

# **Legal environment and space of civil society organisations in supporting fundamental rights and the rule of law**

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# 1 Civic space developments in 2021

<b>1.1 Increased state fees for applications to the Business Register</b>	
Area	Freedom of association
Topic	Formation and registration of associations
Impact	Minor

In Estonia, business associations, self-employed persons, non-profit organisations, state and local government agencies must all be registered in the Estonian Business Register.<sup>1</sup> On 1 January 2022, an amendment to the State Fees Act<sup>2</sup> (*Riigilõivuseadus*) entered into force, as a result of which the state fees for applications submitted to the Business Register changed and became more expensive.<sup>3</sup>

The initial entries now cost € 30 for the registration of a non-profit organisation, € 80 for the registration of a foundation, and € 10 for the registration of a religious organisation.<sup>4</sup> Previously, the registration of a non-profit organisation cost € 20, registration of a foundation was € 58, and registration of a religious organisation € 7.

In addition, the application for amendment in the Business Register now costs € 10 instead of € 7.<sup>5</sup>

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<sup>1</sup> Estonia, [Commercial Code \(\*Äriseadustik\*\)](#), 15 February 1995; Estonia, [Non-profit Associations Act \(\*Mittetulundusühingute seadus\*\)](#), 6 June 1996.

<sup>2</sup> Estonia, State Fees Act (*Riigilõivuseadus*), 10 December 2014.

<sup>3</sup> Estonia, Network of Estonian Nonprofit Organizations (*Eesti Vabäühenduste Liit*), [Uuest aastast tõusevad registri riigilõivud](#), 15 December 2021.

<sup>4</sup> Estonia, Centre of Registers and Information System (*Registrite ja Infosüsteemide Keskus*), [State fees will change from 01.01.2022](#), 13.12.2021

<sup>5</sup> Estonia, Network of Estonian Nonprofit Organizations (*Eesti Vabäühenduste Liit*), [Uuest aastast tõusevad registri riigilõivud](#), 15 December 2021.

<b>1.2 First elections since 2005 without the ban on outdoor advertising and election-day campaigning</b>	
Area	Freedom of association
Topic	Political campaigning
Impact	Major

The local government elections of 2021 were the first elections since 2005 during which the ban on outdoor advertising and election-day campaigning was lifted. The ban on outdoor political advertising, which had come into effect in 2005, had been criticised by the Chancellor of Justice (*Õiguskantsler*)<sup>6</sup> and human rights organisations<sup>7</sup>, all of whom have pointed out that such a ban excessively restricts the possibilities available to those participating in elections.

During the 2021 local elections, candidates were allowed to campaign anywhere on the election day, except in the polling station itself, and outdoor campaigning was allowed.

<b>1.3 All legal entities can hold general and management meetings online</b>	
Area	Freedom of association
Topic	Formation and registration of associations
Impact	Major

The legal acts adopted to address the COVID-19 pandemic included amendments which have continued to have a favourable impact on the work of civil society organisations. As of 24 May 2020, amendments to the Non-profit Associations Act (*Mittetulundusühingute seadus*)<sup>8</sup> and the Foundations Act (*Sihtasutuste seadus*)<sup>9</sup> have made it possible for non-profit associations and foundations to make decisions in writing without having to hold a meeting which typically requires physical presence. The amendments also lifted the requirement that the

<sup>6</sup> Estonia, Chancellor of Justice (*Õiguskantsler*), [Õiguskantsler edastas Riigikogule kirjaliku ettekande valimiskampaaniate rahastamise ning reklaami regulatsiooni ajakohasus ja põhiseaduspärasuse kohta](#), 13 September 2019.

<sup>7</sup> Rünne, E. (2019), [Human Rights in Estonia 2020: Right to free elections](#), Tallinn, Estonia, Estonian Human Rights Centre.

<sup>8</sup> Estonia, [Non-profit Associations Act \(\*Mittetulundusühingute seadus\*\)](#), 6 June 1996.

<sup>9</sup> Estonia, [Foundations Act \(\*Sihtasutuste seadus\*\)](#), 15 November 1995.

list of attendees at a general meeting of a non-profit association, as well as the minutes of a general meeting of a non-profit association, must be signed by hand.<sup>10</sup> Furthermore, the same bill included amendments to the Commercial Code (*Äriseadustik*)<sup>11</sup>, which allow all legal entities to hold general and management meetings online.<sup>12</sup>

## 2 Examples of civil society contributions to the rule of law

<b>2.1 Transparency International Estonia supports whistleblowers through Advocacy and Legal Advice Centre</b>	
Topic	Keeping the national anti-corruption framework operational

From April 2021 to April 2023, Transparency International Estonia (*Korruptsioonivaba Eesti*) is implementing a project called “Supporting whistleblowers through the Advocacy and Legal Advice Centre”. The project is funded by the Active Citizens Fund<sup>13</sup>. The project includes the creation of an Advocacy and Legal Advice Centre (ALAC) to provide free legal advice to people who are considering reporting corruption or have experienced retaliation for being a whistleblower.<sup>14</sup> Transparency International already has ALACs operating in more than 60 countries, offering support by trained advisors for pursuing corruption-related complaints.<sup>15</sup>

Through raising awareness on how to safely report corruption, the project aims to improve transparency and rule of law in Estonia. Furthermore, taking into account that Estonia is in the process of transposing the EU Whistleblower Protection Directive (2019/1937), Transparency International Estonia plans to provide statistics-based input to the legal framework on whistleblower protection

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<sup>10</sup> Estonia, Estonian Parliament (*Riigikogu*), [Tsiiviilseadustiku üldosa seaduse ja teiste seaduste muutmise seadus \(elektroniliste võimaluste laiendamine koosolekute korraldamisel ja otsuste vastuvõtmisel\) 180 SE](#), 20 April 2022.

<sup>11</sup> Estonia, [Commercial Code \(\*Äriseadustik\*\)](#), 15 February 1995.

<sup>12</sup> Alari, R. (2021), [Freedom of assembly and association](#), Tallinn, Estonia, Estonian Human Rights Centre.

<sup>13</sup> [Active Citizens Fund in Estonia](#).

<sup>14</sup> Transparency International Estonia (*Korruptsioonivaba Eesti*), [ALACi ehk vihjeandjate nõustamis- ja teabekeskuse kaudu teavitajate toetamine Eestis](#).

<sup>15</sup> Transparency International, [Advocacy and Legal Advice Centres](#).

and create case law for the protection of whistleblowers through strategic litigation in selected cases.<sup>16</sup>

<b>2.2 Estonian Human Rights Centre supports freedom of expression through strategic litigation</b>	
Topic	Strategic litigation

Estonian Human Rights Centre (EHRC) offers legal aid to people whose cases are of strategic significance, with the aim to influence the quality of law and its implementation. In 2021, EHRC got involved in a case regarding protection of freedom of expression. The case concerned a civic activist who had made a public petition for the removal of a radio presenter who used hateful language towards minorities. The petition included quotes of the radio presenter's public statements. The radio host responded by suing the activist for defamation, claiming compensation of € 75,000 and the removal of the allegedly defamatory content. The Estonian Human Rights Centre represents the activist in court. According to the EHRC, the broader purpose of the strategic litigation case is to discuss the nature and limits of freedom of expression as an essential human right, including the right to petition and to denounce statements that are incompatible with human rights.<sup>17</sup> As of January 2022, court proceedings were still ongoing.

<b>2.3 Equal Treatment Network submits shadow report to UN Human Rights Council</b>	
Topic	Fostering a rule of law culture

The Equal Treatment Network (*Võrdse Kohtlemise Võrgustik*), a network of human rights NGOs in Estonia, submitted a joint report to the UN Human Rights Council for Estonia's third Universal Periodic Review (UPR) in May 2021. The report highlighted human rights issues such as the availability of psychiatric care for minors, accessibility of public spaces, and insufficient regulation regarding hate speech. The report was based on the assessments of experts in the field and the experience and stories of the Estonian people. The authors of the report

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<sup>16</sup> Transparency International Estonia (*Korruptsioonivaba Eesti*), [ALACi ehk vihjeandjate nõustamis- ja teabekeskuse kaudu teavitajate toetamine Eestis](#).

<sup>17</sup> Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*), [Väljendusvabadus ja õigus teha petitsioone](#), 19 February 2021.

met with local government leaders and local residents in five different counties of Estonia, and collected people's stories through an online survey. For each problem, the report sets out possible solutions.<sup>18</sup> The shadow report was also introduced to ministries, Parliament factions, and embassies in Estonia. The report is fully public in both Estonian and English.<sup>19</sup>

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<sup>18</sup> Estonian Human Rights Centre (*Eesti Inimõiguste Keskus*), [Eesti vabaühendused esitasid ÜRO-le inimõiguste olukorra variraporti](#), 6 December 2020.

<sup>19</sup> Equal Treatment Network (*Võrdse Kohtlemise Võrgustik*), [Joint Submission to the Third Periodic Review of Estonia](#), December 2020.