

Civic space in the EU: Mapping of national approaches to civic space monitoring, participation and protection

Estonia

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1. MONITORING AND REPORTING ON CIVIC SPACE

1.1. Monitoring initiative from the side of the State

Has there been any initiative from the side of the State (government/parliament) to observe/monitor the restrictions/challenges/threats for civic space actors in your country in the last three years?

Estonia's approach to civil liberties and NGO monitoring tends to be decentralized. Different government bodies and parliamentary committees address aspects of civic space within their specific mandates. There isn't one central body solely tasked with this broad overview.

While a dedicated, overarching monitoring body doesn't exist, Estonia does have some established mechanisms that indirectly touch upon aspects of civic space, for instance the following:

The Chancellor of Justice¹ office investigates complaints about potential human rights violations, including those that could relate to restrictions on the activities of civil society organisations (CSOs). The office issues reports and recommendations, which are done regularly and publicly accessible.

Various parliamentary committees² deal with legislation affecting NGOs, media, and fundamental rights. Their work provides a degree of oversight, though it's issue-specific rather than a complete civic space assessment. Reports are done regularly on topics which are in the discretion of the Parliament and are publicly accessible.

1.2. Other monitoring initiatives

Has there been any other actor/body/mechanism that has observed/monitored civic space restrictions/challenges/threats in your country in the last three years?

Several Estonian NGOs dedicated to human rights, media freedom, and good governance actively monitor and report on issues impacting civil society. These organisations often publish their own reports, analyses, or issue statements on specific cases of concern.

For instance, the Estonian Human Rights Center³ focuses currently on the advancement of equal treatment of minority groups, diversity & inclusion, action against hate, data protection issues and protection of the human rights of the asylum seekers and refugees.

¹ Chancellor of Justice (*Õiguskantsler*), the designated [website](#) contains also links to reports and opinions

² Parliament (*Riigikogu*) committees and their work is accessible via designated [website](#)

³ Estonian Human Rights Center (*Eesti Inimõiguste Keskus*) has a designated [website](#) through which their work is publicly accessible

The Center coordinates the Estonian Diversity Charter⁴. It also monitors the overall human rights situation in Estonia and publish bi-annual independent human rights reports⁵ about the situation in Estonia.

Researchers at Estonian universities and think tanks conduct studies on various aspects of Estonian society, including the political climate, the legal system, and media landscape.

For instance, Tallinn University is leading various projects related to human rights development and protection, especially in the digital domain. One example is the Global Digital Human Rights Network, which has issues various reports⁶ and outputs on the topic.

⁴ Estonian Human Rights Center, Estonian Diversity Charter, available at:

<https://humanrights.ee/en/topics-main/diversity-and-inclusion/charter/>

⁵ Estonian Human Rights Center, dedicated website containing reports on human rights, available at: <https://humanrights.ee/en/2012/05/annual-human-rights-report-is-now-available/>

⁶ Global Digital Human Rights Network, COST Action no 19143, website containing topical reports, available at: <https://gdhrnet.eu/publications/working-paper-series/>

2. PARTICIPATION

2.1. Rules on participation

Are there any binding rules in place in your country for the participation/consultation of civil society organisations for developing/implementing/monitoring laws and policies?

Estonia's regulation for engagement with the civil society in legislative process dates back to 2012 – Government regulation 'Rules for Good Legislative Practice and Legislative Drafting'⁷. According to this regulation article 1 para 5: Interest groups and the public are involved in the preparation of a legislative intent, concept and draft Act and coordination is carried out in compliance with the provisions of the Rules of the Government of the Republic and the Good Practice of Involvement established on the basis of subsection 4 (2) of the Rules of the Government of the Republic. By law, ministries are required to consult with all relevant interest groups. The ministry has to attach an annex to the explanatory memorandum of any draft legislation which clearly shows the input from different stakeholders, and also whether it was incorporated or not and why. All input from all stakeholders is published and fully accessible on the legislative platform website⁸. Estonia has an advanced online co-creation platform⁹.

Interest groups are engaged in the ex-post impact assessment of an Act in accordance with the Good Practice of Involvement. The same article para 8 provides a procedure when opinions are not taken into account: The opinions and proposals of engaged interest groups, which have and have not been taken into account, are indicated in accordance with the Good Practice of Involvement established on the basis of subsection 4 (2) of the Rules of the Government of the Republic and submitted in an annex to the explanatory memorandum.

2.2. Consultative/participatory bodies

Are there any consultative/participatory bodies in your country that ensure the participation of civil society in developing/implementing/monitoring laws and policies?

There are no formally established consultative/participatory bodies.

However, there are various NGOs which have an interest to participate in legislative process. The majority of such bodies represent specific marginalized groups. For instance,

⁷ Estonia, Government regulation (*Valitsuse määrus*), Rules for Good Legislative Practice and Legislative Drafting (*Hea õigusloome ja normitehnika eeskiri*), adopted on 22 December 2011, available at: <https://www.riigiteataja.ee/en/eli/508012015003/consolide>

⁸ Estonia, Riigikogu (*Parliament*), website platform containing information about legislative amendments process, available in Estonian at: <https://www.riigikogu.ee/tegevus/eelnoud/>

⁹ Estonia, Riigikantselei (*Government Office*), Koosloomeranits (*Co-creation platform*), available in Estonian at: <https://www.riigikantselei.ee/valitsuse-too-planeerimine-ja-korraldamine/koosloomeranits>

the Estonian Chamber of People with Disabilities¹⁰ gives often its opinions on draft legislation which concerns its constituency. An example is the recent draft changes to legislation on social support to the people with disabilities. The Chamber has informally voiced certain reservations of the extent to which they are engaged and their opinion matters. Another example is the Estonian LGBT+ Society¹¹, which has expressed its opinions about legislation concerning its constituency, for instance the draft legislation on equal opportunities. Both these bodies given as example appear to function well in practice. However, there is information – expressed on the condition of anonymity – from the Estonian legislative body, that despite the requirement to engage CSOs into the legislative process, such engagement often remains a formality. Obstacles are created – perhaps unintentionally – through short timelines for providing comments, or absence of formal consultations.

2.3. Awareness raising and capacity building on participation

Does your Member State fund or carry out meaningful awareness raising and/or capacity building to support participation in your country?

Estonia has some initiatives carrying out regular and meaningful awareness raising and/or capacity building to support participation of CSOs in the legislative process. For instance, National Foundation of Civil Society¹², established in 2007 by the Estonian Government, has the aim is to build the capacity of Estonian CSOs and shape an environment that fosters civic action. In 2023 it provided support to various initiatives in the amount of 2,15 million euro.

There are some examples where various civil society actors are engaged in public debate over fundamental questions relevant for the whole society. During the period under review one example is related to the intended referendum on the question whether to amend the Estonian Constitution and define marriage as a union between a woman and a man. Various actors were involved in the discussion and expressed their opinions. For instance, the newspaper of Estonian Lutheran Church, which supported the ‘yes’ vote, was actively covering the debates.¹³ Another example is the activity of the Estonian¹⁴ LGBT+ community, which organised various stakeholders to voice their rejection to the planned referendum. The referendum never took place. It was planned to take place in the first half of 2021, but

¹⁰ Eesti Puuetega Inimeste Koda (*Estonian Chamber of People With Disabilities*), website available at: <https://epikoda.ee/en>

¹¹ Eesti LGBT+ ühing (*Estonian LGBT+ Society*), website in Estonian available at: <https://www.lgbt.ee/uudised>

¹² Eesti Kodanikuühiskonna Sihtkapital (*Estonian National Foundation of Civil Society*), website available at: <https://kysk.ee/en/>

¹³ See for instance 24 August 2020 issue of the newspaper ‘Meie Kirik’ (*Our Church*), available at: <https://meiekirik.net/index.php/art/1461-pohiseaduse-muutmist-abielu-kaitseks-toetab-55-protseti>

¹⁴ 13 October 2020, available at: <https://www.lgbt.ee/post/heameeleavaldus-koigi-oigus-abielule-18-oktoobril-vabaduse-valjakul>

on 12 January 2021 the Prime Minister Mr. Jüri Ratas resigned, which resulted in the formation of a new government. The referendum was cancelled.

3. ENABLING ENVIRONMENT AND PROTECTION

3.1. Civil society strategy

Does your country have a general civil society strategy / civil society development strategy in place?

The Estonian concept of civil society development (*Eesti kodanikuühiskonna arengu kontseptsioon*) was adopted by the Estonian Parliament on 12 December 2002.¹⁵ This concept aims to establish a framework for cooperation between the public sector and CSOs. Its core principles are: citizen engagement, valuing volunteerism, upholding civic rights and responsibilities, promoting mutual respect and partnership, ensuring accountability and transparency, protecting political independence, preventing corruption, and striving for sustainable and equitable development. Creation of the plan involved consultations with civil society. The plan outlines goals for promoting civic participation, improving information sharing, ensuring diverse representation, and building supportive infrastructure. Implementation will involve stakeholder collaboration, regular reviews, and open dialogue.

There have been ongoing discussions at the Parliament level ever since on how the concept is put into practice. The most recent discussion was on 10 February 2022 at a Parliament session.¹⁶ This session, initiated by the Constitutional Committee, was structured around presentations from the Minister of the Interior, the Estonian Association of Non-profit Organisations, an entrepreneur (Martin Villig of Bolt), and the chair of the Constitutional Committee.

The Minister presented a positive overview of Estonian civil society, citing increased revenue, employment, and volunteer participation as indicators of its strength and contribution to the economy. He also highlighted the "Civic Estonia" program within the 2021-2030 national development plan, aimed at strengthening community engagement and providing support for CSOs. He specifically addressed concerns regarding tax incentives for charitable giving, suggesting reforms to increase their effectiveness.

The subsequent discussion involved multiple MPs posing questions that revealed a spectrum of views on civil society's role and the government's responsibilities towards it. An MP from the Conservative People's Party of Estonia raised concerns about police conduct during a specific incident, questioning whether it aligned with stated police values. The Minister deflected the question, deferring to the police department for specific details. This exchange underscored tensions between the police and segments of the public. The role and efficiency of volunteer organisations, specifically auxiliary police, were questioned. Concerns were raised about the adequacy of volunteer training and

¹⁵ Estonia, Parliament (*Riigikogu*), Estonian concept of civil society development (*Eesti kodanikuühiskonna arengu kontseptsioon*), adopted on 12 December 2002, available at: <https://www.siseministerium.ee/sites/default/files/documents/2022-03/EKAK.pdf>

¹⁶ Estonia, Parliament (*Riigikogu*), transcript of the session discussing the civil society development concept, 10 February 2022, available at: <https://stenogrammid.riigikogu.ee/202202101000#PKP-342847>

their ability to fully handle public safety responsibilities, especially given reductions in their numbers. The Minister defended the value of volunteer contributions but acknowledged that volunteer roles differ from those of paid police officers. A significant portion of the discussion centered on civil society's role in addressing gaps in state services. MPs questioned whether the heavy reliance on civil society to provide crucial services (such as healthcare, education, and social welfare) indicated systemic shortcomings of the state. The Minister, while acknowledging the valuable work of civil society, emphasized that volunteer initiatives often stem from specific needs and individual passion, not necessarily as a substitute for comprehensive state support.

MPs also raised the issue of tax incentives for charitable donations, noting the current system's limited impact. They advocated for improvements to better encourage giving, potentially by creating a separate threshold for charitable donations that does not count against other tax deductions. The Minister expressed openness to exploring this issue further. Questions arose regarding the transparency of funding, particularly in relation to political donations. Concerns about the influence of money in politics, and the need for greater accountability from both the public sector and CSOs, were voiced. The need to foster public trust in the government and provide meaningful mechanisms for civic participation in policy-making were addressed.

Presentations by the Estonian Association of Non-profit Organisations and Martin Villig of Bolt provided additional perspectives. The Association of Non-profit Organisations emphasized the critical role of civil society in promoting civic engagement, community development, and social welfare. Villig highlighted the growing trend of corporate social responsibility (CSR) within the tech sector, discussing initiatives by technology firms to support education and other social causes and introducing the concept of the "Founders Pledge."

The concluding remarks emphasized the need for a nuanced approach to understanding the relationship between civil society, the state, and the private sector in Estonia. There was general agreement on the importance of promoting a collaborative and trusting relationship to address the various societal challenges highlighted in the debate. The session underscored the ongoing need for evaluating and improving mechanisms to support Estonia's civil society while acknowledging its diverse roles and contributions.

3.2. Protecting an enabling environment

Is there a dedicated policy/framework (or support measures) in place in your country to enhance and protect an enabling environment for civil society to work on fundamental rights?

Estonia doesn't have one single, overarching policy document solely dedicated to enhancing and protecting an enabling environment for civil society's work on fundamental rights. However, several laws, strategies, and support measures contribute to this goal. The enabling environment is addressed indirectly, through various means. For instance, Cohesive Estonia Strategy 2030 has set as subobjective no 3: "Estonia is a people-centred country that promotes the development of communities and civil society where people are valued and engaged, share democratic values and improve their living environment

through active participation in community and social activities”.¹⁷ Information about the implementation and impact of this Strategy is not yet available. Additionally, civil society is partially addressed in the strategy document of the Ministry of Culture

As for the general normative framework, the Constitution of Estonia¹⁸ guarantees fundamental rights and freedoms, including freedom of association and assembly, which form the bedrock for civil society activity. These freedoms are crucial for CSOs to operate and advocate for human rights.

Non-profit Organisations Act¹⁹ provides the legal framework for the establishment and operation of non-profit organisations, including CSOs working on human rights. It regulates their registration, funding, and activities.

3.3. Law on recognition and protection of defenders

Is there a dedicated law (and/or guidelines) in your country dealing specifically with the recognition and/or protection of human rights defenders?

No there is not.

3.4. Support and funding for protection of defenders

Is there any dedicated support/funding by the State for the protection of (individual) human rights defenders in your country?

No there is not.

¹⁷ Available on page 16 at: https://www.kul.ee/sites/default/files/documents/2022-02/cohesive_estonia_strategy.pdf

¹⁸ Estonia, the Constitution (*Põhiseadus*), RT 1992, 26, 349, adopted on 28 June 1992, available at: <https://www.riigiteataja.ee/en/eli/530122020003/consolide> Article 48 provides the right for everyone to form non-profit organisations and associations.

¹⁹ Estonia, Non-profit organizations Act (*Mittetulundusühingute seadus*), RT I 1996, 42, 811, available at: <https://www.riigiteataja.ee/en/eli/501022023003/consolide>