OSCE

Office for Democratic Institutions and Human Rights

ESTONIA

PARLIAMENTARY ELECTIONS
3 March 2019

ODIHR Election Expert Team Final Report

Warsaw
27 June 2019

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ODIHR Election Assessment Mission Final Report[1]

I. EXECUTIVE SUMMARY

Following an invitation from the Permanent Mission of the Republic 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.

Members of parliament were elected through a proportional open list system from multi-mandate constituencies for a four-year term. 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 set-up of the election administration was recently adjusted. Election authorities continued to enjoy broad stakeholder confidence and were commended for their independence and professionalism. Provisions on the appointment of voting district committees by municipal councils and the related legal redress mechanisms require some review to ensure clarity and timely remedy in all election-related cases. Stakeholders welcomed the availability of a wide range of voting options, including advance voting, with adequate safeguards against multiple voting. Beyond the measures in place, greater emphasis and further practical steps are needed to effectively ensure the participation of voters with disabilities.

Internet voting is available to all eligible voters, continues to grow in popularity and enjoys stakeholder confidence. The current design of the Internet voting system constitutes a significant improvement over earlier versions. In line with previous ODIHR recommendations, the system's integrity and secrecy properties were strengthened and individual vote verification was introduced. However, the system is not software independent, meaning that errors in its components may cause undetected errors in the election results, and it is potentially vulnerable to internal attacks and to allegations of cyber attacks, which may affect public confidence.

Persons belonging to national minorities with Estonian citizenship enjoy full electoral rights. However, despite notable efforts in facilitating integration and naturalization, a considerable number of residents "with undetermined citizenship", most of ethnic Russian background, are disenfranchised in national elections. Minorities-related issues did not feature prominently in the campaign and most parties avoided divisive rhetoric. However, some parties' initiatives that were perceived as alluding to ethnic divisions and carrying nationalistic undertones were of concern among national minorities.

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[1]   The English version report is the only official document. An unofficial translation is available in Estonian.

This report offers a number of recommendations to support efforts to bring elections in Estonia closer in line with OSCE commitments and other international obligations and standards for democratic elections. Recommendations relate to reviewing and streamlining provisions on nominations to election committees, adjusting legal redress mechanisms, facilitating participation of persons with disabilities, detailing technological specifications for the Internet voting system, strengthening auditing processes, developing risk mitigation strategies, and further facilitating participation of persons belonging to national minorities. ODIHR stands ready to assist the authorities to further improve the electoral process and to address the recommendations contained in this and previous reports.

II.   INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the Permanent Mission of the Republic of Estonia to the OSCE and based on the findings and conclusions of a Needs Assessment Mission (NAM) conducted from 13 to 15 November 2018, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) to observe the 3 March parliamentary elections. The ODIHR EET consisted of three experts drawn from three OSCE participating States.

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. The report is thus limited in scope and does not offer an overall assessment of the elections. Specific areas under review were assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with the ODIHR's methodology, the EET did not undertake comprehensive and systematic observation of election day procedures. This final report should be read in conjunction with the 2018 ODIHR NAM report and previous reports, which provide additional detail on electoral processes in Estonia.[2]

The ODIHR EET wishes to thank the Ministry of Foreign Affairs, the National Electoral Committee (NEC), the State Electoral Office (SEO), political parties, civil society organizations, academia, and other interlocutors for their co-operation and assistance.

III.   BACKGROUND AND POLITICAL CONTEXT

Estonia is a parliamentary republic with legislative powers exercised by the parliament (*Riigikogu*). Executive authority is vested with the government, led by the prime minister. The president is elected by parliament for a five-year term and holds limited functions. On 2 December, the President of Estonia called parliamentary elections for 3 March 2019.

The last parliamentary elections held in March 2015 initially resulted in a coalition government led by the Reform Party and including the Social Democratic Party (SDP), and the Pro Patria and Res Publica Union (*Isamaa*).[3] Following a successful motion of no-confidence in November

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[2]   See all previous ODIHR election-related reports on Estonia.
[3]   The six parties elected to the outgoing parliament included the Reform Party (30 seats), the Centre Party (27), SDP (15), *Isamaa* (14), the Free Party (8), the Conservative People's Party (EKRE; 7). In total, 24 of 101 members of the outgoing parliament were women.

2016, a new coalition government was formed, led by the Centre Party and included the SDP and *Isamaa*.

These elections were contested by 10 political parties and 15 independent candidates, offering voters a wide choice. A review of candidate lists for these elections indicated that the number of women fielded by parties varied considerably, ranging from 46.4 per cent for the Greens of Estonia party to 19.2 per cent for *Isamaa*.[4] Issues of taxation, healthcare and pensions dominated the campaign, which was relatively subdued. The campaign took place in an environment characterized by high citizen trust in public institutions.

ODIHR has previously assessed four elections in Estonia since 1999. The ODIHR EET deployed to the 2015 parliamentary elections specifically assessed Internet voting, party and campaign finance, and the participation of national minorities.

IV.   LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework has undergone some revision since last parliamentary elections, including amendments to the *Riigikogu* Election Act (Election Act) in 2017.[5] While some changes stemmed from a broader administrative reform completed in 2017, other amendments included adjustments to the structure and responsibilities of election management bodies, refinements to Internet voting regulations, and modifications to complaints and appeals procedures. In addition, amendments were introduced to the Population Register Act in 2017 and 2018, which impacted aspects of voter registration.

A number of prior ODIHR recommendations remain to be addressed, including those related to the disenfranchisement of citizens imprisoned for criminal offences, the prohibition of outdoor political advertising, lacunas in party and campaign finance regulations, and the need to further enhance national minority participation. According to ODIHR EET interlocutors, proposed amendments in these areas were discussed by the outgoing parliament, but did not reach the necessary political consensus for adoption.

The 101-member parliament is elected through a proportional open list system for a four-year term from 12 multi-member constituencies. Parties must obtain at least five per cent of valid votes nationwide to be eligible for seat allocation. As per legal requirements, on 3 December 2018, the NEC re-distributed the mandates to constituencies in proportion to the number of voters as provided by the Population Register and following international good practice for the equality of the weight of the vote.[6]

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[4]   There are no legal or voluntary special measures for promoting women's political participation.
[5]   The legal framework for parliamentary elections also includes the 1992 Constitution, 1994 Political Parties Law Act (amended in 2015), 2010 Media Services Act (amended in 2015), and 2007 National Broadcasting Act (amended in 2014). Other legislation and NEC resolutions are also applicable. Estonia is party to major international and regional instruments related to elections. This includes the 1966 International Covenant on Civil and Political Rights, 1979 Convention for Elimination of All Forms of Discrimination against Women, 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), and the 2006 Convention on the Rights of Persons with Disabilities (CRPD). It has also ratified the 2001 Council of Europe Convention on Cybercrime.
[6]   The 2002 Code of Good Practice in Electoral Matters of the Council of Europe's European Commission for Democracy Through Law (Venice Commission) recommends that "the permissible departure from the norm should not be more than 10 per cent, and should certainly not exceed 15 per cent, except in special circumstances".

V.   ELECTION ADMINISTRATION

A.   MANAGEMENT STRUCTURE

Following the 2017 amendments to the Election Act, elections are administered by the NEC and a network of election managers and polling staff, led by the SEO. The NEC is an autonomous body responsible for overall electoral management, including to issue decisions to supplement the legal framework, manage candidate registration, consider complaints, and validate election results.[7]

Established in 2017, the SEO leads the executive branch of the election administration and is in charge of all operational preparations and the conduct of elections.[8] Its responsibilities include the supervision and training of election officials, and the organization of Internet voting. Following a broad administrative reform in 2017 and the corresponding adjustments in the Election Act, the preparations for elections at the municipal and city levels were co-ordinated by 79 city and rural municipality secretaries.[9] Fourteen of these secretaries were assigned additional responsibilities related to county-level co-ordination and material delivery.

At the polling station-level, elections were organized by 451 Voting District Committees (VDCs), appointed by municipal councils. Half of the VDC members are proposed by city and municipality secretaries. Political parties participating in the elections are entitled to nominate the remaining VDC members, one per party per committee, and actively used this possibility.[10] One of the complaints lodged with the NEC related to the non-acceptance of nominees by EKRE in the main composition of three VDCs.[11] The case revealed a legal uncertainty as to whether there is an upper limit on the number of VDC members and the level of discretion granted to municipalities to accept party nominations.[12]

Provisions on nominating 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.

The NEC dismissed EKRE's complaint stating among other things that it had no mandate to hear complaints against decisions of municipal councils, a body that is not under the jurisdiction

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[7]   The NEC's seven members are appointed for a four-year term by the Chief Justice of the Supreme Court (two members), and one each from the Chancellor of Justice, the Auditor General, the Chief Public Prosecutor, the Secretaries of the Parliament Chancellery, and of the State Chancellery. Three NEC members are women.

[8]   The SEO head and deputy are appointed by the Secretary General of the parliament based on a NEC proposal. Other SEO officials are appointed based on proposal by the SEO Head. Five of the 11 SEO members are women.

[9]   This role was previously performed by 17 County and City Electoral Committees.

[10]   According to the SEO, 80.3 per cent of VDC members were women.

[11]   Article $19^1(1)$ of the Election Act states that VDCs are composed of "at least five members". Article $19^1(7)$ stipulates that "if the number of member candidates […] presented by parties exceeds the number of places which parties have in the voting district committee, all the remaining candidates are appointed alternate members." In the complaint from EKRE, a municipality secretary in Põltsamaa nominated three members to each of the five VDCs in the municipality and accepted members from only two parties that first submitted nominations into the main composition. The nominees from EKRE that applied later were accepted as substitute members.

[12]   Paragraph 156 of the 2010 ODIHR and Venice Commission Guidelines on Political Party Regulation states that "the inclusion of partisan persons on election management bodies should be carefully considered by the state when developing legislation. If such a system is chosen, it must clearly state the required qualifications for nominees and the procedures for political parties to nominate members to election- management bodies."

of the Election Act, but regulated by a Local Government Organization Act. This effectively means that the short timeframes for the review of complaints and appeals envisaged in the Election Act do not apply to complaints against election-related decisions by municipal councils, which are to be challenged under regular administrative court procedures.[13] This separate judicial review procedure for some election-related issues may result in delayed legal redress, at odds with international standards.[14]

Adjustments to legal redress mechanisms should be considered to ensure timely and effective remedy in all election-related cases within election timeframes.

The interplay between the provisions of the Election Act and the Local Government Organization Act as they relate to VDC appointments was also raised by some municipal officials as an aspect that could benefit from further streamlining. In particular, some interlocutors considered that to ensure a smoother implementation of the Election Act requirements, the Local Government Organization Act could stipulate more precise timeframes and procedures on the review and approval of VDC member appointments by municipal councils.

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.

Overall, the election administration enjoyed broad trust among stakeholders and has an established reputation of being independent and professional. The latest adjustments in the set-up and the distribution of responsibilities within the election administration did not substantively impact its work. In this context, election officials at different levels commended the training provided by the SEO to city and rural municipality city secretaries and VDC members, carried out for the first time also in a mobile manner across the country. They also assessed positively the online training course for election staff and the easy-to-use SEO guidance materials.

The majority of interlocutors also praised the pro-activeness and openness of election officials. Meetings and election-related activities were open to the public with decisions and minutes of NEC meetings published online. Following the 2017 amendments, election observation provisions were further liberalized. The Election Act explicitly states that election observation is open to everyone, without prior accreditation requirements. The ODIHR EET was granted full access to all relevant authorities and information.

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[13]   Under the Election Act, election-related complaints are decided by the NEC within five days. In line with the Constitutional Review Court Procedure Act, appeals against NEC decisions and resolutions are reviewed by the Supreme Court within a maximum of seven days. In contrast, the Code of Administrative Court Procedure does not stipulate concrete timeframes for the review of administrative cases, with Article 2(2) requiring review "within reasonable time".

[14]   Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that "Everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity." Article 13 of the European Convention on Human Rights provides that "everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

B. VOTING METHODS AND PROCEDURES

Voters are granted a wide range of possibilities to vote. In addition to election day, voters could cast advance votes at 25 county centres across the country regardless of their place of residence, via the Internet, at polling stations facilitating voting outside the place of residence, and at regular polling stations.[15] Voters abroad could cast ballots via the Internet, at 40 polling stations opened at diplomatic representations in 35 countries, or by post, based on a prior application. Clear procedures for handling advance voting materials and voter lists served to ensure integrity and to safeguard against multiple voting. The availability of a wide range of voting options was welcomed by ODIHR EET interlocutors. The popularity of advance voting is increasing, amounting to 43.8 per cent of eligible voters during these elections.

A number of measures are in place to support the participation of persons with special needs, including the possibilities to vote at home, custodial institutions, hospitals, and care homes. Persons requiring assistance may request it from a person of their choice. In line with legal requirements, the Internet voting application was configured for use with special screen readers, which were used by some 200 voters. In addition, following welcomed consultations with organizations representing persons with disabilities, the SEO created an information section targeting voters with disabilities on its website and accessibility-related annotations were included into an online polling station search application. Nevertheless, many ODIHR EET interlocutors opined that there is an overall insufficient focus and lack of practical steps undertaken to effectively ensure the participation of persons with disabilities. The SEO estimated that only some 60 per cent of polling premises were wheelchair accessible.[16] In addition, the information was not easily accessible on the online polling station map and the application itself was not configured for use by the visually impaired. Assistive tools for voters with visual impairments, such as tactile ballots or candidate list guides, were unavailable.

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.

On election day, the first count was performed by VDCs immediately upon the end of polling. The second verification count was carried out on the next day by Vote Counting Committees (VCC).[17] Turnout data and results from polling stations and VCCs, in addition to paper versions, were submitted to the SEO through a web-based reporting system. Positively, detailed election results were published on the SEO website broken down to county and polling stations levels.

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[15]   Advance voting at county centers was organized on 21-24 February, and in polling stations and outside of place of residence on 25-27 February. Voting at diplomatic missions abroad was held for a least two days between 16 and 21 February.

[16]   Article 29 of the CRPD requires state parties to "Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others; […] including the right and opportunity for persons with disabilities to vote and be elected […] *inter alia,* by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use."

[17]   During parliamentary elections, the functions of VCCs are performed by City and Rural Municipality Electoral Committees established under the Municipal Council Election Act for the conduct of municipal elections and chaired by the respective city and municipality secretaries.

VI.   VOTER REGISTRATION

Citizens at least 18 years of age are eligible to vote. Persons deprived of legal capacity by a court decision and prisoners convicted of criminal offenses do not have the right to vote. Voters are included in voter lists according to their residence as registered in the Population Register 30 days before the elections. Beyond this date, voters moving within the country are required to vote at the previous place of registration. As of 1 February, 880,690 citizens were included in in-country voter lists and were issued voting cards detailing voting methods and locations.[18]

Following amendments to the Population Register Act, address information for certain groups of residents was deleted from the Population Register on 2 January 2019.[19] In December 2018, the Ministry of Interior estimated that some 33,500 persons were affected, with nearly half of them being formerly resident in Estonia citizens of other countries. Persons affected were contacted in advance of this change and requested to submit accurate residency information to be able to vote. To ensure that all eligible persons without a registered residence were able to vote, a fast-track registration procedure was in place from the start of advance voting. However, according to the Population Register, only 737 voters re-registered and 15,384 records remained blank as of 11 March.

While ODIHR EET was unable to assess to what extent the address removals impacted the participation by those affected, the timeliness of these actions, two months before the elections, is of concern. In addition, the requirement of deleting individual records that contained only a city or municipality as an address, but at the same time allowing the temporary re-registration based on an incomplete address may have created an unnecessary hurdle.[20] ODIHR EET interlocutors did not raise any concerns related to voter registration and assessed the processes as reliable and efficient. Election officials welcomed a shift towards fully electronic voter lists, anticipated by 2021, to better facilitate voter identification, automate data exchange processes, and reduce possible human error.

VII.   INTERNET VOTING

Internet voting has been available to all eligible voters as an alternative to in-person voting in all types of elections since 2005. For these elections, 43.8 per cent of all votes cast were online, marking a significant increase from 31.7 per cent in the 2017 local elections. All ODIHR EET interlocutors agreed that confidence in Internet voting in Estonia is increasing, citing convenience and an absence of cyber-attacks as the main reasons. The ODIHR EET evaluated that Internet voting is no longer considered an experiment by the authorities, but as part of a regular framework.

The broad acceptance and high confidence in Internet voting are rooted in the widespread use of digital identity for e-banking and digital contracts. The digital ID card (used by 69.2 per cent of Internet voters), Digi-ID (1.6 per cent), and Mobile-ID (29.2 per cent) were the accepted digital

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[18]   A total of 77,881 citizens were registered as permanently residing abroad. Some 312,000 voters with a public service email address were sent an electronic voting card.

[19]   Based on Article 110 of the Population Register Act, this applied to citizens that have not in the past provided a complete residence address, have not updated their records after changing residence, and who have been de-registered based on requests from property owners.

[20]   Two post-election complaints reviewed and rejected by the NEC related to the removal of incomplete address data and the need to re-register to be able to vote. Upon appeal, the Supreme Court upheld NEC decisions.

forms of voter identification. The recently introduced Smart-ID is not a government ID and was therefore not accepted. Countermeasures to defend the electronic ID infrastructure against potential attacks due to vulnerable ID cards distributed in the past have proven effective according to ODIHR EET interlocutors.

In line with earlier ODIHR recommendations, since 2015, the SEO has successfully mitigated several risks related to the Internet voting system (referred to as "IVXV") by strengthening the integrity and secrecy properties through technical and operational means. The system's current design constitutes a significant improvement over earlier versions. An enforceable digital signature-based authentication policy was introduced, allowing operators and auditors to check the authenticity of data objects and artifacts created during system operations, including votes, ballot boxes, revocation lists, and tabulation results. A verification application was added to the system providing Internet voters with an option of verifying their vote based on information stored in a QR verification code. In addition, the system's operation is out-sourced to different organizations, which helps separate duties and reduce the risk of vendor lock-in.

ODIHR EET assessed that important steps have been taken to strengthen the system's security against external attacks by out-sourcing the operations of collecting and securing Internet votes to the state Information System Authority (RIA) and to the Registration Service operated by a private company. In contrast, the detection and prevention of internal attacks has been largely omitted. A review of operational and technical frameworks by the ODIHR EET indicates that an internal attacker with privileged access to digital ballots could break the vote secrecy of any voter who published an image of the QR code online, even after the expiry of the code's validity. This contradicts national legislation and international standards pertaining to vote secrecy.[21]

The SEO could develop strategies to mitigate the risk of internal attacks, conduct third-party risk assessments, and publish any findings and audit reports well ahead of the next elections.

The Internet voting system is not software independent, meaning that software errors in its components, such as the key generation system or the processor, may cause undetected errors in the election results. Considering publicly available records the system has undergone quality control activities but, contrary to international good practice, no reports were published on the SEO's website, while updates to the source code were made as recently as three days before election day and well after Internet voting commenced.[22] In addition, a limited source code review of the system by the ODIHR EET indicated issues regarding the treatment of concurrency, error handling, and error reporting.

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.

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[21]   See Article 1(2) of the Election Act. Paragraph 7.4 of the OSCE Copenhagen Document requires that votes are cast by secret ballot or by equivalent free voting procedure. Paragraph 19 of the Council of Europe Committee of Ministers Recommendation CM/Rec(2017)5 on standards for e-voting requires that "E-voting shall be organized in such a way as to ensure that the secrecy of the vote is respected at all stages of the voting procedure".

[22]   Paragraph 42 of the Recommendation CM/Rec(2017)5 on standards for e-voting states that "Before any e-election takes place, the electoral management body shall satisfy itself that the e-voting system is genuine and operates correctly."

A team of external auditors was dispatched to assist the SEO with establishing vote secrecy during the computation of preliminary Internet voting results and the integrity of final Internet voting results by verifying the correctness of the cryptographic shuffle and decryption proofs. The team did not audit other critical operations, most notably the correct transmission of the final aggregation of the decrypted Internet votes.[23]

The SEO could strengthen its auditing process by developing a complete strategy and requiring auditors to implement critical auditing tools independently and from scratch.

Other significant risks that may negatively affect public confidence in Internet voting include cyber-attack allegations from disinformation campaigns or human error.[24]

The SEO could review the potential effects of cyber-attack allegations against the Internet voting infrastructure, and develop a risk mitigation strategy.

The technological specifications for Internet voting that accompany the legal framework appear to be unnecessarily restrictive and describe a specific voting system in detail. At the same time, some key properties are not precisely formulated and left open to interpretation by the SEO and the vendor tasked to implement the Internet voting system, including minimal acceptable levels of cryptographic strength, and accountability and verifiability requirements. This may negatively impact the system's overall performance and future innovation. The specifications also lack information about timelines and milestones for software development and deployment, and quality assurance.[25]

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.

Internet voting commenced on 21 February at 9:00 and closed at 18:00 on 27 February. In total, 247,232 Internet votes were collected during this time. Female voters cast 54.5 per cent of all Internet votes. 704 voters (0.28 per cent of all voters) cast more than one vote. Internet votes of 191 voters, who invalidated their e-votes by casting a paper vote during advance voting, were removed during the ballot decryption procedure.

VIII.   PARTICIPATION OF NATIONAL MINORITIES

Estonia's 1.3 million population includes persons of 192 ethnicities.[26] The largest ethnic groups include Estonians (69 per cent), Russians (25 per cent), Ukrainians (1.7 per cent), and

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[23]   Software independence requires that other operations are also independently audited, such as digital signature checking of all e-votes, removal of all duplicate and other ineligible votes from the digital ballot box, revocation, and anonymization. Paragraph 39 of the Recommendation CM/Rec(2017)5 on standards for e-voting states that "the audit system shall be open and comprehensive, and actively report on potential issues and threats."

[24]   For example, during updating of the voter lists in polling stations voters could be mistakenly marked as having participated in advance voting and blame the error on Internet voting.

[25]   The Supreme Court considered two post-election appeals against NEC decisions related to Internet voting. While appeals were rejected, the Court recognized the need for more clear procedures and called for a legal clarification of rules on the implementation of Internet voting, in particular regarding counting and mixing of electronic ballots.

[26]   See the 2011 Population and Housing Census. The next population census is due in 2020-2021.

Belarussians and Finns (each less than 1 per cent). The government maintains active programs to promote the integration of national minorities in various spheres of public life, and many ODIHR EET interlocutors noted positive trends in this respect. At the same time, the representation of national minorities in the public sector remains low. This is often a result of a limited knowledge of the official Estonian language, despite many free language courses offered in an attempt to remedy the situation. Some international bodies have recommended enhanced efforts to ensure greater participation of persons belonging to national minorities in public life, including in parliament.[27]

Estonia's population also includes a significant group of residents with "undetermined citizenship", which results from the country's citizenship policy implemented following the restoration of independence.[28] The proportion of such persons decreased steadily from 32 to 6 per cent in the last 25 years, and as of 1 January 2019, their number was 75,191.[29] Such persons can vote in local elections (but cannot stand), and they are unable to vote in national elections, join political parties, or work in state or local government offices. While they have the possibility to naturalize, many lack incentives to do so or face difficulties passing naturalization exams. Most residents with "undetermined citizenship" are of voting age and belong to the Russian minority. Many acknowledge a preference for retaining the "undetermined citizenship" status that allows visa-free travel within the European Union and to the Russian Federation, which, in their opinion, outweighs the benefit of full political rights as naturalized Estonian citizens.[30]

The existing legal framework allows for full and equal electoral participation of national minority representatives who hold citizenship. While there are no official statistics on candidates' ethnic background, political parties informed the ODIHR EET that they include representatives of national minorities on party lists, even if there are no such requirements or special measures prescribed by law. The largest parties campaigned actively in areas predominantly inhabited by Russian-speaking persons, also in Russian language.

While several parties appealed to avoid using divisive rhetoric concerning minorities-related issues in the campaign, some politicians continued to question the loyalty of non-ethnic Estonian political actors and activists. There appears to be, however, a notable pro-EU sentiment, across most party platforms and among the majority of Estonian citizens, regardless of their ethnic background or linguistic affiliation.

Campaigning can be carried out in Estonian and other languages. Under the Language Act, outdoor advertising in a foreign language should also contain a version in Estonian, presented not less visibly. Compliance is enforced by the Language Inspectorate and there were no reported instances in the context of these elections. Voting materials and information in polling stations and on ballots were provided in Estonian. General election-related information was also available in Russian and English, including on the SEO website, as well as in print and

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[27]   See the 2014 CERD Concluding observations on the combined tenth and eleventh periodic reports of Estonia, paragraph 14.

[28]   After the restoration of Estonian independence in 1991, citizenship was automatically granted only to holders of Estonian citizenship prior to 16 June 1940, as well as their descendants. Long-term residents of Estonia and their descendants who did not receive Estonian citizenship automatically, did not obtain another citizenship, nor naturalized as Estonian citizens, are officially referred to as "persons of undetermined citizenship".

[29]   Data as of 5 March 2019, provided by the Population Register.

[30]   In a positive step, the Citizenship Act was amended in 2016 to further facilitate naturalization for children and elderly persons with "undetermined citizenship".

broadcast media. The public broadcaster and some private outlets held election debates in both Estonian and Russian languages, and some in English.

While minorities-related issues did not feature prominently in the campaign, one issue that featured prominently was the status of Russian-language schools, which is set to change as part of ongoing education reforms, and over which political parties remain divided. While the Centre Party campaigned on a promise to maintain the joint Estonian- and Russian-language school system, both the Reform and EKRE parties plan to abolish the Russian-language schools, to the dissatisfaction of many members of the Russian-speaking community. Representatives of several minority communities expressed concern regarding some activities that they perceived as carrying nationalistic undertones.[31]

ODIHR EET interlocutors in the Ida-Viru region, which is predominantly inhabited by ethnic Russians, expressed appreciation for the government's recent outreach efforts, including the temporary relocation of some public offices from the capital to the region. The establishment of a TV channel in Russian by the Estonian Public Broadcaster was also welcomed. Voting data from the region indicates, however, a lower level of political participation compared to the national average.[32]

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.

IX.   RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Estonia and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that remain to be addressed.[33] ODIHR stands ready to assist the authorities of Estonia to further improve the electoral process and in following-up on the recommendations contained in this and previous reports.

1.   Provisions on nominating 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.

2.   Adjustments to legal redress mechanisms should be considered to ensure timely and effective remedy in all election-related cases within election timeframes.

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[31]   This included, for instance, the Estonia 200 poster campaign alluding to ethnic divisions, and EKRE's torchlight procession organized on Estonia's Independence Day one week before the elections.

[32]   Voter turnout was recorded at 48.2 per cent compared to 63.7 per cent nationwide.

[33]   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". The follow-up of prior recommendations is assessed by the ODIHR EET as follows: from the final report on the 2015 parliamentary elections, recommendation 9 is mostly implemented, while recommendations 1, 5 and 11 are implemented partially; recommendations 6 and 7 are no longer valid.

3.   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.

4.   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.

5.   The SEO could develop strategies to mitigate the risk of internal attacks, conduct third-party risk assessments, and publish any findings and audit reports well ahead of the next elections.

6.   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.

7.   The SEO could strengthen its auditing process by developing a complete strategy and requiring auditors to implement critical auditing tools independently and from scratch.

8.   The SEO could review the potential effects of cyber-attack allegations against the Internet voting infrastructure, and develop a risk mitigation strategy.

9.   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.

10.   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.

ANNEX: FINAL RESULTS[34]

Total number of registered voters	887,420
Total number of votes cast	565,045
Total number of valid votes	561,141
Total number of invalid votes	3,904
Turnout (percentage)	63.7

Political Party	Votes Received	Percentage	Number of Seats	Number of Women MPs
Reform Party	162,363	28.9	34	13
Centre Party	129,618	23.1	26	8
Conservative People's Party (EKRE)	99,671	17.8	19	3
Pro-Patria Union-Res Publica (*Isamaa*)	64,219	11.4	12	1
Social Democratic Party	55,175	9.8	10	4
Estonia 200	24,448	4.4	0	
Greens of Estonia	10,227	1.8	0	
Richness of Life	6,858	1.2	0	
Estonian Free Party	6,461	1.2	0	
Independent Candidates	1,590	0.3	0	
Estonian United Left	511	0.1	0	
		Total:	101	29

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[34]   Detailed election results are available on the SEO website.

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation.** Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination,** ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti.** It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).