



**Organization for Security and Co-operation in
Europe
Office for Democratic Institutions and Human Rights**

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Estonia**



Warsaw, 15 October 2020

OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: Estonia

UPR Working Group Session and Date of Review: 38th Session, 3-21 May October-2021

Background

1. Estonia has been a participating State in Organization for Security and Co-operation in Europe (OSCE) since 1991 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹

2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Estonia, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE-Area.

3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Estonia and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Estonia.

Election-related activities

ODIHR has observed six elections in the country, most recently the 3 March 2019 parliamentary elections. ODIHR deployed an Election Expert Team (EET) for these elections

Parliamentary elections, 3 March 2019

4. Following an invitation from the Permanent Mission of Estonia to the OSCE and based on the findings and conclusions of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) for the 3 March parliamentary elections. The ODIHR EET focused its assessment on the work of the election administration, the implementation of Internet voting, and the participation of national minorities in the electoral process.

5. According to the ODIHR EET Final Report on the 3 March 2019 parliamentary elections “Voters were offered a wide choice of political platforms and contestants and the campaign took place in an environment characterized by high citizen trust in public institutions. The legal framework has undergone some revision since the last elections; however, a number of past ODIHR recommendations on various issues remain to be addressed.”The full ODIHR EET Final Report on the 3 March 2019 parliamentary elections is available at: <https://www.osce.org/files/f/documents/8/e/424229.pdf>

6. ODIHR, within its mandate, offered 10 recommendations:²

- a. Provisions on nominating Voting District Committees (VDC) members should be reviewed to remove any uncertainty as to the maximum number of VDC members and to effectively ensure political balance and equality among nominating political parties as intended by the law.
- b. Adjustments to legal redress mechanisms should be considered to ensure timely and effective remedy in all election-related cases within election timeframes.
- c. Consideration could be given to reviewing the combined requirements in the Election Act and the Local Government Organization Act related to the appointment of VDC members, and streamlining and further detailing provisions to ensure their consistency and implementability.
- d. Greater efforts could be made by municipal and election authorities to facilitate voting by persons with disabilities, including through further measures of ensuring the accessibility of polling stations, development of accessible information materials and assistive tools, and improving the accessibility of digital tools and online applications.
- e. The State Election Office (SEO) could develop strategies to mitigate the risk of attacks, conduct third-party risk assessments, and publish any findings and audit reports well ahead of the next elections.
- f. The SEO could integrate quality assurance activities into the maintenance schedule of the voting solution and publish the security rationale and all quality assurance results, including design review, security analysis, and penetration testing results.
- g. The SEO could strengthen its auditing process by developing a complete strategy and requiring auditors to implement critical auditing tools independently and from scratch.
- h. The SEO could review the potential effects of cyber-attack allegations against the Internet voting infrastructure, and develop a risk mitigation strategy.
- i. The technological specifications accompanying the legal framework could define acceptable voting systems in more general terms, but include additional requirements related to cryptographic strength, quality assurance, software development and deployment, as well as accountability and verifiability.
- j. Authorities should enhance their efforts of promoting the participation of persons belonging to national minorities in public and political life, as well as take steps to further increase the naturalization rate among persons with “undetermined citizenship”, with a view to granting them full suffrage rights.

Tolerance and non-discrimination issues

7. ODIHR’s 2020 report “OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic” found that, as the coronavirus is widely considered to have spread

from China to other countries, in some participating States, including Estonia, intolerance and discrimination was significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic. ODIHR's recommendations for Estonia include:

- Estonia should uphold existing commitments and international obligations on tolerance and non-discrimination.³
- Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.
- Ensure that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner, as prescribed by relevant international standards. Working together with civil society organizations and minority communities in this process is crucial.
- Design and implement recovery assistance in a non-discriminatory manner, with the participation of underrepresented groups affected by discrimination.
- Celebrate and harness the strength of diversity within the participating State, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

² In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

³ OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States’ realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).