

# Estonia

by Hille Hinsberg, Jane Matt, and Rauno Vinni

*Capital:* Tallinn  
*Population:* 1.3 million  
*GNI/capita, PPP:* US\$23,280

Source: The data above are drawn from the World Bank's *World Development Indicators 2014*.

## Nations in Transit Ratings and Averaged Scores

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Electoral Process	1.50	1.50	1.50	1.50	1.50	1.75	1.75	1.75	1.75	1.75
Civil Society	2.00	2.00	2.00	1.75	1.75	1.75	1.75	1.75	1.75	1.75
Independent Media	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
National Democratic Governance	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25
Local Democratic Governance	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
Judicial Framework and Independence	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
Corruption	2.50	2.50	2.50	2.50	2.50	2.50	2.25	2.25	2.50	2.50
Democracy Score	1.96	1.96	1.96	1.93	1.93	1.96	1.93	1.93	1.96	1.96

NOTE: The ratings reflect the consensus of Freedom House, its academic advisers, and the author(s) of this report. The opinions expressed in this report are those of the author(s). The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

# EXECUTIVE SUMMARY

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The coalition government of the Reform Party (RP) and the Pro Patria and Res Publica Union (PPRPU) remained stable throughout 2013, although the popularity of coalition leader RP continued to decline. The party lost significant support in Tallinn and numerous municipalities in the October local elections.

Unemployment levels improved during the year, and the economy grew by just under 1 percent. Responding to public frustration with perceived stagnation in government and the low internal transparency of political parties, Estonian president Toomas Hendrik Ilves spearheaded the creation of an online forum (“People’s Assembly”) for crowdsourcing policy ideas. The accompanying deliberation process yielded a number of legislative proposals, though none had been adopted at year’s end.

**National Democratic Governance.** Corruption scandals and the government’s perceived unresponsiveness to prevailing social and economic problems fueled an ongoing public debate on the quality of Estonian democracy. The government reacted to a public initiative called Charter 12 by creating an online forum for public proposals related to improving government transparency and accountability. In November, Culture Minister Rein Lang (RP) resigned due to conflicts with cultural associations, but none of the year’s other scandals resulted in cabinet changes. The RP’s popularity continued to decline during the year. *Estonia’s national democratic governance rating remains unchanged at 2.25.*

**Electoral Process.** There is growing public concern that Estonia’s party system has become cartelized and that there is insufficient room for newcomers. Local council elections in October largely reaffirmed the power structure between major powers at the national level, though Prime Minister Andrus Ansip’s RP lost significant support in Tallinn and nationwide. RP’s coalition partner, PPRPU, appeared to benefit from RP’s decline, performing better than in the 2009 elections. The majority of nationwide votes went to the Center Party (CP), which also won a majority in Tallinn, where the campaign was most intense. The Social Democrats (SD) did not perform as well as public support rates in the first part of the year had promised, but the party’s share of votes improved notably compared to the last municipal elections. *Estonia’s electoral process rating remains unchanged at 1.75.*

**Civil Society.** Per capita, Estonia has many civil society organizations, though the public’s involvement in political issues is low. An innovative People’s Assembly

deliberation process attempted to crowdsource solutions to perceived problems in Estonian democracy that were brought to the fore by a 2012 party financing scandal and other political affairs. The project yielded 15 proposals for legislative amendments that were being reviewed by the parliament at year's end. *Estonia's civil society rating remains unchanged at 1.75.*

**Independent Media.** Estonia's media landscape is diverse, including many national and local news outlets and a growing collection of popular online sources. In general, the media operate without significant political interference. However, allegations that Estonia's culture minister had unduly influenced administrative decisions at a publicly funded cultural weekly prompted his resignation in December. Estonia's largest daily newspaper, *Postimees*, changed ownership in fall 2013. The year also witnessed the sudden resignation of the editors of two of the country's biggest newspapers. *Estonia's rating for independent media remains unchanged at 1.50.*

**Local Democratic Governance.** Most local government units are very small and lack the necessary capacity to operate efficiently and meet the public service needs of constituents. However, 20 years of efforts to reform the system have failed due to lack of political will and consensus. In August 2013, Regional Affairs Minister Siim-Valmar Kiisler presented a reform plan that focused on the creation of "commuting centers" to reorganize local governments into more capable and equitable units. The fate of the plan is uncertain, as several ministers have already expressed their opposition to it. *Estonia's local democratic governance rating remains unchanged at 2.50.*

**Judicial Framework and Independence.** A number of legislative initiatives in 2013 sought to strengthen the protection of fundamental rights and improve the effectiveness of the judicial system. The issue of surveillance also featured prominently in discussions about judicial reform in 2013. The speed and efficiency of judicial procedures continues to increase. *Estonia's judicial framework and independence rating remains unchanged at 1.50.*

**Corruption.** Estonia ranks well in all global corruption indices and is considered one of the least corrupt countries in the EU. However, in the last two years, ongoing problems with government corruption have been demonstrated by highly publicized allegations of money laundering within the country's major political parties. Key anticorruption documents adopted or implemented in 2013 established the framework for tackling corruption and enhancing the accountability of the civil sector. The Public Assembly process yielded proposals for some potentially important campaign-finance reforms, but these had not yet been adopted at year's end. *Estonia's corruption rating remains unchanged at 2.50.*

**Outlook for 2014.** Politics in 2014 will be dominated by preparations for two elections—for new delegates to the European Parliament (EP) in May and for

Estonia's parliament in 2015. It appears that RP will approach the EP elections with its lowest support rate of all time, which will mean tough competition and active campaigning by other leading parties. Barring significant reforms, the public will continue to criticize RP and the other coalition partners for perceived political stagnation, economic inequalities, and the government's unwillingness to take action on issues such as administrative or tax reform.

# MAIN REPORT

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## National Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25	2.25

The center-right government coalition of the Reform Party (RP) and Pro Patria and Res Publica Union (PPRPU) remained in office throughout 2013, with 56 of the 101 seats in the *Riigikogu* (the parliament). At the same time, Estonians grew increasingly critical of the quality of democratic governance in their country, complaining of low transparency and the inadequate internal democracy of political parties, among other concerns. The government's perceived unresponsiveness to public discontent contributed to growing mistrust of the national parliament and government<sup>1</sup> and the declining popularity of Prime Minister Andrus Ansip's RP, especially in the second half of the year.<sup>2</sup>

At the end of 2012, 18,000 citizens—including 12 active public figures—signed a manifesto called Charter 12 (Harta 12) that outlined a series of democracy-related problems in Estonian society.<sup>3</sup> Estonian president Toomas Hendrik Ilves responded to the document's popularity by assembling representatives of political parties, social interest groups, the non-profit sector, and other charter signatories for a discussion about ongoing political problems and possible solutions. In January 2013, the process culminated in the creation of the People's Assembly (*Rahvakogu*)—a new online platform for crowdsourcing ideas and proposals to amend Estonia's electoral laws and Political Parties Act and to address other issues related to the transparency and effectiveness of democracy in the country. In February and March, the ideas collected in January were analyzed by a collection of experts—legal and social scientists, state officials, representatives of civil society, and journalists—before being submitted for discussion in April at an official “National Deliberation Day” summit, attended by a population sample of 314 participants. The proposals deemed most deserving of support were presented to the parliament by President Ilves later that month. Some experts criticized the People's Assembly as an illegitimate mode of lawmaking due to its alleged unrepresentativeness and incompatibility with the Estonian constitutional framework, but it also represents an unprecedented attempt to expand the possibilities of Estonian participatory democracy.<sup>4</sup> Elements of several public proposals have already been integrated into drafts laws, though others have been tangled up in bureaucratic proceedings, generating some disappointment with the Public Assembly project.<sup>5</sup>

The sudden contraction in economic activity and trade caused by the 2008 global credit crisis had a significant impact on Estonia, but the government has shown determination in balancing the state budget and adapting to the post-crisis economic landscape. Although some argue that Estonia is too dependent

on European Union (EU) structural funds and other external resources, Estonia's macroeconomic and fiscal situation is quite stable compared to the EU average.<sup>6</sup> Gross Domestic Product grew by 0.8 percent in 2013, and the unemployment rate averaged 8.6 percent during the year, compared with 10.2 percent in 2012.<sup>7</sup>

Notwithstanding these signs of macroeconomic growth, a 2013 report by the National Audit Office described the serious ongoing challenges facing many Estonian citizens. Price increases have been greater than wage growth, the rate of long-term unemployment is still very high, and many more families need income support than did before the crisis.<sup>8</sup> As a result, annual emigration rates—which shot up when Estonia joined the EU in 2004—have continued to grow, particularly among the rural population.<sup>9</sup> Coalition partners were criticized for being unresponsive to the problems outlined by the report.<sup>10</sup>

Public trust in democratic institutions has also declined as a result of high-profile political scandals and allegations of corruption. In 2012, a prominent member of the RP stated that he had repeatedly laundered illicit donations to his party between 2009 and 2010 at the behest of the party's secretary-general, Kristen Michael. Party leadership responded by turning on the whistleblower, and the prosecutor's office eventually dropped the investigation due to an alleged lack of evidence. In January 2013, Estonia's central bank made public several documents implicating onetime bank head Siim Kallas—a former RP leader and one of the party's founders—in a case related to falsified documents.<sup>11</sup> A few months later, Environment Minister Keit Pentus-Rosimannus (RP) attracted public interest because of her alleged connection to illegal transactions by a family member's transport company.<sup>12</sup> In June, leading RP figure and member of the European Parliament Kristiina Ojuland was expelled from her party following accusations that she had encouraged identity theft during the e-voting in RP's internal party elections.<sup>13</sup>

The centrist Center Party (CP), which won the most votes in the October 2013 municipal elections, also faced accusations of wrongdoing during the year. Just before the elections, a former party member reported that in the 2000s, he and others conscripted by him had transferred the equivalent of approximately €20,000 of unclear origin to party coffers.<sup>14</sup> The Social Democrats (SDs), the fourth largest party in Estonia, came under fire later in the year for allegedly misreporting their campaign costs in 2009.<sup>15</sup>

Previously, the RP had presented itself as a collection of reform and innovation-minded individuals determined to challenge the stagnant and corrupt elite. Scandals in 2012 and 2013 not only lowered support for the RP,<sup>16</sup> but they also eroded the legitimacy of the political system as a whole. By late 2013, the transparency of party finances and internal party politics was being questioned, not only by the general public but also by the political elite themselves.

None of the abovementioned corruption accusations caused significant changes in the cabinet membership during 2013. However, Culture Minister Rein Lang did resign from office in November as a result of a conflict with cultural associations that accused him of making politically motivated personnel changes to the editorial board of the newspaper *Sirp*.<sup>17</sup>

## Electoral Process

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.50	1.50	1.50	1.50	1.50	1.75	1.75	1.75	1.75	1.75

There is a widening public perception that the cartelization of parties is hindering the vitality of the democratic system.<sup>18</sup> Since the 2011 elections, there are only four parties represented in the parliament, two fewer than after the 2007 elections. RP has been part of most government coalitions since 1995 and has led every coalition since 2005. Andrus Ansip has been prime minister since 2005. Public concern over limited pluralism within government was evident during the People's Assembly exercise, which resulted in over 600 public proposals related to elections—more than any other topic.<sup>19</sup> One of the proposals that appeared before the parliament suggested lowering the threshold for parliamentary representation from 5 percent to 3 percent. Another Peoples' Assembly proposal aimed at creating more room for newcomers in the party system was to lower the minimum number of members required to establish a new party.

Although public trust in state-level democratic institutions was very low in 2012 and 2013, turnout in the October 2013 local government council elections (58 percent) was roughly the same as in 2009 and quite high compared to earlier municipal polls.<sup>20</sup> The outcome of the free and fair elections demonstrated the overall stability of power relations between Estonia's major parties, but some small shifts were noticeable. The CP reaffirmed its leading position, winning approximately 32 percent of the vote nationwide and maintaining control of the city council in Tallinn. Prime Minister Ansip's RP won only 14 percent of the nationwide vote—3 percentage points less than in 2009—and also lost 6 percent of its previous support in Tallinn. The election's biggest surprise was the performance of RP coalition partner PRRPU, which won 17 percent of the total vote, an increase of 3 percent since the previous elections.

The Social Democrats (SD), Estonia's fourth largest party, saw their share of the national vote increase by 5 percentage points to 12 percent, compared to 2009—a strong showing, though not quite as strong as late 2012 and early 2013 polling had predicted and significantly below the party's performance in the 2011 parliamentary elections.<sup>21</sup> The party performed especially well in northeastern Estonia, where it successfully mobilized Russian-speakers, the country's largest minority group, who usually support the CP or abstain from politics altogether.<sup>22</sup>

The most intense electoral battle took place in Tallinn, where PRRPU mayoral candidate Erik-Niiles Kross launched a highly critical campaign against incumbent mayor Edgar Savisaar (CP), accusing him and his administration of corruption and nontransparency. The criticism was fueled by media reports that the CP was exploiting public resources for its electoral campaign.<sup>23</sup> Just 24 hours before election day, Kross's campaign took a strange turn when his name appeared on Interpol's wanted list in connection with Russian allegations that he had played a role in hijacking the freighter *Arctic Sea* in 2009. Many interpreted the Interpol warrant as an attempt by Russia to intervene in Estonian politics.<sup>24</sup> Ultimately, Kross failed to

unseat Savisaar, but PPRPU did win considerable support in the election, drawing largely from the pool of alienated RP supporters and demonstrating a shift in the power balance between the state-level coalition partners.

Electoral alliances were more visible and popular in 2013 than in previous elections, performing quite well in large towns like Tartu, Pärnu, and Jõhvi, as well as in smaller municipalities. The fact that some prominent local elites decided to run for council as part of an electoral alliance list, rather than with an individual party, reflects an awareness of public frustration with the political status quo.<sup>25</sup>

### Civil Society

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.00	2.00	2.00	1.75	1.75	1.75	1.75	1.75	1.75	1.75

As a rule, citizen engagement in political issues—particularly via civil society organizations (CSOs)—is not very high. However, the launch of the People’s Assembly process created opportunities for civil society to respond with some vigor to the 2012 party financing scandal and demand increased transparency and openness within the political system.

A number of established organizations continue to support civil society activity in Estonia. These include the National Foundation of Civil Society, which distributes public funding among civic sector organizations, and the Open Estonia Foundation, which acts as an administrator for European Economic Area (EEA) capacity-building funds. The Network of Estonian Nonprofit Organizations (NENO), an umbrella association with more than 100 member organizations and an extensive network of contacts and resources, also provides support services to Estonian nonprofits and works to increase public awareness of nongovernmental activities, advocate for the interests of all public benefit CSOs, and improve working relationships between the public and business sectors.

Close to 30,000 nongovernmental organizations (NGOs) and foundations are registered in the country. According to most recent data collected by the United States Agency for International Development (USAID), approximately 2,000 new organizations were established in 2012, and nearly 3,000 defunct ones were deleted from the registry during the same year. The latter category included any organizations that had failed to submit annual reports for two consecutive years.<sup>26</sup>

Approximately two-thirds of Estonians polled in 2013 expressed a belief that NGOs can influence local political decision-making.<sup>27</sup> At the same time, less than one-fifth of Estonian residents are actually affiliated with NGOs as members or volunteers. Between elections, political activism remains low: only 12 percent of poll respondents claimed to have taken up issues of public concern with their local representatives.<sup>28</sup>

The People’s Assembly project increased dialogue between civil society and policymakers in 2013. Within three weeks of its creation, the website had received 60,000 visitors, and 1,800 ID-authenticated users had posted nearly 6,000 ideas

and comments aimed at improving electoral process, public participation, and the functioning and funding of political parties. Suggestions were grouped into sub-categories, and their impact was analyzed by scholars and practitioners. The proposals were debated on Deliberation Day (6 April), where a representative population sample debated pros and cons and voted on 15 proposals to be presented to the parliament as draft legislative amendments.<sup>29</sup> By the end of 2013, two bills based on amendments proposed by the Assembly were going through the legislative process. The Bill on Amendments to the Political Parties Act contains measures intended to increase the transparency of political finances and make it easier for new parties to enter the system.<sup>30</sup> The second bill is a completely new regulation institutionalizing of the right to petition.<sup>31</sup>

Building on momentum from the People's Assembly, approximately 2,000 people gathered in August in the town of Paide for Estonia's first-ever Opinion Festival (similar to Almedalen in Gotland, Sweden)—an open forum for discussion of policy issues between politicians, journalists, and the general public.<sup>32</sup> The media actively participated in the discussion of various proposed changes to the political system, as well as the debate over civil society interventions.

#### Independent Media

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

Although there is significant cross-media ownership and little opportunity for new entrants, Estonia's numerous media outlets express a wide variety of views without government interference.<sup>33</sup>

The Estonian-language print media landscape includes four major national dailies. Of these, *Postimees* has the largest circulation—approximately 53,000 print copies, in addition to a Russian-language edition reaching approximately 7,800 readers. The other major dailies are *Õhtuleht*, *Eesti Päevaleht*, and *Äripäev*. There are also three popular weekly newspapers—*Maaleht*, *Eesti Ekspress*, and *Den za Dnjom* (in Russian)—each of which has a circulation between 10,000 and 50,000 copies.<sup>34</sup> The number of local Russian-language outlets remains limited. As a result, Estonia's approximately 400,000 Russian residents usually access information and entertainment from media, especially television, broadcast from the Russian Federation. At the end of 2013, it was reported that newspaper circulation had declined for the four major daily papers, with decreases in circulation ranging from 5 to 11 percent compared to the previous year.<sup>35</sup>

*Postimees* changed ownership by means of a management buyout in September. The Norwegian media group Schibsted, which owned *Postimees*'s publisher Eesti Media (EM) for 15 years, withdrew from the Baltic market in 2013 and sold EM to local investors at a significant loss. Following the acquisition, competition between the country's two main media groups—EM and Ekspress Grupp, which owns the print daily *Eesti Päevaleht* and the online news site Delfi—is expected to

toughen, as both groups are actively trying to build a consortium of media outlets that target diverse consumer groups.

One month after EM's sale, the almost-simultaneous resignation of the editors-in-chief of *Postimees* and *Eesti Ekspress* shocked the journalism community and the general public. Both editors left, citing differences of opinion with the members of their publications' managing boards.<sup>36</sup> One source of ongoing tension between management and editors is publishers' increasing shift towards content suitable for digital outlets, such as newswatches for fast consumption and entertainment.

The Estonian media landscape is also populated by dozens of regional and local newspapers. Like many municipalities, the Tallinn City government has its own TV channel and issues several newspaper-like bulletins that are disseminated, free-of-charge. Municipal channels are staffed by civil servants and therefore are not subject to a journalistic Code of Ethics, and many produced highly propagandistic coverage of the October 2013 local elections.<sup>37</sup> The issue of municipally-owned media and the need for self-regulation is presently discussed by the Estonian Newspaper Association.<sup>38</sup>

There are two primary national commercial television stations—Kanal2 and TV3—and a large number of private radio stations and cable and satellite services. Many commercial broadcasters have been struggling financially even as cable operators continue to earn profits.

Concerned with the financial management of the Estonian Public Broadcaster (ERR), Finance Minister Jürgen Ligi proposed in November that a Culture Ministry representative should be added to ERR's supervisory board.<sup>39</sup> Minister Ligi and Culture Minister Rein Lang (both RP) had previously bemoaned the lack of ministerial oversight at ERR, which is editorially independent from the government but operates under the purview of the Culture Ministry.<sup>40</sup> The current board consists of four media experts and one representative from each of the four major parliamentary parties. The proposed changes to the makeup of the board did not take place in 2013.

Minister Lang resigned in December in the wake of a different public scandal relating to media independence. Members of the opposition SD claimed Lang had used his position to influence the selection of an interim editor-in-chief at *Sirp*, a weekly cultural newspaper that is published with public funding. The editor in question initiated widespread reforms and personnel changes that many speculated were politically motivated. Lang refuted the allegations but stepped down anyway, saying that the scandal had compromised his ability to lead the ministry effectively.<sup>41</sup>

Estonia has among the world's highest levels of internet penetration, with approximately 79 percent of the population active online in 2012. Several newspapers have gone online in the past few years, and online-only news portals have an extensive readership. In the 2009 case between ferry company owner Vjatšeslav Leedo and the online channel Delfi, the Estonian Supreme Court ruled that web portals and online news outlets could be held responsible for damaging reader comments posted on their sites. The case was referred to the European Court of Human Rights (ECHR), and in October 2013, the ECHR upheld the Estonian

Supreme Court ruling, stating that holding online portals liable for comments was a justifiable restriction on freedom of expression given the offensive nature of the comments in this case, the portal's profitable gain for publicizing them, and the fact that the Estonian court enforced a reasonable fine for damages.<sup>42</sup>

The media community has been divided over whether the ruling would restrict freedom of expression online. Estonian media associations such as the Association for Newspapers have generally expressed opposition to proposals for tighter state regulation of the media, emphasizing that self-regulation is the most appropriate tool for guaranteeing editorial independence.<sup>43</sup> A resolution by the European Newspaper Publishers' Association echoes this view, noting that "EU legislation in this area would decrease rather than increase press freedom."<sup>44</sup>

#### Local Democratic Governance

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50

The municipal system that began to develop in 1989 was designed to retain maximal autonomy of local government structures as a guarantee against the intervention of the central authorities, which were still under communist influence at the time.<sup>45</sup> Today, the financial independence of local administrations is more limited—the share of the local taxes in local government budgets is around 1 percent—so the system is rather centralized.

Estonia has 215 municipalities—30 cities and 185 parishes—for a country of only 1.3 million people. Many local government units are very small and lack the necessary capacity to operate efficiently and meet the public service needs of constituents. Working-age citizens continue to migrate from small communities to a few larger municipalities (or abroad) in search of better job opportunities and social services.<sup>46</sup>

Although studies suggest that past mergers may have resulted in decreased governance and administrative costs (in some cases up to 50 percent),<sup>47</sup> the position of the government has been to facilitate only voluntary mergers between local governments, rather than planning a broader amalgamation. The current ruling coalition has framed this hands-off approach as an attempt to respect the autonomy of local municipalities.

Twenty years of administrative reform proposals by individual politicians have failed due to lack of political support. In August 2013, Regional Affairs Minister Siim-Valmar Kiisler (PPRPU) proposed a new plan to offset marginalization of smaller municipalities through the creation of 18 so-called "commuting centers" where people from surrounding regions could come to work, study, and consume various social services. Under Kiisler's plan, all regions would be under a deadline (set by the parliament) to decide where commuting centers should be, and municipalities would also be required to choose their residents' designated commuting centers within a certain timeframe.<sup>48</sup> Over time, these centers and the

areas they serve would define the borders of local government units in Estonia (with a target date of 2017 for these units' first local elections).

Some ministers have already indicated their opposition to the Kiisler plan, which was under discussion by various stakeholders at year's end. They assert that the reform plan focuses too much on territorial issues and that the mergers cannot be regarded as an adequate solution to the capacity gap. For example, the financial autonomy of local municipalities must be increased to give local authorities more power to customize their budgets according to local needs.<sup>49</sup> Also, a redistribution of tasks between central and local authorities according to the latter's actual capacity should be revised.<sup>50</sup>

A key concern related to the state of local democratic governance in Estonia is the "oligarchization" of local life, or the blending of public and private interests that often occurs in extremely small communities with a limited number of business, political, and civil sector actors. An estimated 75 percent of all council members in Estonian local governments are simultaneously shareholders or members of the board or council in private enterprises.<sup>51</sup> This phenomenon has undoubtedly contributed to the recent decrease in trust towards local government authorities. From mid-2012 to mid-2013, the percentage of Eurobarometer survey respondents who said they tended to trust local public authorities dropped from 58 to 53 percent.<sup>52</sup>

With opportunities for local authorities to significantly influence or improve local life limited by financial constraints, campaigning for the 2013 local elections focused on minor issues, candidates' personalities, and scandals rather than substantive issues or even political ideology. This has been true in most local elections to date.

#### Judicial Framework and Independence

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50

Estonia's judicial system is not subject to direct political influence. A number of legislative initiatives in 2013 sought to strengthen the protection of fundamental rights and improve the effectiveness of the judicial system.

In line with the first goal, the cabinet drafted amendments to the penal code and other criminal legislation, presenting them before the parliament in December. The amendments are intended to eliminate overlaps in legislation, specify punishment for various offenses, and reduce the number of acts subject to criminal—rather than civil or administrative—prosecution.<sup>53</sup> In September, the parliament amended the Code of Criminal Procedure to guarantee suspects or accused persons access to translation services and other protections afforded them under EU law.<sup>54</sup> In March, the parliament adopted legislation providing specific protection to juveniles and victims of human trafficking during misdemeanor proceedings, among other changes.<sup>55</sup>

The issue of surveillance also featured prominently in discussions about judicial reform in 2013. Some Estonians are concerned that covert surveillance is too frequently employed by police and investigators<sup>56</sup> and want the Code of Criminal Procedure revised to specify and narrow the conditions under which it may legally be used. The opposition Center Party, whose leading members have come under investigation on several occasions in recent years, proposed such an amendment in spring 2013.<sup>57</sup> At year's end, the CP's draft was still awaiting its second reading in the parliament and the government had promised to prepare its own bill, as well.<sup>58</sup>

The use of surveillance in criminal investigations rose 9 percent in 2012,<sup>59</sup> though the crime rate actually declined that year and the year before.<sup>60</sup> One reason for the increased use of surveillance may be a renewed focus on crimes of the type that traditionally involve covert surveillance actions, especially corruption crimes. The debate over surveillance has prompted the Justice Ministry to establish a working group to analyze the treatment of persons involved in criminal proceedings and propose amendments to safeguard their rights.<sup>61</sup>

In addition to strengthening protections for civil liberties, the Justice Ministry continues to work at improving the efficiency and effectiveness of the court system through proposed legal amendments, new hires, technological improvements to databases and registers, and other changes. The average duration of legal proceedings in criminal, civil, and administrative cases has improved notably in recent years. Based on data from 2010, the EU Justice Scoreboard ranks Estonia 10<sup>th</sup> among 27 EU members states where speed of non-criminal legal proceedings is concerned; 11<sup>th</sup> with regard to civil and commercial litigation; and 4<sup>th</sup> when it comes to resolving administrative cases.<sup>62</sup> Reports compiled twice a year by the Justice Ministry indicate that in the first six months of 2013, the average time for proceedings diminished by 12 percent in criminal cases; 11 percent in civil cases; and 20 percent in administrative cases, compared to the same period in 2012.<sup>63</sup>

Estonia's prison system continues to suffer from overcrowding, and prisoners have poor access to health care. In May, Estonia's Justice Ministry issued an order, effective January 2014, increasing the minimum space requirement for each prison inmate from 2.5 to 3 square meters, in accordance with a ruling by the European Court of Human Rights (ECHR).<sup>64</sup> To reduce the number of inmates, the Prosecutor General issued guidelines asking prosecutors to seek fewer prison sentences. The request elicited anger from some prosecutors, who accused the Justice Ministry of infringing on their independence.<sup>65</sup>

The ruling coalition sees the development of Estonia's legal system as a process of stable and flexible improvement, rather than urgent or fundamental restructuring.<sup>66</sup> Some judges assert that the draft Courts Act prepared in 2010 would have increased judicial independence and improved management of courts by shifting related administrative responsibilities away from the executive branch,<sup>67</sup> but the draft was never discussed in the parliament, in part because not all the judges supported the reform initiative. Chief Justice Priit Pikamäe, appointed in May 2013, has said that Estonia's court system needs certain improvements, but maintains there is no need for structural reform.<sup>68</sup>

## Corruption

2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
2.50	2.50	2.50	2.50	2.50	2.50	2.25	2.25	2.50	2.50

Estonia ranks well in all global corruption indexes<sup>69</sup> and is considered one of the least corrupt countries in the EU. However, there are ongoing problems with government corruption. Over the past two years, there have been highly publicized allegations of money laundering within both the RP and the CP, but no criminal convictions have followed.

A January 2013 report by the Council of Europe's Group of States against Corruption (GRECO)<sup>70</sup> points to several holes in the corruption prevention practices being implemented in Estonia's legislature and court system. In their evaluation, GRECO experts note the existence of corruption among members of parliament, judges, and prosecutors, pointing to insufficient application of conflict-of-interest rules for members of parliament (MPs); an absence or insufficient definition of ethical principles and rules of conduct for MPs; and a lack of practical guidance regarding the acceptance of gifts associated with official duties. The report emphasizes that although the country's legal anticorruption framework is satisfactory, there are gaps in the way such laws are applied. Transparency International's 2013 Corruption Barometer reports that Estonians consider political parties the most corrupt of institutions, followed by businesses and public officials. Respondents identified the military, churches, and the education system as the least corrupt public institutions.<sup>71</sup>

In March, *Postimees* reported that CP leader and Tallinn mayor Edgar Savisaar had requested the resignations of four Tallinn officials because they had not returned 5 percent of their gross wages to the CP, which all Tallinn city officials who belonged to the party were apparently obliged to do under a 2005 agreement. The revelations prompted allegations of influence-peddling, but prosecutors declined to pursue a criminal case. Before the October elections, former CP member Tarmo Lausing alleged that during the 2000s he had helped to funnel some €20,000 of unclear origin to the CP at the request of Kadri Simson, a member of parliament and the CP's current deputy chair. Prosecutors declined to pursue the allegations, saying the statute of limitations had expired. A similar scandal within the Reform Party had erupted in 2012 and led to the resignation of Justice Minister Kristen Michal, but an investigation into that controversy was abandoned due to a lack of evidence.

In October, the parliament began debating a series of campaign-finance reforms, some of which originated in the Public Assembly deliberation process of early 2013. If adopted, amendments to the Political Parties Act<sup>72</sup> will establish stricter punishments for accepting prohibited donations and extend the authority of the parliament's Political Party Funding Oversight Committee.

The 2012 Anti-Corruption Act<sup>73</sup> came into force in early 2013, outlining the legal framework for the fight against corruption. At year's end, it was still too early to tell how the framework is functioning in practice. A bidding process was launched

in October for the rebuilding of the electronic register for declaration of economic interests, which is intended to serve as the main tool for ensuring transparency and preventing conflicts of interest.

The government adopted a comprehensive Anti-Corruption Strategy for 2014–2020<sup>74</sup> in April 2013, along with an implementation plan outlining responsibilities and allocating resources among institutions. The strategy outlines 79 measures, most of them focusing on prevention and education rather than on sanctioning. The document emphasizes transparency in public sector decision-making as critical to reducing opportunities for graft and includes clear plans for an impact assessment at the end of implementation period. One area neglected by the framework is the concept of whistleblowing; however, Transparency International has launched a program to enlist best practices in whistleblower protection and has made recommendations to the government.<sup>75</sup>

The revised Civil Service Act<sup>76</sup> that came into force in 2013 is intended to increase transparency in the public sector by creating a clearer (and narrower) definition of a public servant and a number of new rules for ensuring that the process by which public servants are hired and compensated is competitive and transparent. Although the requirement that civil servants be recruited on a competitive basis is not new, institutions previously had full power to decide the best hiring practices, and contests were not always used as a selection tool. The salaries of all civil servants are now published online, and all civil servants—not just high-level ones or those involved in public procurement, as before—are subject to financial disclosure.

#### ■ AUTHORS: HILLE HINSBERG, JANE MATT, AND RAUNO VINNI

*Hille Hinsberg is an expert in the Governance and Civil Society program at the PRAXIS Center for Policy Studies in Tallinn, Estonia. Jane Matt is an analyst in the Governance and Civil Society program for PRAXIS. Rauno Vinni is the head of PRAXIS's Governance and Civil Society program. The authors wish to thank Tarmu Tammerk, Birgit Rosenberg, Margus Sarapuu, Tõnis Saarts, Mari-Liis Jakobson and Kersten Kattai for their useful comments and suggestions.*

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