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**Estonia\***

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The purpose of this core document is to assist the treaty bodies in understanding the situation in Estonia. The document is presented to replace the previous core document, which was submitted in 2001. The core document contains information of both general and factual nature relating to the implementation of the treaties to which Estonia is a party. Where possible, links to official texts of laws published in the *Riigi Teataja* (Estonian State Gazette) in English are included.

## List of abbreviations

CAT	Convention against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ICERD	Convention on the Elimination of All Forms of Racial Discrimination
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICC	International Criminal Court
ICESR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
UN	United Nations
ILO	International Labour Organisation
UNESCO	United Nations Educational, Scientific and Cultural Organisation
FAO	Food and Agriculture Organisation
WHO	World Health Organisation
OECD	Organization for Economic Co-operation and Development
CoE	Council of Europe

## I. General information about Estonia

### A. Geographical indicators

1. Estonia is located in Northern Europe, on the eastern coast of the Baltic Sea. Estonia's territory is 45 227 km<sup>2</sup>. About one tenth (4133 km<sup>2</sup>) of it is taken up by islands, and 51% of the territory is forest and woodland. The country is covered with nearly 1200 lakes (5 per cent of the Estonian territory).

2. As part of the East European Plain, Estonia is characterized by flat surface topography. Due to the influence of the Gulf Stream the climate is mild. The average temperature of the coldest month, February, is -3.5 to -7°C, while that of the warmest, July, is 16 to 18°C.

3. Estonia is divided into 15 counties, 183 rural municipalities and 30 towns. The largest city is the capital Tallinn which had 434 426 inhabitants at the beginning of 2015. The small size of the municipalities has posed a challenge to the administrative and financial capability of the local governments to provide social services and benefits in the amount and of the quality required. Therefore, the Government continues to encourage mergers and greater cooperation among municipalities. Local governments also receive funding to develop and improve quality social services based on individual need.

### B. Historical background

4. Since the thirteenth century Estonia was ruled by several foreign powers (Sweden, Poland, Denmark, and Russia among others). The independent Republic of Estonia became a reality only after the Russian empire disintegrated as a result of war and revolutions. On 28 November 1917, The Provisional Assembly of Estonia (the *Maapäev*) declared itself the supreme power in Estonia.

5. In February 1918, the Estonian Salvation Committee was formed, which on 24 February 1918 proclaimed Estonia's independence. This date is considered the date of establishment of the Republic of Estonia. Shortly after, however, Estonia was occupied by Imperial Germany in the course of the First World War and it was not until November 1918, after Germany's defeat and the end of the German occupation, that the Government of Estonia could begin to function. In November 1918, Estonia was attacked by the military forces of Soviet Russia and Estonians had to fight for their independence in the War of Independence (1918-1920) and the war against the *Landeswehr* in 1919. After the victory of Estonian forces, the Tartu Peace Treaty was concluded with Soviet Russia on 2 February 1920, whereby Soviet Russia recognized the independence of Estonia "forever". In April 1919, while the war was still being waged, the Constituent Assembly was formed, which adopted the first Estonian Constitution in 1920. This established Estonia's parliamentary system, whereby power was entrusted with the Government, composed of the State Elder and ministers, which was accountable to the parliament. The new State recognized all residents of Estonia as its citizens. By referendum in 1933, the Constitution was amended, considerably increasing the powers granted to the State Elder. With these amendments, Estonia was transformed into a presidential republic. However, in 1938 the third Estonian Constitution, with a more balanced division of powers, entered into force, and continued in force *de jure* throughout the Soviet occupation (1940-1991).

6. In August 1939, the USSR and Nazi Germany concluded the so-called Molotov-Ribbentrop Pact, which contained secret protocols dividing Eastern Europe between the Soviet Union and German spheres of influence, whereby Estonia was included in the Soviet Union's sphere. In September 1939, the Soviet Union presented Estonia with an ultimatum: to allow the Soviet Union to position its military forces on Estonian territory and to conclude a Treaty on Military Bases. On 17 June 1940, the USSR occupied Estonia. A

puppet Government was installed and non-democratic parliamentary elections were staged in July 1940. This unlawful parliament requested on 6 August 1940 that Estonia be incorporated into the USSR. The Soviet occupation in Estonia was suspended temporarily in 1941 when Estonia was occupied by German forces. In the autumn of 1944, Estonia was again occupied by Soviet forces. Attempts by some Estonian politicians to restore the independence of Estonia upon the departure of German forces in 1944 failed. Estonia was an independent republic, and a full member of the League of Nations and numerous other international organizations until 1940. The occupation and annexation of Estonia by the Soviet Union completely dismantled the State system and society of the Republic of Estonia. The *de jure* continuity of the Republic of Estonia was recognized by Western powers that refused to view the occupied Estonia as being legally part of the Soviet Union.

7. On 20 August 1991, during the attempted *coup d'état* in Moscow, the then Estonian Supreme Council made a decision to re-establish independence on the basis of historical continuity of statehood. This was followed by rapid recognition of Estonia's re-establishment of independence by many States of the world, including the Soviet Union on 6 September 1991. A new democratic Constitution was approved at a national referendum on 28 June 1992 and entered into force on 3 July 1992. The first fully free and democratic national parliamentary and presidential elections after the re-establishment of independence were held on 20 September 1992. Estonia became a member of the United Nations on 17 September 1991. Estonia became a NATO member state on 29 March 2004 and joined the European Union on 1 May 2004. On 9 December 2010 Estonia became the OECD's 34th member country. Estonia is also a member state of ILO, FAO, WHO, UNESCO and other international organizations.

## C. Demographic, economic, social and cultural characteristics

### 1. Population

8. As of 1 January 2015, the population of Estonia was estimated to be 1 313 271, which is by 2,548 less than the year before. The number of live births in 2014 was 13,551 and that of deaths 15,484. In 2014 the natural increase was negative, as the number of deaths exceeded the number of births by 1,933. The reason for that was a sharp decline in the number of births — compared to 2010; there were 2,000 fewer births in 2014. Due to external migration, the population declined by 733. The natural increase of Estonians was positive in the period 2008-2012, but turned negative in 2013. The natural increase rate in 2013 was -1.3. At the same time the fertility rate was 1.52. The rate of infant mortality in 2013 was 2.1.

9. Population (including migration), 1 January, years

	<i>Males and Females</i>	<i>Males</i>	<i>Females</i>
2000	1 401 250	653 080	748 170
2001	1 392 720	649 070	743 650
2002	1 383 510	644 300	739 210
2003	1 375 190	639 990	735 200
2004	1 366 250	635 450	730 800
2005	1 358 850	631 710	727 140
2006	1 350 700	627 930	722 770
2007	1 342 920	624 260	718 660
2008	1 338 440	622 050	716 390
2009	1 335 740	621 320	714 420

	<i>Males and Females</i>	<i>Males</i>	<i>Females</i>
2010	1 333 290	620 800	712 490
2011	1 329 660	619 700	709 960
2012	1 325 217	618 138	707 079
2013	1 320 174	616 167	704 007
2014	1 315 819	614 919	700 900

Source: Statistics Estonia.

#### 10. Population by sex and counties in 2010 and 2014

	<i>2010</i>			<i>2014</i>		
	<i>Males and females</i>	<i>Males</i>	<i>Females</i>	<i>Males and females</i>	<i>Males</i>	<i>Females</i>
Harju (incl Tallinn)	556 650	256 800	299 850	572 103	264 193	307 910
Hiiu	8 850	4 280	4 570	8 589	4 190	4 399
Ida-Viru	158 800	72 350	86 450	149 483	68 457	81 026
Jõgeva	33 040	15 810	17 230	31 145	14 983	16 162
Järva	32 490	15 410	17 080	30 425	14 493	15 932
Lääne	25 510	12 000	13 510	24 323	11 539	12 784
Lääne-Viru	63 230	29 780	33 450	59 583	28 284	31 299
Põlva	28 650	13 840	14 810	27 641	13 502	14 139
Pärnu	86 590	40 350	46 240	82 829	38 734	44 095
Rapla	36 070	17 410	18 660	34 676	16 846	17 830
Saare	32 280	15 470	16 810	31 756	15 302	16 454
Tartu	153 780	71 840	81 940	152 188	71 395	80 793
Valga	31 930	15 020	16 910	30 176	14 336	15 840
Viljandi	50 360	23 680	26 680	47 476	22 538	24 938
Võru	35 060	16 760	18 300	33 426	16 127	17 299
<b>Total</b>	<b>1 333 290</b>	<b>620 800</b>	<b>712 490</b>	<b>1 315 819</b>	<b>614 919</b>	<b>700 900</b>

Source: Statistics Estonia.

11. In 2014 the life expectancy in Estonia was 72.32 years for males and 81.54 years for females. The life expectancy of females in Estonia is close to the European Union (EU) average (83.1). The EU average male life expectancy at birth is 77.5 years. Only the men in Lithuania, Latvia, Bulgaria and Romania have a shorter life expectancy than the men in Estonia. In nine EU countries, female life expectancy is lower than in Estonia.

#### 12. Life expectancy by year and sex

	<i>Males and females</i>	<i>Males</i>	<i>Females</i>
1995	67.61	61.33	74.13
2000	71.17	65.86	76.34
2005	73.06	67.64	78.29

	<i>Males and females</i>	<i>Males</i>	<i>Females</i>
2010	75.9	70.84	80.54
2013	77.28	72.7	81.33
2014	77.16	72.32	81.54

*Source: Statistics Estonia.*

13. More than a half (53%) of total deaths in Estonia were caused by diseases of the circulatory system, including heart diseases. They account for 45% of deaths of males and for 61% of deaths of females. Malignant neoplasms (25%) are the second main cause of death and accidents and poisonings (6%) are the third main cause.

14. Changes in the age structure of the population show a continuous trend towards ageing. In 1990, 22% of the population were younger than 15 years and 12% older than 65 years. In 2003, the proportion of those age groups was almost equal and at since 2003 there were fewer people younger than 15 years than those who were over 65 years. Estonia also faces a significant demographic challenge, as its population decreased by nearly 76,000 or 5.5% between 2000 and 2011, and is projected to decrease by a further 10-15% by 2040.

15. The population density in Estonia is 30 inhabitants per km<sup>2</sup>. In Estonia, 68% of the population lives in urban areas, 31% in the capital Tallinn. Harju County covers 10% of the total area of Estonia and 43% of the population lives there. Tallinn with its surroundings is the main destination of internal migration.

16. Ethnic composition of the population in 1989, 2000, 2011

<i>1989</i>		<i>2000</i>		<i>2011</i>		
<i>Number</i>	<i>Per 10,000 inhabitants</i>	<i>Number</i>	<i>Per 10,000 inhabitants</i>	<i>Number</i>	<i>Per 10,000 inhabitants</i>	
963 281	6 153	930 219	6 790	902 547	6 972	Estonians
474 834	3 033	351 178	2 563	326 235	2 520	Russians
48 271	308	29 012	212	22 573	174	Ukrainians
27 711	177	17 241	126	12 579	97	Byelorussians
16 622	106	11 837	86	7 589	59	Finns
4 613	29	2 145	16	1 973	15	Jews
4 058	26	2 582	19	1 993	15	Tatars
3 466	22	1 870	14	1 544	12	Germans
3 135	20	2 330	17	1 764	14	Latvians
3 008	19	2 193	16	1 664	13	Poles
2 568	17	2 116	15	1 727	13	Lithuanians
14 095	90	9 410	69	10 632	82	Other
-	-	7 919	58	1 635	13	Unknown
<b>1 565 662</b>	<b>10 000</b>	<b>1 370 052</b>	<b>10 000</b>	<b>1 294 455</b>	<b>10 000</b>	<b>Total</b>

*Source: 1989, 2000 and 2011 Housing and Population Census.*

17. Everyone has the right to preserve his or her national identity (Section 49 of the Constitution). According to Section 6 of the Constitution the official language of Estonia is Estonian. The use of foreign languages, including the languages of national minorities, in

state agencies and in court and pre-trial procedure will be provided by law (Section 52 of the Constitution).

18. According to the National Minorities Cultural Autonomy Act (available in English at <https://www.riigiteataja.ee/en/eli/519112013004/consolide>), persons belonging to a national minority have the right to preserve their ethnic identity, cultural traditions, language and religious beliefs. They have the right to distribute and exchange information in their mother tongue and use minority language in dealings within the limits established by the Language Act.

## 2. Education

19. Everyone has the right to education. Basic education is compulsory for children between 7 to 17 years and is free of charge in general schools established by the national government and by local authorities. In order to make education accessible, the national government and local authorities maintain a requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to the law. Parents have the deciding say in the choice of education for their children. The provision of education is overseen by the national government. Everyone has the right to be taught in Estonian. The language of teaching in national minority educational institutions is chosen by the educational institution.

20. The Basic Schools and Upper Secondary Schools Act (available in English at <https://www.riigiteataja.ee/en/eli/ee/530102013042/consolide/current>) stipulates that the owner of a school (state or local government or private owner) organises catering for students at school in accordance with the health protection requirements established on the basis of the Public Health Act. Support for covering the school lunch expenses of students acquiring basic and secondary education in the stationary studies in municipal and private schools is allocated in the state budget.

21. At the beginning of the academic year 2014/2015, there were 222,966 persons enrolled in formal education. 142,515 of them were enrolled in general education, 25,237 in vocational education and 55,214 in higher education.

## 3. E-governance

22. Estonian public sector relies extensively on information systems and electronic services. All public sector offices have had Internet access since the end of 1990s. Since 2000, all government meetings have been paperless with a web-based document and session management system called e-Cabinet. No paper documents are exchanged between the agencies during legislative drafting and consultations, consultation with the public also takes place online. Estonian legal acts are published online only, in electronic official gazette (*Riigi Teataja*, [www.riigiteataja.ee](http://www.riigiteataja.ee)).

23. All Estonian key governmental databases and registries are fully electronic. They are connected together via the data exchange layer X-Road, which was launched in 2000. X-Road is a technical and organizational environment that enables secure and standardized internet-based data exchange between any kinds of information systems. In 2014, more than 170 information systems and 2,000 services from both public and private sector were connected via X-Road to provide seamless e-services for people and companies, but also for data exchange between government agencies.

24. Under Estonian law, the principle of 'once only' holds. Government agencies should not ask again for data that persons already have submitted to any agency at some point before. Instead, they should retrieve data from other databases and registries via the X-Road. Tax services were among the first to go online. In 2014, 95% of annual physical person income tax declarations were submitted electronically. 100% of enterprise tax and customs declarations are handled electronically as well.

25. Close to 100% of new company registrations are done online via e-Business Registry. Enterprises are required to submit their annual reports online, too.

26. Nation-wide electronic health record gives people and the medical workers access to their medical history (prior visits and diagnoses, test results, prescriptions, etc.). In 2010, digital prescriptions were introduced to save time on doctor visits and paperwork, also to reduce errors in medication management and dispensing of medicines. 98% of prescriptions were handled digitally in 2014.

27. Estonia is the only country in the world to offer secure internet-based voting option on a national level. I-voting supplements other, more traditional methods of voting to make elections more accessible and convenient, rising the turnout. It was introduced in 2005 for local government elections. In 2015 parliamentary elections, a third of all votes were cast online, by Estonian citizens from close to 100 countries around the world.

28. All Estonian police vehicles and patrols are equipped with mobile workstations and internet connection. The e-Police system gives them real-time access to variety of databases to do the groundwork (e.g. quick background checks) more operatively.

29. Web-constables are police officers working in internet. They respond to notifications and letters submitted by people via internet and train children as well as adults at issues of internet security. The first Estonian web-constable started his work in 2011. People contact web-constables by means of different portals as well as by e-mail. Some issues are solved by advising only, but there are also such notifications that are forwarded for information or proceeding to relevant police stations. Greatest part of the questions is about issues related to fraud, thefts, defamation and traffic. There are no age limits and preferred is correspondence in Estonian, English or Russian. Letters are responded to at the first opportunity or at latest within three working days.

30. Various safeguards exist to ensure privacy of people in digital environment and public sector e-services. Cornerstone of the approach is that persons are the owners of their data, as defined in law. Besides the overall data protection regime, several technical safeguards are built into public information systems. For example, persons can see who has accessed or viewed their data in various databases (the digital trail is made viewable). They can also limit via simple technical solutions the sharing of their data, giving them control over who can access their particular data — or if at all.

31. Estonia has been rated at the top in the world in regard of internet freedom, since the Freedom of the Net annual report and ranking by the Freedom House was launched.

32. In 2013, Estonia started piloting with cross-border digital governance with Finland in order to move towards a joint digital society and service space. The aim is to develop joint cross-border digital services and infrastructure, including a cross-border data exchange layer based on Estonia's X-Road. Both countries also jointly use a common electronic signature file format (.bdoc), allowing for easy cross-border electronic signing. In December 2013, world's first digitally signed intergovernmental agreement was signed by Prime Ministers Andrus Ansip of Estonia and Jyrki Katainen of Finland (the Memorandum of Understanding on ICT cooperation).

#### **4. Digital society**

33. It is important to highlight that 85% of Estonian households have broadband access at home, including all households with children. Fast-speed (100 Mbps) broadband network will cover the whole country by 2018 as a result of a public-private partnership investment programme EstWin.

34. The country is fully covered by private 3G and 4G mobile networks. In addition, there are about 1,200 free public WiFi hotspot areas registered in Estonia. 84% of adult population (ages 15-74) are Internet users, as of beginning of 2014. Internet usage rose fast as a result of several national-level educational programmes. In late 1990s, Tiger Leap

initiative took Internet and computer classes to all schools. During the decade that followed, about 200,000 adults (1/6 of population) received free training in basic computer literacy through Look@World programmes, a private-sector-led effort.

35. All Estonian residents get a national ID-card together with an electronic identity (eID). eID works on the certificates stored on the card's chip and nation-wide public key infrastructure, built on 2048-bit encryption. There also is an option to get a functionally equivalent mobile-ID, a secure SIM-card to use eID with mobile devices or without special card-reader. eID and mobile-ID offer means for authentication in electronic environment and electronic signing.

36. Electronic signatures are widely used as they are under the law fully equal to handwritten ones. By early 2015, 200 million e-signatures had been given to documents and files ranging from governmental acts, commercial contracts, and bank transfers to all other applications and transactions.

37. In December 2014, Estonian government introduced e-Residency by starting to issue digital identity also to trustworthy non-residents. E-Residents receive a digital ID-card in order to have means for secure authentication in online services both public and private, and ability to sign electronically.

## 5. Religion

38. The Constitution provides guarantees for the protection of the rights and freedoms associated with conscience, religion and thought. Everyone has freedom of conscience, religion and thought. Everyone may freely belong to churches and religious societies. There is no state church. Everyone has the freedom to exercise his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals (Section 40 of the Constitution). Everyone has the right to remain faithful to his or her opinions and beliefs. No one shall be compelled to change them (Section 41 of the Constitution).

39. Section 130 of the Constitution also adds that the right of conscience, religion and thought, the right to remain faithful to one's own opinions and beliefs must not be restricted even during a state of emergency or war, in the interests of national security or public order.

40. Religions in Estonia: Lutheran 9.9%, Orthodox 16.2%, other Christian (including Methodist, Seventh-Day Adventist, Roman Catholic, Pentecostal) 2.2%, other 0.9%, none 54.1%, unspecified 16.7% (2011 est.).

## D. Economy, finance and employment

### 1. Economy

41. Flexibility and openness are the characteristics and pervasive principles of Estonia's economic policy. Estonia is an e-country with a favourable business climate and cost advantages that is also open to growth. Successive governments have adhered to the principles of Estonia's economic success: a balanced state budget, liberal trade and investment laws, and the goal of joining the euro zone, which Estonia did in January 2011. Estonia has some of the highest international credit ratings in the region — Standard & Poor: AA-; Moody's: A1; Fitch IBCA: A+.

42. In 2000-2008, when Estonia's economy saw an average growth of 7% per year, Estonia took a big jump in the improvement of living standards, increasing its GDP per capita from 45% of the EU27 average in 2000 to 67% in 2008. The economic situation changed in spring 2007. In autumn 2008, the economic crisis culminated, causing a rapid collapse of export capacities, worsening the availability of credit money, and increasing the insecurity of companies and households even more. The overall decrease in GDP growth

rate for 2009 was 14.7%. Economic growth turned positive again in the 2nd quarter of 2010 and the annual GDP grew by 2.6% compared to the previous year. According to Statistics Estonia, in 2014 the annual GDP increased by 2.1%.

43. According to Statistics Estonia, the consumer price index increased 2.8% in 2013 compared to the average of 2012 and decreased 0.1% in 2014 compared to 2013. In the last fifteen years, the annual change of the consumer price index has been under 3% on three occasions: -0.1% in 2009, 1.3% in 2003 and 0.1 in 2014. A 3% annual change was recorded in 2010 and 2004.

44. Indicators of Estonian economy, 2009-2014

	2010	2011	2012	2013	2014
GDP at current prices (billion EUR)	14.7	16.4	17.6	18.7	19.5
Real growth of GDP (%)	2.5	8.3	4.7	1.6	2.1
Consumer price index (%)	3.0	5.0	3.9	2.8	-0.1
Average monthly wage (EUR)	792	839	887	949	1 005
Export (billion EUR)	8 743	12 014	12 550	12 275	12 090
Import (billion EUR)	9 268	12 721	13 762	13 649	13 744

Sources: Statistics Estonia, Bank of Estonia.

## 2. Finance

45. As a Eurosystem member, Eesti Pank (the Bank of Estonia) participates in the formulation of euro-area's single monetary policy and related decision-making and implementation. The Bank of Estonia carries out its duties pursuant to the Bank of Estonia Act, available in English at <https://www.riigiteataja.ee/en/eli/519052014001/consolide/current>, and reports to the *Riigikogu*.

46. National taxes, encumbrances, fees, fines and compulsory insurance payments are established by law. State taxes include personal income tax, corporate income tax, social tax, land tax, value added tax, gambling tax, various excise duties, heavy goods vehicle tax. The procedure for possession, use and dispositions of public assets is provided by law. Local taxes are imposed according to the Local Taxes Act, available in English at <https://www.riigiteataja.ee/en/eli/506112013012/consolide/current>.

47. For each year the *Riigikogu* passes a law which contains a budget that sets out all items of government revenue and expenditure. The Government of the Republic must submit a Bill for the budget to the *Riigikogu* not later than three months before the beginning of the financial year. The procedure for the drafting and passage of the national budget is provided by the State Budget Act, available in English at <https://www.riigiteataja.ee/en/eli/504072014004/consolide/current>.

48. The national budget passed by the *Riigikogu* enters into force at the beginning of the financial year. If the *Riigikogu* does not pass the national budget by the beginning of the financial year, expenditure in the amount of up to one twelfth of the appropriations for the preceding financial year may be authorised each month. If the *Riigikogu* has not passed the national budget within two months following the beginning of the financial year, the President calls an extraordinary election of the *Riigikogu*.

49. On the proposal of the Government of the Republic, the *Riigikogu* may, during the financial year, pass a supplementary budget. If an amendment proposal to the national

budget or to a Bill for the budget has the effect of decreasing estimated revenue or increasing expenditure or reallocating expenditure, the maker of the proposal must append to the amendment financial calculations which demonstrate the sources of revenue necessary to cover the expenditure.

50. The *Riigikogu* may not strike out or reduce expenditure items whose inclusion in the national budget or a Bill for the budget is required by other laws.

51. State budget overview

	2010	2011	2012	2013	2014
Planned annual amount, thousand euros					
<b>Total revenue</b>	<b>5 402 332.5</b>	<b>5 703 633.5</b>	<b>6 218 662.2</b>	<b>6 454 013.4</b>	<b>6 860 451.3</b>
<b>Total expenditure</b>	<b>5 503 020.6</b>	<b>6 491 056.9</b>	<b>6 977 616.0</b>	<b>6 978 602.5</b>	<b>7 111 369.3</b>
Surplus/deficit	-100 688.1	-787 486.9	-758 953.8	-524 589.0	-250 918.0
Implementation of the budget, thousand euros					
<b>Total revenue</b>	<b>5 610 188.2</b>	<b>5 889 621.3</b>	<b>6 427 209.5</b>	<b>6 556 169.4</b>	<b>6 049 358.2</b>
<b>Total expenditure</b>	<b>5 392 756.4</b>	<b>6 120 633.1</b>	<b>6 567 208.5</b>	<b>6 853 021.5</b>	<b>5 699 485.8</b>
Surplus/deficit	217 431.7	-231 011.8	-139 999.0	-296 852.1	349 872.4
Implementation of the budget, %					
<b>Total revenue</b>	<b>103.8</b>	<b>103.3</b>	<b>103.4</b>	<b>101.6</b>	<b>88.2</b>
<b>Total expenditure</b>	<b>98.0</b>	<b>94.3</b>	<b>94.1</b>	<b>98.2</b>	<b>80.1</b>

Source: Statistics Estonia.

### 3. Employment and standard of living

52. Due to the global economic crisis, the situation on the Estonian labour market changed remarkably. Employment, which had been steadily increasing since 2001, decreased rapidly in 2009 and 2010 dropped to the level of ten years before, i.e. to the level of the previous economic crisis. In 2011 the situation on the labour market started to improve reaching the unemployment rate of 7.4% in 2014, which is below the EU average.

53. In 2014 both male and female unemployment rates declined, reaching a relatively similar level (7.9% for men and 6.8% for women). During the most difficult years of the economic crisis (2009-2010) men were the large majority among the unemployed, as industrial enterprises were the most affected by the crisis.

54. In 2014 the youth unemployment rate was 15% (20.9% in 2012 and 18.7% in 2013) or 2 times higher compared to the rest of the working-age population. Still, compared to the EU average, the youth unemployment rate (i.e. the share of unemployment persons aged 15-24 among the labour force of the same age) in Estonia was several percentage points lower.

55. Unemployment rate, 2010-2014

Year	Males	Females	Males and females, %
2010	19.3%	14.2%	16.7%
2011	13.1%	11.6%	12.3%
2012	10.9%	9.1%	10.0%

<i>Year</i>	<i>Males</i>	<i>Females</i>	<i>Males and females, %</i>
2013	9.1%	8.2%	8.6%
2014	7.9%	6.8%	7.4%

*Source: Statistics Estonia.*

56. From 1 January 2015 minimum hourly wage is 2.34 euros and minimum monthly wage for full-time work is 390 euros. Average monthly gross wage in June 2015 was 1,135 euros. In 2014, compared to the previous year, the average monthly gross wages and salaries increased the most in professional, scientific and technical activities (10.9%), and the least in information and communication (0.7%). In 2013, the monthly net income of a household member was 508 euros.

57. In 2013, 22.1% of the Estonian population lived in relative poverty and 8% of the Estonian population lived in absolute poverty. In 2014, 6.2% of the population lived in severe material deprivation. This is lower than the EU average.

58. In 2011-2014, the number of families receiving subsistence benefits decreased from 24,332 to 16,571. Based on people's own estimations regarding their ability to cope, in 2014, 14% of the population aged 15-74 had big difficulties with coping, while 38% had some difficulty in coping.

#### **4. Social protection**

59. The Estonian social protection system is made up of two pillars — the social security system that comprises pension insurance, health insurance, child benefits and unemployment benefits; and the social welfare pillar that consists of social assistance cash benefits and social welfare services. The pension and health insurance schemes are contributory social security schemes that are financed principally by the social tax. The Estonian social tax of 33% (comprising 20% social security contributions and 13% health insurance contributions) must be paid by employers on top of the gross salary. The unemployment insurance contributions must be paid both by the employer and the employee; the current rates are respectively 1.6% and 0.8%. Child benefits, social assistance cash benefits and social welfare services are financed from general taxes. There are also voluntary social insurance schemes in use (e.g. III pillar of pension insurance, health insurance). Social security schemes are administered by National Social Insurance Board, Health Insurance Fund and Unemployment Insurance Fund. Social assistance and most of the social welfare services (except for rehabilitation, technical assistance, special care and substitute care) are administered at local level.

## **E. Constitutional, political and legal structure**

### **1. Political structure**

60. Estonia is a parliamentary republic, which was proclaimed on 24 February 1918 (and re-established its independence on the basis of legal continuity of statehood on 20 August 1991). Estonia is politically a unitary state.

61. The supreme power is exercised by the people through citizens with the right to vote:

- By electing the *Riigikogu*;
- Through a referendum.

62. An Estonian citizen who has attained eighteen years of age has the right to vote (sections 56 and 57 of the Constitution).

63. The activities of the *Riigikogu*, the President of the Republic, the Government of the Republic and the courts are organized on the principle of separation and balance of powers (section 4 of the Constitution).

## 2. Constitution

64. The present Constitution was enacted after a referendum on 28 June 1992. It incorporates elements of the Constitutions of 1920 and 1938. While retaining the presidency created in 1938, it restores the unicameral legislature established in 1920. It explicitly asserts its continuity with the Estonian state as it existed between 1920 and 1940, and thus provides a restitutive basis for Estonia's independence.

65. The English version of the Constitution is available at <https://www.riigiteataja.ee/en/eli/530102013003/consolide/current>. The Constitution may only be amended by an Act which has been passed either by a referendum, two successive memberships of the *Riigikogu*, or the *Riigikogu*, as a matter of urgency. The Constitution has been amended five times. Section 156 was amended on 25 February 2003 in regard to local self-government; the term of local council was extended to four years. This amendment entered into force on 17 October 2005. In a national referendum on 14 September 2003 Estonian people decided that Estonia may belong to the European Union. This amendment entered into force on 06 January 2004. The preamble was amended on 12 April 2007 to highlight the Estonian language, amendment entered into force on 21 July 2007. Another amendment to change the jurisdiction of the President was adopted on 13 April and entered into force on 22 July 2011. The latest amendment to the Constitution to date lowers the voting age for local government council elections from the age of 18 to 16. This amendment entered into force on 18 August 2015.

## 3. Parliament

66. Legislative power is vested in the *Riigikogu* (article 59 of the Constitution), which is comprised of 101 members who are elected every four years (section 60 of the Constitution). The election procedure is stipulated in the *Riigikogu* Election Act.

The *Riigikogu* as the representative body has 24 women and 77 men.

67. The *Riigikogu* passes laws and resolutions, decides on the holding of a referendum and elects and appoints several high state officials, including the President of the Republic. The *Riigikogu* also has the right to present statements, declarations and appeals to the people of Estonia, other states and international organisations.

68. The most important task of the *Riigikogu* is legislation. The *Riigikogu* influences the governing of the state primarily by determining the revenue and expenses of the state (establishing taxes and adopting the budget). The *Riigikogu* also has the right to ratify and denounce international treaties and decide on the Government loans.

69. The Constitution sets out that the *Riigikogu* will form committees. The members of the *Riigikogu* have the right to form factions.

## 4. President of the Republic

70. The President of the Republic is the head of state in Estonia (section 77 of the Constitution) and is elected by the *Riigikogu* every five years. The President represents the country in international relations, proclaims laws and signs instruments of ratification. The President initiates amendments to the Constitution and has also the right to issue decrees, pursuant to the Constitution. The President is the supreme commander of the national defence.

71. The President is elected for a term of five years. An Estonian citizen by birth who has attained forty years of age may be nominated as a candidate for President of the Republic. A person in active service in the Defence Forces shall not be nominated as a

candidate for President of the Republic. No one may be elected to the office of the President for more than two consecutive terms (section 80 of the Constitution). The President of the Republic Election Act, available in English at <https://www.riigiteataja.ee/en/eli/512112013006/consolide/current> stipulates the procedure of the election.

72. Upon assuming the office of the President, the authority and duties of the incumbent in all elected or appointed offices previously held by him or her are terminated, and he or she suspends his or her membership in any political party for the duration of his or her term of office. Criminal charges may be brought against the President only on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu* (sections 84 and 85 of the Constitution).

## **5. The Government of the Republic**

73. Executive power in Estonia is vested in the Government of the Republic (Section 86 of the Constitution). The Government carries out domestic and foreign policies of the state, directs and co-ordinates the activities of government agencies and administers the implementation of resolutions of the *Riigikogu* and the legislation of the President (Section 87 of the Constitution).

74. The Government of the Republic comprises of the Prime minister and the ministers. The Government is appointed to office by the President when the candidate Prime Minister is authorized by the *Riigikogu* to form a government (Sections 88 and 89 of the Constitution). There are currently 13 men and 2 women among the ministers of the Government.

75. The Government of the Republic is assisted by the Government Office, which is led by the State Secretary. The State Secretary is appointed to and released from office by the Prime Minister. The State Secretary participates in meetings of the Government of the Republic with the right to speak. As head of the Government Office, the State Secretary has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry (section 95 of the Constitution).

76. Government of the Republic Act is available in English at <https://www.riigiteataja.ee/en/eli/517112014001/consolide/current>.

## **6. National Audit Office**

77. The National Audit Office is a public body that carries out performance and financial audits concerning public spending and that is independent in discharging its duties. The National Audit Office is headed by the Auditor General who is appointed to and released from office by the *Riigikogu* on a proposal of the President. The term of office of the Auditor General is five years (sections 132 and 134 of the Constitution).

78. The Auditor General may participate in meetings of the Government of the Republic, in which matters related to his or her duties are discussed, with the right to speak. As head of the National Audit Office, the Auditor General has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry. The organisation of the National Audit Office is provided by law (sections 136 and 137 of the Constitution). National Audit Office Act is available in English at <https://www.riigiteataja.ee/en/eli/513032014001/consolide>.

## **7. Chancellor of Justice**

79. The Chancellor of Justice is a public official who scrutinises legislative instruments of the legislative and executive branch of government and of local authorities for conformity with the Constitution and the laws, and who is independent in discharging his or her duties. The main constitutional duty of the Chancellor of Justice is to ensure that laws

and regulations would be constitutional and in compliance with other laws. The Chancellor of Justice considers proposals made to him or her concerning the amendment of laws, the passage of new laws and the work of government agencies, and, if necessary, reports his findings to the *Riigikogu*. The Chancellor of Justice presents an annual report to the *Riigikogu* on the conformity of legislation passed by the legislative and executive branch of government and by local authorities with the Constitution and the laws (sections 139 and 143 of the Constitution).

80. The Chancellor of Justice ensures that authorities and officials performing public duties would not violate people's constitutional rights and freedoms, laws and other legislation of general application, as well as the principles of sound administration; persons held in detention would not be treated in a degrading, cruel or inhumane way. Pursuant to the Chancellor of Justice Act, the Chancellor of Justice may pay verification visits to a prison, military unit, house of detention, detention centre, housing centre for refugees, premises of the Police and Border Guard Board where temporary housing is provided for asylum seekers, psychiatric hospital, special care home, school for students with special needs, general care home, substitute home, youth home or any other agency under supervision. Under the OPCAT mandate provided, the Chancellor of Justice visits guarded facilities at least once every three years. Extraordinary verification visits take place as needed, mainly after the Chancellor of Justice has received information about an abuse incident.

81. The Chancellor of Justice acts as children's ombudsman, <http://lasteombudsman.ee/en/welcome>. The Chancellor of Justice must ensure that the rights of children are protected, laws on the rights of children are constitutional and the activities of child care institutions are legal. The Chancellor of Justice deals with the promotion of the rights of children and raising awareness.

82. The Chancellor of Justice makes a proposal to the *Riigikogu* to allow criminal charges to be brought against a member of the *Riigikogu*, the President, member of the Government of the Republic, the Auditor General, the Chief Justice of the Supreme Court or a Justice of the Supreme Court (section 139 of the Constitution).

83. Other tasks of the Chancellor of Justice under the law are submission of opinions to the Supreme Court in constitutional review proceedings; reply to the interpellations of the members of the *Riigikogu*; reply to written questions of the members of the *Riigikogu*; initiate disciplinary proceedings against judges; resolve discrimination disputes; submission of opinions to the drafts of legislation of general application.

84. The Chancellor of Justice is appointed to office by the *Riigikogu* for a term of seven years on a recommendation of the President. The Chancellor of Justice may only be removed from office by a court judgment. As head of his or her office, the Chancellor of Justice has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry. The Chancellor of Justice may participate in sittings of the *Riigikogu* and in meetings of the Government of the Republic with the right to speak (sections 140 and 141 of the Constitution). The legal status of the Chancellor of Justice and the organisation of his or her office are to be provided by law. Chancellor of Justice Act is available in English at <https://www.riigiteataja.ee/en/eli/508012014001/consolide/current>.

## 8. Judiciary

85. Justice is administered exclusively by the courts. The courts are independent in discharging their duties and administer justice in accordance with the Constitution and the laws. Judges are appointed for life. The grounds and procedure for release of judges from office are provided by law.

86. Judges may be removed from office only by a court judgment. Judges may not hold any other elected or appointed office, except for those prescribed in the law. The legal status of judges and guarantees for their independence are to be provided by law.

87. Lay judges shall participate in the administration of justice in county and city courts on the bases and pursuant to the procedure provided by the codes of procedure. In administration of justice, a lay judge has equal rights with the professional judge. In essence, the purpose of a lay judge is to represent in administration of justice an ordinary person who views court proceedings primarily from a humane and not a legal aspect.

88. The court system consists of county and city courts and administrative courts; circuit courts; the Supreme Court. Specialized courts with jurisdiction to deal with certain types of matters are to be created by law. The creation of extraordinary courts is prohibited.

89. County and city courts and administrative courts are courts of first instance. Circuit courts are higher courts which review rulings of the courts of first instance on appeal. The Supreme Court is the highest court of Estonia which reviews rulings of other courts pursuant to a quashing procedure. The Supreme Court is also the court of constitutional review. The organisation of the courts and their rules of procedure are to be established by law. Courts Act is available in English at <https://www.riigiteataja.ee/en/eli/511072014010/consolide/current>.

## **9. National defence**

90. Citizens of Estonia have a duty to participate in national defence in accordance with the principles and procedure provided by the law. A person who refuses to serve in the Defence Forces for religious or ethical reasons has a duty to perform alternative service pursuant to a procedure provided by law. Persons serving in the Defence Forces and those performing alternative service enjoy all rights and freedoms provided in the Constitution and are subject to all duties emanating from the same unless otherwise prescribed by law due to special interests of the service. The legal status of persons serving in the Defence Forces and of those performing alternative service is provided by law.

91. Women in active duty and specialty areas represented 11.4% of the military in 2013. Women have been serving in the military since its initial conception. As of April 2013 the new Defence Forces Service Act, available in English at <https://www.riigiteataja.ee/en/eli/507012015002/consolide/current>, states that women can serve in the compulsory service and later have a career in the military on equal terms with men.

92. A person in active service may not hold another elected or appointed office, or participate in the activities of any political party.

93. The Estonian Defence League is a part of the Defence Forces, a voluntary militarily organised national defence organisation operating in the area of government of the Ministry of Defence. The task of the Estonian Defence League is to enhance, by relying on free will and self-initiative, the nation's readiness to defend the independence of Estonia and its constitutional order. The Estonian Defence League possesses arms, engages in military exercises and fulfils the tasks prescribed by the National Defence League Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/525112013006/consolide/current>. The Statutes and rules of procedure of the Estonian Defence League are approved by the Government of the Republic.

## **10. Prosecutor's Office and law enforcement**

94. The Prosecutor's Office, [www.prokuratuur.ee](http://www.prokuratuur.ee), is a government agency in the area of government of the Ministry of Justice. The Prosecutor's Office is independent upon performance of its duties assigned by the law, and its actions are based on laws and on legal acts adopted on their basis. The Prosecutor's Office directs pre-trial criminal proceedings,

ensuring lawfulness and effectiveness thereof; represents public prosecution in court, participates in planning surveillance activities necessary for prevention and identification of crimes, and performs other duties assigned to the Prosecutor's Office by the law. The text of the law is available in English at <https://www.riigiteataja.ee/en/eli/ee/513112013015/consolide/current>. The Prosecutor's Office is a two-tier body, consisting of the Office of the Prosecutor General as the higher tier and four district prosecutor's offices as the lower tier. The jurisdiction of the Office of the Prosecutor General is the entire Estonia; the jurisdictions of the district prosecutor's offices are identical to those of police prefectures. The Prosecutor's Office is directed by the Prosecutor General who is appointed to office for a term of five years. A district prosecutor's office is directed by a chief prosecutor who is also appointed to office for a term of five years.

95. As a body directing criminal proceedings, the Prosecutor's Office guides investigative bodies in gathering evidence and, according to identified circumstances, decides on bringing charges against a person. The Prosecutor's Office prosecutes crimes in cooperation with the following investigative bodies: the Police and Border Guard Board, the Estonian Security Police, the Tax and Customs Board, the Estonian Competition Authority, the Environmental Inspectorate, Prisons Department of the Ministry of Justice and the Military Police of the Defence Forces.

96. The main tasks of Police and Border Guard Board are the securing of the external border of the European Union; the determination of citizenship and issue of documents; security and public order in the state; and the investigation and prevention of offences. These tasks are divided between four work areas: border guard, public order, criminal police, and citizenship and migration. The first contact points for people in their home town or village are sub-units of four regional prefectures — constable stations, border guard stations or service offices of Migration and Citizenship Bureau. Police and Border Guard Board is a police authority. All officers, regardless of their full title or position, whether a border guard, a traffic police officer, an investigator or a pilot — are police officers. The website is at [www.politsei.ee](http://www.politsei.ee).

97. A broader function of the Estonian Internal Security Service as a government agency within the area of government of the Ministry of Internal Affairs is maintenance of national security through collection of information and implementation of preventive measures as well as investigation of offences. Their website is at [www.kapo.ee](http://www.kapo.ee).

98. Tax and Customs Board is in the area of jurisdiction of the Ministry of Finance and deals with ensuring the receipt of state budget revenue from state taxes and customs duties, protection of the society and legal economic activities, implementation of national tax and customs policies, ensuring the compliance with tax legislation, customs regulations and other legal acts, issue of activity licences and operating permits for gambling and lotteries, acting as a gambling supervisory agency, and provision of customer services for fulfilment of tax liabilities and performance of customs formalities. Their website is at [www.emta.ee](http://www.emta.ee).

99. Estonian Competition Authority lies within the jurisdiction of the Ministry of Economic Affairs and Communications and it safeguards of competition in the interest of free enterprise upon the extraction of natural resources, manufacture of goods, provision of services and sale and purchase of products and services and the preclusion and elimination of the prevention, limitation or restriction of competition in other economic activities. Competition Act is available in English at <https://www.riigiteataja.ee/en/eli/ee/519012015013/consolide>. The Competition Authority analyses the competitive situation, proposes measures to promote competition, makes recommendations to improve the competitive situation, makes proposals for legislation to be passed or amended, exercises supervision and develops co-operation with the competition supervisory authorities of other states and associations of states. Their website is at [www.konkurentsiamet.ee](http://www.konkurentsiamet.ee).

100. The Environmental Inspectorate, [www.kki.ee](http://www.kki.ee), is in the area of jurisdiction of the Ministry of Environment and exercises supervision in all areas of environmental protection. It coordinates and executes supervision regarding the use of natural resources and the protection of the environment by applying the state's coercive measures on the basis and to the extent specified by law. The Environmental Inspectorate is an institution dealing with environmental violations and since September 1st, 2011 also carries out investigations in criminal cases. The Environmental Inspectorate has the right to implement measures provided by law for the prevention of illegal activities and implementation of mandatory environmental protection measures; suspend unlawful activities damaging or dangerous to the environment and also lawful activities related to the use of natural resources if such activities endanger the life, health or property of persons; organise the storage, sale and return to the lawful owner or destruction of natural products of undetermined ownership and of equipment and instruments used for procurement thereof; organise, in the cases prescribed by law, the liquidation of unauthorised construction works. The functions, rights and obligations of the Environmental Inspectorate are specified in the Environmental Supervision Act, available in English at <https://www.riigiteataja.ee/en/eli/506102014001/consolide>.

101. Within the jurisdiction of Prisons Department of the Ministry of Justice are prevention and detection of offences committed by employees of the Prisons Department and prison officers and, where necessary, carrying out surveillance activities with regard to prison officers; collection and analysis of surveillance information and other information received from prisons; coordination of protection of state secrets and inspection thereof in prisons; organisation and coordination of surveillance activities and criminal proceedings in prisons and coordination of cooperation between prisons and other investigative and surveillance bodies; exercising supervisory control over the activities of prisons; resolution of petitions, requests and challenges. The website is at: [www.vangla.ee](http://www.vangla.ee).

102. The Military Police of the Estonian Defence Forces is a structural unit of the Defence Forces whose functions inter alia are the exercise of supervision over discipline in the Defence Forces and in the Estonian Defence League and the conduct of proceedings regarding offences within the limits of its competence. The website of the Defence Forces is at [www.mil.ee](http://www.mil.ee).

103. An offence is a punishable act provided for in the Penal Code <https://www.riigiteataja.ee/en/eli/ee/522012015002/consolide/current> or another Act. Offences are criminal offences and misdemeanours. A criminal offence is an offence which is provided for in the Penal Code and the principal punishment prescribed for which in the case of natural persons is a pecuniary punishment or imprisonment and in the case of legal persons, a pecuniary punishment or compulsory dissolution. A misdemeanour is an offence which is provided for in the Penal Code or another Act and the principal punishment prescribed for which is a fine or detention. If a person commits an act which comprises the necessary elements of both a misdemeanour and a criminal offence, the person shall be punished only for the criminal offence. If a punishment is not imposed for the criminal offence, the same act may be punished for the misdemeanour.

104. Criminal offences are divided into offences in the first and in the second degree. A criminal offence in the first degree is an offence the maximum punishment prescribed for which in this Code is imprisonment for a term of more than five years, life imprisonment or compulsory dissolution. A criminal offence in the second degree is an offence the punishment prescribed for which in this Code is imprisonment for a term of up to five years or a pecuniary punishment. The mitigation or aggravation of a punishment on the basis of the provisions of the General Part of this Code shall not alter the degree of a criminal offence. Legal persons are punished with pecuniary punishment or for all the aforementioned acts.

## 105. Crime figures in general over 5 years

Year	Amount of crimes				
	2010	2011	2012	2013	2014
All registered crimes	48 340	42 567	40 816	39 631	37 787
In the 1st degree	1 842	1 798	1 715	1 850	1 766
In the 2nd degree	46 498	40 769	39 101	37 511	36 021

*Estonian Ministry of Justice, www.kriminaalpolitika.ee.*

## 106. Crime figures by counties over 5 years

Counties	2010	2011	2012	2013	2014	Change	Change	Per 10,000 inhabitants in 2014
						(N) (2014 compared to 2013)	(%) (2014 compared to 2013)	
Harju	24 105	20 526	20 685	20 235	18 761	-1 474	-7%	328
Hiiu	102	91	104	112	121	9	8%	141
Ida-Viru	7 045	6 346	5 711	5 398	5 266	-132	-2%	352
Jõgeva	833	868	708	666	644	-22	-3%	207
Järva	657	631	696	530	558	28	5%	183
Lääne	707	523	477	659	580	-79	-12%	238
Lääne-Viru	2 029	1 937	1 895	1 692	1 531	-161	-10%	257
Põlva	922	818	749	891	726	-165	-19%	263
Pärnu	2 477	2 462	2 291	2 079	1 964	-115	-6%	237
Rapla	839	772	803	804	858	54	7%	247
Saare	495	522	503	361	451	90	25%	142
Tartu	4 937	4 262	3 760	3 735	4 002	267	7%	263
Valga	1 080	893	714	750	748	-2	0%	248
Viljandi	1 023	954	757	736	765	29	4%	161
Võru	1 031	911	900	937	766	-171	-18%	229
Estonia	48 340	42 567	40 816	39 631	37 787	-1 844	-5%	287

*Estonian Ministry of Justice, www.kriminaalpolitika.ee.*

## 107. Crimes by Penal Code chapters, comparison of years 2013 and 2014

Chapter of Penal Code	2013	2014	Change (N)	Change (%)
Offences against humanity and international security	2	2	2	0
Offences against the person	6 956	6 767	-189	-3
Offences against political and civil rights	127	151	24	19
Offences against family	352	331	-21	-6

<i>Chapter of Penal Code</i>	<i>2013</i>	<i>2014</i>	<i>Change (N)</i>	<i>Change (%)</i>
and minors				
Offences against public health	1 045	1 222	177	17
Offences against property	21 321	20 179	-1 142	-5
Offences against intellectual property	37	20	-17	-46
Offences against the state	13	20	7	54
Offences against public peace	2 799	2 288	-511	-18
Offences related to office	312	320	8	3
Offences against administration of justice	487	470	-17	-3
Offences against public trust	1 505	1 832	327	22
Offences against environment	28	36	8	29
Economic offences	701	606	-95	-14
Offences dangerous to public	249	205	-44	-18
Traffic offences	3 684	3 327	-357	-10
Offences relating to service in defence forces	13	11	-2	-15

*Estonian Ministry of Justice, www.kriminaalpoliitika.ee.*

#### 108. Minors and crime

	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Minor perpetrators	1 653	1 610	1 486	1 372	
Number of perpetrators per 10,000 peers	290	304	301	289	
Crimes committed by minor perpetrators	1 788	1 854	1 807	1 644	1 342

*Estonian Ministry of Justice, www.kriminaalpoliitika.ee.*

<i>Crimes committed by minor perpetrators</i>	2011	2012	2013	2014	<i>2013 and 2014 compared</i>	
					<i>Change (N)</i>	<i>Change (%)</i>
Larceny	679	629	559	442	-117	-21
Physical abuse	563	574	590	463	-127	-22
Unauthorised use of thing <sup>1</sup>	76	77	64	54	-10	-16
Robbery	72	44	28	33	-5	-18
Embezzlement	36	32	23	30	7	30
Fraud	50	40	17	3	-14	-82
Offences relating to narcotics	11	26	27	27	0	0
Driving power-driven vehicle, off-road vehicle or tram in state of intoxication	21	19	11	14	3	27

*Estonian Ministry of Justice, www.kriminaalpolitika.ee.*

## 11. Local self-government

109. All local matters are determined and administered by local authorities, who discharge their duties autonomously in accordance with the law. Obligations may be imposed on a local authority only pursuant to the law or by agreement with the local authority. The funds to cover expenditure related to duties of the national government which have been imposed by law on a local authority are provided from the national budget.

110. The entities of local self-government are rural municipalities and cities. Estonia is territorially divided into counties, rural municipalities and cities. Estonia has a one-tier local government system since 1993, rural municipalities and cities forming the local level of Estonian public administration. All local governments operate within a county. The size of local governments is very different. The biggest municipality is the capital city Tallinn. Two thirds of local government units have less than 3000 inhabitants. Other entities for the realisation of local self-government may be formed in accordance with the law and pursuant to a procedure provided by law. Local self-government bodies resolve and manage local issues and operate independently pursuant to law (section 154 of the Constitution).

111. The representative body of a local authority is its council which is elected in a free election for a term of four years. The term of office of a council may be reduced by law due to a merger or division of local authorities or to inability of the council to act. Elections of local authority councils take place according to the Local Government Council Election Act, available in English at <https://www.riigiteataja.ee/en/eli/516032015001/consolide> are general, uniform and direct. Voting is secret. In elections to local authority councils, the right to vote is held, pursuant to conditions prescribed by law, by persons who reside permanently in the territory of the local authority and have attained sixteen years of age. Local Government Organisation Act is available in English at <https://www.riigiteataja.ee/en/eli/ee/520012015015/consolide/current>.

112. According to the Local Government Organization Act and the European Charter of Local Self-Government the local government is defined as the right, authority and duty of the democratically formed bodies of power to independently organise and manage local

<sup>1</sup> In 2014, 63% of the cases were unauthorised use of motor vehicle, whereas in 2013 accordingly 84%.

issues pursuant to law and based on the legitimate needs and interests of the residents of the rural municipality or city, and considering the specific development of the rural municipality or city.

113. Duties may be imposed at local government only pursuant to the law or by agreement with the local government. Expenditure related to duties of the state imposed by law on a local government shall be funded from the state budget. Rural municipalities and cities are of equal legal status. Local authority units have the right to form rural municipality districts and city districts on their territory to decentralize power; the procedure is regulated by the Local Government Organization Act.

114. Municipalities have the right to form and the right to be members of voluntary associations at county and state level. The county governor represents the interests of the government on county level.

115. The goal of the ongoing dialogue in Estonia on local government reform is the creation of local governments that are able to provide better public services to the population and fulfil their statutory obligations, and to ensure an increase in regional competitiveness.

## 12. Electoral system

116. Elections take place according to the *Riigikogu* Election Act, Local Government Election Act, European Parliament Election Act, Referendum Act and President of the Republic Election Act.

117. The *Riigikogu* Election Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/514112013015/consolide/current>, stipulates that there are twelve multi-mandate electoral districts. Permanent voting districts are formed in a territory of an electoral district. Voting shall be held in the same voting districts for *Riigikogu*, local government council and European Parliament elections and referendums, unless the rural municipality or city government determines otherwise and amends the regulation.

118. Elections are organised by the electoral committees: National Electoral Committee, county electoral committees, voting district committees, the Electronic Voting Committee. The term of authority of the National Electoral Committee is four years. The term of authority of county electoral committees, the electoral committees of the cities of Tallinn and Tartu and the Electronic Voting Committee is also four years. Voting district committees are formed before regular and extraordinary *Riigikogu* elections. The authority of a voting district committee shall continue until the new membership of the committee is appointed.

119. A person who has the right to vote according to the *Riigikogu* Election Act and whose authority of a member of an electoral committee has not been terminated in the course of the last five years by a resolution of the National Electoral Committee may be a member of an electoral committee. Proficiency in Estonian is required. A person may be a member of only one electoral committee.

120. A member of an electoral committee is independent in the performance of his or her duties. A member of an electoral committee operates pursuant to law and the instructions of a superior electoral committee. A member of an electoral committee shall not campaign for or against political parties or candidates.

121. The National Electoral Committee, with website at [www.vvk.ee](http://www.vvk.ee), comprises of the following members: a judge of a court of first instance appointed by the Chief Justice of the Supreme Court; a judge of a court of appeal appointed by the Chief Justice of the Supreme Court; an adviser to the Chancellor of Justice appointed by the Chancellor of Justice; an official of the State Audit Office appointed by the Auditor General; a public prosecutor appointed by the Chief Public Prosecutor; an official of the Chancellery of the *Riigikogu*

appointed by the Secretary General of the *Riigikogu*; an official of the State Chancellery appointed by the State Secretary.

122. Everyone is entitled to observe elections. Registration or accreditation is not required, nor does the National Election Committee issue observer's certificates. An observer must simply introduce himself/herself to the election committee before starting the observation. All proceedings and meetings of the election committees are public, the only restriction being that an observer is not entitled to access the list of voters.

## II. General framework for the promotion and protection of human rights

### A. Acceptance of international human rights norms

123. The state may not enter into international treaties which are in conflict with the Constitution. As Estonia has a monist legal system, the provisions of international instruments become binding in the domestic legal order upon ratification. When laws or other legislation of Estonia are in conflict with an international treaty ratified by the *Riigikogu*, provisions of the international treaty apply. Estonia is a party to most instruments of human rights which gives a clear sign of Estonia's understanding of universality of human rights and its commitment to the cause. Estonia also considers generally recognised principles of international law to be an integral part of the Estonian legal order.

124. **Estonia is a member of the EU since 2004.** Estonia has actively stood for keeping its human rights priorities on the agenda during the shaping of the EU's Common Foreign and Security Policy (CFSP) and participated as a burden-sharer on the EU side during negotiations about those topics with third countries in the framework of the UN. The EU has defined human rights as an important aspect of its foreign policy and Estonia has supported the EU's achievement of important human rights objectives.

125. Estonia is a party to International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Economic, Social and Cultural Rights (ICESR), International Covenant on Civil and Political Rights (ICCPR), Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP1), Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), Convention on the Rights of the Child (CRC), Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OP-CRC-SC), Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC), Convention on the Rights of Persons with Disabilities (CRPD), Optional Protocol to the Convention on the Rights of Persons with Disabilities (OP-CRPD), Rome Statute of the International Criminal Court and its Kampala Amendments, Convention on the Prevention and Punishment of the Crime of Genocide, United Nations Convention against Transnational Organized Crime and all its Protocols and several other important instruments.

126. Estonia has not submitted any reservations to the main human rights instruments referred to above.

127. Estonia has recognised the compulsory jurisdiction of the International Court of Justice.

128. Estonia has accepted individual complaints procedures under Optional Protocol to the International Covenant on Civil and Political Rights (CCPR-OP1); under International Convention on the Elimination of on All Forms of Racial Discrimination (ICERD, art. 14) and under Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD-OP).

129. Estonia has accepted inquiry procedures under the Convention against Torture (CAT, Art. 20) and under Convention on the Rights of Persons with Disabilities (CRPD, Art. 6-7).

130. Estonia is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms, also to its optional Protocol as amended by Protocol No 11; Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto; Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty; Protocol No. 7 to the Convention for the protection of human rights and fundamental freedoms as amended by protocol No. 11; Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances; Protocol No. 15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms. Estonia has signed the Protocols No. 12 and 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

131. In 1996 Estonia made the reservation in accordance with Art. 64 [Article 57 since the entry into force of Protocol No 11] of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This reservation is now outdated as the pending amendments described in the reservation entered into force long ago.

132. On 1 June 2015 Estonia became a party to the Council of Europe Convention on Action against Trafficking in Human Beings. Estonia made the declaration in accordance with Article 31 paragraph 2 of the Convention and therefore Estonia shall not adopt such legislative and other measures as might be necessary to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed by one of its nationals or by a stateless person who has his or her habitual residence in its territory, if the offence is punishable under criminal law where it was committed or if the offence is committed outside the territorial jurisdiction of any State; or against one of its nationals.

133. On 2 December 2014 Estonia signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

134. Estonia is also taking steps to become party to the Convention on Enforced Disappearances and the UNESCO Convention against Discrimination in Education.

## **B. Legal framework for the protection of human rights at the national level**

135. Human rights are protected under the Constitution and specific legislation in certain areas. All public authorities, albeit legislative, executive or judicial, are obliged to respect human rights (Section 14 of the Constitution).

136. About a quarter of the provisions of the Constitution are dedicated to human rights, 48 sections thoroughly depicting the range of human rights on the highest level of national legislation. Human rights thus have paramount importance. The concepts used in Constitution are general and open which enable implementation. Laws and regulations implement human rights. While laws are generally adopted by the simple voting majority of

the *Riigikogu*, the following laws may only be passed and amended by a majority of the members of the *Riigikogu*: the Citizenship Act; the *Riigikogu* Election Act; the President of the Republic Election Act; the Local Authority Council Election Act; the Referendum Act; the *Riigikogu* Rules of Procedure Act and the *Riigikogu* Standing Orders Act; the Remuneration of the President of the Republic and of Members of the *Riigikogu* Act; the Government of the Republic Act; the Institution of Court Proceedings against the President of the Republic and against Members of the Government of the Republic Act; the National Minorities Cultural Autonomy Act; the National Budget Act; the Bank of Estonia Act; the National Audit Office Act; the Courts Act and Acts governing court procedure; Acts pertaining to foreign and domestic borrowing, and to financial obligations of the state; the State of Emergency Act; the Peace-Time National Defence Act and the War-Time National Defence Act. All of the laws mentioned above are related to human rights and therefore subject to more attention and scrutiny.

137. The *Riigikogu* has the right to submit a Bill or other issue of national importance to a referendum. The decision of the people is made by a majority of the votes cast in the referendum. A law which is passed by a referendum is promptly promulgated by the President. The decision of the referendum is binding on all public bodies. If a bill which has been submitted to a referendum fails to receive a majority of the votes cast, the President calls an extraordinary election of the *Riigikogu*. Issues regarding the budget, taxation, financial obligations of the national government, ratification and denunciation of international treaties, the declaration or termination of a state of emergency or national defence may not be submitted to a referendum. The *Riigikogu* has also followed a good practice of not submitting to a referendum issues of the rights of minorities although it is not a written law.

138. Laws are promulgated by the President. The President may refuse to promulgate a law passed by the *Riigikogu* and, within fourteen days after its receipt, return the law, together with his or her reasoned resolution, to the *Riigikogu* for a new debate and decision. If the *Riigikogu*, for the second time and without amending it, passes a law which has been returned to it by the President, the President either promulgates the law or applies to the Supreme Court for a declaration of unconstitutionality in respect of that law. If the Supreme Court declares the law to be in conformity with the Constitution, the President promulgates the law.

139. Regulations are adopted by the Government of the Republic of Estonia and the Government ministers. All cases of regulations must be provided for in a law. In drafting and consultation process draft laws must be accompanied by draft regulations when sent for review to government ministries, and later to the *Riigikogu*.

140. Code of Civil Procedure provides the rules for administration of justice in civil matters. A civil matter is a case arising from a private law relationship. The purpose of civil procedure is to guarantee adjudication of civil matters by the court justly, within a reasonable period of time and at the minimum possible cost. The English version of the Code of Civil Procedure is available at <https://www.riigiteataja.ee/en/eli/ee/505022015002/consolide/current>.

141. Code of Criminal Procedure provides the rules for pre-trial procedure and court procedure for criminal offences and the procedure for enforcement of the decisions made in criminal matters. It also provides the bases of and procedure for conduct of surveillance activities. The English version of the Code of Criminal Procedure is available at <https://www.riigiteataja.ee/en/eli/ee/520012015017/consolide/current>.

142. Code of Administrative Court Procedure provides the rules of procedure that governs the determination of administrative matters, dealt with by an administrative court. The Code lays down the competence of administrative courts and the procedure for recourse to administrative courts and for the determination of matters in such courts, to the extent that this has not been regulated in other Acts, in directly applicable international

treaties and in the rules of European Union law. The primary purpose of the procedure in administrative courts is to protect the rights of individuals against unlawful actions performed in the course of the exercise of executive authority. The English version of the Code of Administrative Court Procedure is available at <https://www.riigiteataja.ee/en/eli/ee/509022015001/consolide/current>.

143. Administrative Procedure Act must ensure the protection of the rights of persons by creation of a uniform procedure which allows participation of persons and judicial control. Administrative procedure is defined by activities conducted by an administrative authority upon issue of regulations or administrative acts, taking measures or entry into contracts under public law. For the purposes of this Act, the procedure for the grant of legal protection to objects of industrial property, public procurement and adjudication of challenges for the purposes of the Public Procurement Act, misdemeanour procedure and pre-trial investigation of offences are not administrative procedure. The English version of the Administrative Procedure Act is available at <https://www.riigiteataja.ee/en/eli/530102013037/consolide>.

144. In addition to the Chancellor of Justice, described above, the Gender Equality and Equal Treatment Commissioner (<http://www.vordoigusvolinik.ee/?lang=en>) has been given a mandate to oversee the implementation of human rights in Estonia. Gender Equality and Equal Treatment Commissioner is an independent and impartial expert who acts independently, monitors compliance with the requirements of the Gender Equality Act, available in English at <https://www.riigiteataja.ee/en/eli/530102013038/consolide>, and the Equal Treatment Act, available in English at <https://www.riigiteataja.ee/en/eli/530102013066/consolide>. In addition to monitoring compliance with the requirements of the Gender Equality Act and the Equal Treatment Act, the Commissioner accepts applications from persons and provides opinions concerning possible cases of discrimination; advises and assists persons upon filing discrimination complaints, analyses the effect of legal acts on the situation of women and men as well as minorities in society; makes proposals to the Government of the Republic, government agencies, local governments and their agencies for amendments to legislation; advises and informs the Government of the Republic, government agencies and local government agencies on issues relating to the implementation of Gender Equality Act and Equal Treatment Act; takes measures to promote gender equality and equal treatment, also publishes reports on implementation of the principle of gender equality and equal treatment.

145. Estonian Bar Association, [www.advokatuur.ee](http://www.advokatuur.ee), is a self-governing professional association acting for the organization of the provision of legal service in private and public interest and defending of the professional rights of the advocates. Estonian Bar Association assists the members of the Bar Association in their professional activity and performs surveillance, also looks out for the carrying on of the traditions of Estonian advocates. The Bar Association also organises professional in-service training for the advocates, relations with other professional organisations and takes part in legislative drafting. Since 1992 Estonian Bar Association is a member of the International Bar Association (IBA) and since May 2004 a full member of a body uniting the bar associations of the member states of the European Union (CCBE). The members of the Bar Association (advocates) include sworn advocates, senior assistants of sworn advocate and assistants of sworn advocate. As of 01.09.2015 Estonian Bar Association has a total of 965 members: 614 sworn advocates, 105 senior assistants of sworn advocate, 235 assistants of sworn advocate and 11 associated members.

146. State Legal Aid Act, available in English at <https://www.riigiteataja.ee/en/eli/527012015015/consolide>, was adopted to ensure the timely and sufficient availability of competent and reliable legal services to all persons. The types of state legal aid include the following: appointed defence in criminal proceedings; representing a person in pre-trial proceedings in a criminal case and in court; defending a person in extrajudicial proceedings in a misdemeanour case and in court; representing a

person in pre-litigation proceedings in a civil case and in court; representing a person in administrative court proceedings; representing a person in administrative proceedings; representing a person in enforcement proceedings; representing a person in judicial review proceedings; drawing up legal documents; other legal counselling or representing of a person. State legal aid is provided by an advocate under the Bar Association Act, available in English at <https://www.riigiteataja.ee/en/eli/510072014006/consolide>, taking account of the specifications provided for in this Act. The management of a law office ensures that explanations concerning the grounds of and procedure for obtaining state legal aid provided for in this Act are given to persons in need of state legal aid during the opening hours of the law office without charge.

147. A notary is a holder of office in public law, an independent official to whom the state has delegated the duty of ensuring the security of legal relationships and prevention of legal disputes. The professional activities of a notary are divided into the performance of notarial acts and the provision of notarial services. A notary executes his or her office as a liberal profession in his or her own name and at his or her own responsibility. An undertaking or a state official shall not be a notary. A notary shall be impartial and reliable in his or her professional activities. A notary shall be guided by the oath of office and shall also act in a dignified manner outside of his or her professional activities. A notary performs notarial acts at the request of persons pursuant to the procedure prescribed by law. A notary will authenticate documents by apostille irrespective of his or her work area, but not documents notarised or authenticated by him or herself. The Chamber of Notaries, [www.notar.ee](http://www.notar.ee), is a legal person in public law which was founded on the basis of the Notaries Act with the aim of bringing notaries together. All notaries who have been appointed to office are members of the Chamber of Notaries. As of 1 July 2015, there were 92 active notaries and 6 candidates.

148. The Estonian Chamber of Bailiffs and Trustees in Bankruptcy, [www.kpkoda.ee](http://www.kpkoda.ee), is a legal person in public law. Members of the Chamber are all who have the right to act as Bailiffs and Trustees in Bankruptcy. Its functions and status are defined by the Bailiffs Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/518062014002/consolide/current>.

## C. General framework for promoting human rights at the national level

### 1. Legislative branch of power

149. Parliamentary factions can be formed by and must consist of not less than five members of the *Riigikogu* elected from the same list of candidates. Members of the *Riigikogu* of one list of candidates can form only one faction. Factions are groups through which a large part of the work of the parliament is done. In factions political decisions are agreed upon; the decisions form the basis for expressing one's opinion in a committee, at the sittings of the plenary assembly of the *Riigikogu* or in public. Factions, like members of the *Riigikogu* and committees, have the right to initiate draft legislation. This ensures the opposition factions an opportunity to prepare and defend their own draft legislation in the *Riigikogu*.

150. The *Riigikogu* has, according to the law, 11 standing committees. In addition, also select, investigation, problem committees can be established (for instance, Security Authorities Surveillance Select Committee). A member of the *Riigikogu* belongs to one standing committee and may, on the basis of the decision of the faction, be a deputy member in other standing committees. The work of the committee is directed by the chairman of the committee or, in his absence, the deputy chairman. A committee is competent to pass resolutions if at least one third of the members of the committee are present at its regular session. The committee passes resolutions by majority vote. According to the Constitution, committees have the right to initiate laws. The main task of standing committees is working with the drafts of legal acts that are processed by the *Riigikogu*. The

Board of the *Riigikogu* sends all draft laws that have been submitted to the *Riigikogu* to a standing committee which becomes a leading committee. The leading committee looks through proposals for changes and amendments and is responsible for the draft law until the *Riigikogu* passes the final decision about it. The committee studies the field of life the draft law concerns in more detail, tries to see if all issues have been dealt with sufficiently and to find solutions to problems. As generally all factions are represented in each committee, the members of the *Riigikogu* can get information and have the possibility to co-ordinate their points of view through the member of their faction. In regard of human rights constitutional committee, legal affairs committee and social affairs committee are the most important.

151. The Constitutional Committee acts as the leading committee during the legislative proceeding of draft Acts to amend the Constitution and Bills relating to the organisation of the activities of the *Riigikogu*, the President of the Republic, the Government of the Republic, courts, the Chancellor of Justice and the State Audit Office, the organisation of local governments and other administrative management issues, the public service, the administrative procedure, the state liability, the bases for granting Estonian citizenship, the legal status of aliens, the legal status of EU citizens, elections of the *Riigikogu*, the President of the Republic, the European Parliament and local government councils as well as other issues of public and administrative law that are relevant to the constitutional order of Estonia.

152. The Legal Affairs Committee is one of the standing committees of the *Riigikogu*, it is the leading committee in the legislative proceeding of Bills dealing with the reform of private law, criminal law and internal security. The Legal Affairs Committee also conducts the legislative proceeding of acts regulating the specialised services of public service (police service, border guard service, rescue service and prosecution service). Draft legislation concerning the activities of lawyers, notaries, sworn translators, bailiffs and trustees in bankruptcy, as well as bills on ratification of international conventions and agreements fall within the sphere of work of the Legal Affairs Committee. Pursuant to the Resolution of the *Riigikogu*, the Committee forms its opinion on draft legislation of the European Union and forwards its position to the European Union Affairs Committee. The Legal Affairs Committee also exercises control over the executive power within its area of activity.

153. The Social Affairs Committee of the *Riigikogu* prepares draft legislation for deliberation in the plenary assembly of the *Riigikogu*. Bills concerning labour relations, social security and welfare and health care fall within the competence of the Social Affairs Committee.

154. Members of the *Riigikogu* are free to form deputies' associations and unions. Regarding human rights there are, for example People with Disabilities Support Group, Equal Treatment Support Group, Human Rights Group.

155. The Political Party Funding Supervision Committee, [www.erjk.ee](http://www.erjk.ee), verifies whether political parties, election coalitions and single candidates adhere to the requirements provided for in Political Parties Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/523122014002/consolide/current>. The political party funding supervision committee advises political parties in matters of funding the political parties and, at the request of a political party, makes proposals to the political party for overcoming economic difficulties, restoring the liquidity, improving the solvency and ensuring the sustainable management of the political party. To perform the functions the political party funding supervision committee has the right to demand that a political party, an election coalition or a single candidate undergo a special audit. The political party funding supervision committee will appoint an auditor by way of drawing lots among the certified auditors entered in the register of auditors. The name of the auditor and the reason of involving the auditor will be communicated to the party to the proceedings before involving the auditor, unless the matter needs to be attended to urgently or if the notification could impede the attainment of the purpose of the audit. The expenses of the

audit are covered from the budget of the political party funding supervision committee. The Committee consists of: a member appointed by the Chancellor of Justice; a member appointed by the Auditor General; a member appointed by the National Electoral Committee; a member appointed by a political party represented in the *Riigikogu*, who is not a member of the *Riigikogu* or of the Government of the Republic. The term of office of a member of the committee is generally five years.

## 2. Executive branch of power

156. All ministries are responsible for protection and promotion of human rights in their area of administration. There are also legal persons in public law, which are founded in the public interest and pursuant to an Act concerning such legal person. A legal person in public law shall not have civil rights or obligations which are contrary to its objective.

157. The main task of Ministry of Justice, [www.just.ee](http://www.just.ee), is to develop and implement the state's legislation and criminal policy in order to guarantee open and safe society where people are aware of their rights and confident that the rights are warranted. The Ministry has the following authorities in its jurisdiction: prisons, [www.vangla.ee](http://www.vangla.ee); Prosecutor's office, [www.prokuratuur.ee](http://www.prokuratuur.ee); Patent Office, [www.epa.ee](http://www.epa.ee); judiciary, [www.kohus.ee](http://www.kohus.ee), Data Protection Inspectorate, [www.aki.ee](http://www.aki.ee); Estonian Forensic Institute, [www.ekei.ee](http://www.ekei.ee); Centre of Registers and Information Systems, [www.rik.ee](http://www.rik.ee).

158. The Ministry of the Interior, [www.siseministerium.ee](http://www.siseministerium.ee), develops and guides two domains: internal security and regional fields. The Ministry has the following authorities in its jurisdiction: Police and Border Guard Board, [www.politsei.ee](http://www.politsei.ee); Internal Security Service, [www.kapo.ee](http://www.kapo.ee); Academy of Security Sciences, [www.sisekaitse.ee](http://www.sisekaitse.ee); IT and Development Centre, [www.smit.ee](http://www.smit.ee) (website in Estonian only); 15 county governments. The Local Government and Regional Affairs Department of the Ministry of the Interior is responsible for organizing development of civil society.

159. Ministry of Social Affairs, [www.sm.ee](http://www.sm.ee), develops social welfare, social protection, social security, labour and health domains as well as promotes gender equality and coordinates all activities related to equal treatment. The Ministry has the following authorities and institutions in its jurisdiction: Health Board, [www.terviseamet.ee](http://www.terviseamet.ee); Agency of Medicines, [www.ravimiamet.ee](http://www.ravimiamet.ee); Social Insurance Board, [www.sotsiaalkindlustusamet.ee](http://www.sotsiaalkindlustusamet.ee); Labour Inspectorate, [www.ti.ee](http://www.ti.ee) (website in Estonian only); National Institute for Health Development, [www.tai.ee](http://www.tai.ee); Astangu Vocational Rehabilitation Centre, [www.astangu.ee](http://www.astangu.ee) (website in Estonian only).

160. The Ministry of Education and Research, [www.htm.ee](http://www.htm.ee), develops Estonia's education, research, language and youth policies. The Ministry has the following authorities, organisations and institutions in its jurisdiction: the Language Inspectorate, [www.keeleinsp.ee](http://www.keeleinsp.ee); the National Archives, [www.arhiiv.ee](http://www.arhiiv.ee); Estonian Youth Work Centre, [www.entk.ee](http://www.entk.ee); Estonian Research Council, [www.etag.ee](http://www.etag.ee); Archimedes Foundation, [www.archimedes.ee](http://www.archimedes.ee); Information Technology Foundation for Education, [www.hitsa.ee](http://www.hitsa.ee); Foundation Innove, [www.innove.ee](http://www.innove.ee); Foundation for Sports Education and Information, [www.spordiinfo.ee](http://www.spordiinfo.ee) (website in Estonian only); Science Centre AHHAA, [www.ahhaa.ee](http://www.ahhaa.ee); Estonian Qualifications Authority, [www.kutsekoda.ee](http://www.kutsekoda.ee); upper secondary schools, <https://www.hm.ee/en/activities/pre-school-basic-and-secondary-education/secondary-education>, also [www.riigigümnaasium.ee](http://www.riigigümnaasium.ee) (website in Estonian only); schools for students with special educational needs, <https://www.hm.ee/en/activities/pre-school-basic-and-secondary-education/special-educational-needs>; vocational education institutions, <https://www.hm.ee/en/activities/vocational-education>; institutions for higher education, <https://www.hm.ee/en/activities/higher-education>; research and development institutions, <https://www.hm.ee/en/activities/research-and-development>.

161. The Ministry of Culture, [www.kul.ee](http://www.kul.ee), is responsible for guaranteeing benign conditions for fine arts, it supports the cultural life of the minorities living in Estonia and

helps them preserve their distinctive culture and language; the Ministry supports national minority culture societies, helping them develop their cultural life and activities; The Ministry supports the maintenance of cultural relations between compatriots and Finno-Ugric kindred peoples and Estonia, thereby helping to preserve the cultural identity of these compatriots and kindred peoples both in Estonia as well as beyond its borders. Ministry of Culture in co-operation with the Ministry of Economic Affairs and Communications is responsible for the development of creative industries. The Ministry is responsible for preserving cultural heritage. The Ministry of Culture has the institutions in its area of jurisdiction as follows: National Heritage Board, [www.muinas.ee](http://www.muinas.ee) (website in Estonian only); Estonian Philharmonic Chamber Choir, [www.epcc.ee](http://www.epcc.ee); Estonian Children's Literature Centre, [www.elk.ee](http://www.elk.ee); Estonian Repository Library, [www.hoiuraamatukogu.ee](http://www.hoiuraamatukogu.ee) (website in Estonian only); Estonian Folk Culture Centre, [www.rahvakultuur.ee](http://www.rahvakultuur.ee); the Võro Institute, [www.wi.ee](http://www.wi.ee); several museums.

162. The area of government of the Ministry of Rural Affairs, [www.agri.ee](http://www.agri.ee), covers the planning and implementation of rural policy, agricultural policy, fishing industry of the fisheries policy and the trade policy of agricultural products, the organisation of ensuring food safety and compliance, the coordination of the activities related to animal health and protection and plant health and protection, the organisation of agricultural research and development and agricultural education and the preparation of corresponding draft legislation. It has the following institutions and establishments in its area of jurisdiction: Agricultural Board, [www.pma.agri.ee](http://www.pma.agri.ee); Agricultural Registers and Information Board, [www.pria.ee](http://www.pria.ee); Agricultural Research Centre, [www.pmk.agri.ee](http://www.pmk.agri.ee); Estonian Livestock Performance Recording Ltd, [www.jkkeskus.ee](http://www.jkkeskus.ee); C. R. Jakobson Farm Museum, [www.kurgja.ee](http://www.kurgja.ee); Estonian Agricultural Museum, [www.epm.ee](http://www.epm.ee); Estonian Crop Research Institute, [www.etki.ee](http://www.etki.ee); Estonian Dairy Museum, [www.piimandusmuseum.ee](http://www.piimandusmuseum.ee) (website in Estonia only); Rural Economy Research Centre, [www.maainfo.ee](http://www.maainfo.ee); Veterinary and Food Board, [www.vet.agri.ee](http://www.vet.agri.ee); Veterinary and Food Laboratory, [www.vetlab.ee](http://www.vetlab.ee).

163. The task of the Ministry of the Environment, [www.envir.ee](http://www.envir.ee), is to create such prerequisites and conditions which ensure diverse nature and clean living environment as well as the sustainable use of natural resources for us and the generations to follow. The area of jurisdiction of the Ministry include The Environmental Board, [www.keskkonnaamet.ee](http://www.keskkonnaamet.ee); The Environmental Inspectorate, [www.kki.ee](http://www.kki.ee); Estonian Land Board, [www.maaamet.ee](http://www.maaamet.ee); State Forest Management Centre, [www.rm.k.ee](http://www.rm.k.ee); Foundation Private Forest Centre, [www.eramets.ee](http://www.eramets.ee); Estonian Environmental Research Centre, [www.klab.ee](http://www.klab.ee); Geological Survey of Estonia, [www.egk.ee](http://www.egk.ee); Estonian Map Centre, [www.ekk.ee](http://www.ekk.ee); Ökosil Ltd, [www.ecosil.ee](http://www.ecosil.ee); Estonian Environment Agency, [www.keskkonnaagentuur.ee](http://www.keskkonnaagentuur.ee); Estonian Museum of Natural History and Information Technology Centre of the Ministry of the Environment, [www.kemit.ee](http://www.kemit.ee).

164. The objectives of the Ministry of Economic Affairs and Communications, [www.mkm.ee](http://www.mkm.ee), is to create overall conditions for the growth of the competitiveness of the Estonian economy and its balanced and vital development through the drafting and implementing of Estonian economic policy and evaluating its outcomes. The area of administration of the Ministry is diverse; it includes government agencies, foundations, non-governmental organisations, enterprises with state partnership as follows: Estonian Competition Authority, [www.konkurentsiamet.ee](http://www.konkurentsiamet.ee); Estonian Civil Aviation Administration, [www.ecaa.ee](http://www.ecaa.ee); Estonian Road Administration, [www.mnt.ee](http://www.mnt.ee); Estonian Information System Authority, [www.ria.ee](http://www.ria.ee); Consumer Protection Board, [www.tarbijakaitseamet.ee](http://www.tarbijakaitseamet.ee); Technical Surveillance Authority, [www.tja.ee](http://www.tja.ee); Estonian Maritime Administration, [www.vta.ee](http://www.vta.ee); Estonian Development Fund, [www.arengufond.ee](http://www.arengufond.ee); Estonian Internet Foundation, [www.internet.ee](http://www.internet.ee); Enterprise Estonia, [www.eas.ee](http://www.eas.ee); KredEx, [www.kredex.ee](http://www.kredex.ee); Foundation Ida-Virumaa Industrial Areas Development, [www.ivia.ee](http://www.ivia.ee); State Infocommunication Foundation, [www.riks.ee](http://www.riks.ee); Tallinn Science Park Tehnopol, [www.tehnopol.ee](http://www.tehnopol.ee); NGO Estonian Intellectual Property and Technology Transfer Centre, [www.eitk.ee](http://www.eitk.ee); NGO Estonian Centre for Standardisation, [www.evs.ee](http://www.evs.ee); NGO Estonian National Committee of

the World Energy Council, [www.wec-estonia.ee](http://www.wec-estonia.ee); NGO Estonian Museum of Economic History, <http://muuseum.mkm.ee/> (website in Estonian only); A.L.A.R.A. AS, [www.alara.ee](http://www.alara.ee) (website in Estonian only); Eesti Liinirongid AS, [www.elron.ee](http://www.elron.ee); AS Eesti Loots, [www.loots.ee](http://www.loots.ee); AS Eesti Post, [www.omniva.ee](http://www.omniva.ee); AS Eesti Raudtee, [www.evr.ee](http://www.evr.ee); AS Eesti Teed, [www.eestiteed.ee](http://www.eestiteed.ee); AS Estonian Oil Stockpiling Agency, [www.ospa.ee](http://www.ospa.ee); Elering AS, [www.elering.ee](http://www.elering.ee); AS Estonian Air, [www.estonian-air.ee](http://www.estonian-air.ee); AS EVR Cargo, [www.evrcargo.ee](http://www.evrcargo.ee); KredEx Credit Insurance AS, [www.kredex.ee](http://www.kredex.ee); Estonian Air Navigation Services AS, [www.eans.ee](http://www.eans.ee); AS Metrosert, [www.metrosert.ee](http://www.metrosert.ee); AS Saarte Liinid, [www.saarteliinid.ee](http://www.saarteliinid.ee); Tallinn Airport AS, [www.tallinn-airport.ee](http://www.tallinn-airport.ee); AS Tallinna Sadam, [www.portoftallinn.com](http://www.portoftallinn.com); Teede Tehnokeskus AS, [www.teed.ee](http://www.teed.ee).

165. Ministry of Finance, [www.fin.ee](http://www.fin.ee), develops government's tax, financial and fiscal policies and implements them. Area of jurisdiction of the Ministry includes Statistics Estonia, [www.stat.ee](http://www.stat.ee); Estonian Tax and Customs Board, [www.emta.ee](http://www.emta.ee); Information Technology Centre for the Ministry of Finance, [www.rmit.ee](http://www.rmit.ee) (website in Estonian only); State Shared Service Centre, [www.rtk.ee](http://www.rtk.ee) (website in Estonian only); Environmental Investment Centre, [www.kik.ee](http://www.kik.ee); AS Eesti Loto, [www.eestiloto.ee](http://www.eestiloto.ee); Riigi Kinnisvara AS, [www.rkas.ee](http://www.rkas.ee); Eesti Energia AS, [www.energia.ee](http://www.energia.ee); Guarantee Fund, [www.tf.ee](http://www.tf.ee); Estonian Accounting Standards Board, [www.easb.ee](http://www.easb.ee); Estonian Board of Auditors, [www.auditorkogu.ee](http://www.auditorkogu.ee).

166. The functions of the Ministry of Defence, [www.kaitseministeerium.ee](http://www.kaitseministeerium.ee), include making proposals for planning national defence politics, implementing the planned activities, and the organisation of national defence. Within its area of jurisdiction there are Defence Forces, [www.mil.ee](http://www.mil.ee); Defence League, [www.kaitseliit.ee](http://www.kaitseliit.ee); National Security Authority, [www.nsa.ee](http://www.nsa.ee); Defence Resources Agency, [www.kra.ee](http://www.kra.ee) (website in Estonian only); Estonian Information Board, [www.teabeamet.ee](http://www.teabeamet.ee); Estonian War Museum — General Laidoner Museum, [www.esm.ee](http://www.esm.ee) (website in Estonian only); Seli Health Centre, [www.selitervisekeskus.ee](http://www.selitervisekeskus.ee) (website in Estonian only); Estonian National Defence College, [www.ksk.edu.ee](http://www.ksk.edu.ee).

167. Ministry of Foreign Affairs, [www.vm.ee](http://www.vm.ee), develops and implements Estonia's foreign policy, manages relations with foreign states and international organisations, protects the rights and interests of the Republic of Estonia and its physical and legal persons. The ministry also performs consular functions and manages internal protocol and protocol abroad. The Ministry has Estonian Foreign Policy Institute, [www.evi.ee](http://www.evi.ee), in its area of administration. The Ministry also has a network of embassies and representations in its area of administration.

168. Estonian Health Insurance Fund, [www.haigekassa.ee](http://www.haigekassa.ee), covers the costs of health services required by the person in case of illness. The task of the Fund is to cover the costs of health services, to help prevent and cure diseases, finance the purchase of medicinal products and medicinal technical aids, and provide the benefits for temporary incapacity for work and other benefits. The fund has four local offices. The status and duties of the Fund are defined by Estonian Health Insurance Fund Act, available in English at <https://www.riigiteataja.ee/en/eli/502042014001/consolide>.

169. Estonian Unemployment Insurance Fund, [www.tootukassa.ee](http://www.tootukassa.ee), performs its activities independently from government, but on the basis of a mission and of operational rules defined by law — Unemployment Insurance Act, available in English at <https://www.riigiteataja.ee/en/eli/509072014020/consolide>. The Fund is directed by a Supervisory Board in which the government is an equal stakeholder together with representatives of employers and of employees.

170. The objective of the Development Fund, [www.arengufond.ee](http://www.arengufond.ee), is to stimulate and support changes in the Estonian economy, which contribute to the updating of the economy, ensuring the growth in exports and creation of new jobs requiring high qualification. The Development Fund supports increase in innovation awareness, emergence of innovative

business ideas and growth of entrepreneurship in the society as a whole. The status of the Fund as legal person under public law is defined by the Estonian Development Fund Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/523042014002/consolide/current>.

171. Estonian Public Broadcasting, [www.err.ee](http://www.err.ee), is a legal person in public law, independent in the production and transmission of its programmes, programme services and other media services and shall be guided exclusively by the requirements of law. Its status is defined by the Estonian Public Broadcasting Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/527062014005/consolide>. The objective of Public Broadcasting is to assist in the performance of the functions of the Estonian state provided by the Constitution of the Republic of Estonia. For such purposes, Public Broadcasting shall create programme services, produce and mediate programmes and organise other activities which, separately or as a set shall: support the development of the Estonian language and culture; enhance the guarantees of the permanence of the Estonian state and nation and draw attention to the circumstances which may pose a threat to the permanence of the Estonian state and nation; assist in the increase of the social cohesion of the Estonian society; assist in the increase of the economic well-being and competitive ability of Estonia; assist in the promotion of the democratic form of government; explain the need for the economical use and sustainable development of the natural environment; enhance the family-based model of society; assist in the audio-visual recording of the Estonian history and culture; guarantee the availability of the information needed by each person for his or her self-realisation.

172. Cultural Endowment of Estonia, [www.kulka.ee](http://www.kulka.ee), is a legal person in public law the objective of the activities of which is to support the arts, folk culture, physical fitness and sport and the construction and renovation of cultural buildings by the purposeful accumulation of funds and distribution thereof for specific purposes. Grants of the Cultural Endowment for individuals are equivalent to state grants. The status, functions and organisation of the Endowment are defined by the Cultural Endowment of Estonia Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/525032014001/consolide/current>. Assets of the Cultural Endowment shall be formed inter alia from proceeds pursuant to the Alcohol Excise Act; proceeds pursuant to the Tobacco Excise Act; proceeds pursuant to the Gambling Tax Act; property donations and bequests made in favour of the Cultural Endowment; income received from investment of the assets of the Cultural Endowment.

173. National Library of Estonia, [www.nlib.ee](http://www.nlib.ee), collects, stores and makes publicly accessible documents published in Estonia or about Estonia, registers Estonian national bibliography and print output statistics and assigns international standard numbers. The National Library also acts as a parliamentary library, providing information services for the *Riigikogu* and other constitutional institutions. It is a development centre for librarianship, conducting professional research and development activities in cooperation with other libraries and institutions on both national and international level. It also acts as a research library, providing information for research activities in the humanities and social sciences and various information services. Its status is defined by the National Library of Estonia Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/518062014003/consolide/current>.

174. The Estonian Academy of Sciences, [www.akadeemia.ee](http://www.akadeemia.ee), develops and represents Estonian research relying on the intellectual strength of its members. The principal mission of the Academy as an association of researchers is to help, independently and with high academic professionalism, resolve issues relating to the development of Estonian research and the social and economic development of the state. The Academy is a legal person in public law; its status, functions and organisation are defined by the Estonian Academy of Sciences Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/522042014001/consolide>.

### 3. Judicial branch of power

175. There are four county courts and two administrative courts in Estonia serving as first instance courts. In order to grant the access to the justice, county courts are organised in courthouses which are situated in every county centre. Administrative Courts have altogether four courthouses. Altogether 150 judges are designated to work in first instance court, of which 28 designated in administrative court.

176. Circuit Courts serve as courts of appeal. There are two Circuit Courts, with 45 designated judges.

177. A statement of claim is filed with the court of first instance, an appeal with the court of second instance and an appeal in cassation with the court of third or the highest instance. A matter shall be heard in the Supreme Court only after all previous court instances have been passed. The filing of an appeal is governed by respective codes of court procedure. Only sworn advocates are allowed to present the case to the Supreme Court to ensure the legal and physical persons the best quality of legal aid.

178. Supreme Court, [www.riigikohus.ee](http://www.riigikohus.ee), has 19 designated judges, including the Chief Justice. Supreme Court is composed of the Civil Chamber, Criminal Chamber, Administrative Law Chamber and the Constitutional Review Chamber. Appeals may also be heard by Special (*ad hoc*) Panels or by the Supreme Court *en banc*. The Supreme Court *en banc*, comprised of all justices of the Supreme Court, is the highest body of the Court.

179. The decisions of courts of first and second instances are made public. All reasoned judgements of the Supreme Court shall be published in Part III of the State Gazette. Supreme Court decisions are electronically available on the homepage of the Supreme Court at <http://www.riigikohus.ee/?lang=en>.

180. An Estonian citizen, who has fulfilled an accredited law curriculum of academic studies, has proficiency in the Estonian language at the advanced level, is of high moral character and has the abilities and personal characteristics necessary for working as a judge, may be appointed judge. A judge shall be appointed to office for life. Judges of first and second instances shall be appointed to office by the President of the Republic on the proposal of the Supreme Court *en banc*. Justices of the Supreme Court shall be appointed to office by the *Riigikogu*, on the proposal of the Chief Justice of the Supreme Court. The Chief Justice of the Supreme Court shall be appointed to office by the *Riigikogu* on the proposal of the President of the Republic. The Minister of Justice has no right of command or disciplinary authority over the judges. A judge can be removed from office only on the basis of a court judgement that has entered into force.

181. A judge is required to develop the knowledge and skills of his or her specialty on a regular basis and to participate in training. According to the Courts Act, one of the judges' self-governmental bodies — the Judicial Training Council — is responsible for the training of judges. In addition to judges, it is comprised of representatives of the Prosecutor's Office, the Ministry of Justice and the University of Tartu. The members of the Judicial Training Council who are judges are elected by the Court *en banc*. The support services for the Judicial Training Council are provided by the Supreme Court's judicial training department. Human rights are taught in cooperation with NGOs. Judges are also encouraged to have professional training abroad.

182. Lay judges shall be appointed for four years. A person shall not be appointed lay judge for more than two consecutive terms. A local government council shall elect the candidates for lay judge. The number of candidates for lay judge shall be proportional to the ratio of the number of residents in the territory of the local government and the number of residents in the territorial jurisdiction of the court. Lay judges shall be appointed to office from among candidates for lay judges by the committee for appointment of candidates for lay judge, the membership of which shall be approved by the chairman of the court. The committee shall appoint as lay judges a specified number of persons determined

for such court from among the candidates for lay judges. An Estonian citizen with active legal capacity from 25 to 70 years of age who resides in Estonia, has proficiency in the Estonian language at the advanced level, and is of suitable moral character for the activity of a lay judge may be appointed lay judge. Upon appointment of lay judges, the committee shall consider the suitability of a candidate; the reasoned objections filed against a candidate, and follow the principle that lay judges shall be persons of different sex and age, from different social groups and operating in different areas of activity.

#### **4. Civil society**

183. The government has taken steps to guarantee the swift development for civil society, the Ministry of Interior being responsible for analysing, planning and coordinating the active community development and the co-operation between the state and civil society associations. Civil society is understood to be a society where people's basic rights and freedoms are protected and where they can carry out own initiative based cooperation to represent their interests and to influence political decisions through citizens' associations and networks. Citizens' associations, which are the second most important target group of the development plan besides the public authorities, are uniformly understood to be non-governmental non-profit organisations, whereas the use of the term is based on the applicable literary standard. Non-profit association is an equivalent term to citizens' association.

184. The Estonian Civil Society Development Concept is a document which describes the different roles of the public sector and the non-profit sector which supplement each other, and the co-operation principles in developing and implementing public policies and building up the civic society in Estonia. This guarantees that civil society development is seen in a strategic way as opposed to just responding to the short-term demands. A joint committee was formed for the supervision of implementation of the Concept, consisting of representatives of ministries and non-governmental organisations. The committee reports on its work to the government and to the public every year. Every second year a public discussion on the issue of civil society development takes place in the Parliament. The English text of the Concept is available at <https://www.siseministerium.ee/en/regional-affairs/civil-society>.

185. Civil Society Development Plan 2015-2020 was adopted by government in 2015 to standardize the ministries' approach to nurturing civil society and is renewed every other year. According to the decision of Estonian government National Foundation for Civil Society was established at the beginning of 2008. The objective of the Foundation is to contribute to enhancing the capacity of non-profit associations and foundations acting in the public interests of Estonia in the development of civil society and in formation of the environment favourable for civic initiative.

186. At their website, [www.ngo.ee](http://www.ngo.ee), the Network of Estonian Non-profit Organisations (Estonian acronym — NENO) has described the civil society in Estonia as below: "In 2003, NENO began working with the state owned foundation Enterprise Estonia to train and coordinate the NGO module in regional development centres. Part of this process involved combining and reconstituting the former business advisory and NGO resource centre. The development centres together with umbrella organizations and networks form a functioning and supportive infrastructure for Estonian non-profits and civic activists."

187. Non-comprehensive list of civil society organisations active in the field of protecting human rights can be found at <http://humanrights.ee/en/human-rights/human-rights-roundtable/>.

188. The following Estonian civil society organisations have been granted consultative status at ECOSOC and are therefore able to take part in the Human Rights Council sessions. These are Estonian Human Rights Centre, [www.humanrights.ee](http://www.humanrights.ee); Estonian

Women's Associations Roundtable Foundation, [www.enu.ee](http://www.enu.ee); Sillamäe Society for Child Welfare, [www.sscw.ee](http://www.sscw.ee).

## 5. Transparency and information

189. Transparency of legislative, executive and judicial branches of power is very important. Public Information Act was adopted in 2000, text is available in English at <https://www.riigiteataja.ee/en/eli/ee/522122014002/consolide>, its purpose is to ensure that the public and every person has the opportunity to access information intended for public use, based on the principles of a democratic and social rule of law and an open society, and to create opportunities for the public to monitor the performance of public duties. For example the sessions of the *Riigikogu* can be followed either personally at the parliament building or through the internet at [www.Riigikogu.ee](http://www.Riigikogu.ee).

190. Public debate and initiative is welcome and encouraged. People can follow the drafting process and offer their views and arguments in the process at <http://eelnoud.valitsus.ee/main/mount/share/home>. Ideas for legislation from the members of public are welcome at [www.osale.ee](http://www.osale.ee).

191. Court decisions, including those implementing human rights, are made public on the web. At the same time there are exceptions to that, for example regarding minors.

192. The wider goal of the concept of inclusion is to increase the transparency of decision-making and the trustworthiness of the public sector in relationships with stakeholders and the wider public. Inclusion upon decision-making means informing stakeholders, consulting with them, hearing out their opinions, providing feedback, etc. The purpose of the Good practices of inclusion, available in Estonian at <https://riigikantselei.ee/et/kaasamise-hea-tava>, is to provide clearer instructions for planning and organisation of inclusion and to unify the quality of inclusion practices of government authorities. Ministries must to include stakeholders into preparation of decisions, present a draft to them for opinions and provide feedback about taking into account the opinions gathered. For better inclusion of partners, an Inclusion Handbook has been prepared for officials and NGOs. It is available in Estonian at: [https://riigikantselei.ee/sites/default/files/kaasamine\\_avalikus\\_sektoris\\_ja\\_vabakonnas1.pdf](https://riigikantselei.ee/sites/default/files/kaasamine_avalikus_sektoris_ja_vabakonnas1.pdf)

193. Rules for Good Legislative Practice and Legislative Drafting, English version available at <https://www.riigiteataja.ee/en/eli/508012015003/consolide>, were adopted in 2011 to set the obligation to analyse the impact of legislation. The purpose of the impact assessment of legislation is to improve and unify the capability of government authorities upon planning and implementation of the government policy. Impact assessment improves the quality and transparency of the decision-making processes of the government and creates better conditions for those decisions to have the intended impact on the society.

## D. Reporting process at the national level

194. After forming the government objectives and program of the government are published at government's website [www.valitsus.ee](http://www.valitsus.ee). Reports on government activities are published and available thereby.

195. Whereas ministries have their everyday duties stemming from laws, regulations and statutes, there are also activities within more extensive scope. Government action plans on various human rights related issues have been prepared, adopted and implemented. All such action plans request co-operation in all phases from other actors in the field. Ministry responsible for the action plan is also the theme co-ordinator. Theme co-ordinators head the respective domestic networks and manage the mailing lists. Networks are semi-official and are based on wide participation of representatives of authorities and non-governmental sector alike.

196. Reporting on human rights is of growing importance as a dialogue-builder between government agencies and civil society.

197. On 10 December, Human Rights Day is celebrated. Human Rights Institute, [www.eihr.ee](http://www.eihr.ee), organises annual conferences with high-level speakers, concentrating on different important issues.

198. In addition to the reports compiled by Chancellor of Justice and Gender Equality and Equal Treatment Commissioner also Human Rights Centre, Human Rights Institute, and The Legal Information Centre for Human Rights (LICHR), [www.lichr.ee](http://www.lichr.ee), systematically prepare reports on human rights situation in Estonia.

199. Estonian Ministry of Foreign Affairs publishes reports of human rights treaty based bodies at its website [http://vm.ee/en/human\\_rights](http://vm.ee/en/human_rights), also concluding observations.

### **III. Information on non-discrimination, equality and effective remedies**

#### **A. Non-discrimination and equal rights**

200. The principle of equal treatment is one of the fundamental principles under the Estonian Constitution. Under the provisions of the Constitution, everyone is equal before the law. No one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds. More specific regulation concerning protection of the principle of equal treatment is provided in the Equal Treatment Act (adopted in 2009) and the Gender Equality Act (adopted in 2004).

##### **1. Equal rights for persons with disabilities**

201. Estonia signed the CRPD on 25 September 2007, and the parliament ratified the Convention together with its Optional Protocol on 30 May 2012. Prior to ratification of the CRPD, Estonia reviewed its legislation and determined it to be in conformity with the requirements of the Convention.

202. The respect towards the natural dignity of disabled people is encompassed by the human dignity principle set out in §10 of the Constitution. Pursuant to the Constitution of the Republic of Estonia (§28), disabled people enjoy special care of the national government and of local authorities.

203. Disability is defined in two laws: the Social Benefits for Disabled Persons Act (§2(1)) and the Equal Treatment Act (§5). Pursuant to the Language Act (§3), the Estonian sign language is recognised as an independent language and the signed Estonian language is as mode of the Estonian language, which is the official language of the state. Also in various other legal acts, the rights for persons with disabilities are taken into consideration.

204. In 2013, the Estonian Government began the process of consulting with governmental and non-governmental partners to elaborate a development plan for the protection of rights of people with disabilities as a part of Social Protection, Inclusion and Equal Opportunities Development Plan 2016-2023, which will set out a clear strategy for disability policy, including promotion and protection of equality, for respect for the requirement of non-discrimination on the basis of disability, the provision of reasonable accommodation and fulfilment of other obligations under the CRPD. The new development plan, scheduled for adoption at the end of 2015, will further enhance the effects of the Work Ability Reform which will launch in 2016 with the goal of greater participation of disabled people in the labour market.

205. Upon preparing a draft legal act, it is analysed whether it will affect the equality of people with disabilities and the principle of not discriminating anyone. The impact assessment questionnaire provides guidelines on how to assess the rights of social risk groups or people needing special treatment (for example people with disabilities). The impact assessment questionnaire is published at the Ministry of Justice website: [http://www.just.ee/sites/www.just.ee/files/elfinder/article\\_files/kontrollkusimustik.pdf](http://www.just.ee/sites/www.just.ee/files/elfinder/article_files/kontrollkusimustik.pdf).

206. Public Information Act, available in English at <https://www.riigiteataja.ee/en/eli/522122014002/consolide/current>, grants access to information for every person in the quickest and easiest way possible. The information holder is required to disclose information in a way that ensures that it reaches every person who needs the information as quickly as possible. Every institution providing public services is responsible for availability of information on labelling to visually impaired people in tactile Braille or other alternative forms and shall bear the necessary costs.

## 2. Gender equality

207. The Constitution and the Gender Equality Act prohibit direct and indirect discrimination based on sex, including giving orders therefor, in all areas of society.

208. The Gender Equality Act (GEA) has been in force in Estonia since 2004 to ensure equal treatment of men and women as provided for in the Constitution and to promote gender equality as a fundamental human right and for the public good in all areas of social life. To achieve this purpose, this Act provides for: 1) the prohibition of discrimination on the grounds of sex in the private and public sectors; 2) the obligation of state and local government authorities, educational and research institutions and employers to promote equality between men and women; 3) the right to claim compensation for damage. The GEA applies to all areas of social life except professing and practising faith or working as a minister of a religion in a registered religious association; and to relations in family or private life. Discrimination disputes under the GEA are resolved by a court or a labour dispute committee, but can also be resolved by the Chancellor of Justice by way of conciliation proceedings. The tasks of the Gender Equality and Equal Treatment Commissioner are described in p 144.

209. The main responsibility for planning and coordinating national gender equality policy lies with the Department of Equality Policies in the Ministry of Social Affairs. At the same time, according to the GEA, all state and local government agencies are required to both promote gender equality with special measures and through gender mainstreaming. In order to facilitate the implementation of gender mainstreaming, the Gender Mainstreaming Working Group composed of representatives from Estonian government ministries and coordinated by the Ministry of Social Affairs, was re-formed in 2011 with the main aim of providing training for a range of government employees on gender mainstreaming and drafting gender mainstreaming strategies for various policy areas. In addition, in 2011, the Government adopted new Rules for Good Legislative Drafting and Technical Rules for Drafts of Legislative Acts, which foresee an obligation of impact analysis of draft legislation, including an impact of the planned regulation to gender relations. In 2014, the Ministry of Finance put forward guidelines for policymakers to be taken into account when preparing development plans and also measures that are going to be financed from the EU Cohesion Policy funds to facilitate promoting of so called recurrent topics, including gender equality.

210. In October 2013, the Government established the Gender Equality Council, an advisory body to the Government set forth in the GEA. Its main responsibilities are advising the Government in matters related to strategies for the promotion of gender equality, approving general objectives of gender equality policy and presenting opinions to the Government concerning the compliance of national programmes with the obligation of gender mainstreaming. Among the members of the Council there are main umbrella organisations of employers, of employees and of local authorities, main women's

organisations, the Network of Estonian Non-profit Organizations, main organisations of pupils and students, representatives of rectors of universities, national bodies for statistics, health development, lifelong learning and employment support, Gender Equality and Equal Treatment Commissioner and all political parties represented in the parliament.

### 3. Rights of the Child

211. In Estonia, child protection is organised on three levels: local, county and state level. The local level (city or rural municipality) is the first level to deal with child protection and assistance. Decisions concerning all Estonian children are made at the state level. The county level between these two levels assists and monitors the local level in guaranteeing and executing the child protection and assists the state level in carrying out child protection tasks.

212. The state level deals with the organisation of children's social welfare services, health, education, hobby activities, work, vacation, security, etc. Guaranteeing the rights of children and child protection on the state level concerns many various institutions on the state level. Some of them are listed below. These are the ones the children and families come in contact most often. The Department of Children and Families of the Ministry of Social Affairs carries out and plans rights of a child and child protection policies in the name of all Estonian children. The department coordinates the execution of the children and families development plan and prepares child protection related political decisions, draft legislation, standards and guidance materials. [www.sm.ee/eng.html](http://www.sm.ee/eng.html).

213. The Ministry of Education and Science coordinates the organisation of education and youth work, including the drafting of curricula, study literature, tools, methods, etc. and also prepares draft legislation in the field of education and youth work. [www.hm.ee/en](http://www.hm.ee/en).

214. Support to families with children, parental benefit and alimony is paid through regional pension boards, which are part of the Social Insurance Board. [www.ensib.ee](http://www.ensib.ee).

215. There are juvenile police officers in all four regional prefectures of the Police and Border Guard, dealing with preventive activities and maintenance of law and order. There are child protection units in the criminal bureaus of every prefecture that investigate crimes committed against children. [www.politsei.ee/en/](http://www.politsei.ee/en/).

216. In the Prosecutor's Office and in all four district prosecutor's offices specialised prosecutors conduct criminal proceedings related to children. The prosecutors lead pre-trial proceedings, ensure the legality and effectiveness of the proceedings and represent public prosecution in court. [www.prokuratuur.ee/en](http://www.prokuratuur.ee/en).

217. The County Governor monitors the quality of social services and other support offered to a child and his/her family by the cities and rural municipalities of the county; decisions on providing or denying social support and services and other types of aid and the legality of these decisions; schooling and education in the county's kindergartens and schools. Additionally, the County Governor organises training courses and counselling for child protection officials in schools and rural municipalities, the collection of child protection statistics, adoptions, financing of substitute home services, etc. Contact information for county governments: [https://www.eesti.ee/eng/contacts/valitsusasutused/maavalitsused\\_1](https://www.eesti.ee/eng/contacts/valitsusasutused/maavalitsused_1).

218. It is the task of the city or rural municipality government to organise the protection of and assistance to all children living in their city or rural municipality, in the form of child protection officials. A Child protection official is the node, who can be informed by anyone about a child or a family in need of help and protection. The official's task is to collect information from children and parties (parents or carers, close relatives, neighbours, educational, health and police officials, etc.) in contact with children. Cities and rural municipalities offer various forms of support (e.g. support for feed children at school or in the kindergarten, etc.) and services (e.g. social or psychological counselling, etc.) to their

residents. The task of a child care official is to know the extent of the city's or rural municipality's support capabilities and he/she is responsible for their purposeful distribution and allocation. The task of the local government is to immediately place a child to a secure environment and have recourse to the courts, if the family jeopardizes the child's life and health. The courts decide on the separation of the child from the family and limiting custody. City and rural municipality governments organise schooling and education in most of the kindergartens and schools. Contact information for city and rural municipality governments: [www.eesti.ee/eng/contacts/kohalikud\\_omavalitsused](http://www.eesti.ee/eng/contacts/kohalikud_omavalitsused).

219. In 2014 the *Riigikogu* proposed the Government to establish a State Alimony Fund. This fund would guarantee the timely receipt of child alimony payments in case the obligations of parents are not fulfilled. In such cases the parents would become debtors of the state.

#### 4. Equal rights for national minorities

220. Section 49 of the Constitution stipulates: "Everyone has the right to preserve his or her national identity." The national minorities sphere in Estonia is guided by the National Minorities Cultural Autonomy Act, and Estonia has also acceded to the Council of Europe Framework Convention for the Protection of National Minorities.

221. The basic rights of minorities include: right to equal treatment and non-discrimination, freedom to belong to a minority, language rights, religious rights, right to unite and right to education.

222. The national minorities residing in Estonia are actively engaged in preserving their culture and traditions, with more than 300 cultural societies operating. The tasks of supporting the cultural life of national minorities and contributing to preserving the cultural uniqueness and language of national minorities lie with the Ministry of Culture in Estonia. The Council for Ethnic Minorities operates under the Ministry of Culture as an advisory body regarding the development of the cultural life and activities of national minorities.

223. As of the 1990s, integration in Estonian society has been one of state's priorities. The implementation of integration policy is based on the national integration strategy that is carried out through implementation plans describing activities necessary for the achievement of strategic objectives. The current strategy — Strategy of Integration and Social Cohesion in Estonia 2020 — which was adopted by the government in 2014, aims to support initiatives that promote active involvement of people in the society and emphasizes integration as a multidirectional process. The general objective of the activities specified in the integration strategy is a socially cohesive Estonian society, in which individuals with different linguistic and cultural backgrounds actively participate in society and share democratic values. The strategy also brings focus on newly arrived immigrants and their adaptation into the society. To facilitate this, services and support networks are developed and implemented. The implementation of the development plan is managed by a steering group consisting of representatives of stakeholder ministries, intermediate bodies, the Government Office, Ministry of Finance and the of the public sector, area experts mainly from research organisations and civil society are involved in the work of the steering group. The work of the steering group is managed by the Ministry of Culture. The activities of the development plan are regularly monitored, including with the help of expert opinions and evaluations, and annual reports and monitoring carried out every three years. <http://www.kul.ee/en/activities/cultural-diversity>.

224. The Integration and Migration Foundation Our People (Estonian acronym MISA), [www.meis.ee](http://www.meis.ee), was founded in 1998. Since 29 October 2009, the founder's rights of MISA are exercised by the Ministry of Culture. The foundation has a twofold objective. Firstly, regarding to integration the foundation carries out the activities of the integration plan with the aim of ensuring that the people who live in Estonia share the same values and form an active part of civic society, and that national minorities have the chance to preserve their

languages and cultures. Secondly, regarding to migration, the goal is to offer support for re-migration, emigration and extradition, to consult people who are returning to Estonia or leaving the country in migration issues and offer them financial support if necessary. The foundation initiates and supports projects/activities that promote integration and preservation of cultural diversity in Estonian society and coordinates the efficient use of different resources in this area.

#### **5. Equal rights for gay, lesbian, bisexual and transgender people**

225. The Registered Partnership Act, adopted in 2014, provides that partnership may be registered between two natural persons of whom at least one has residence in Estonia. <https://www.riigiteataja.ee/en/eli/527112014001/consolide>. By entry into a registered partnership contract the parties who have entered into a registered partnership contract (hereinafter registered partners) are required to support and maintain each other. Registered partners have equal rights and duties with respect to each other. They organise together their cohabitation considering the well-being of each other and they shall each accept responsibilities relating to cohabitation with regard to the other. A registered partnership registered in a foreign state is deemed to be valid in Estonia in accordance with the provisions of the Private International Law Act.

#### **6. Other related human rights information**

226. Estonian Income Tax Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/520012015019/consolide>, provides that non-profit associations, foundations and religious associations can benefit from income tax incentives if approved by the Government of the Republic after obtaining a recommendation from an expert committee. In January 2015 there were 2323 such associations. This rule also covers all civil society organisations protecting and promoting human rights in Estonia. Such organisation should operate in the public interest and it should be a charitable association. It must meet the requirements set by law not to distribute its assets or income, grant material assistance or monetarily appraisable benefits to its founders, members, members of the management or controlling body, persons who have made a donation to it or to the members of the management or controlling body of such person or to the persons associated with such persons and listed in clause.

### **B. Effective remedies**

227. If the state has unjustly deprived anyone of their liberty, the Compensation for Damage Caused in Offence Proceedings Act shall be applied. The text in English is available at <https://www.riigiteataja.ee/en/eli/522122014001/consolide>.

228. The basis for state organisation of victim support is provided by the Victim Support Act, available in English at <https://www.riigiteataja.ee/en/eli/517062014014/consolide>, which also provides the basis of organisation of conciliation service, compensation for the cost of the psychological care paid within the framework of provision of victim support services and the organisation of payment of state compensation to victims of crimes of violence (hereinafter compensation). This Act prescribes the persons who are entitled to victim support services compensation for the cost of psychological care and state compensation payable to victims of crimes of violence, and the conditions of and procedure for application for, determination and payment of the specified compensations, as well as the procedure for the provision of conciliation service.

229. A victim support service is a public service aiming at maintaining or enhancing the ability to cope of persons who have fallen victim to negligence, mistreatment or physical, mental or sexual abuse, including victims of human trafficking and sexually abused minors. Provision of victim support services includes: counselling of victims; assisting victims in communicating with state and local government authorities and legal persons; ensuring safe accommodation; ensuring catering; ensuring access to necessary health services; providing necessary material assistance; providing necessary psychological assistance; enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services; providing other services necessary for physical and psycho-social rehabilitation of victims. Victims of human trafficking and sexually abused minors have the right to receive the specified services until the need for the services ceases to exist. Victim support services are provided in every county of Estonia. Information concerning the possibilities of using the victim support service shall be available at local government, police, rescue, health care and social welfare and other relevant authorities. If minor victims of human trafficking or sexually abused minors need safe accommodation, substitute home service or foster care may be provided. The Social Insurance Board, [www.sotsiaalkindlustusamet.ee](http://www.sotsiaalkindlustusamet.ee), co-operates with other state and local government authorities and legal persons in providing victim support services, involves and supervises victim support volunteers and organise training for such volunteers.

230. State compensation to victims of crime is paid to victims of violent crimes committed in the territory of the Republic of Estonia and to their dependants, if the crime has resulted in the victim sustaining serious damage to his or her health, the victim sustaining a health disorder lasting for at least six months, or the victim dying. Additionally, compensation of expenses relating to the victim's medical treatment and funeral can be applied for by persons who factually bear the expenses. The total amount of compensation is 80% of the material damage caused, but not more than EUR 9,590.

231. Conciliation is a voluntary process in the course of which an impartial third party, a conciliator, facilitates communication between parties to conciliation proceedings with the purpose of assisting them in finding a solution to their dispute. A conciliator may, on the basis of the facts of conciliation and the progress of conciliation proceedings, propose to the parties his or her own solutions to the dispute. Conciliation proceedings are proceedings in a civil matter if the dispute concerned arises from a private law relationship and can be referred to a county court for determination. In the cases provided by law, conciliation proceedings are mandatory pre-trial proceedings. The Conciliation Act, available in English at <https://www.riigiteataja.ee/en/eli/530102013028/consolide>, governs conciliation proceedings in civil matters, including the legal consequences of conciliation proceedings. A conciliator can be a natural person whom the parties have entrusted the task of conciliation. A conciliator may act through a legal person, being employed by the legal person or holding a contract of another type with the legal person. A conciliator may be a sworn advocate. In this case he or she should submit a corresponding application to the board of the Estonian Bar Association. List of advocates who also can act as conciliators is provided at <https://advokatuur.ee/est/advokaadid/vandeadvokaatidest-lepitajad>. A notary may act as conciliator if he or she is registered by the Chamber of Notaries on the basis of a corresponding application by the notary. Information regarding notaries and sworn advocates who wish to act as conciliators is transmitted to the Minister of Justice. In the cases provided by law, a conciliation body of the government or a local authority will act as conciliator. The Public Conciliator, [www.riikliklepitaja.ee](http://www.riikliklepitaja.ee) (website in Estonian only), is appointed to office for a term of three years by the Government of the Republic on the basis of a joint agreement of the Ministry of Social Affairs and confederations of employers and confederations of employees. The status of the Public Conciliator and local conciliators is defined by the Collective Labour Dispute Resolution Act, available in English at <https://www.riigiteataja.ee/en/eli/ee/511112014002/consolide/current>.

232. The purpose of providing the conciliation service in the criminal process is to achieve an agreement between the suspect or the accused and the victim for conciliation and compensation of damage caused by the crime. Conciliation enables better inclusion of the victim in the decision-making process and reduction of tensions, fear, anger, etc. accompanying the crime. The implementation of a conciliation procedure takes into account first and foremost the victim's interests.

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