(2017\)4](#)

73. After the preparation of the preliminary draft report

74. Report on the Fourth Assessment Visit: Anti-Money Laundering and Combating the Financing of Terrorism: Estonia: 18 September 2014, adopted at its 45th Plenary, Strasbourg, 15-19 September 2014, [MONEYVAL\(2014\)20](#).

Cooperative Cyber Defence Centre of Excellence in Estonia to improve cyberdefence interoperability and provide security support for all NATO members. This multinational and interdisciplinary hub of cyberdefence expertise focuses on technology, strategy, operations and law.

84. Awareness of the importance of the security of information and communications technology (ICT) in both private and business use has increased significantly following the series of cyberattacks in April 2007 against Estonian websites and government organisations, including the Estonian Parliament, banks, ministries, newspapers and broadcasters. The Estonian authorities accused the Kremlin of direct involvement in these cyberattacks. A number of Estonian State agencies were again the target of waves of ransomware campaigns in 2015.

85. Three civilian and intelligence agencies responsible for cybersecurity — the Estonian Information System Authority,⁷⁵ the Internal Security Service⁷⁶ and the Information Board⁷⁷ — consider that in cyberspace, Russia is a source of the greatest threat to Estonia, the European Union and NATO. The Estonian Information Board report⁷⁸ refers to the exploitation by foreign States mainly of the cyberenvironment for cyberintelligence, and states that potential threats in the Baltic region include cybersabotage and influence operations through cyberattacks. The Estonian Information System's report⁷⁹ also notes that Estonia is exposed to specific cyberthreats, being located next to Russia, "which uses aggressive rhetoric, is constantly developing its cyberattack capabilities, and for whom activities directed against other States in cyberspace are merely an instrument to increase its influence and accomplish its objectives".

86. The Cyber Security Strategy 2014-2017 was adopted as part of Estonia's broader security strategy.⁸⁰ The main cybersecurity risks for Estonia arise from the extensive and growing dependence on ICT infrastructure and e-services by the State, the economy and the population.

6.6. Fight against terrorism

87. The authorities⁸¹ have provided extensive information on the fight against terrorism, and in particular on its legal and institutional framework, which is a high priority for the country. According to the Estonian Internal Security Service, the threat of terrorism in Estonia is considered low. Estonia mostly focuses its counterterrorism policy on prevention.

88. Estonia has ratified the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196). It has signed but not ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) and the Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (CETS No. 217).

7. Conclusions and recommendations

89. Overall, the functioning of democratic institutions in Estonia complies with Council of Europe standards. Estonia globally honours its membership obligations to the Council of Europe.

90. Estonia is a well-functioning democracy, in which Estonians trust public institutions and the electoral processes and where, overall, the principles of local democracy are respected. The rapporteur encourages the authorities to implement the remaining recommendations of the Congress of Local and Regional Authorities, in particular regarding financial autonomy of local authorities. The OSCE/ODIHR's outstanding recommendations concerning the transparency and accountability of the i-voting system should be implemented, notably regarding formal certification by an independent organisation.

75. <https://www.ria.ee/public/Kuberturvalisus/2015-RIA-Annual-cyber-report.pdf>.

76. <https://www.kapo.ee/sites/default/files/public/.../Annual%20Review%202015.pdf>.

77. <https://www.teabeamet.ee/pdf/2016-en.pdf>.

78. <https://www.kapo.ee/sites/default/files/public/.../Annual%20Review%202015.pdf>.

79. <https://www.ria.ee/public/Kuberturvalisus/2015-RIA-Annual-cyber-report.pdf>.

80. https://www.enisa.europa.eu/topics/national-cyber-security-strategies/ncss-map/Estonia_Cyber_security_Strategy.pdf.

81. Comments provided by the Ministry of the Interior

91. Estonia is widely recognised for its e-governance policy as it has digitally streamlined an extraordinarily high number of public services. In this regard, the country has made considerable achievements regarding transparency and accessibility in government. The rapid global development of information technology by Estonia comes at the price of increased cyberthreats to the country's security. Estonia has become the multinational and interdisciplinary hub of cyberdefence expertise.

92. Freedom expression is generally guaranteed in Estonia, in legislation as well as in practice, and the country enjoys an advanced internet freedom environment, which has led the authorities to address new challenges.

93. The present report clearly shows the adherence of Estonia to the principles of the rule of law. Estonians generally trust their legal system and the efficiency, effectiveness and independence of Estonia's judiciary is assessed positively

94. Although Estonia is considered to have a low level of corruption, there have been several political corruption cases in recent years. While welcoming the progress marked by the reforms regarding transparency of political funding and new integrity standards for MPs, judges and prosecutors, the rapporteur calls on the authorities to implement the outstanding GRECO recommendations.

95. Relations between Estonia and the Russian Federation have a strong impact on a number of issues in the country. The rapporteur has paid special attention to the questions of citizenship and statelessness, as well the situation of the Russian minority in the country, keeping in mind the specific context of the legacies of Estonia's history. The rapporteur welcomes the significant steps taken by the Estonian authorities concerning the situation of "persons with undetermined citizenship", and recommends further reducing their number by further facilitating access to citizenship for long-term residents.

96. While understanding the specificity of the country and taking into account the difficulties faced by the country in dealing with the controversial issue of minorities' rights, the rapporteur recommends that the authorities should do their maximum to ensure:

- that in areas where they reside traditionally or in substantial numbers, people belonging to national minorities really do have the possibility to use their minority language in relations with local authorities;
- that the opportunities to introduce minority language place names are expanded and that topographical indications in minority languages are allowed, alongside Estonian;
- that steps are taken towards the signature and ratification of the European Charter for Regional or Minority Languages.

97. While commending the efforts made by the authorities to integrate the Russian minority, the rapporteur remains concerned by the socio-economic gap between ethnic minorities and the majority population, and the difficulties of integration faced by the young people in particular in relation to language proficiency requirements. Further measures should be taken to reduce unemployment and social exclusion of ethnic minorities in the country.

98. Estonia should ratify Protocol No. 12 to the European Convention on Human Rights. The country has not been spared by the increase of racist speech in Europe, although it is still a relatively marginal problem there. Roma are still being stigmatised, despite efforts to fight against Roma discrimination. The authorities should implement ECRI's outstanding recommendations in this regard.

99. The committee will evaluate the implementation of these recommendations on the occasion of its next periodic evaluation cycle of member States that are not under a monitoring procedure in *sensu stricto* or engaged in a post-monitoring dialogue.

Appendix

1. Council of Europe conventions signed and/or ratified between 1 October 2013 and 26 October 2017 by Estonia

No.	Title		
127	Convention on Mutual Administrative Assistance in Tax Matters		
	Signature: 29/05/2013	Ratification: 08/07/2014	Entry into force: 01/11/2014
197	Council of Europe Convention on Action against Trafficking in Human Beings		
	Signature: 03/02/2010	Ratification: 05/02/2015	Entry into force: 01/06/2015
201	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse		
	Signature: 17/09/2008	Ratification: 22/11/2016	Entry into force: 01/03/2017
205	Council of Europe Convention on Access to Official Documents		
	Signature: 18/06/2009	Ratification: 28/01/2016	
208	Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters		
	Signature: 29/05/2013	Ratification: 08/07/2014	Entry into force: 01/11/2014
210	Council of Europe Convention on preventing and combating violence against women and domestic violence		
	Signature: 02/12/2014	Ratification: 26/10/2017	Entry into force: 01/02/2018
213	Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 22/10/2013	Ratification: 30/04/2014	
214	Protocol No. 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms		
	Signature: 17/02/2014	Ratification: 31/08/2017	
215	Council of Europe Convention on the Manipulation of Sports Competitions		
	Signature: 19/09/2016		
217	Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism		
	Signature: 22/10/2015		

2. Recent findings of Council of Europe monitoring mechanisms and other bodies as of 26 October 2017

European Court of Human Rights	<p>European Convention on Human Rights (ETS No. 005) ratified in 1996</p> <p>Protocol No. 1 (ETS No. 009) ratified in 1996</p> <p>Protocol No. 2 (ETS No. 044) ratified in 1996</p> <p>Protocol No. 6 (ETS No. 114) ratified in 1998</p> <p>Protocol No. 12 (ETS No. 177) signed in 2000</p> <p>Protocol No. 13 (ETS No. 187) ratified in 2004</p> <p>Protocol No. 14 (CETS No. 194) ratified in 2006</p> <p>Out of a total of 79,750 applications pending before a judicial formation on 31 December 2016, 63 concerned Estonia.</p> <p>Resolutions adopted by the Committee of Ministers: 4 in 2013, 2 in 2014, 2 in 2015, 8 in 2016 and 4 in 2017.</p> <p>See Press country profile Estonia</p>
Congress of Local and Regional Authorities	<p>European Charter on Local Self-Government (ETS No. 122) ratified in 1994</p> <p>Report and Recommendation on local democracy in Estonia adopted in March 2017: CPL32(2017)04final and Recommendation 401 (2017)</p>

Group of States against Corruption (GRECO)	<p>Civil Law Convention on Corruption (ETS No. 174) ratified in 2000</p> <p>Criminal Law Convention on Corruption (ETS No. 173) ratified in 2001, Additional Protocol (ETS No. 191) neither signed nor ratified</p> <p><i>Third evaluation round: addendum to the second compliance report on Estonia: "Incriminations (ETS 173 and 191, GPC 2)", "Transparency of party funding",</i> adopted by GRECO at its 61st plenary meeting, Strasbourg, 14-18 October 2013, published in October 2013, GrecoRC-III(2013)10E</p> <p><i>Fourth evaluation round: Corruption prevention in respect of members of parliament, judges and prosecutors: compliance report: Estonia,</i> adopted by GRECO at its 67th plenary meeting, Strasbourg, 23-27 March 2015, published in April 2015, GrecoRC-IV(2015)1E</p> <p><i>Fourth evaluation round: Corruption prevention in respect of members of parliament, judges and prosecutors: second compliance report: Estonia,</i> adopted by GRECO at its 76th plenary meeting, Strasbourg, 19-23 June 2017, published in June 2017, GrecoRC-IV(2017)4</p>
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	<p>Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 1990 (ETS No. 141) ratified in 2000</p> <p>Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (revised) (CETS No. 198) signed in 2013 but not ratified</p> <p><i>Report on Fourth Assessment Visit: Anti-Money Laundering and Combating the Financing of Terrorism: Estonia: 18 September 2014,</i> adopted at its 45th Plenary, Strasbourg, 15-19 September 2014, MONEYVAL(2014)20 (Summary, Annexes)</p>
Commissioner for Human Rights	<i>Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Estonia from 25 to 27 March 2013,</i> CommDH(2013)12
European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)	<p>Convention (ETS No. 126), Protocols No. 1 (ETS No. 151) and No. 2 (ETS No. 152) ratified in 1996</p> <p>Publication of the last report: January 2014, CPT/Inf (2014)1</p> <p>Last country visit: September-October 2017</p>
Group of Experts on Action against Trafficking in Human Beings (GRETA) and Committee of the Parties	<p>Convention (CETS No. 197) ratified in 2015</p> <p>1st Evaluation Round:</p> <ul style="list-style-type: none"> . Government's Reply to GRETA's Questionnaire published in April 2017, GRETA(2017)20 . GRETA's first evaluation visit to Estonia in May 2017
Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and Committee of the Parties	Convention on preventing and combating violence against women and domestic violence (CETS No. 210) ratified in 2017
European Commission against Racism and Intolerance (ECRI)	5 th report on Estonia adopted in June 2015, published in October 2015, CRI(2015)36
Venice Commission	No opinion since 1998

Other treaties:

Framework Convention for the Protection of National Minorities	<p>Convention (ETS No. 157) ratified in 1997</p> <p>Fourth Cycle:</p> <ul style="list-style-type: none"> . 4th State Report received in May 2014, ACFC/SR/IV(2014)008 . Advisory Committee delegation visit in November 2014 . Opinion adopted in March 2015, published in October 2015, ACFC/OP/IV(2015)002 . Government comments received in September 2015, GVT/COM/IV(2015)005 . Resolution adopted in October 2016, CM/ResCMN(2016)15
European Charter for Regional or Minority Languages	Convention (ETS No. 148) neither signed nor ratified

European Social Charter	European Social Charter (revised) (ETS No. 163) ratified in 2000 Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS No. 158) neither signed nor ratified See Country factsheet Estonia
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