

# Citizens' Participation

**ESTONIA**

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# Voting Rights

- Who is eligible to vote?

- National level / Parliament: Estonian citizens, 18 yrs of age (Constitution §57)
- Local level: permanent residents of the municipality, 16 yrs of age (Constitution §156; Municipal Council Election Act §5, art. 1-2)
- European Parliament: Estonian citizens, 18 yrs of age and EU citizens, 18 yrs of age, permanent residents of Estonia
  
- *Exceptions*: lack of legal capacity, convicted of a criminal offence and imprisoned (Constitution §57-58, Riigikogu Election Act §4, art. 2-3; Municipal Council Election Act §5, art. 3-4; European Parliament Election Act §4, art. 3)

# Election Right (I)

- National level

- **Parliament:** Estonian citizens, 21 yrs of age (Constitution § 60, Riigikogu Election Act § 4, art. 4)
  - Exceptions: lack of legal capacity, active service in the Defence Forces, convicted of a criminal offence and imprisoned (Riigikogu Election Act § 4, art. 5-6)
- **Government:** President appoints a candidate for Prime Minister, public vote by Riigikogu whether to authorise the candidate to form a government, candidate presents members of government to the President who shall appoint the government to Office (Constitution § 89)
- **President:** Estonian citizen by birth, 40 yrs of age, max two 5-year terms in sequence
  - Elected by Riigikogu (secret ballot, 2/3 majority). If Riigikogu fails, electoral body consisting of Members of Riigikogu and representatives of municipal councils (Constitution § 79, President of the Republic Election Act §1-2)

# Election Right (III)

- Local level

- Municipal Councils: permanent residents of the municipality, 18 yrs of age (Municipal Council Election Act § 5, art. 5)
  - Exceptions: lack of legal capacity, active service in the Defence Forces, convicted of a criminal offence and imprisoned (Municipal Council Election Act § 5, art 6)
- Head of Municipality: elected by municipal council (Local Government Organisation Act §22, art 1, p. 15)

# Election Right (II)

- European parliament
  - Estonian citizens, 21 yrs of age and EU citizens, 21 yrs of age, who are permanent residents of Estonia (European Parliament Election Act §4, art. 5)
  - Exceptions: lack of legal capacity, active service in the Defence Forces, convicted of a criminal offence and imprisoned (European Parliament Election Act §4, art. 6)

# Election Right (IV)

- **Judiciary**

- **Supreme Court**

- Chief Justice: appointed to the office by Riigikogu on the proposal of the President (Constitution §150), 9 year term (Courts Act § 27, art 1)

- Justices: appointed to office by the Riigikogu, on the proposal of the Chief Justice of the Supreme Court (Constitution §150), appointed for life (Constitution § 147)

- **Courts of first instance and courts of appeal: appointed to office by the President of the Republic, on the proposal of the Supreme Court (Constitution §150), appointed for life (Constitution § 147)**

- Requirements: Estonian citizenship, at least a Master's degree in law, proficient in Estonian language, of high moral character, „abilities and personal characteristics necessary for working as a judge“ (Courts Act § 47)

- Appointment: public competition, passing of judges' examination (Courts Act § 50-53)

- **Lay judges in county courts: Estonian citizenship, active legal capacity from 25 to 70 years of age who resides in Estonia, has proficiency of the Estonian language, of suitable moral character (Courts Act §103); elected by municipal councils (Courts Act § 106)**

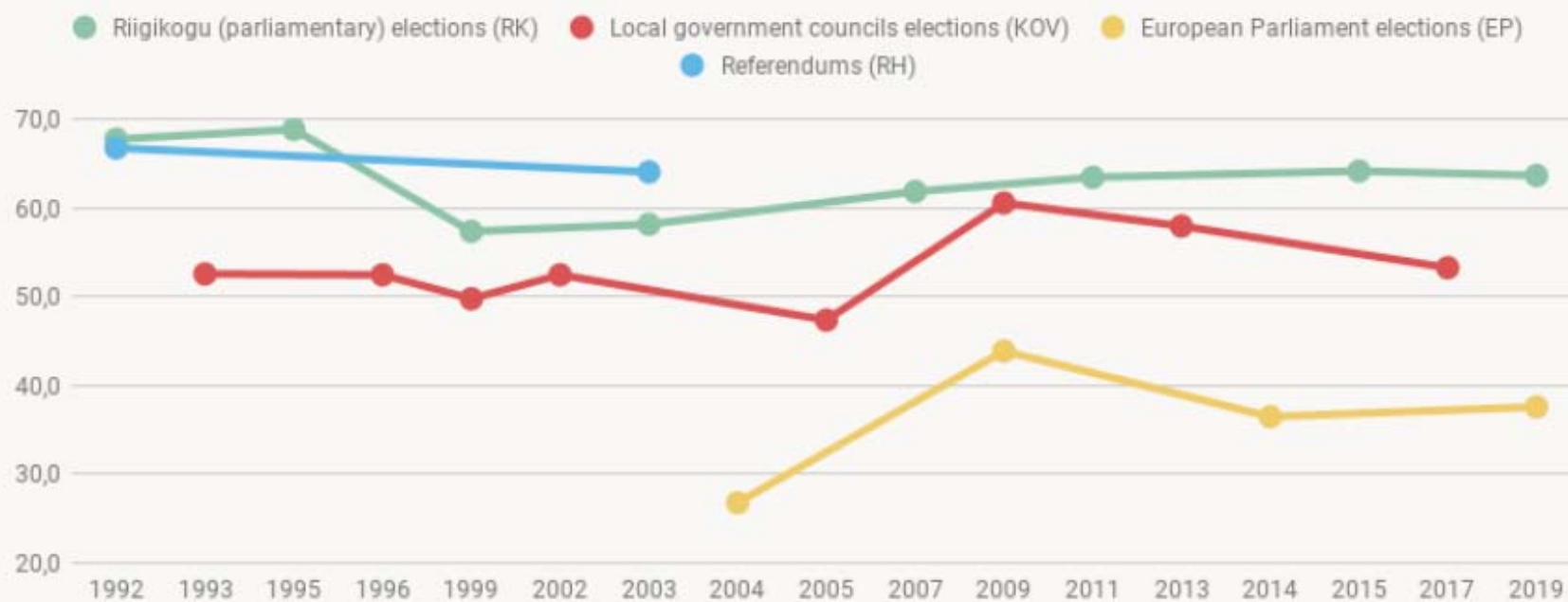
# Election Right (IV)

- Others

- Chancellor of Justice: appointed by Riigikogu on the proposal of the president, 7 year term (Constitution § 140)
  - „Estonian citizen who has active legal capacity, is of high moral character and is fully proficient in the official language“ and has „academic education in law and he or she shall be an experienced and recognised lawyer“ (Chancellor of Justice Act §6)
- National Audit Office: headed by Auditor General – appointed by Riigikogu on the proposal of the president, 5 year term (Constitution § 134)
  - „Estonian citizen who has active legal capacity, is of high moral character and fully proficient in the official language“ and „must have higher academic education and know the general principles of public administration and economics“ (National Audit Office Act §19)

# Voter turnout in national elections

Participation in voting (%)

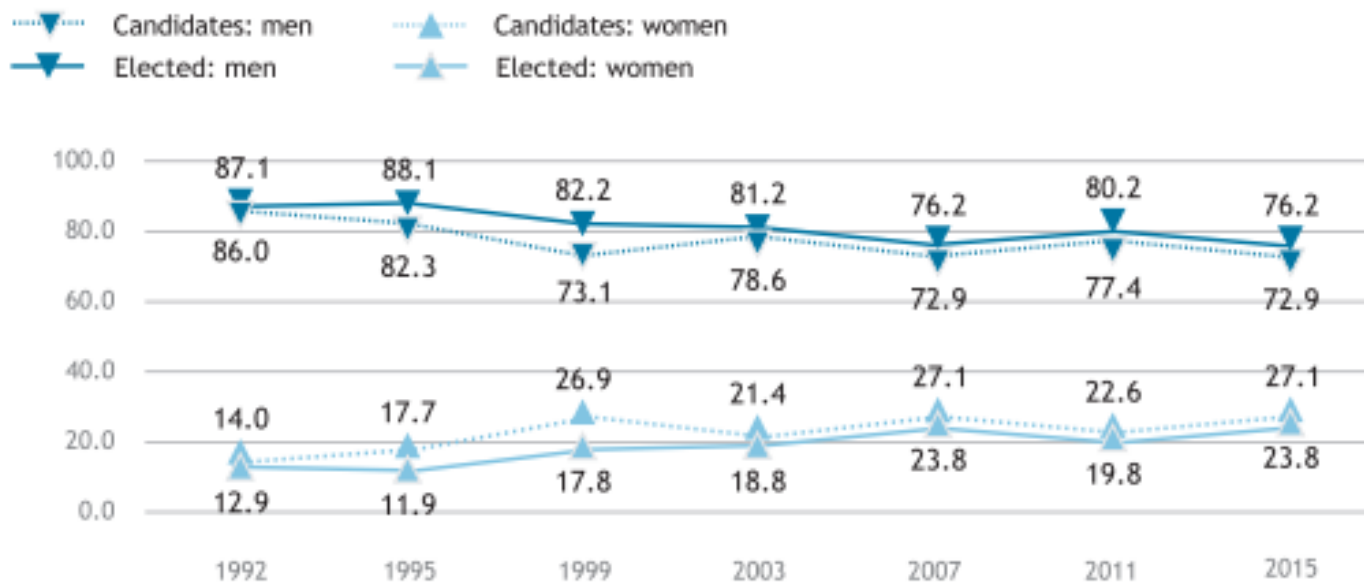


- Source: <https://www.valimised.ee/en/archive/statistics>



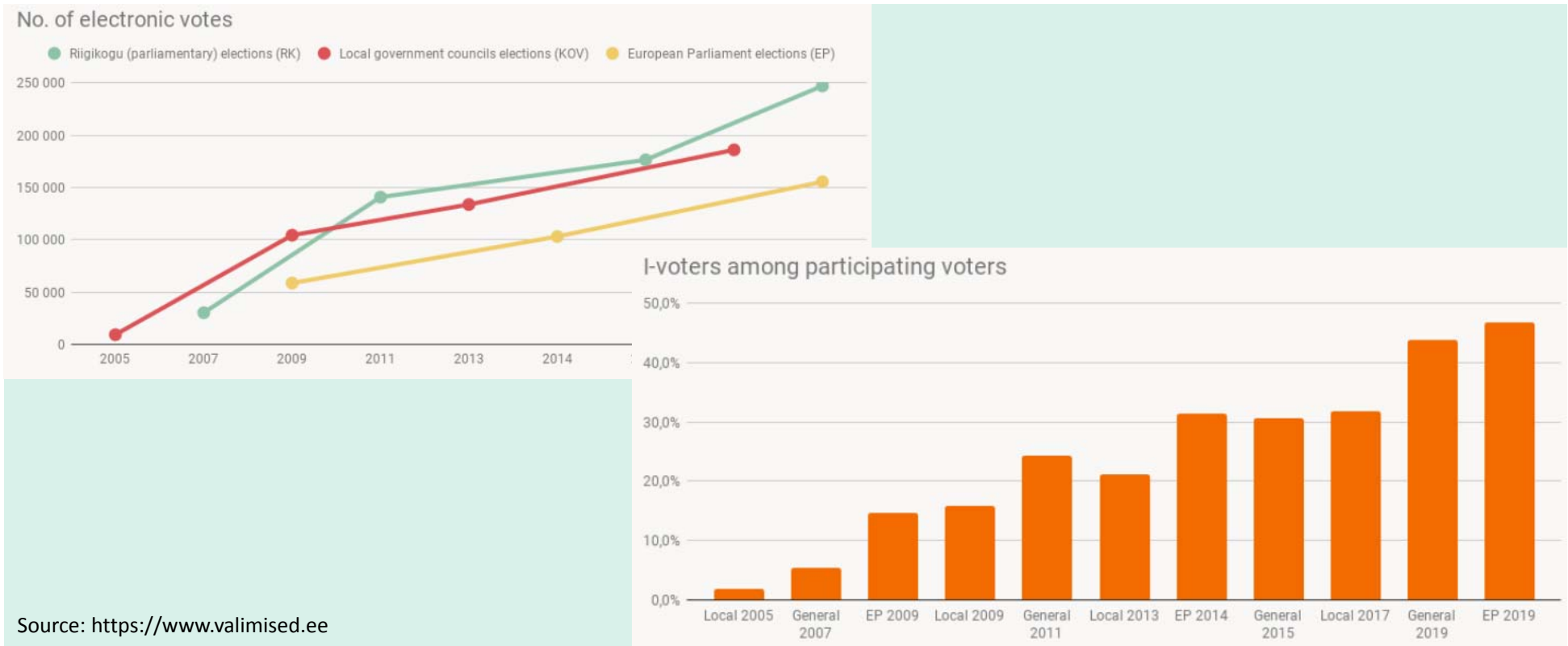
# Candidates by social demographics

Figure 1.2.5.  
Candidates and elected members of the Riigikogu by gender (%)



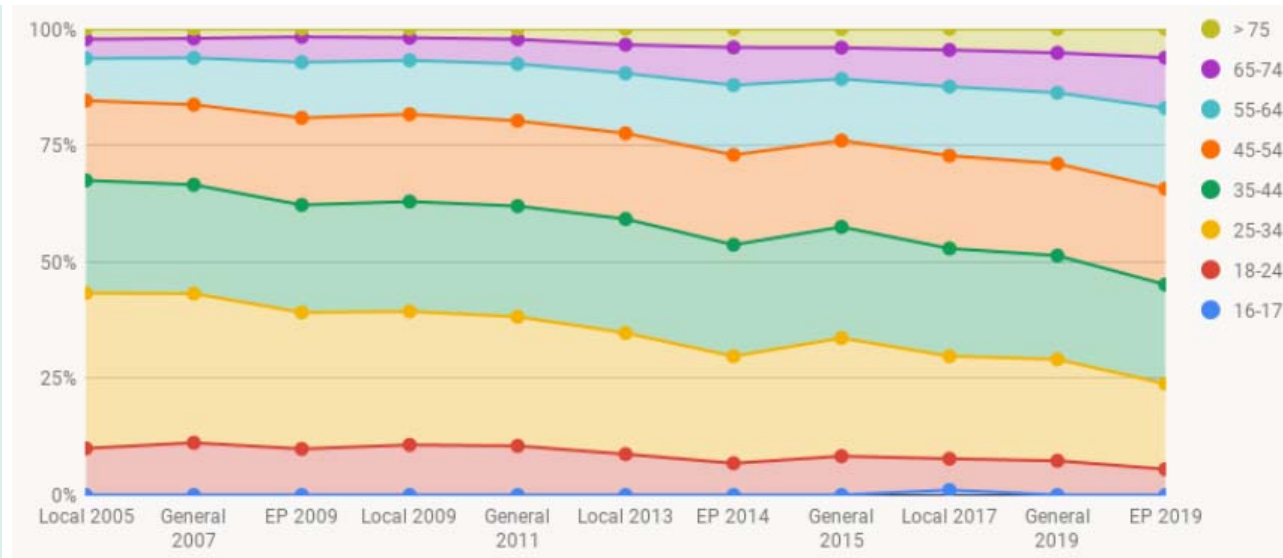
- Source: National Electoral Committee. 2016. Elections in Estonia 1992-1995.

# The share of electronic votes



# Participation by social demographics

- There is only limited information available on participation in elections according to the social demographics
- Young people are politically more passive and i-voting has not increased their participation rate
- People from other nationalities are more passive than Estonians
- Young people and Estonians are more active in using i-voting



## Social demographics of participation in i-voting by age

Source: <https://www.valimised.ee/en/archive/statistics-about-internet-voting-estonia>

# Direct Democracy (I)

- Instruments of DD at national level
  - Parliamentary elections
  - Referendum by Parliament
    - Only the Parliament has the right to initiate referendums in Estonia
    - **Formulated referendum** -> result binding for the Parliament (popular vote)
    - **Non-formulated referendum** -> non-binding, but compulsory to act according to the result
    - „Issues regarding the budget, taxation, financial obligations of the state, ratification and denunciation of international agreements, the declaration or termination of a state of emergency, or national defence shall **not be submitted** to a referendum“ (Referendum Act, §1, (2)).
    - Referendum in Estonia are based on popular majority vote and no quorum is required.
  - Mandatory referendums
    - Amendments of the Constitution's Chapter I (General Provisions) and Chapter V (Amendments of the Constitution) **have to be submitted** to a referendum (Constitution §162).
  - Popular initiative
    - Since 2014, public appeals (non-binding) with at least 1000 will be considered for further discussion in the Parliament. Since 2016, the public appeal process can be done online ([rahvaalgatus.ee](http://rahvaalgatus.ee)).
    - During the first period of Estonian independence in 1918-1940, popular initiatives (binding for the Parliament) were included in the first Constitution (1920-1933) and the second constitution (1934-1938).

# Direct Democracy (II)

- Instruments of DD at regional/local level
  - Election of Municipal Council
  - Opinion polls by authorities (non-binding)
    - According to the Local Government Organisation Act (LGOA), the municipal legislative and executive body can organise **opinion polls concerning essential issues** among the residents of the territory of the local authority (LGOA, §2 (2); §15)
  - Popular initiative (non-binding)
    - At least 1% of the residents of a municipality can initiate passage, amendment or repeal of legislation of the local authority (LGOA, §32) -> initiative will be debated in the municipal council.
  - Mandatory „referendum“ (non-binding)
    - Territorial changes can only be made after „hearing the opinion“ of the local people (Constitution, §158).
  - Other instruments
    - People invited to participate in local authority Council meetings and Committee meetings have the right to speak (LGOA, §44 (6); §47).

# Practice of Direct Democracy

	<b>Introduction</b>	<b>Frequency 1918-1940</b>	<b>Frequency 1991-2020</b>	<b>Popular votes</b>
Referendum by Parliament (adopting or amending the Constitution)	1920	3	2	2
Referendum by Parliament (issues of national importance)	1920	0	0	0
Popular initiative (binding to the Parliament)	1920-1938	1	x	1
Popular initiative (collective appeals discussed in Parliament, non-binding)	2014	x	92	0

# Other forms of citizens' participation

- Describe other forms of citizens' participation in place
  - Consultations in the legal process
    - Interest groups are encouraged to participate in law-making processes.
    - In mid-2000s a Code of Good Public Engagement was introduced as a guideline and since 2012 it is mandatory to engage interest groups in law-making as stipulated in the Government's Rules for Good Legislative Practice and Legislative Drafting.
    - Since 2016, it is also mandatory for the Parliament to include interest groups in committee level discussions during the law-making process.
  - E-participation platforms for organising petitions, raising awareness and making suggestions to the government ([osale.ee](http://osale.ee); [rahvaalgatus.ee](http://rahvaalgatus.ee); [petitsioon.ee](http://petitsioon.ee)).
  - Roundtables and stakeholder meetings organised by ministries
  - Public opinion surveys conducted, if necessary, by the Estonian Government Office.
  - Overview reports published by NGOs (e.g. Transparency International Estonia, Estonian Human Rights Centre; Good Citizen Network)
  - Strikes are rare in Estonia, as trade unions are not well organised.
  - Protests and demonstrations are common and have increased during the past few years.
  - Open letters and awareness campaigns in the media are commonly used to attract attention to respective issues.

# Other forms of citizens' participation

- Private Associations, NGOs etc.
  - There are around **23 000 organisations registered in the third sector.**
    - 82% of third sector organisations operate on the local level, 22% across Estonia and 36% also operate internationally.
    - Main areas of activity include sports and leisure, culture/art and education.
  - The Estonian laws recognise **non-profit associations** and **foundations** which are both regulated by separate legislation.
  - Since 2002, Estonia has implemented the Estonian Civil Society Development Concept (EKAK) strategy to improve citizens' participation and support third sector organisations.
  - Civil society in Estonia has gone through rapid development since 1991 and has increased their importance as a partner for the state.
  - The role of NGOs as public service providers has increased significantly during the past 10 years.
    - E.g. Almost 70% of all local governments have delegated some tasks to NGOs (organisation of culture and sport events, social services).
  - Funding is available through the National Foundation of Civil Society, EU funds, other International funds, donations etc.



# Media (I)

- Main media in the country

- Print: *Postimees* (the leading daily), *Päevaleht* (daily), *Äripäev* (daily), *Õhtuleht* (tabloid), *Eesti Ekspress* (weekly), *Maaleht* (weekly); all in commercial ownership.
- Radio, TV: a central role for the Estonian Public Broadcasting maintaining three TV channels, five radio channels and an online news platform ([www.err.ee](http://www.err.ee))
- Two main commercial TV providers and a number of commercial radio channels
- Online: [www.delfi.ee](http://www.delfi.ee); [www.bns.ee](http://www.bns.ee); [www.postimees.ee](http://www.postimees.ee)

- Trends:

- Increasingly concentrated ownership of different media outlets
- Growing role for online platforms and social media
- Decreasing potential of formal and professional media to shape the public discussion

# Media (II)

- According to the 2021 World Press Freedom Index (<https://rsf.org/en/ranking>), Estonian media independence deteriorated in 2020 (graphs below).
- FreedomHouse Independent Media rating declined from 6.5 to 6.25 (<https://freedomhouse.org/country/estonia/nations-transit/2020>).
- Changes in the ratings reflect verbal political attacks by government coalition members on media as well as concerns over the editorial independence in some outlets (especially *Postimees*).

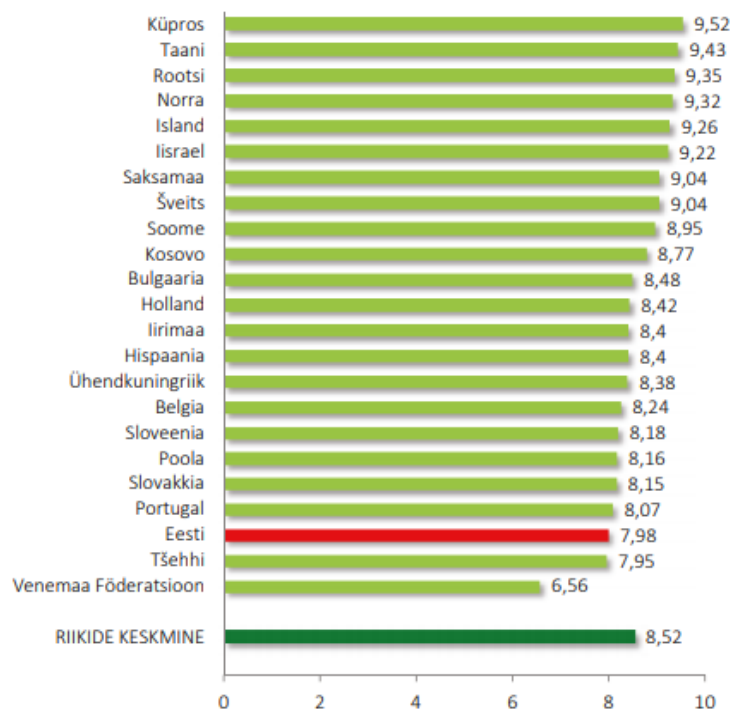
Ranking	Country
15	Estonia
16	Iceland
20	Luxembourg
23	Liechtenstein
26	Cyprus
39	Andorra
81	Malta
104	Montenegro
-	San Marino

Ranking since 2013

Year	Ranking		Year	Ranking	
2020	14 / 180	↓	2015	10 / 180	↑
2019	11 / 180	↑	2014	11 / 180	=
2018	12 / 180	=	2013	11 / 180	=
2017	12 / 180	↑			
2016	14 / 180	↓			

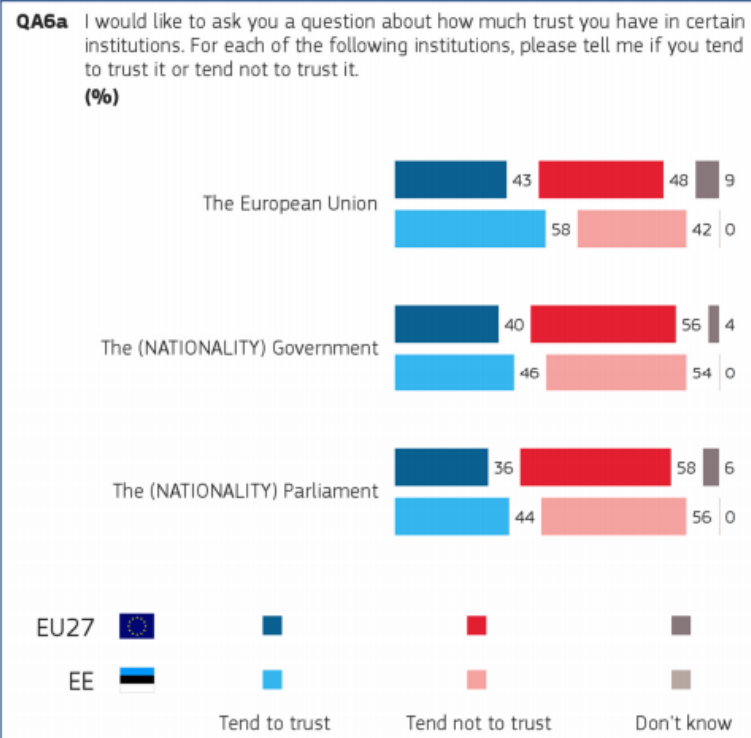
# Satisfaction with democracy in the country

Joonis 1. Demokraatia olulisus: Eesti võrdluses teiste riikidega



## The importance of living in a democratic state based on European Social Survey 2012.

Source: Ehin et al. 2014. Eesti elanike suhtumine demokraatiasse. Tartu Ülikool.



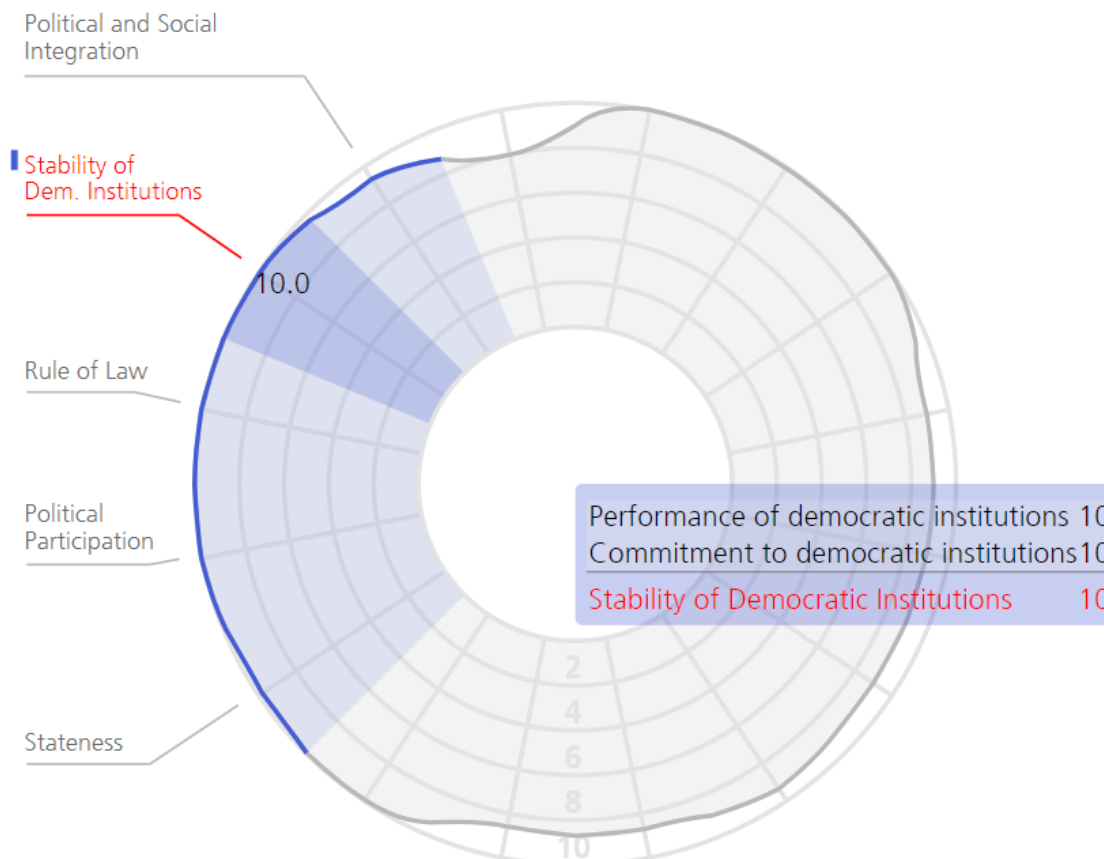
## Trust in institutions according to the Eurobarometer Summer 2020

Source: <https://europa.eu/eurobarometer/surveys/detail/2262>

# Satisfaction with democracy in the country

According to the BTI Transformation Index, the democratic institutions are viable and adequately accepted in Estonia

Source:  
<https://www.bti-project.org/en/reports//country-dashboard-EST.html>



# Conclusion: Lessons and prospects

- A trend towards increased citizen participation can be seen in Estonia during the past 20 years.
- Instruments of direct democracy mainly include elections. Referendums have only been used for either adopting or amending the constitution.
- Public discussions on how to increase and improve the instruments of direct democracy are frequent.
  - These discussions include the debate on whether the President should be elected through popular vote, whether to expand the right of citizens to participate directly through referendums, binding public initiatives etc.
- At the same time very few changes are implemented and the legislation regarding DD remains rather limited and vague.
- More recently efforts have been made on the local level to amend current legislation to support the direct engagement of local residents in local matters.
- Even though Estonia has made efforts to increase transparency and openness by using digital solutions and making public information widely available online, this has not resulted in a significant increase in public participation.

# Conclusion: Lessons and prospects

- The political participation rate of Estonian citizens has increased over time, but the readiness for voluntary activities has decreased
- There are considerable differences in participation rates between Estonian-speaking and other nationalities
- The participation rate is the highest among Estonian-speaking, economically better off citizens with higher education
- Trust towards public institutions has increased among other nationalities and has decreased among Estonian-speaking population
- A considerable surge in grassroots activities as a reaction to the engagement of far-right populist party EKRE in the governing coalition and their nationalist, conservative, illiberal rhetoric and verbal attacks towards independent media, LGBT community and refugees.