

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

January 2024

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

Recommendations from the 2023 Rule of Law report:

- **Ensure that the guidelines on the conflict of interests are subject to an enforcement mechanism.**

Please see question 19.

- **Advance with the efforts to ensure consistent and effective implementation of the right of access to information taking into account European standards on access to official documents.**

Please see question 42.

A. Independence

2. Appointment and selection of judges¹, prosecutors and court presidents (incl. judicial review)

No changes.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

No changes.

4. Promotion of judges and prosecutors (incl. judicial review)

No changes.

5. Allocation of cases in courts

Amendments made to the Courts Act that came into force on 01.01.2023 established civil and offence departments in district courts. All judges specialise in either civil or criminal cases. Otherwise, no further changes have been implemented as the allocation of cases according to the judge's specialisation continues to adhere to the distribution plan approved by the full court.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

No changes. As a technical update we would like to provide a valid link to the [Prosecutors' Code of Ethics](#).

¹The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

No changes.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

No changes.

9. Independence/autonomy of the prosecution service

No changes.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

No changes.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

No changes.

B. Quality of justice²

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

No changes.

13. Resources of the judiciary (human/financial/material³)

The budget for 2024 is 60 838 864 euros. This is 2 811 660 euros more compared to 2023 when it was 58 027 204 euros. The salaries in this field will increase in 2023 by about 5,5%.

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

No changes.

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)⁴

No changes.

II. Anti-corruption framework

² Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

³Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

⁴ Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalisation of justice in the European Union, COM(2020) 710 final and Figures 40 to 48 of the 2023 EU Justice Scoreboard, does not need to be repeated.

16. 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)

No changes.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

No changes.

C. Efficiency of the justice system⁵

18. Length of proceedings

According to the procedural statistics of 2023, civil cases were resolved in district courts on average in 108 days, criminal cases were resolved on average in 310 days in general criminal proceedings, 34 days in simplified proceedings and 44 days in misdemeanour cases. Administrative cases were resolved in the first instance courts on average in 162 days. The average processing time for appeals was 240 days in civil cases, 81 days in criminal cases and 296 days in administrative cases.

Other – please specify

A) Legislative developments

- Newly adopted legislation

The regulation concerning on amendments to the Courts Act entered into force on 01.05.2023. The aim of the regulation was to increase specialisation of judges, to improve judges’ social guarantees and to modernise the management of county courts. All registration cases, including compulsory dissolution cases, will be transferred to the Tartu County Court to allow for the greater specialisation of judges and harmonisation of judicial practice. For the development of supervision of guardianship, a department of guardianship supervision will be established in the Pärnu County Court. According to act, county courts are divided into civil departments and criminal departments. The departments are able to specialise in a narrower field, such as family matters, insolvency proceedings, etc. The number of courthouses and their locations will stay the same. The appointment of law clerks and assistant judges is more unified, and movement within the court system is facilitated. The chief judge of the County Court will appoint assistant judges. A judge who has been temporarily away from service can return to his/her position. This enables the judge to work in another position in the civil service or as a faculty member at a university. Currently, returning to the office of judge is not guaranteed in such case. The act also stipulates that a judge who has been transferred to another court of the same instance or a higher court will continue to review cases of the county, administrative or district court in his/her ongoing proceedings that have not been redistributed to other judges for the purpose of ensuring a reasonable time for proceedings.

The regulation concerning on court proceedings during a state of emergency or state of war entered into force on 21.03.2023. The act lays down differences in administrative and civil court proceedings when a state of emergency or a state of war has been declared throughout the country. Administrative and civil courts would be authorised to stay proceedings if conduct of the proceedings is not possible or is significantly complicated due to exceptional circumstances. The act provides that the administrative and civil courts may process cases in

⁵ Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

a simplified manner during a state of emergency. The chief judge of a court is authorised to give judges instructions for the priority processing of cases, change the division of tasks plan and the internal rules of the court in the interests of the administration of justice during a state of emergency. The Supreme Court en banc has the power to send a judge temporarily to another same instance court or a lower court without their consent during a state of emergency. The act enables court hearings to be held during non-working hours and abolishes the obligation to involve lay judges in the administration of justice during a state of emergency.

A regulation concerning paper free court proceedings in civil and administrative cases entered into force on 01.04.2023. It provides a clear legal meaning to the digital court file in order to facilitate the digitisation of court proceedings and the transition to paperless court proceedings. The form of documents has changed in practice, and so it is not reasonable to print out both electronic documents created by the court itself and those sent to the court, as well as data already stored in the information system, for the paper file. Digital court proceedings have been partially implemented in courts since March 2017. About 27% of civil and administrative cases were processed without a paper file in 2019 and about 38% of all cases registered in the court information system in 2020. Court cases are processed digitally in the court information system and the digital file system. For more than three years, the new system has been tested in the courts with the aim of finding out what is needed for the successful implementation of digital court proceedings and testing the performance and suitability of the digital file for the digital processing of cases.

C) Developments related to the judiciary/independent authorities

- Important decisions/opinions from independent bodies/authorities

The Council for Administration of Courts discussed changing the model of courts' administration at its 126th session held on 5 October–6 October 2023. The Council supported the changes in courts' administration and summoning a workgroup. At 127th session held on 8 December 2023 the Council discussed preparation of next period courts' development plan and supported summoning a workgroup to draft courts' development plan for the next period.

II. Anti-corruption framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

There are no additional enforcement measures put in place during 2023. Estonia continues to strengthen the implementation of all the measures and activities that have been described in the previous reports (please see also question 28). The compulsory e-training is increasingly widespread, raising awareness among the ministries and the political advisers is becoming more and more accepted in the practice.

We also continue to recognise the transparent policy makers. The Ministry of Justice and Transparency Estonia analysed the data on disclosed lobbying meetings and launched the ranking of the ten best-performers in December 2023. The best performers were recognised with the title of transparent policy maker. The criteria for assessing the quality of the information and making the ranking is described [here](#) in Estonian, the data as of 2023 can be found [here](#) (in Estonian).

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

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

No changes.

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

A draft has been prepared by the Ministry of Interior to amend the Police and Border Guard Act ([PBGA](#)), which, among other things, establishes rules to mitigate corruption, e.g.:

- To bring the regulation of the appointment and term of service of officers in management positions (from the level of head of division) on the same basis as the provisions for the appointment of other high-ranking police officers (e.g. prefects and deputy general directors).
- Regarding the head of the Police and Border Guard Board (PBGB) - due to his direct reporting to the director general of PBGB - an additional change in terms of appointment is appropriate, i.e. the amendment of clause 43 (1) 7 of PBGA in such a way that in the future the head of Internal Control Bureau of PBGB will be appointed by the Minister of the Interior on the proposal of the director general of PBGB.
- In addition, it is planned to introduce an amendment in the PBGA, according to which it would be possible to use, if necessary, surveillance information obtained within the framework of other criminal proceedings (i.e. evidence of discovery) during the recruitment of a person or, in the case of a person being in in service, to assess suitability for police service and access to surveillance information.

The need for legislative changes became apparent in spring of 2023, when senior members of the PBGB – the Central Criminal Police Director General, the director of the Internal Control Bureau and the director of the Central Criminal Police Operations Office, along with the director of the Customs Department of the Estonian Tax and Customs Board, were detained on suspicions of fraud and aiding fraud. More information is available [here](#) and [here](#).

In addition to the legislative changes, it is also planned to mitigate the risks of corruption by organizing the work of the subsidiary organization more precisely by the ministry, for example by providing as tasks for the PBGB to:

- a) to provide the Ministry of Interior (assigned competent officials), for the purpose of supervision, a permanent access to the notification channel of violations;
- b) to grant the competent authorities (competent officials of the Ministry of Interior and the Estonian Internal Security Service) a permanent access to the databases and information systems used by the Internal Control Bureau for the purpose of supervision;
- c) regularly provide an overview of complaints received against officers, initiated procedures, the course of the procedures and the results, and involve the Ministry of Interior regularly in the development and reporting process of the Internal Control Bureau's threat assessments and action plans.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

No changes.

B. Prevention

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).

No changes.

24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

No changes.

25. Rules and measures to prevent and address conflict of interests in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

No changes.

For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

An overview of the statistics for 2023 is currently being prepared. We will provide the data as soon as possible.

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given

Although the draft of the Whistleblower Protection Act was already in the Parliament in 2022, the draft dropped from the proceedings in 2023 as mandate of the Parliament expired due to the elections. The new government again submitted the [draft](#) to the Parliament where the first reading has been finalised.

As to the various steps taken to increase the awareness of whistleblower protection, please see the previous inputs of Estonia.

27. Sectors with high-risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement

- list other sectors with high risk of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

No changes.

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

Examples of latest activities:

- 1) E-learning course on prevention of conflict of interest: “Prevention of Corruption and Conflict of Interest in the Public Sector” - available in English. It would be complicated to organise anticorruption training for all public sector employees (about 130 000 in Estonia) in the classroom. We have chosen e-learning which is much more cost-effective and flexible, as one can take the course at any time and the materials can be viewed again and again. The e-course provides an easy way to acquire basic knowledge of conflict of interest and prevention of corruption in the Estonian context. The course consists of eight Moodle modules (Moodle is an open-source learning platform) and short YouTube videos. Each module and the entire course can be completed by a test. Thus, the organisations can import the course into their e-training environments and adapt the course according to their needs. For individuals there are two ways to complete the course:
 - To watch the videos on YouTube: <https://www.youtube.com/playlist?list=PL5JI001vz8bOi09N3PabBK2ogjrf0k03V> , but it is not possible to do the tests here.
 - To take a course in the Moodle and take the tests. For doing this, one has to go to Moodle (<https://moodle.hitsa.ee/login/index.php>); create a user account (e.g. with an ID card); register for the course as a student with a registration key. As the Moodle enables logging in only with a personal identification code, those who do not have a personal identification code 16 (e.g. foreigners) should write an application during logging process. The application should include the name, affiliation and justification to complete the course. For example: “I am „*name*“, affiliated with „*organisation*“ and would like to participate the course „Preventing corruption and conflicts of interest in public sector“.
- 2) An e-tool/questionnaire for companies to assess the risks of corruption: meant for large or medium-sized company (manager, risk manager, auditor, etc.) that can quickly assess whether and to what extent anti-corruption measures are in place in the company. It also provides tips on how to make the company more corruption resistant by answering 10 questions, which will take 7 minutes. Also available in English.
- 3) Initiative for organising corruption-related lessons to pupils in high-schools and secondary schools, using anti-corruption training materials designed for prevention. Together about 2000 high school students were trained in 50 schools in six years.
- 4) Business corruption, economic crimes and business ethics e-learning tool for universities. Each topic has a theoretical introduction, accompanied by cases with real-life examples, discussion questions to solve the cases, and test questions. More information [here](#) (in Estonian).

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

No changes: please see the [Penal Code](#).

30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible)⁶ ,

⁶ Please include, if available the number of (data since 2022 or latest available data): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds⁷

An overview of the statistics for 2023 is currently being prepared. We will provide the data as soon as possible.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

No changes.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

No changes.

III. Media pluralism and media freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

Concerning questions 33-40 of the 2024 Rule of Law Report, we are glad to note that the situation is favourable and media pluralism and media freedom are safeguarded and well-functioning in Estonia. The Rule of Law Report of 2023 did not make any recommendations in view of these fields and thus there have not been any legislative, financial nor administrative changes in the well-functioning system. For the detailed answers and links concerning Estonia, please see Estonia's input in the previous Rule of Law Reports 2020-2023.

A. Media authorities and bodies⁸

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

No changes.

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

No changes.

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

No changes.

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

No changes.

38. Safeguards against state / political interference, in particular:

⁷ For MS participating in the EPPO, data on cases related to EU funds does not encompass investigations and prosecutions carried out by the EPPO

⁸ Cf. Article 30 of Directive 2018/1808.

- **safeguards to ensure editorial independence of media (private and public)**
- **specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions**
- **information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance**

No changes.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

No changes.

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

No changes.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

No changes.

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

[Estonian Public Information Act](#) (PIA) has a purpose to ensure that the public and every person (as journalists) 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. Access to information shall be ensured for every person in the quickest and easiest manner possible (PIA § 4(2)) and in order to ensure democracy, holders of information are required to ensure access to the information in their possession under the conditions and pursuant to the procedure provided by law ((PIA § 4(1)). Restrictions are stipulated in § 35 of PIA. We assume that all other information (and data in national databases) is easily re-used (see PIA § 3¹) and the re-use of open data shall generally not be subject to conditions (PIA § 3¹(9)). A holder of information is required to disclose the open data subject to disclosure, information on the availability of open data and on licenses, if necessary (PIA § 28(1)(31²)). Some information is accessible to all users (public) directly from national databases (Commercial Registry, Land Registry etc), in some cases, access to the database is restricted - for example, anyone can see their health data in the Health Information System, ensuring that the information is also available to the person himself/herself. Thus, access to information can be organized in different ways depending on the content of the information (is the information with restrictions or not).

In Estonia, statistical information is also available from one portal - Estonian open data portal (<https://avaandmed.eesti.ee/>). Here are already 1806 datasets and 2232 publishers (as of 27 of December 2023) and this volume is constantly increasing.

Regarding possible bottlenecks in the law, the Minister of Justice is tasked with preparing an analysis and submitting proposals regarding the implementation of the Public Information Act. The deadline for this task is March 2024 and we have already started with this work. There are questions conducted and based on the further analysis of the answers we will decide if some parts of the law (PIA) need changes or would better instructions resolve some bottlenecks in practise.

43. *Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits*

No changes regarding the legislation. Estonia attaches great importance to the issue and is monitoring the situation in Estonia. In 2023 no cases of SLAPP have been registered in Estonia. We also consider awareness raising to be important. At the end of 2023 the Ministry of Culture proposed to the Estonian Association of Media Enterprises to take on the role of contact point for the victims of SLAPP and these negotiations are currently ongoing. In addition, the Estonian Association of Journalists actively stands up for the protection of the journalist's profession and rights at all levels.

IV. *Other institutional issues related to checks and balances*

44. *Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)*

Not applicable.

A. *The process for preparing and enacting laws*

45. *Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders⁹/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.*

No changes.

46. *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)*

No changes.

47. *Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.*

The organization of crisis preparedness and response in Estonia is regulated by various laws:

1. [Emergency Act](#) - framework act on preparedness and resolution of civil crises/emergencies, i.e. describes activities in an emergency situation, which is declared when the emergency cannot be resolved without implementing the command organisation or measures of emergency situation.

⁹ This includes also the consultation of social partners.

2. [State of Emergency Act](#) - the act on the resolution of one part of civil crises, when the constitutional order and territorial integrity are threatened, which describes actions to eliminate the corresponding threat, which is not possible within the framework of the emergency act.
3. [The National Defense Act](#) - the act on military crisis preparedness and response, including describing activities in heightened defense readiness and war situations.

The emergency is not declared, but the authority managing the emergency decides on the initiation of emergency response and the circle of agencies to be involved in the resolution of the emergency.

Emergency situation is declared by the Government of the Republic to resolve an emergency situation caused by a natural disaster, catastrophe or the spread of an infectious disease.

State of emergency is declared by the Parliament on the basis of § 129 of the [Constitution of the Republic of Estonia](#) in case of a threat to the constitutional order of Estonia.

Increased defense readiness is established by the Government of the Republic in the event of an increased threat to the security of the Republic of Estonia, if it is necessary to raise the state's defense readiness from general defense readiness to heightened defense readiness and implement corresponding measures.

State of War is declared by the Parliament or in the event of aggression against Estonia by the President of the Republic, without waiting for the Parliament's decision.

Emergency

Due to the continuity of tasks, the task of all institutions is to solve an event that belongs to their area of responsibility, but in the emergency response plans drawn up on the basis of the Emergency Act, cooperation between the institutions has been agreed, and the implementation of measures is based on sectoral special laws ([Rescue Act](#), [Law Enforcement Act](#), [Cybersecurity Act](#) etc.).

If the large-scale emergency exceeds the capacity of the institutions, the Government of the Republic has the option of declaring an emergency situation.

Depending on the field, the authorities responsible for solving emergencies are either the Police and Border Guard Board, the Rescue Board, the Health Board, the Environment Board, the State Information System Board, the Defense Forces, the Agriculture and Food Board, the Defense Police Board, Bank of Estonia, municipality, the Ministry of Economic Affairs and Communications, the Ministry of Climate or the Ministry of Social Affairs.

If there are several emergency situations at the same time - e.g. large-scale forest fires in the time of pandemic flu, then there are also several emergency response agencies.

Emergency Situation

If the emergency escalates, the Government of the Republic may declare emergency situation. One of the ministers can be appointed as the head of the emergency situation resolution. Additionally, another level of management can be appointed, which is the head of the emergency works, who report to the head of the emergency situation. There is also an agency that directly resolves the situation, e.g. the Health Board, the State Information System Board and crisis committees of municipalities. As previously mentioned, the Government of the Republic may declare an emergency situation in order to resolve the situation caused by a natural disaster, catastrophe or the spread of an infectious disease, if the emergency situation cannot be resolved without implementing the management order or measures stipulated in the Emergency Act. The emergency situation can be national or regional.

The emergency situation provides an opportunity to implement the work obligation, differences in employment relations, expropriation and forced use of things, see further in detail.

State of Emergency

The state of emergency is one of the special conditions provided for in the Constitution of the Republic of Estonia. This is characterized by the "threat to the constitutional order" stipulated in Section 129(1) of the Constitution. During a state of emergency, the state usually has to act against threats originating from within the state. Natural disasters, catastrophes or large-scale outbreaks of infectious diseases are not considered to be a state of emergency, if they are not man-made. The State of Emergency Act defines the situations where there is a reason to declare a state of emergency (it is not a closed list): an attempt to violently overthrow the constitutional order of Estonia, terrorist activity, a collective pressure action related to violence, a large-scale conflict between groups of individuals related to violence, violent isolation of some localities of the Republic of Estonia or prolonged mass disorder involving violence.

By declaring a state of emergency and state of war, it is permitted to limit the rights and freedoms of individuals and impose obligations on them in the interests of national security and public order in the cases and procedures prescribed by law.

Increased defence readiness

Increased defense readiness is a situation intended to increase the readiness of institutions in peacetime and to start preparatory activities, which gives certain institutions additional rights to increase their readiness. The Government of the Republic decides on increased defense readiness based on a prior threat assessment. The Parliament must also approve the decision on increased defense readiness. In addition, increased defense readiness can be decided not only in the event of a direct military threat to the Estonian state, but also, for example, to participate in an international military operation in another country. Estonia has a [broad concept of national defense](#), which means that defending the country is not only the concern of the Ministry of Defense, but that everyone contributes to it.

The organization of increased defense readiness is led by the Prime Minister.

Increased defense readiness gives more rights to the Prime Minister, the Government of the Republic, the Minister of Defense, the Minister of the Interior, the Commander of the Defense Forces, as well as, for example, the Minister of Social Affairs and the Health Board.

As already stated, increased defense readiness allows the implementation of such measures that contribute to increasing readiness - e.g. forced loading to remove ammunition from warehouses and use of privately owned land to form units, restrictions on leaving Estonia to prevent necessary people from leaving Estonia, etc.

State of War

Crisis management in Estonia, including management in a state of war, is largely based on the principle of continuity of tasks and institutions. Institutions do not take on tasks in a state of war for which they have not been able to prepare in peacetime conditions and which do not belong to their field/competence. Even during the state of war, all laws continue to apply - the prime minister is still the head of the government, and the head of the Defense Forces is in charge of the country's military defense. State of war management rights are described in National Defense Act, § 9 of which stipulates additional rights for the Government of the Republic, the Prime Minister, the Minister of Defense, the Commander of the Defense Forces and the Minister of the Interior. No agency has an advantage over anyone else in resolving state of war, as the military defense of the country is a joint effort of all and is based on the broad concept of national defense.

48. Regime for constitutional review of laws

No changes.

B. Independent authorities

49. Independence, resources, 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 institutions¹⁰

No changes.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

In 2023, the Chancellor of Justice submitted 22 proposals to the Parliament (Riigikogu), ministries, and local governments, urging alignment with the Estonian Constitution or initiating legislative measures. Half of these proposals have been implemented, with the rest still in progress. The Chancellor did not submit any new requests to the Supreme Court for constitutional analysis in this reporting year but provided 12 opinions during ongoing constitutional review proceedings.

Additionally, the Chancellor of Justice made 61 recommendations to state and local authorities on legality and good administration principles. While generally acknowledged and implemented by the authorities, some recommendations requiring substantial reforms or additional resources await effective follow-up.

Furthermore, 38 cases brought to the Chancellor's attention were resolved during proceedings. If an authority promptly adjusts practices or rectifies unconstitutional provisions, proceedings are considered concluded without formal proposals or recommendations.

The general annual report about the activities of the Chancellor of Justice can be found [here](#) (in Estonian).

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

No changes.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

No changes.

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

In the case that the court, in relation to an issue that has arisen in the proceedings, has applied for a preliminary ruling to the Court of Justice of the European Union, the court orders the suspension of proceedings until the decision of the Court of Justice of the European Union becomes final. The court may also order the suspension in a situation where a case in which proceedings are pending before the Court of Justice of the European Union involves

¹⁰ Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

interpreting a rule of law which is of crucial importance also in the administrative case that the court is dealing with.

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non- implementation

No changes.

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

No changes.

56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

Currently, it is not expressly forbidden to use the police officer's uniform and distinguishing marks and the special features of an auxiliary police officer by a person who does not have the right to do so, therefore - considering the current case law - positive law does not help to prevent the use of the aforementioned by a person who does not have the right to do so.

An amendment to the law ([PBGGA](#)) has been drawn up, according to which, in the future, the permissible use of police officer uniforms and insignia, as well as the special features of auxiliary police officers, is only for the performance of service or work duties, and outside of that, use with the permission of the Police and Border Guard Board (PBGB), for example, in a theater performance or in a film. The main purpose of the above is - in addition to ensuring national security - to protect the police, including auxiliary police officers, from negative narratives and defamation campaigns.

More broadly speaking, a committee discussing questions regarding the cooperation between civil society and the government, has been established by the government since the adoption of EKAK in 2002. Half of the members represent civil society, and the other half are state representatives. The platform enables to raise issues regarding the effective operation of civil society organisations and rights defenders. The activities of the committee are public, meaning every meeting's minutes are made publicly available on the ministry's website.

On an operational level, [Consulting portal MTÜ abi](#) (NGO's Help), a roadmap for CSOs, helps to find quick answers to questions regarding the establishment of an CSO and guides through the complex world of funding opportunities. The portal is meant for all CSOs, the people who run them, and all those interested in the civil society. Furthermore, in every county there is a CSO consultant who offers free of charge advice from an idea to ending a CSO. These consultants also organise trainings for NGOs and their representatives.

For the purposes to react to any kind of criminal activities taken place online, incl through social media, we have [web-constables in police](#) who monitor social media sites and are also facilitators in communication with the owners of the sites in order to remove illegal or threatening content and also react when someone uses identity of the other user or harasses someone in online environments. Estonian law enforcement authorities are also a part of EU

framework on oversight regarding protection of human rights. In this regard we would like to pay attention to the high level of public trust - [86 percent of Estonian residents trust the Estonian Police and Border Guard Board](#).

57. Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

No changes.

58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

Since summer 2023, there are two additional strategic partners to the Ministry of the Interior who focus on the implementation of community-based approach in 2023–2026: Estonian Village Movement *Kodukant* and The Association of Estonian Folk High Schools.

No other changes.

E. Initiatives to foster a rule of law culture

59. 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, contributions from civil society, education initiatives, etc.)

The Commission's 2023 Rule of Law Report was [published](#) on the website of the Ministry of Justice.

The Chairman of the Supreme Court gave an [overview](#) of the functioning of the judicial system and the main areas of concern and made suggestions to the legislator.

The rule of law has been one way or another the background for different political topics during the 2023. [The obstruction situation in Parliament](#) gave reason to address the principles of democracy and the rule of law [in the context of state management](#). The Chancellor of Justice expressed her thoughts about democracy's power to heal itself in the speech during the [conference](#) dedicated to the 155th birthday of one of the great statesmen in Estonia Jaan Tõnisson. The speech was afterwards published in [Estonian Public Broadcasting news portal](#), which is one of the largest daily news portal. Among the topics of referred conference were morality, justice and law.

In 2024, we intend to hold discussions about the rule of law, based on the Commissions' report and involving relevant institutions. The aim of the discussions would be to strengthen the cooperation between the network of institutions that are contributing to the annual input of the rule of law report. We also aim to find ideas about what could be done to foster the rule of law culture more in the society.

Other – please specify