



Civic Space Report 2024

ESTONIA





About the author

NENO is the single and largest Estonian organisation uniting public benefit civil society and non-profit organisations. NENO is an advocacy organisation focusing on an open and sustainable civic space, civil society capacity building and raising civic awareness. NENO's goals are to foster development trends and provide support services to Estonian civil society organisations, increase public awareness, advocate for the interests of its members and other public interest NGOs, and improve working relationships with the public and business sectors. The organisation implements activities to strengthen the role and identity of the civil society sector as a whole and maintains networks of advocacy organisations, voluntary contributors, and fundraisers in order to facilitate cooperation between associations.

About this report

This analysis was published as part of the European Civic Forum's Civic Space Report 2024. The full report contains chapters written by its secretariat, by member organisations, or by partner organisations and individuals. Much of the content originally appeared as part of ECF's submission to the European Commission's Rule of Law consultation. Each chapter reflects the views and analysis of its respective author. For more information about the European Civic Forum, please visit www.civic-forum.eu

Read the full report at

civic-forum.eu/CivicSpace24

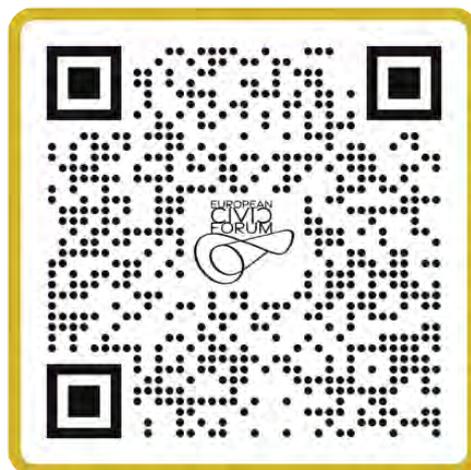


TABLE OF CONTENTS

| | |
|--|----|
| KEY TRENDS | 7 |
| SUMMARY | 7 |
| INSTITUTIONAL, POLITICAL AND SOCIO-ECONOMIC LANDSCAPE | 8 |
| CIVIC FREEDOMS: REGULATORY ENVIRONMENT AND IMPLEMENTATION | 10 |
| FREEDOM OF ASSOCIATION | 10 |
| SAFE SPACE | 12 |
| FUNDING FOR CIVIL SOCIETY | 12 |
| CIVIL DIALOGUE AND THE RIGHT TO PARTICIPATION | 13 |
| CIVIL SOCIETY RESILIENCE | 14 |
| RECOMMENDATIONS | 16 |
| ABOUT THE AUTHOR | 17 |

Key trends

- 🔍 **Same-sex marriage legalised but harassment, discrimination and hate speech against LGBTIQ+ remains a worrying trend, as draft hate speech legislation is debated in the parliament.**
- 🔍 **Many CSOs continue to operate on limited funding relying on voluntary work, participation fees and unsustainable small local government grants.**
- 🔍 **Structured civil dialogue with civil society throughout the policy making process remains a challenge.**

Summary

Civic space is rated as open in Estonia.¹ In 2023, Estonia continued to prioritise fundamental freedoms, including the right to association, assembly, and expression, they were mostly respected, and the legislation is in line with international standards. In its 2023 Rule of Law report, the European Commission recommended that the government of Estonia advance in ensuring “consistent and effective implementation of the right of access to information taking into account European standards on access to official documents”. The government has taken some steps to implement this recommendation by collecting information between ministries and putting forward proposals which would alleviate the administrative burden for officials and improve data collection. The report also noted that there are concerns about the absence of clear criteria for the allocation of funding to civil society organisations (CSOs) through Parliament. While parliamentary parties no longer distribute money directly to CSOs, funding is dispersed by ministries based on their criteria.

Although freedom of expression is guaranteed at the legal and political level, journalists face the risk of self-censorship due to anti-defamation legislation and cyber-bullying, and access to information

¹ <https://monitor.civicus.org/country/estonia/>

remains insufficient in Estonia.² The approval of the marriage equality legislation was an important step for the improvement of LGBTQI+ rights in Estonia. However, many LGBTQI+ people continue to face harassment, discrimination, and hate speech. A notable worrying development involved a ban on one pro-Palestinian demonstration.

Most CSOs operate with limited funding, relying on voluntary work, participation fees and unsustainable small local government grants.³ Larger, national-level organisations get more state funding which is becoming longer term and partnership-based. As a result, their financial security is improving. Some political institutions are implementing the strategic partnership model⁴, aimed at increasing civil dialogue and stakeholder participation in decision-making processes. However, in reality, civil society participation is not guaranteed and is often inadequate or completely lacking.

Institutional, political and socio-economic landscape

In 2023, elections were held in the Riigikogu (Parliament of Estonia). In the pre-election campaign, civil society actively took part by initiating debates, analysing election promises, while organisations in different fields assessed the promises of political parties from their own perspective. NENO initiated an election watchdog project, where nine volunteers monitored the extent to which political

² Reporters without borders, Estonia country report - <https://rsf.org/en/country/estonia>

³ 2021 civil society organization sustainability index - <https://heakodanik.ee/en/wp-content/uploads/sites/2/2022/10/Estonia.pdf>

⁴ <https://heakodanik.ee/wp-content/uploads/2021/10/Strateegiline-partnerlus-vabau%CC%88hendustega.pdf>

Civic Space Report 2024

parties' campaigns corresponded to good election practices.⁵ The elected Parliament presented a new political party which had not previously participated in the work of the Parliament.⁶ A coalition was formed by liberal parties. The social tension and the strife between the parliamentary parties led to the largest obstruction of the parliament since independence in Estonia.⁷ As a result the Riigikogu was only able to deal with the adoption of the most indispensable laws, because its work stalled for a large part of the time. While the coalition used confidence votes to prevent obstruction, this continued until the end of the year and will continue partly in 2024.

The obstruction resulted in less consideration and involvement of different stakeholders, including civil society. In some cases, the deadlines for feedback of draft laws were a few days long, and due to rapid procedures as a result of the vote of confidence, legislative proposals of interest groups were not taken into account. In addition to civil society, the Auditor General and the Chancellor of Justice drew attention to this situation.⁸ In the second half of the year, the situation improved as the deadlines for feedback on drafts were longer, and associations had more opportunities to be heard and involved.

In 2023, Estonia implemented a lobby register which imposes an obligation on every ministry and all higher public officials and state representatives to report their advocacy related contacts and their meetings with lobbyists.⁹

In June 2023, after long-standing advocacy by civil society and LGBTQI+ activists, the Estonian parliament passed the Registered Partnership Act which legalises same-sex marriage.¹⁰ Youth climate organisation Fridays for Future were victorious in court, which led to the suspension of the construction of the shale oil plant.¹¹ The Ministry of Climate Affairs initiated the development of the

⁵ <https://epl.delfi.ee/artikkel/120152274/valimiste-valvurid-kampaaniat-ette-valmistades-ei-peaks-lahtuma-ainult-tainapeadest>

⁶ <https://news.err.ee/1608905309/reform-party-takes-landslide-win-in-2023-riigikogu-elections>

⁷ <https://news.err.ee/1608979442/opposition-plans-to-continue-blocking-the-riigikogu-and-government>, <https://news.err.ee/1609096949/riigikogu-heads-prepared-to-violate-time-limits-to-curb-obstruction>

⁸ <https://www.oiguskantsler.ee/annual-report-2023/the-rule-of-law>

⁹ <https://www.korruptsioon.ee/et/lobistidega-suhtlemine/kohtumiste-andmed>

¹⁰ <https://www.riigiteataja.ee/en/eli/527112014001/consolide>

¹¹ <https://fridaysforfuture.ee/en/climate-lawsuit/>

Climate Act, which will be the biggest legal change in Estonia in the near future, as it lays down plans to achieve climate neutrality targets and will have implications including for civil society.¹²

Civic freedoms: regulatory environment and implementation

Freedom of Association

Freedom of association is guaranteed in the Estonian Constitution which states that everyone has the right to belong to associations and stand up for their views. In particular, the right to association is regulated by the Non-profit Associations Act and the Foundations Act¹³, which adheres to international human rights standards.

The government has not interfered with the activities of civil society. However, there has been a debate about CSOs who operate close to political parties, although they are not directly part of the sub-organisations of a political party, and whose activities and views support these parties' positions and are aimed at their success. While, no draft laws have been initiated, discussions and debates are ongoing, and politicians themselves acknowledge that it is very difficult to regulate organisations in a way that does not infringe on their constitutional rights.¹⁴ For the moment, the debate does not pose a major threat to civic freedoms in Estonia.

Civil society has not been restricted by administrative means either. Last year, Moneyval's anti-money laundering and terrorism prevention report proposed more effective measures to assess the risk of

¹² <https://www.euronews.com/green/2023/09/30/baltic-sea-wind-and-a-brand-new-climate-law-heres-why-estonia-is-our-green-country-of-the->

¹³ <https://www.riigiteataja.ee/en/eli/501022023003/consolide>

¹⁴ <https://valitsus.ee/en/coalition-agreement-2023-2027>

Civic Space Report 2024

money laundering and terrorism prevention for Estonian civil society.¹⁵ Thus, while a handful of Estonian CSOs may in the future face additional requirements in preparation for their annual audit reporting the exact content required is unknown at this stage.

Freedom of peaceful assembly and freedom of expression are also guaranteed in the Constitution. Although freedom of expression is guaranteed on legal and political levels, journalists face the risk of self-censorship due to anti-defamation legislation and cyber-bullying¹⁶, and access to information remains insufficient in Estonia.¹⁷ The law on hate speech is being debated in Parliament, which was welcomed by most CSOs.¹⁸ According to the draft law, public incitement to hatred, violence or discrimination against a group or member of a group of people on the basis of nationality, race, colour, gender, disability, language, origin, religion, sexual orientation, political belief or property or social status will be punishable as a criminal offence if there is reasonable belief that incitement will be followed by violence or pose a significant threat to the safety of society. In the case of other offences, hostility becomes an aggravating circumstance for punishment.

The law does not intend to make the publication of critical or shocking positions punishable, nor does the law prevent the expression of positions that may offend a group of society. In such cases, civil law can still be invoked if necessary.

At the end of 2023, teachers and other educational staff around Estonia organised strike actions and protests against their low wages. In November and December, protests in solidarity with Palestinian people took place in cities such as Tallinn and Tartu. On 5 November, a demonstration was held in Tallinn, where protesters called for a ceasefire and for the Estonian government to condemn Israel's actions. Although the protest was mainly peaceful, the Police and Border Guard Board removed five protesters from the demonstration for chanting slogans that were allegedly antisemitic. The protesters were fined, and misdemeanour proceedings were taken against them. The protesters were fined between €120 and €160 but are requesting that the Supreme court annul the fines and assess whether the Penal Code is constitutional.¹⁹ As a result of this, a "silent rally in support of Palestine and Palestinians" that was planned in Tartu, was initially refused but later registered by the police after discussions with the organisers. The organisers had to agree that the rally is peaceful and does not incite hateful messages or mention the pro-Palestinian chant "From the river to the sea".

¹⁵ <https://rm.coe.int/moneyval-2022-11-mer-estonia/1680a9dd96>

¹⁶ <https://rsf.org/en/index>

¹⁷ <https://rsf.org/en/access-information-baltics-rsf-asks-authorities-address-weak-spot-press-freedom>

¹⁸ <https://news.err.ee/1609001696/government-approves-hate-speech-draft-bill>

¹⁹ <https://humanrights.ee/en/2023/12/meeleavaldusel-osalenud-leore-laksin-naitama-solidaarsust-kumme-minutit-hiljem-tosteti-mind-politseibussi/>

Safe space

The approval of the marriage equality legislation was a great accomplishment for the progression of LGBTIQ+ rights in Estonia. However, many LGBTIQ+ people continue to face harassment, discrimination, and hate speech.²⁰ For example, during Baltic Pride Solidarity Week, a Finnish pastor was stabbed due to their sexual orientation and/or religious affiliation while participating in an open prayer organised by the Association of Gay Christians. Three other people were injured during the attack.²¹

Funding for civil society

In 2023, there were no significant changes in the financial stability of civil society. One of the concerns regarding civil society funding was that the funding allocated for CSOs from the state budget was not transparent because of the absence of objective criteria. In the 2024 state budget, money is not directly allocated by the Parliament to CSOs.

The majority of CSOs operate with limited resources in their local community. Many of these associations are active in the fields of education, sport and culture, and their main support and finances come from participation fees, local government grants and contributions through voluntary work by the local community. While the long-term viability of these organisations is certainly challenged, a large proportion can cope with the resources available.²²

National CSOs in Estonia have very different financial stability and capacity. Most organisations in the sector rely on project funding. Although there is a trend where a growing number of professional

²⁰ https://fra.europa.eu/sites/default/files/fra_uploads/lgbti-survey-country-data_estonia.pdf

²¹ <https://humanrights.ee/en/materials/inimoigused-eestis-2024/lgbt-inimeste-olukord/>

²² <https://heakodanik.ee/en/wp-content/uploads/sites/2/2022/10/Estonia.pdf>

CSOs have paid employees, the majority of organisations operate through voluntary work and a sense of mission to serve their constituencies' needs. The state is increasingly funding civil society, and support has shifted from individual projects to longer-term strategic cooperation. This means that ministries are running less calls for project proposals and more calls for long term proposals for civil society. As a result of this form of partnership, the financial security of civil society has also improved.

Civil dialogue and the right to participation

According to Rules for Good Legislative Practice and Legislative Drafting regulation²³, the interest groups affected by amendments to a law must be involved in the legislative process. Usually, this means that draft laws are sent to interest groups for feedback, and in rare cases the content of the draft is also discussed with interest groups before drafting the draft. Three ministries²⁴ in Estonia is currently implementing the strategic partnership model, which aims to ensure that the strategic partner of the ministry participates in the policy-making process. The strategic partner could be a civil society organisation that works on advocacy and that has expertise in the field.

There is a policy-making model in Estonia, which describes the role of civil society, and it is customary to request civil society feedback at every stage of the legislative process, although it is not mandatory to comply with the procedure. There is a difference in practice regarding longer-term strategies and laws. When it comes to legislation that has a major impact or a longer-term view, it is customary for consultations, working groups, discussions, etc. to be carried out with different interest groups, including civil society. It is not guaranteed that these groups' opinions will be taken into account in the final position, and in practice the input provided has been taken into account in the framework of the consultations rather than translating into changes in legislation.

²³ <https://www.riigiteataja.ee/en/eli/508012015003/consolide>

²⁴ Ministry of the Interior, Ministry of Education and Research, Ministry of Social Affairs

Access to information is guaranteed by the Public Information Act.²⁵ In practice, the processing of requests for access to information and other data is a challenge as these requests are usually answered after the deadline²⁶ (five working days for request for information) because officials are overburdened by such requests. However, there are some positive examples, e.g. the annual reports of all Estonian companies are available free of charge in the commercial register (a register also involves NPOs).

One recent example of civil society exclusion in the policy-making processes is during the process of the Climate Act. The process involved an extensive working group, which attempted to include viewpoints of different stakeholders. However, the working group was not optimal for civil society, as it consisted mainly of umbrella organisations, and individual companies who participated as representatives of the business sector, with only a few CSOs. Furthermore, there was no explanation provided to stakeholders on how much weight their contributions carried and whether their positions would be included in the legislation. It was therefore a participatory process only in theory and not in practice.

Civil society resilience

The most recent example of the impact of civil society was the successful case brought by Fridays for Future, a youth climate group, against Estonia's largest energy company. As a result of the court battle, the construction of the oil shale plant was suspended by a court order.²⁷ In addition to the environmental aspect, this sets an important precedent as a small organisation was able to win a case against a larger energy group in court. The capacity of advocacy organisations has increased over time, which opens up opportunities and instruments for civil society organisations that have not used this avenue before in Estonia.²⁸

On the contrary, there is a concerning trend where civic actors prefer to do things alone rather than in cooperation. As a result of this, there is a risk that civil society organisations will work less

²⁵ <https://www.riigiteataja.ee/en/eli/ee/514112013001/consolide/current>

²⁶ <https://www.riigiteataja.ee/en/eli/ee/503052023003/consolide/current>

²⁷ <https://fridaysforfuture.ee/en/climate-lawsuit/>

²⁸ <https://heakodanik.ee/en/wp-content/uploads/sites/2/2022/10/Estonia.pdf>

Civic Space Report 2024

together.²⁹ To some extent this is already seen in some sectors, such as education, as more teacher advocacy organisations have been established in the last five years than in decades. On the other hand, organisations are increasingly interested in building their own capacities, and cooperation and networking between organisations is one of the hallmarks of this (NENO itself has launched two new nationwide networks within a year based on feedback from CSOs).

Society's trust in civil society remains rather high in Estonia. Although part of society does not value the existence of a civil society, on average people are interested in social processes and want to contribute to them.³⁰ For example, one of Estonia's animal protection associations initiated a national petition to ban the caging of chickens, which was signed by 21,000 people.³¹ There are challenges with people's awareness of civil society, as a considerable part of the public are not aware that CSOs are engaged in societal impact and leisure activities.³²

²⁹ <https://heakodanik.ee/en/wp-content/uploads/sites/2/2022/10/Estonia.pdf>

³⁰ <https://heakodanik.ee/wp-content/uploads/2021/10/USAID-2020-Estonia.pdf>

³¹ <https://news.err.ee/1609225806/gallery-riigikogu-speaker-handed-petition-to-ban-cage-rearing-of-chickens>

³² <https://heakodanik.ee/wp-content/uploads/2021/10/USAID-2020-Estonia.pdf>

Recommendations

Targeted recommendation:

- 🔍 Ensure that there is a structured dialogue with civil society throughout the policy process in an ongoing, comprehensive and transparent manner.
- 🔍 Enable more long-term core state funding and business and private donation opportunities for both institutional and grass-roots civil society organisations.
- 🔍 Further develop the model of strategic partnership through a structured dialogue framework so that the system is implemented by all ministries.
- 🔍 Ensure that civil servants in all the institutional bodies are trained on the principles of civil dialogue.
- 🔍 Ensure that there is a structured dialogue with throughout the policy process in an ongoing, comprehensive and transparent manner.
- 🔍 Refrain from restrictions of the right to peaceful assembly, in line with international standards.
- 🔍 Take further steps to consistently and effectively implement Public Information Act which protects the right of access to information, taking into account European standards on access to official documents”.



About European Civic Forum

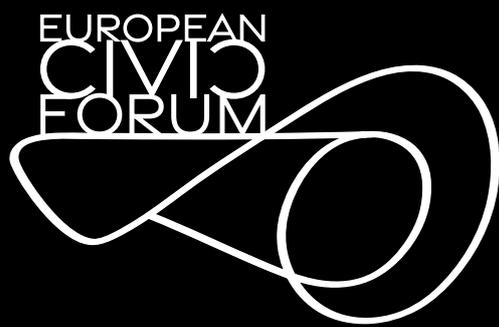
European Civic Forum (ECF) is a pan-European network of more than 100 associations and NGOs across 30 European countries,

Founded in 2005 by our member organisations, we have spent nearly two decades working to protect civic space, enable civic participation and build civil dialogue for more equality, solidarity and democracy in Europe.



About Civic Space Watch

Civic Space Watch collects findings and analyses from actors in Europe on the conditions for civil society to operate, capturing national and trans-European trends in civic space. Through ongoing monitoring of social media and regular contact and interviews with a strong network of members and partners on the ground, we strive to provide easy access to resources and improve information sharing within civil society across Europe.



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