

European Rule of Law Mechanism: input from Member States – ESTONIA

This input provides only new information, and should be read in conjunction with the Input from Estonia submitted in 2020, the answers to questions received on 26.06.2020 and the submission on ICT systems in the Estonian courts submitted in the framework of the 2020 Rule of Law Cycle.

I. Justice System

A. Independence

- 1. Appointment and selection of judges , prosecutors and court presidents**
- 2. Irremovability of judges; including transfers, dismissal and retirement regime of judges, court presidents and prosecutors**
- 3. Promotion of judges and prosecutors**
- 4. Allocation of cases in courts**
- 5. Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)**
- 6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges.**
- 7. Remuneration/bonuses for judges and prosecutors**
- 8. Independence/autonomy of the prosecution service**
- 9. Independence of the Bar (chamber/association of lawyers) and of lawyers**
- 10. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary**

B. Quality of justice

- 11. Accessibility of courts (e.g. court fees, legal aid, language)**
- 12. Resources of the judiciary (human/financial/material)**

The total number of persons active in the courts of first and second instance is 992. This number includes 223 judges (some positions may be vacant for reasons such as maternity leave), 223 judicial clerks and 51 assistant judges who deal with land and commercial registration cases and payment orders (expedited small claim cases).

- 13. Training of justice professionals (including judges, prosecutors, lawyers, court staff)**

Pursuant to section 74 of the Estonian Courts Act, a judge is required to develop knowledge and skills of his or her speciality on a regular basis and to participate in training.

According to the Courts Act, one of the judges' self-governing 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 largest Estonian judicial representative body, comprised of all Estonian judges); judges account for the vast majority of the

members of the Judicial Training Council. The Supreme Court's Legal Information and Judicial Training Department provides support services to the Judicial Training Council and organizes training.

The aim of training of judges is to improve and update their professional knowledge and skills. Training of judges is based on the strategies for training of judges and annual training programmes. The Legal Information and Judicial Training Department of the Supreme Court is required to submit each year's training program to the Training Council.

The training needs and results of the assessment of the effect of the training are taken into account when preparing training programmes. Training needs and the effectiveness of training are assessed through communication with judges, court officials and other persons and institutions which interact with the courts, feedback on trainings, case law analyses, questionnaires, research, etc.

Judges' training includes mostly legal training and skills training. Legal training is divided into training for civil judges, criminal judges and administrative law judges. If judges are interested, they can participate in trainings of other areas as well. The annual training plan sets out the subjects of the trainings, the lecturers and the duration of the trainings. Lecturers are acknowledged specialists from Estonia and from abroad.

Judges training is also open to candidates for judicial office, judicial clerks and consultants in the courts. A limited number of places are also available for officials of the Ministry of Justice, the Office of the Chancellor of Justice and the Chancellery of the Estonian Parliament. The training calendar, schedule, materials, information about trainings abroad and other information is available on the dedicated judicial training website (in Estonian), and judges can register online for the coming year's training already in October and November.

Judges can also participate in trainings abroad, including through international cooperation through the European Judicial Training Network (EJTN) of which the Supreme Court is a full member. Every year the EJTN compiles a catalogue of trainings organised in the member states. The catalogue is published on the website of the EJTN. Furthermore, every year the EJTN organises an exchange programme for judges. The EJTN also develops the judicial language learning system and makes proposals for the improvement of the judicial training system, and promotes distance learning methods and prepares guidelines for the judicial training institutions of the European Union.

Training for advocates who are members of the Estonian Bar Association is regulated under Section 34¹ of the [Bar Association Act](#). Advocates are required to complete period legal in-service training to update and maintain their qualification. This also ensures that advocates are up to date on the latest legislative amendments and court practice. Advocates are required once every five years after passing the final advocate's examination to provide information on in-service training that they have completed in their area of specialisation to the Bar Association's professional suitability assessment committee. The rules governing this assessment are provided for in the [Internal Rules](#) of the Bar Association, and the bases and organisation of in-service training are determined by the Board of the Bar Association. Access to training is provided through the in-service training portal maintained by the Bar Association. If an advocate fails to complete the required amount of training, the Bar Association will organise an assessment of the advocate's professional expertise.

14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

Please see the input from 2020 on ICT systems in the Estonian courts.

While all countries are challenged to find digital solutions to tackle problems created by the COVID-19 pandemic, Estonia has in many ways had an advantage due to our long-term efforts to digitalise the public administration. All courthouses have equipment for videoconferences.

Estonia had already created everything the courts, prosecutor's offices, prisons and legal professionals needed to work remotely before the current crisis began. Moreover, everyone with an Estonian ID has access to governmental services digitally, and they can sign and exchange digital documents securely. All of this has resulted in a minimal need to reorganize work.

Judges, court staff and legal professionals are able to conduct most proceedings in writing remotely thanks to the information system and digital court file application. All necessary procedural acts and court hearings continue to be conducted during the pandemic, however where possible by technical means of communication such as virtual meeting rooms that have been created in 2020 for the ministry, courts, prosecution offices and prisons to raise the capacity to hold video conferences.

As the pandemic has continued, the demand for videoconferencing equipment has increased, and thus the necessary additional procurement procedures have been launched. The use of virtual rooms is already high and thus additional licenses have been necessary. While all judges, officials and parties to proceedings receive manuals on how to use the virtual rooms and training has been provided to increase technical skills, it is clear that not everyone is able to operate with the same proficiency and that therefore it is important to continue to invest in training. Conducting proceedings online requires particular skills, and thus judges have organised round tables to share ideas and best practices on matters such as what to focus on during hearings. The Supreme Court is in the process of developing specific training materials and courses to advance training in this area.

15. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

All judges and court officials use the Court Information System (CIS). The CIS is also used for distributing cases automatically among judges. Cases are registered and the case characteristics, such as case category according to topic and number of defendants, are entered in the CIS before distribution. Algorithms are used to ensure an equal distribution of workload and distribution according to specialisation. Court statistics are generated by the CIS and made available to all judges and court managers. The Ministry of Justice analyses the general statistics of the court and gathers the results into comparing summary twice a year. The statistics of the first and second instance courts is made public on the websites of these courts, and the statistics of the Supreme Court are published on its website. Once a year, the president of each court makes a presentation about the administration of justice in the particular court before the Council for the Administration of Courts.

The presidents of the courts and the Ministry of Justice monitor information on court cases which have been before the courts for more than two years (so-called "old cases"). The Ministry of Justice does not open or investigate the court file, but only receives information about the next procedural steps so that no court cases can be overlooked.

Once every four years a survey is conducted among court users and legal professionals. The methodology of this survey is based on CEPEJ handbook for conducting satisfaction surveys aimed at court users in Council of Europe member states. The results are discussed in the Council for the Administration of Courts and made public on the websites of the different courts.

16. Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation

Estonia's court system consists of three instances: county and administrative courts are courts of first instance court; circuit courts are courts of second instance, and the Supreme Court is the highest court. The formation of emergency courts is prohibited by the Constitution.

The structure of Estonia's court system is one of the simplest in Europe. The Supreme Court is simultaneously the highest court of general jurisdiction, the supreme administrative court as well as of the constitutional court. The Supreme Court is located in Tartu.

County courts are courts of first instance and hear all civil, criminal and misdemeanour matters. There are 4 county courts in Estonia with 152 judges. County courts encompass a number of court houses, which are in all of the 15 counties of Estonia.

Harju County Court: Tallinn courthouse - 67 judges.

Viru County Court: Jõhvi courthouse – 11 judges; Narva courthouse – 10 judges; Rakvere courthouse – 7 judges.

Pärnu County Court: Pärnu courthouse – 11 judges; Haapsalu courthouse – 3 judges; Kuressaare courthouse – 2 judges; Rapla courthouse – 3 judges; Paide courthouse – 2 judges.

Tartu County Court: Tartu courthouse – 20 judges; Jõgeva courthouse – 4 judges; Viljandi courthouse – 4 judges; Valga courthouse – 3 judges; Võru Courthouse – 3 judges in Võru and in 2 judges in Põlva.

Administrative courts as courts of first instance hear administrative matters. There are 2 administrative courts in Estonia with 25 judges. Administrative courts are divided into courthouses.

Tallinn Administrative Court: Tallinna courthouse – 16 judges; Pärnu courthouse – 1 judge.

Tartu Administrative Court: Tartu courthouse – 5 judges; Jõhvi courthouse – 3 judges.

Circuit courts are courts of second instance and review the decisions of county and administrative courts in appeal proceedings. The circuit courts are located in Tallinn and Tartu. There are a total of 46 circuit court judges.

Tallinn Circuit Court– 30 judges; Tartu Circuit Court – 16 judges.

C. Efficiency of the justice system

17. Length of proceedings

According to the procedural statistics of 2020, civil cases were resolved in county courts on average in 95 days, criminal cases were resolved on average in 255 days in general criminal proceedings, 34 days in simplified proceedings and 47 days in misdemeanour cases. In the first instance, administrative cases were resolved in an average of 126 days. The average processing time for appeals was 182 days in civil cases, 51 days in criminal cases and 192 days in administrative cases.

In four of the past five years, the Supreme Court has operated at a capacity of 97-103%, that is, all registered cases are resolved within a reasonable time. Pursuant to the Courts Act, the Chief Justice of the Supreme Court makes an annual report to the *Riigikogu* (parliament) on the administration of justice in Estonia.

Other – please specify

II. Anti-corruption framework

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

18. List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical resources as relevant), e.g. in table format.

B. Prevention

19. Integrity framework including incompatibility rules (e.g.: revolving doors)

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

On 27 August, 2020 the previous Government discussed draft guidelines/good practices prepared by the Ministry of Justice together with its partners (NGO Corruption Free Estonia/Transparency Estonia and Corruption Contacts Network), more specifically:

1) Guidelines for avoiding conflicts of interest for ministers and their advisers (hereafter: the Guidelines), and

2) Good Practices in communication with lobbyists for officials (hereafter: the Good Practices). In early January, Prime Minister Jüri Ratas' Government resigned, and the new Government under Prime Minister Kaja Kallas was sworn into office on 26 January 2021. The new draft of the Anti-Corruption Action Plan 2021-2025 includes the adoption of conflict of interest guidelines for ministers and political advisors (1) and good practices for lobbying (2).

On 22 February 2021 the Ministry of Justice sent the amended guidelines/good practices to the new Government, which is scheduled to review them at a Government Session in March 2021.

21. Rules on preventing conflict of interests in the public sector

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

The Whistleblower Protection Act, which will transpose the Whistleblower Directive into Estonian law, is currently being drafted in the Ministry of Justice. The draft is scheduled to be submitted to the Government for approval in May 2021, and will thereafter be submitted to parliament.

23. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for preventing corruption and conflict of interest in these sectors. (e.g. public procurement, healthcare, other).

The list of anti-corruption priorities and priority sectors is found in the new Anti-Corruption Action plan. These include the environment, healthcare, welfare and sport.

24. Measures taken to address corruption risks in the context of the COVID-19 pandemic.

25. Any other relevant measures to prevent corruption in public and private sector

The new [anti-corruption action plan 2021-2025](#) was approved by the Government on 22.01.2021.

The draft law to amend the Anti-Corruption Act imposes an obligation on political advisers to Government ministers to submit an annual declaration of interest. Under the draft law, clause 13(1)1) of the Anti-corruption Act would be amended so that the circle of representatives who are required to submit a declaration of interest is expanded to political advisers to ministers. The draft was approved by the Government on 28.01.21 and passed its first reading in the *Riigikogu* (parliament) on 22.2.2021. Please see (in Estonian): [https://www.riigikogu.ee/tegevus/eelnoud/eelnou/011b1b2d-264b-4353-ab91-8c9d0584ae62/Korruptsioonivastase%20seaduse%20muutmise%20seadus%20\(GRECO%20soovitus%20t%C3%A4itmine%20ja%20julgeolekuasutuste%20juhtide%20huvide%20deklaratsioonide%20a_valikkuse%20piiramine\)](https://www.riigikogu.ee/tegevus/eelnoud/eelnou/011b1b2d-264b-4353-ab91-8c9d0584ae62/Korruptsioonivastase%20seaduse%20muutmise%20seadus%20(GRECO%20soovitus%20t%C3%A4itmine%20ja%20julgeolekuasutuste%20juhtide%20huvide%20deklaratsioonide%20a_valikkuse%20piiramine)).

C. Repressive measures

26. Criminalisation of corruption and related offences

Please see official statistics on corruption offences (2020): <https://www.kriminaalpoliitika.ee/kuritegevus2020/korruptsioon-ja-majanduskuriteod>.

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

28. Potential obstacles to investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation)

Other – please specify

III. Media pluralism

A. Media authorities and bodies

29. Independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies

The draft of the new Media Services Act which will transpose the Audio-Visual Media Services Directive (AVMSD) into Estonian law was approved by the Government on 4 February 2021 and has been sent to the *Riigikogu* (parliament) for debate and adoption. The draft provides for additional guarantees for the independency and impartiality of the National Regulatory Authority to even better ensure that its decisions cannot be influenced unduly. The Government anticipates that the Act will be adopted by the *Riigikogu* by the summer of 2021.

30. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

31. Existence and functions of media councils or other self-regulatory bodies

B. Transparency of media ownership and government interference

32. The transparent allocation of state advertising (including any rules regulating the matter); other safeguards against state / political interference

33. Rules governing transparency of media ownership and public availability of media ownership information

C. Framework for journalists' protection

34. Rules and practices guaranteeing journalist's independence and safety

35. Law enforcement capacity to ensure journalists' safety and to investigate attacks on journalists

36. Access to information and public documents

37. Lawsuits and convictions against journalists (incl. defamation cases) and safeguards against abuse

Other – please specify

To alleviate the impact of the COVID-19 pandemic, in addition to general support measures, in 2020 the Ministry of Culture opened two crisis aid application rounds for publishers to support the financial sustainability of publishers of daily and/or weekly newspapers, including local newspapers, as publishers' revenues have fallen significantly. The support measure helped to compensate for costs

directly related to the delivery of newspapers to subscribers. In addition, the VAT rate for electronic publications was reduced to 9% in 2020, i.e. to the same level as for paper publications.

IV. Other institutional issues related to checks and balances

A. The process for preparing and enacting laws

38. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary on judicial reforms), and transparency and quality of the legislative process

39. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

40. Regime for constitutional review of laws

41. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

During the first peak of the COVID-19 pandemic in the Spring, on 12 March 2020, Estonia declared an emergency situation, which did not allow for any measures that are not in full conformity with the Estonian Constitution. Estonia did not declare a state of emergency under the Constitution, as has been mistakenly reported. The emergency situation was terminated on 18 May 2020.

On 17 May 2020, the *Riigikogu* (parliament of Estonia) passed amendments to the [Communicable Diseases Prevention and Control Act](#). The Act gave the Health Board and the Government the appropriate and necessary competence and authority to implement various measures for preventing and controlling the COVID-19 epidemic. The main legal basis is in Section 28 of this Act, which provides:

„§ 28. Prevention of epidemic spread of communicable diseases

(1) The risk arising from the epidemic spread of a communicable disease shall be determined by the Health Board on the basis of epidemiological, laboratory and clinical information submitted thereto.

(2) In order to prevent the epidemic spread of a communicable disease, the Health Board may, *inter alia*, with an administrative act:

- 1) order schools, child care institutions and social service agencies to be closed temporarily;
- 2) demand that disinfection, eradication of insect vermin, pest extermination or cleaning be organised;
- 3) demand the organisation of medical examination of people and diagnosing communicable diseases or the organisation thereof;

4) require hospitals and social service agencies to establish visiting restrictions.

(3) Persons located in a focus of disease or in an area where there is a risk of occurrence of a focus of disease and the persons with a suspicion of disease associated therewith may be obliged to undergo a medical examination or diagnosing of a communicable disease specified in clause (2) 3) of this section. The measures and restrictions specified in clauses 27 (1) 1) and 2) of this Act may be applied to persons upon refusal from medical examination and diagnosing of communicable diseases.

(4) The head of a child care institution or social service agency may temporarily close the institution run by him or her with the approval of the Health Board.

(5) In order to prevent the spread of an extremely dangerous communicable disease, the Health Board may temporarily, if it is absolutely necessary, by an administrative act in addition to the measures and restrictions specified in subsection (2) of this section:

- 1) close institutions and establishments;
- 2) prohibit public meetings and organisation of public events;
- 3) establish other restrictions on the freedom of movement.

(6) If the application of measures and restrictions provided for in subsection (5) is accompanied with a significant social or economic effect, these shall be established with an order of the Government of the Republic.

(7) The requirements, measures and restrictions established on the basis of this section shall be terminated by the administrative authority who established them after the need therefor ceases to exist. If both the Health Board and the Government of the Republic have established requirements, measures and restrictions with regard to the same addressee, the rights and obligations arising from the administrative act of the Health Board shall be deemed to be terminated as of entry into force of the administrative act of the Government of the Republic concerning the part in which these rights and obligations are different or contradictory.

(8) The requirements, measures and restrictions prescribed for preventing the spread of an extremely dangerous communicable disease in an act or on the basis of an act may be applied for the prevention of a dangerous novel communicable disease.

(9) Information on the establishment and termination of requirements, measures and restrictions provided for in this section may be published in media, provided that the number of addressees of the administrative act is more than 50.

(10) An administrative act on the establishment or termination of requirements, measures and restrictions provided for in this section shall enter into force upon the communication thereof to the direct addressee or publishing thereof in media, unless the administrative act itself provides for another term.

(11) Persons whom the restrictions specified in this section concern shall be involved immediately according to the provisions of § 40 of the Administrative Procedure Act.

(12) The Emergency Act shall be applied, if necessary, to prevent the epidemic spread of communicable diseases.“

On the basis of this Act, the Government of the Republic has established temporary restrictions corresponding to the epidemic problem. Each restriction corresponds to the scope and purpose of the problem at that time and has been established in compliance with the principle of proportionality set out in § 11 of the Constitution – only such measures that minimally restricts rights and freedoms in accordance with a legitimate aim are permissible.

For example, Government Order from 22.02.2021 until 28.02.2021 „Measures and restrictions necessary for preventing the spread of COVID-19“, available in English at: <https://www.riigiteataja.ee/en/eli/ee/VV/k/522022021004/consolide>

All Orders of the Government are published and available on the website of the electronic database of legislation ([Riigi Teataja](#)) and on the [national crisis website](#).

Before and after the adoption of each Government order, the restrictions have been introduced on Estonian national broadcasting and other TV channels. All Orders of the Government of the Republic contain the legal basis for the establishment of the restriction, the reasons for the necessity of the restriction and epidemiological data based on time and context (see Subsection 28 (1) of the Act). All orders of the Government contain a reference to the possibilities for contesting the order. The order can be challenged in proceedings before the Government or in an administrative court.

Judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

According to § 15 of the [Constitution of the Republic of Estonia](#): Everyone, whose rights and freedoms are violated, has the right of recourse to the courts. Everyone has the right, while his or her case is before a court, to request for any relevant law, other legal act or action to be declared unconstitutional. The courts shall observe the Constitution and shall declare unconstitutional any law, other legal act or action that violates the rights and freedoms provided for in the Constitution or is otherwise in conflict with the Constitution.

All COVID-19 pandemic Orders of the Government of the Republic contain information on how the order can be contested: “This Order can be appealed by filing a challenge pursuant to the procedure provided by the Administrative Procedure Act within 30 days as of the day the relevant person became or should have become aware of the Order. This Order can also be appealed by filing an action with an administrative court pursuant to the procedure provided for in the Code of Administrative Court Procedure within 30 days as of the date of publication of this Order.” The Supreme Court has held that a person can also contest a general order within 30 days as of the date on which the order has an effect on the person (Order of the Administrative Chamber of the Supreme Court No. [3-19-557](#) of 05.09.2019).

As at 1 March 2021, some 40 complaints have been received by the Tallinn Administrative Court since the Spring of 2020 relating to measures imposed due to the COVID-19 epidemic. Approximately one-half have been resolved. The complaints have for example disputed the obligation to wear a mask, decisions not to be accorded subsidies, cancellation of school holidays, the requirement to attend school through distance learning and the suspension of alcohol sales in nightclubs. A significant number of complaints have been rejected or returned due to failure to eliminate formal or substantive deficiencies in the complaints. Proceedings in substantive disputes are largely ongoing.

One request to initiate constitutional review has been submitted to the Supreme Court. On this basis, the Supreme Court declared a clause of a regulation of the Minister of Culture that established conditions for Government support for performing arts institutions to be incompatible with the requirement of equal treatment under § 12 of the Constitution and therefore invalid. (Judgment of the Constitutional Review Chamber of the Supreme Court No. [5-20-6](#) of 22 December 2020).

Oversight by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

The *Riigikogu* Rules of Procedure and Internal Rules Act prescribes, inter alia, the following possibilities for the Parliament to supervise the activities of the executive power:

1. An interpellation by a Member of the *Riigikogu*;
2. Question Time to *Riigikogu*, when the Prime Minister and ministers answer oral questions from Members of *Riigikogu*;
3. A written question from a Member of the *Riigikogu*;
4. Resolving collective proposal.

1. An interpellation by a Member of the *Riigikogu*

According to *Riigikogu* Rules of Procedure and Internal Rules Act, § 139 (1): „An interpellation by a member of the *Riigikogu* is a question that is addressed to the Government of the Republic or a member thereof, to the Chair of the Supervisory Board of the Bank of Estonia, to the Governor of the Bank of Estonia, to the Auditor General, or to the Chancellor of Justice and that is in the appropriate format and pertains to compliance with the legislation governing the powers of the corresponding body or public official.“

For example: interpellations by Members of the *Riigikogu* to the Minister of Education and Research on 10.02.2021: “On the quality of education in the conditions of the corona crisis”; on 08.02.2021 to the Minister of Health and Labour “On vaccination”; on 12.10.2020 to the Prime Minister “On support measures for the tourism sector“. All interpellations can be seen on the [website](#).

2. Question Time to *Riigikogu*, when the Prime Minister and ministers answer oral questions from Members of the *Riigikogu*

According to The *Riigikogu* Rules of Procedure and Internal Rules Act, § 142, Question Time, during which the Prime Minister and ministers reply to oral questions from Members of *Riigikogu*, runs from 12:00 to 14:00 on a Wednesday of every working week of the plenary assembly of *Riigikogu*. Question Time can be viewed directly on the [website of the *Riigikogu*](#) and [Estonian Public Broadcasting](#).

For example, 17.02.2021 *Riigikogu* Question Time: On the Health and Economic Crisis, COVID-19 Management, Vaccination, European Cooperation and Security. The respondents were the Prime Minister and the Minister of Health and Labour.

3. A written question from a Member of the *Riigikogu*

According to Section 147 of the [Riigikogu Rules of Procedure and Internal Rules Act](#): „A Member of the *Riigikogu* may present a written question to the Government of the Republic or a member thereof, to the Chair of the Supervisory Board of the Bank of Estonia, to the Governor of the Bank of Estonia, to the Auditor General or to the Chancellor of Justice in order to obtain information on an individual matter within the powers of the corresponding body or public official.“ For example, the 01.03.2021 question to the Prime Minister "On the prevalence of new corona strains in Estonia", question to the Minister of Health and Labour "On testing" and 10.11.2020 question to the Prime Minister "On making masks mandatory". The questions and answers are published on the [website of the Riigikogu](#).

4. Resolving collective proposal

Under the [Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act](#), § 7¹ may make a collective appeal to the *Riigikogu* with at least 1000 support signatures. on amendments to existing legislation or how to improve community life. In connection with COVID-19, two collective proposals have been submitted to the *Riigikogu*: 15.12.2020 collective proposal "Corona measures are not justified. It is time to return to ordinary life!" and 19.05.2020 collective proposal "We demand that the Government repeal Act 165 SE ". Collective proposals and the related answers are available on the [Riigikogu website](#).

Measures taken to ensure the continued activity of Parliament (including possible best practices)

Throughout the pandemic, the *Riigikogu* (parliament) has remained operational to the maximum possible extent. A number of measures have been adopted to minimise physical contacts and thus reduce the risk of infection with the COVID-19 virus and protect the health of the staff and Members of the *Riigikogu*.

In the early months of the COVID-19 pandemic in Spring 2020, the *Riigikogu* and the parliamentary committees reduced the number of their sittings and concentrated almost solely on matters related to the pandemic and other urgent issues.

In May 2021, the [Riigikogu Rules of Procedure and Internal Rules Act](#) was amended to allow for the organisation of remote-participation sittings of the *Riigikogu*, in which members can participate by electronic means without being physically present at the sitting. When such a sitting is held, Members of the *Riigikogu* are guaranteed the possibility to observe the sitting in real time from a remote location and to carry out acts related the sitting, such as submitting a bill, making a report or a comment, submitting a protest or voting. They can also easily give notifications of any impediments to performing any of these acts. A number of such sittings have been held since the adoption of the amendment.

It is also recommended that parliamentary committee meetings be held either remotely or in larger meeting rooms that allow for greater social distancing. Persons who are invited to speak at committee meetings preferably participate via video link.

There are greater restrictions to access to the parliamentary buildings for the public. Journalists are allowed entry but are requested to wear a mask and to maintain a distance of at least 2 metres with persons whom they are interviewing and others. The public continues to have access to the work of parliament online, as already before the pandemic. All *Riigikogu* information session and plenary sittings are [broadcast live](#) and recorded for later viewing on [YouTube](#). All [minutes](#) of sittings are published on the *Riigikogu* website, and photographs of the work of the *Riigikogu* are also available in the [photo gallery archives](#).

B. Independent authorities

42. Independence, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In January 2021, the Chancellor of Justice received A-category accreditation as an NHRI that is fully compliant with the Paris Principles.

C. Accessibility and judicial review of administrative decisions

43. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data) and judicial review (incl. scope, suspensive effect)

44. Implementation by the public administration and State institutions of final court decisions

D. The enabling framework for civil society

45. Measures regarding the framework for civil society organisations (e.g. access to funding, registration rules, measures capable of affecting the public perception of civil society organisations, etc.)

Based on the Estonian Civil Society Development Concept, the Government promotes civil society through the new [Civil Society Programme for 2021—2024](#). This was adopted in lieu of the previously reported Civil Society Development Plan 2021-2030, as one programme in the [Population and Cohesive Society Development Plan 2021-2030](#). In the new programme, more emphasis is being put on building strategic partnership between CSOs and public institutions. To this end, the Ministry of the Interior launched a new competition early in 2021 for partners to help achieve the aims of the Civil Society Programme 2021-2024, and the Ministry of the Social Affairs found partners for different areas of activity already at the end of 2019. Under the Action Plan of the new Government, the broader plan is scheduled for adoption by the Government in September 2021.

As reported in 2020, citizens can create public discussions and set up petitions to collect signatures to different initiatives and send them to the parliament or local governments through [Citizen Initiative Portal rahvaalgatus.ee](#). As of February 2021, there have been a total of 281 discussions and 154 initiatives launched through the portal, of which 55 have been processed by the Estonian parliament (*Riigikogu*), in addition to 19 initiatives that have been delivered to parliament on paper.

In 2020, Estonia also drafted a new action plan for the [Open Government Partnership for 2020—2022](#) with a strong focus on co-design. Numerous activities in the plan are aimed at finding new solutions how individuals, local communities and interest groups could actively participate in governance both on local and state level.

E. Initiatives to foster a rule of law culture

46. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.)

On 13 January the Open Estonia Foundation organised its XXIV Open Society Forum under the title "Rule of Law in the European Union: Liberty of the Many or Duty of the Few?", with focus on rule of law issues in the EU and elsewhere in the world. The keynote speech was delivered by Věra Jourová, Vice-President of the European Commission for Values and Transparency, while the high-level panel included the former President of Estonia, Toomas Hendrik Ilves. The Forum was organised in cooperation between the Open Estonia Foundation and the European Commission Representation in Estonia, with the support of the Estonian Ministry of Justice.