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*Permanent Mission of the Republic of Estonia to the OSCE*

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**NOTE VERBALE**

The Permanent Mission of the Republic of Estonia to the Organization for Security and Co-operation in Europe presents its compliments to the Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre and has the honor to submit the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security for the calendar year 2019.

The Permanent Mission of the Republic of Estonia to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to the Permanent Missions/Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 8 May 2019



- Permanent Missions/Delegations to the OSCE
- Conflict Prevention Centre

VIENNA

**“INFORMATION EXCHANGE ON THE CODE OF CONDUCT ON  
POLITICO-MILITARY ASPECTS OF SECURITY”**

**SUBMITTED IN MAY 2019**

**by**

**ESTONIA**

**SECTION I – INTER-STATE ELEMENTS**

**1. Account of measures to prevent and combat terrorism**

**1.1. To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

As of 2019 Estonia is party to the following universal agreements and arrangements

1. Offences and certain other Acts Committed on Board Aircraft (1963)
2. Suppression of Unlawful Seizure of Aircraft (1970)
3. Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)
4. Prevention and Punishment of Crimes against Internationally Protected Persons (1973)
5. Against the Taking of Hostages (1979)
6. Physical Protection of Nuclear Material (1980)
7. Suppression of Unlawful Acts of Violence at Airports Serving Intl. Civil Aviation, supp. to 1971 Convention (1988)
8. Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)
9. Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)
10. Marking of Plastic Explosives for the Purpose of Detection (1991)
11. Suppression of Terrorist Bombings (1997)
12. Suppression of the Financing of Terrorism (1999)
13. Amendment to the Convention on the Physical Protection of Nuclear Material (2005)
14. Protocol to the Protocol Suppression Unlawful Acts against Safety Fixed Platforms Located on the Continental Shelf (2004)
15. Protocol Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005)

Estonia has taken all necessary measures to comply with UN Security Council (UN SC) resolutions 1333, 1373, 1390, 1624, 1787 and 2178. Estonian legislation enables the full implementation of the UN SC resolutions concerning the fight against terrorism.

As of 2019, Estonia is party to the following regional agreements and arrangements

1. Estonia supports the initiatives of the UN, North Atlantic Treaty Organization (NATO), the Council of Europe and the European Union (EU), including EU Directive 2017/541 of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA
2. European Convention on Extradition (1957) CETS No: 024

3. European Convention on Mutual Legal Assistance in Criminal Matters (1959) CETS No: 030
4. Additional Protocol to the European Convention on Extradition (1975) CETS No: 086
5. European Convention on the Suppression of Terrorism (1977) CETS No: 090
6. Second Additional Protocol to the European Convention on Extradition (1978) CETS No: 098
7. Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (1978) CETS No: 099
8. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (1990) CETS No: 141
9. UN Convention Against Transnational Organized Crime (2000)
10. Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters (2001) CETS No: 182
11. Convention on Cybercrime (2001) CETS No: 185
12. Protocol amending the European Convention on the Suppression of Terrorism (2003) CETS No: 190 \*
13. Council of Europe Convention on the Prevention of Terrorism (2005) CETS No: 196
14. Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism (2015) CETS 217 \*

Additionally, Estonia is a party to the following conventions:

- United Nations Convention against Transnational Organized Crime, ratified by the Estonian Parliament on 4 December 2002;
- European Convention on the Suppression of Terrorism and its amending Protocol, ratified by the Estonian Parliament on 6 April 2005;
- Convention based on Article K.3 of the Treaty on European Union, on the Establishment of a European Police Office (Europol Convention) and its additional protocols, ratified by the Estonian Parliament on 26 January 2005;
- Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross border cooperation, particularly in combating terrorism, cross border crime and illegal migration, ratified by the Estonian Parliament on 18 June 2008;
- The Council of Europe Convention on the Prevention of Terrorism, opened for signature on 16 May 2005, ratified by the Estonian Parliament on 25 February 2009.

Estonia has also signed and is preparing to ratify the International Convention for the Suppression of Acts of Nuclear Terrorism, opened for signature in New York on 14 September 2005.

Chapter 35 of the Estonian Code of Criminal Procedure stipulates provisions for international cooperation between countries. Estonia has concluded several international agreements with other countries and has also ratified the criminal conventions of the Council of Europe.

List of bilateral international agreements:

- The Extradition Treaty between the Government of the United States of America and the Government of the Republic of Estonia;

- Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia on Co-operation on Combating Crime;
- Agreement between the Government of the Republic of Hungary and the Government of the Republic of Estonia on Cooperation in Combating Terrorism, Illicit Drug Trafficking and Organized Crime;
- Agreement between the Republic of Estonia and the Kingdom of Spain on Extradition;
- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Moldova on Co-operation in Combating Crime;
- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Turkey on Fighting Against International Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, International Terrorism and Organized Crime;
- Agreement between the Government of the Republic of Estonia and the Government of the Kingdom of Thailand on the Transfer of Offenders and on Co-operation in the Enforcement of Penal Sentences;
- Agreement between the Republic of Estonia and the European Union on the Participation of the Republic of Estonia in the European Union Police Mission in Bosnia and Herzegovina;
- Memorandum of Understanding between the Government of the Republic of Estonia and the Government of the United Kingdom of Great Britain and Northern Ireland on Co-operation in Combating Illicit Drug Trafficking, Organized Crime, Illegal Immigration, International Terrorism and Other Serious Crime;
- Agreement between the Republic of Latvia, Republic of Lithuania and Republic of Estonia on Rendering Legal Aid and on Legal Relations;
- Agreement between the Republic of Estonia and the Russian Federation on Rendering Legal Aid and on Legal Relations in Civil, Family and Criminal Matters;
- Agreement between the Republic of Estonia and the Ukraine on Rendering Legal Aid and on Legal Relations in Civil, Family and Criminal Matters;
- Treaty between the Government of the United States of America and the Government of the Republic of Estonia on Mutual Legal Assistance in Criminal Matters;
- Agreement between the Republic of Estonia and the Republic of Poland on Rendering Legal Aid and on Legal Relations in Civil, Work and Criminal Matters;
- The agreement between Estonia and the United States concerning Co-operation for the Prevention of the Proliferation of Weapons of Mass Destruction, and for the Promotion of Defence and Military Relations;
- Agreement between the Republic of Estonia and the Russian Federation for Developing Co-operation between the Police Departments Operating within the Border Zone;
- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Slovenia concerning the Cooperation in the Fight Against Organized Crime, Illicit Drug Trafficking and Terrorism;
- Agreement between the Government of the Republic of Estonia and the Government of Israel on Fighting Against Illicit Trafficking of Narcotic Drugs and Psychotropic Substances, Terrorism and Organized Crime.
- Agreement between the Government of the Republic of Estonia and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Serious Crime.

- Agreement between the Government of the Republic of Estonia and the Government of the Republic of Kazakhstan on Co-operation for Combating Organized Crime and Other Relevant Crimes;

## **1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

In December of 2018, the Estonian Parliament passed a bill, which implements UN resolution 2178, the CoE's Convention on the Prevention of Terrorism Additional Protocol (CETS 217) and EU Directive 2017/541 into national law. Amongst other things, the bill expanded the notion of victims of terrorism and the elements of crime with regard to the crime of terrorism.

Estonia has fully implemented the 4<sup>th</sup> Directive on Money Laundering into national legislation. We are currently in the process of making changes to implement the 5<sup>th</sup> Directive in the near future.

Amendments to the Penal Code, the Money Laundering and Terrorism Financing Prevention Act and Victim Support Act were adopted by the Estonian Parliament (in December 2018), in accordance with the directive of the European Union. The bill also brings Estonian legislation in line with the UN resolution and additional protocol of the Council of Europe convention on the prevention of terrorism.

Activities related to terrorism were added to the list of crimes:

### *§ 237.5. Travel for terrorist purposes*

*(1) Entry into the Republic of Estonia or travel to another country for the purposes of committing a crime provided for in § 237 or 237.1 of this Code or for the purposes or organisation or receipt of training provided for in § 237.2 of this Code is punishable by up to five years' imprisonment.*

*(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.*

*(3) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of the Penal Code.*

*Published 04.01.2019, entry into force 14.01.2019*

### *§ 237.6. Organisation, funding and support of travel for terrorist purposes*

*(1) Organisation, funding or knowing support in another manner of a criminal offence provided for in § 237.5 of this Code, and making available or accumulation of funds while knowing that these may be used in full or in part to commit a criminal offence provided for in § 237.5 of this Act is punishable by up to three years' imprisonment.*

*(2) The same act, if committed by a legal person, is punishable by a pecuniary punishment.*

*(3) For the criminal offence provided for in this section, the court may impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 832 of the Penal Code.*

*Published 04.01.2019, entry into force 14.01.2019*

*The Penal Code of Estonia in English:*

*<https://www.riigiteataja.ee/en/eli/519012017002/consolide>*

*§ 5 of the Money Laundering and Terrorist Financing Prevention Act was amended by the terrorist financing*

*§ 5. Terrorist financing*

*'Terrorist financing' means the financing and supporting of an act of terrorism and commissioning thereof as well as the financing and supporting of travel for the purpose of terrorism within the meaning of §§ 237.3 and 237.6 of the Penal Code.*

*The Money Laundering and Terrorist Financing Prevention Act:*

*<https://www.riigiteataja.ee/en/eli/ee/518012019004/consolide/current>*

Victims of terrorism are entitled to emergency medical care and victim support services, which include free of charge counselling, assisting in communicating with state and local government authorities and legal persons and necessary psychological assistance for as long as necessary. The same victim support services are also provided for residents of Estonia, who are victims of a terrorist act committed in a foreign state<sup>1</sup>.

Amendments were made to the Chemicals Act: Additional requirements on authorization obligation regarding handling of hazardous chemicals (§26), the state supervision (§38) and notification of suspicious transactions as well as of loss and theft of the explosive precursor (§46).

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/522012019006/consolide>

There is a draft regulation regarding strengthening the state supervision under the Explosive Precursors Act.

All relevant Estonian legislation is in full conformity with international law.

#### The pertinent Estonian legislation

Estonia has taken all the necessary measures for a thorough implementation and has created effective legal framework, the main components of which are:

- **The Penal Code;**
- **The Criminal Procedure Act;**
- **The Money Laundering and Terrorist Financing Prevention Act;**
- **The International Sanctions Act;**
- **The National Defence Act;**
- **The Security Authorities Act;**
- **The Law Enforcement Act;**
- **The Explosives Act**
- **The Emergency act**

According to the two Council of Europe conventions mentioned in the list of multilateral international agreements and Section 413 of the Criminal Procedure Act, the Minister of Justice or a legal authority appointed by the Minister can apply for the arresting of a person's assets in another country.

The measures for countering terrorism in Estonia are set in Internal Security Development Plan 2015-2020 (ISDP), which sets goals for counter-terrorism to be proceeded from in the prevention, combating and detection of terrorism and the resolution of emergencies. The ISDP also gives an overview of the present situation concerning the field, the future aims and means in order to combat terrorism and of the roles of all of the authorities associated with counter-terrorism agenda. Due to this, the

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<sup>1</sup> The Victim Support Act: <https://www.riigiteataja.ee/en/eli/ee/504022019007/consolide/current>

ISDP is currently being updated for the next time-period of 2020-2030, to take into account all the necessary factors and developments regarding the field. The ISDP is partly restricted.

Estonia has aligned itself with the conclusions and plan of action of the extraordinary European Council meeting of 21 September 2001, and with the EU common positions 2001/930/CFSP, 2001/931/CFSP, 2002/340/CFSP and 2002/976/CFSP. These documents specify the methods and resources for combating terrorism and terrorist financing. They also contain lists of the persons, groups, and organizations accused of furthering terrorism or financing terrorism. Estonia has also associated itself with the North Atlantic Council statement of 12 September 2001.

The international Convention for the Suppression of the Financing of Terrorism was ratified by the Estonian Parliament (*Riigikogu*) on 20 March 2002, and entered into force in respect of Estonia on 21 June 2002.

The International Sanctions Act establishes a more precise legal basis for enacting measures necessary for the adoption of international sanctions, thereby making it easier for Estonia to fulfil her international obligations. This Act regulates the internal application of international sanctions where UN Security Council, EU Council, some other international organization or the Government of the Republic at its own initiative has decided to impose such sanctions. A new International Sanctions Act was adopted on 5 October 2010. On 5<sup>th</sup> October 2010 the new International Sanctions Act entered into force.

The Explosives Act is for the purposes of ensuring public order and security, it provides the legislation for handling, using and storing the explosives, as well as sets the guidelines for state supervision.

The Emergency Act provides for the legal bases for crisis management, including preparing for and resolving an emergency as well as ensuring the continuity of vital services. This Act also governs the declaration, resolution and termination of an emergency situation, the involvement of the Defence Forces and the Defence League in resolving an emergency.

Terrorist financing is the allocation or raising of funds to plan or perform acts, which are deemed to be acts of terrorism within the meaning of the Penal Code or to finance the operation of terrorist organizations or in the knowledge that the funds allocated or raised will be used for the aforementioned purposes.

On the basis of a court warrant it is possible, according to Section 83 of the Penal Code, to confiscate objects used to commit an intentional offence and the assets acquired through the offence if these belong to the offender at the time of the court ruling. Therefore, if a person is found guilty of supporting terrorists or participating in a crime, which has been committed to finance terrorism, it is possible to confiscate the guilty person's assets, which were meant for financing terrorism, or assets to the extent of the financing of terrorism. This is reflected in Penal Code Sections 83 and 84 (Confiscation and the substitution of confiscation, respectively).

The Criminal Procedure Act, the Estonian Surveillance Act and the Security Authorities Act provide wide enough powers to organize prosecution activities in the framework of combating terrorism.

In 2015 and 2016 Estonia held two international counter-terrorism simulations called ATHOS, participated by the special intervention units. These exercises gave a major input for setting the priorities for the Estonian Presidency in 2017. Combating terrorism is still a priority for Estonia and in cooperation with the Presidency Trio partners (BG, AT) and other international partners we aim to continue to increase the internal security capacity.

### **1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

#### **Institutions**

Different institutions have an important role in the fight against terrorism. The two main agencies are the Internal Security Service (KAPO) and the Police and Border Guard Board, both of which operate under the Ministry of the Interior. They cooperate with different institutions, which include the Headquarters of the Defence Forces, the Department of Prisons of the Ministry of Justice, the Tax and Customs Board and the Foreign Intelligence Service.

The Ministry of the Interior plays an integral part in the fight against terrorism in Estonia. It develops the internal security policy and the crisis management policy and organizes the implementation thereof. The Ministry also coordinates the activities of the agencies in its area of government in ensuring public order and national internal security, including in countering terrorism. The Minister of the Interior establishes the security levels for ports and port facilities based on threat analysis. The Ministry is also responsible for the programs for newly arrived migrants. Different programs include: free language studies and counselling, integration and adaption programs and support person systems.

*More information on the integration and adaption program on: [www.settleinestonia.ee](http://www.settleinestonia.ee)*

#### **Internal Security Service**

The role of the Internal Security Service in the Estonian judicial system is regulated by the Security Authorities Act. A broader function of the Estonian Internal Security Service is the maintenance of national security through collection of information and implementation of preventive measures as well as investigation of offences. The main task of the Internal Security Service is the protection of the constitutional order and territorial integrity of Estonia. The agency collects and processes information to prevent and combat different intelligence activities directed against Estonia.

One of its main tasks is fighting terrorism, including the investigation of financing, supporting and other terrorism related crimes. The Internal Security Service also fights against CBRN threats – the agency is responsible for non-proliferation of weapons of mass destruction and conduct of proceedings of offences related to explosive substances. In addition, the Internal Security Service publishes public annual reviews of Estonian internal security situation, which also includes the situation and possible threats concerning terrorism. The Estonian Internal Security Service is among the security authorities that have also been assigned the tasks of the police. This means investigation of offences and, for instance, the legal right to apply coercive measures.



The Internal Security Service cooperates actively with the security and law enforcement authorities of other states and with international organizations in order to fight different security threats, including terrorism. The agency has the right to receive and collect all pertinent information on pre-trial investigations conducted by law enforcement authorities of other EU member states and Europol in relation to acts of terrorism. In addition, pursuant to the PRÜM Treaty/UN Security Council Resolution 2178, the Estonian Internal Security Service is an international point of contact (POC) for counter terrorism.

CT 24/7 contact line: +372 612 1455, kapo@kapo.ee

*The Security Authorities Act:* <https://www.riigiteataja.ee/en/eli/521062017015/consolide>

*The website of the Estonian Internal Security Service in English:*

<https://www.kapo.ee/en.html>

The competent authorities in Estonia involved in combating terrorism either directly or indirectly have close contacts and relations with the relevant institutions of other countries and international organizations. There is a well-functioning co-operation with international organizations (INTERPOL, EUROPOL) in the framework of multilateral and bilateral agreements and according to the UN SC resolutions, which are binding to Estonia. A subcommittee of National Security Committee of the Government has been established to coordinate fight against terrorism.

The Estonian Internal Security Service is using covert methods, provided by the Security Authorities Act, for preventing international terrorism in Estonia with a view to all activities covered by Section 2 of UN SC resolution 1390 – the movement of terrorists and their groups, financial support, as well as the supply of arms and explosives.

### **Police and Border Guard Board (PBGB)**

In its present structure, the Police and Border Guard Board started its work on January 1<sup>st</sup> 2010 when Police Board, Central Criminal Police, Public Order Police, Border Guard Board, and Citizenship and Migration Board were merged. On the basis of the former police prefectures, border guard territories and regional offices of Citizenship and Migration Board, four territorial prefectures were formed which are incorporated into PBGB and form one authority as of 2012.

As a result, the PBGB encompasses under itself many different actors and activities relevant to the fight against terrorism. This includes the Financial Intelligence Unit, securing of the EU's external border, determination of citizenship and issue of documents, public order and finally investigation and preventions of criminal activities. As the PBGB is a police authority, its main tasks are the prevention and processing of offences and enforcement of punishments, also relating to the fight against terrorism. The PBGB also commands a Special Intervention Unit called *K-Commando*, for supporting the investigations and dealing with the planning and execution of tactical and strategic operations that also involve terrorist crisis.

As Estonia ensures the guarding and protection of the external borders of the Schengen Area, the function of border guard is extremely important. In its actions, the border guard relies on the Schengen legislation and the principles of integrated border management. The important parts of the integrated border management are border

surveillance and risk analysis, checking of documents at the border, cross-border crime investigation in cooperation with internal security authorities of other countries, work of the liaison officers in third countries and other types of international cooperation. A well-functioning border guard helps to diminish terrorist threat and also prevent illegal border crossing to European Union. The priority of Estonia's border policy for the next five years is the construction of a modern land border line on the Schengen external border.

*The Police and Border Guard Board website in English:* <https://www.politsei.ee/en/>

The Financial Intelligence Unit (FIU) is an independent structural unit of the PBGB. The functions of the FIU are to collect, register, process and analyse information received to assess the significance of the information submitted for the prevention, identification or investigation of money laundering and criminal offences related to terrorist financing. FIU has the obligation to trace criminal proceeds and application of the enforcement powers of the state and to supervise the activities of obligated persons.

FIU also informs the public of prevention and identification of money laundering and terrorist financing, analyses the respective statistics and prepares and publishes an aggregate overview at least once a year. FIU trains obligated persons, investigative bodies, prosecutors and judges in matters related to prevention of money laundering and terrorist financing and organizes foreign communication and exchange of information with relevant foreign agencies. FIU processes applications for authorizations, to suspend or prohibit economic activities or to suspend or revoke an authorisation in accordance with the procedure set out in the General Part of the Economic Activities Code Act.

*The Financial Intelligence Unit website in English:*

<https://www.politsei.ee/en/organisatsioon/rahapesu-andmehuroo/>

*The General Part of the Economic Activities Code Act in English:*

<https://www.riigiteataja.ee/en/eli/527032015008/consolide>

The PBGB also deals with the enforcement of citizenship and migratory policy according to the Aliens Act and the Citizenship Act. This includes the administration of residence permits, the issue of the documents and the determination of citizenship. The goal of Estonian migratory policy is to facilitate settlement of those people, whose residence is consistent with the public interest and preventing the entry of those, who may pose a threat to public order or national security.

*Aliens Act in English:* <https://www.riigiteataja.ee/en/eli/513032017005/consolide>

*Citizenship Act in English:* <https://www.riigiteataja.ee/en/eli/513012017001/consolide>

### **Estonian Foreign Intelligence Service**

The Estonian Foreign Intelligence Service (EFIS) operates under the Ministry of Defence. EFIS collects and analyses different data concerning Estonian external security and accordingly has an important role of shaping Estonian national defence and security policy. EFIS is seen as a frontline of Estonian security, since intelligence information provides precautionary warnings about possible threats, including terrorism.

The Estonian legislation provides basis for using Defence Forces or Defence League in resolving acts of terrorism if such necessity occurs. The use of the Defence Forces or the Defence League is decided by the Government by a regulation with the approval of the President. Additionally, the Law Enforcement Act permits the use of Defence Forces and Defence League in protection of public order, in this case the prevention or obstruction of an attack against national defence objects.

### **Estonian Information System Authority**

As critical functions of the society are handled by different computer systems, the field of cybersecurity is becoming more important to the fight against terrorism. In Estonia, the development of the national information system and responding to security incidents are organised by the Estonian Information System Authority. The tasks of the Authority, in relation to the fight against terrorism, are to monitor and advise the providers of public services. More specifically on how to manage their information systems as per requirements, executing supervision over information systems used to provide vital services, the implementation of the security measures of the information assets related to them and handling the security incidents that occur in Estonian computer networks.

*The Estonian Information System Authority website in English:* <https://www.ria.ee/en/>

### **The Prosecutor's Office**

The Prosecutor's Office directs pre-trial criminal proceedings, ensuring lawfulness and effectiveness thereof; represents public prosecution in court, participates in planning surveillance activities necessary for prevention and identification of crimes, and performs other duties assigned to the Prosecutor's Office by the law. The Prosecutor's Office prosecutes crimes in cooperation with different investigative bodies. In addition, the Prosecutor's Office performs obligations arising from international cooperation, including participation in the work of Eurojust.

*The Prosecutor's Office website in English:* <http://www.prokuratuur.ee/en>

### **Committees**

There are several councils and committees that analyse and make decisions concerning terrorism.

- The Security Committee of the Government of the Republic analyses and assesses the security situation, including the threat of terrorism in the country, coordinates the activities of security authorities, and determines the national need for security related information.
- The Counter-Terrorism Council of the Security Committee of the Government submits proposals to improve the efficiency of counter-terrorism activities to the Security Committee and supports the coordination and cooperation between the relevant authorities.
- Governmental Committee for the Coordination of Issues Related to the Prevention of Money Laundering and Terrorist Financing coordinates the implementation of legal acts related to the prevention of money laundering and terrorist financing and makes proposals to the Government to improve the efficiency of the measures aimed at countering the problem.
- Crisis Management Committee of the Government coordinates the activities of government authorities in preparing for emergencies in crisis management issues within its competence, including in the event of a terrorist act.

### **Other ministries**

As terrorism is a very complex issue, different ministries and agencies have an important role in counter-terrorism.

- Ministry of Justice develops the national justice and criminal policy, including the legislation related to preventing, combating and solving acts of terrorism and the related crimes.
- Ministry of Defence develops the national defence policy and coordinates defence-related international cooperation and the participation in international

military operations. The Ministry also coordinates the activities of the Defence Forces and the Defence League in the provision of assistance to civil structures in accordance with the Emergency Act.

- Ministry of Finance develops the policy of preventing money laundering and terrorist financing.
- The Ministry of Foreign Affairs organises the protection of the interests of and the provision of consular assistance to the citizens of Estonia and, if necessary, of other European Union Member countries in cooperation with the authorities of the country of location and other relevant agencies in the event of a terrorist act organised in a foreign country.

*Ministry of Justice website in English:* <http://www.just.ee/en>

*Ministry of Defence website in English:* <http://www.kmin.ee/en>

*Ministry of Finance website in English:* <http://www.fin.ee/en>

*Ministry of Foreign Affairs website in English:* <http://vm.ee/en>

Estonia is also a part of the Anti-Daesh Coalition and is a member of the Coalition's Political-Military Consultation. This Working Group is overseeing the Coalition's military efforts and supports efforts to alleviate the humanitarian situation created by Daesh in Syria and Iraq.

#### **1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g. those pertaining inter alia to:**

##### **1.4.1. Overall focus**

Estonia strongly condemns all possible forms of terrorism and considers it as a significant threat to international security and peace. According to the Estonian Internal Security Service, the threat of terrorism in Estonia is considered as low and currently there are no active internal or international terrorist organisations operating in Estonia. Even though there have been so far no terrorist attacks on Estonian soil, there have been Estonian victims in terrorist attacks elsewhere.

The government of Estonia has set forth the priorities for the fight against terrorism in the Internal Security Development Plan 2015-2020.

According to the document, the terror threat in Estonia is low, but recent developments in Europe and elsewhere directly influence Estonia's security situation. One of the priorities is therefore to make sure that Estonia has the necessary readiness to quickly respond to threats. The document also emphasises the need for prevention. In order to prevent terrorism, it is necessary to fight against radicalisation and to hinder the financing of terrorism.

The main counter-terrorism activities according to the plan are the improvement of international cooperation, prevention of terrorism, radicalisation and recruitment, enforcement of international sanctions, fighting against illegal smuggling of strategic goods and fighting against money laundering. Estonia considers it important that human rights and fundamental freedoms are respected in counter-terrorism.

In Estonia, the main focus of counter-terrorism measures is on prevention, hence, law enforcement strategies are only part of the action taken. The main aim is to enhance social cohesion and prevent marginalization of potential target groups, thus social,

education and integration policy are all included. To achieve that, we emphasise the cooperation of all different related agencies.

There are also crime and radicalization prevention programs for young people, for example through sports (SPIN program) or helping youngsters with the history of delinquency to enter the job market (STEP program).

#### **1.4.2. Financing of terrorism**

The Money Laundering and Terrorist Financing Prevention Act (amended in 2018) regulates the activities of credit institutions, financial institutions, the Financial Intelligence Unit (FIU) and other agencies and persons in the prevention of money laundering and terrorist financing.

The Act establishes the obligation of prudence of institutions in case of unusual, complicated transactions involving large sums of money. In case of money laundering or its suspicion, FIU must be notified immediately. In addition, persons are prohibited to fulfil transactions or conclude contracts if the other person does not provide the necessary documents or there is a suspicion of illegal activity. Every institution must draw up a set of procedural rules for the effective implementation of these obligations.

FIU supervises the activities of the institutions and the infringement of these provisions is punishable. The Estonian Internal Security Service also has an obligation to combat the financing of terrorism, according to Section 6 of the Security Authorities Act.

*The Money Laundering and Terrorist Financing Prevention Act:*

<https://www.riigiteataja.ee/en/eli/ee/518012019004/consolide/current>

Two Estonians - Ramil Khalilov and Roman Manko had been convicted of supporting terrorism by the county court and the district court. The Internal Security Service started the investigation regarding Khalilov and Manko in the first half of 2015. Both of them supported Abdurrahman Sazanakov, who went from Estonia to Syria in 2013 and joined a terrorist organisation there; therefore, committing a crime provided in § 237.3 (1) of the Penal Code; that is, financing and supporting an act of terrorism and activities directed at it. On 12 January 2016, Harju County Court sentenced Ramil Khalilov to 7 years imprisonment, and Roman Manko to 5 years imprisonment. On 11 May 2016, Tallinn District Court partially annulled the county court judgement, and reduced the sentences – Khalilov was sentenced to 3 years and Manko was sentenced to 2 years imprisonment.

#### **Money Laundering**

Estonian anti-money laundering system is in accordance with international standards. Estonia implements all UN SC financial sanctions as they are part of the relevant EU policies, which are subject of direct implementation in the EU member states.

On 1 July 1999, the Estonian Financial Intelligence Unit (FIU) was created and it started to fulfil its functions (receiving, analyzing and disseminating suspicious transaction reports). Estonian FIU is a member of Egmont Group. From 2004, the FIU is responsible for receiving, analyzing and disseminating suspicious transaction reports on terrorist financing.

The 2008 reduction of the Money Laundering and Terrorist Financing Prevention Act (MLTFPA, latest update on 17.11.2017) introduced the principles of the EU 4 Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) Directive in Estonian legislation. Implementation of the Act meant risk-based accumulation of strategic goals. Cooperation between the police, investigative bodies, competent state authorities and obliged persons as well as international cooperation has remained a priority since then.

In 2006, the responsibility of AML/CFT policy was taken over by the Ministry of Finance. Previously the Ministry of Interior and the Money Laundering Committee of the Estonian Banking Association had the task. A corresponding Government Committee for coordination was established in the spring of the same year (Order No. 285 of the Government of the Republic of 11 May 2006). The Advisory Committee of Market Participants was established at the same time. All agencies engaged in the prevention of money laundering are represented in the Government Committee, including a representative of the Ministry of Economic Affairs and Communications. The Government Committee meets regularly and problems are solved on ad hoc basis, incl. those pointed out by the risk analyses conducted by agencies.

In the event of suspicion of money laundering or terrorist financing, the Financial Intelligence Unit may issue a precept to suspend a transaction and to impose restrictions on the disposal of an account or other property constituting the object of the transaction, professional operation or professional service or other assets or property suspected of being associated with money laundering or terrorist financing for up to 30 days as of the delivery of the precept. In the event of property registered in the land register, ship register, Estonian Central Register of Securities, traffic register, construction register or another state register, the Financial Intelligence Unit may, in the event of justified suspicion, restrict the disposal of the property for the purpose of ensuring its preservation for up to 30 days. On the basis of a precept of the Financial Intelligence Unit may additionally restrict the use of property for up to 60 days for the purpose of ensuring its preservation if:

- during verification of the source of the property in the event that there is a suspicion of money laundering, the owner or possessor of the property fails to submit evidence certifying the legality of the source of the property to the Financial Intelligence Unit within 30 days as of the suspension of the transaction or as of the imposition of restrictions on the use of the account or other assets or property;
- there is suspicion that the property is used for terrorist financing.

Property may be seized for longer periods only if criminal proceedings have been commenced in the matter. In this case, property shall be seized pursuant to the procedure provided by the Acts regulating criminal procedure.

If the owner of assets or property has not been identified, the Financial Intelligence Unit may request that the administrative court give permission to restrict the disposal of the assets or property until the owner of the assets or property has been identified, including also in the event of termination of the criminal procedure, but not for more than one year. The possessor of the assets or property against whom the restriction of disposal of the assets or property is being decided has the right to give an explanation to the administrative court within the prescribed term. If the owner of assets or property has

not been identified within one year after the establishment of restrictions on the disposal of the assets or property, the Financial Intelligence Unit or the Prosecutor's Office may apply to the administrative court for permission to transfer the assets or property to state ownership. The administrative court shall decide the granting of the permission in a court hearing. The assets or property shall be sold pursuant to the procedure provided for in the Code of Enforcement Procedure and the amount received from the sale shall be transferred to state revenue. The owner of the property has the right to claim an amount corresponding to the value of the assets or property within three years as of the date of transfer of the assets or property to state revenue.

On 27<sup>th</sup> of November 2017 the latest International Sanctions Act entered into force in compliance with the MLTPFA. The purpose of this Act is, in accordance with the Charter of the United Nations, *to maintain or restore peace, prevent conflicts and strengthen international security, support and strengthen democracy, follow the principles of state based on the rule of law, human rights and international law, and to achieve other targets of the common foreign and security policy of the European Union.* Generally the supervision of the application of international financial sanctions is performed by the Financial Intelligence Unit.

In case of doubt that a subject of international financial sanction has used or disposed of funds or economic resources, the FIU is also entitled to suspend the transaction by its precept and to establish a restriction of transfer of the assets being the object of the transaction for a term up to 30 days from the delivery of the precept.

If the FIU confirms, that the person is a subject of international financial sanction, then the FIU will notify the subject of the international financial sanction in writing within two working days about the:

- exact extension and substance;
- legal bases;
- commencement date;
- challenge regulation;
- basis and regulation for exceptions.

In case a subject of international sanction applies for exceptions in applying the sanction or challenges his or her status as a subject of international sanction, then the FIU will resolve such issue by its administrative act, which can be contested according to the rules stipulated in the Administrative Procedure Act.

The rights of supervisory authorities are provided for in the MLTFPA. The FSA supervises credit and financial institution which fall under its supervision by virtue of the FSA Act with regard to the fulfilment of their obligations arising from the MLTFPA (FSA Act, §6(1) 7 and MLTFPA, §47(2)). Supervised entities include credit institutions (incl. foreign bank branches), investment firms, fund management companies, life and non-life insurance companies, insurance brokers (but not insurance agents), the Traffic Insurance Fund and the Tallinn Stock Exchange. The Estonian FIU exercises supervision over all other obligated persons engaged in financial activities (MLTFPA, §2).

The communication system is based on the provisions of the ISA and encompasses consultations among the MFA, FIU and the FSA, and in cooperation with other relevant Government agencies and the relevant EC body. The FIU publishes the information

about the imposition, amendment or termination of an international financial sanction immediately after receiving the information, notably by making it available on its web page. The FIU website allows the obligated entities to do a name-search in both UN and the EU consolidated lists. The FIU provides an "update service" on its website. The obligated entities are themselves obliged to check whether there are updates. There is also a link to the EU Official Journal and credit institutions are obliged to follow this list. If the FIU receives information (not restricted to lists) from foreign FIUs or other jurisdictions/international organizations, the FIU will forward it to banks. The entities obligated under the ISA are credit institutions, providers of currency exchange services, electronic money institutions, providers of payment services, insurers and insurance brokers, management companies and investment funds established as public limited companies, account holders within the meaning of Estonian Central Register of Securities Act, investment firms, savings and loan associations, other financial institutions, and branches of foreign service providers. The FIU gives practical guidance to them on their responsibilities under the freezing regime. All AML/CFT training provided by the FIU to the obligated persons covers the EU and UN freezing regime. Also, one used tool for implementing different international sanctions is "Sanctions map" ([www.sanctionsmap.eu](http://www.sanctionsmap.eu)).

#### **1.4.2. Border controls**

At the European level the Estonian Police and Border Guard Board mainly cooperates with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) on exchange of information about cross-border movement of persons who represent specific categories, which forms the basis for a risk analysis prepared by FRONTEX. Risk analysis is one of the elements in planning operative-tactical activities for checking persons crossing the borders. Participation in operational, training and other activities coordinated by FRONTEX facilitates more efficient information exchange between the Member States of the European Union in fight against cross-border criminality.

As a regular procedure the Estonian Police and Border Guard Board has a monthly information exchange in the framework of the Border Control Co-operation of the Baltic Sea States. The information exchanged pertains to events and occurrences that have taken place on the borders of the cooperating countries. Estonia together with Latvia, Lithuania, Poland, Germany, Denmark, Norway, Sweden, Finland and the Russian Federation participates in the above-mentioned format. Since November 2001, an information exchange procedure with regard to the detention of terrorists and persons connected with terrorist organizations on the borders of the Baltic Sea states has been in force. As per agreement, the co-operation partners will be immediately informed about any and all extraordinary occurrences that may be of interest to the countries participating in this format.

Cooperation between the Baltic States and activities in the framework of the Border Guarding sub-committee of Baltic Council of Ministers facilitates exchange of information between the three neighbouring countries. Under the aegis of the aforementioned form of cooperation joint operations and different meetings of experts for the discussion of border management issues and best practices are carried out, and in the fight against cross-border criminality.



In the framework of agreement between the Estonian Police and Border Guard Board and Internal Security Service (KAPO) information has been exchanged between the agencies. On a regular basis the KAPO supplies the Police and Border Guard Board with lists of persons suspected of terrorism or supporting terrorism in order to check, and if need be hinder the border crossing of any such persons. Pursuant to legal acts, shipping companies offering passenger transport services are obliged to transmit electronic lists of passengers to the Police and Border Guard Board officials. Analysis of passenger information enables to fight against criminality and terrorism. Similarly, the Police and Border Guard Board receives electronic lists of passengers on board of aircrafts arriving to Estonia directly from outside of the European Union.

Border crossing points are equipped with AFIS (Automated Fingerprint Information System) devices that enable identification of persons on the basis of their fingerprints. Additionally, the border crossing points are equipped with devices enabling checking of biometric data from e-passports.

In order to hinder the use of forged, lost or stolen documents, and to prevent the border crossing of persons wanted or persons whose entry into the country has been restricted, the border crosser's information is checked against a database on their arrival to and departure from the country. For the discovery of forged travel documents and the prevention of their use, all border points have been equipped with document control devices, and systems for document analysis.

The Commission of the Control of the Import, Export and Transit of Strategic Goods monitors and implements through the Estonian legislative system the sanctions, boycotts and embargoes established by the UN, OSCE and the EU.

The Estonian Tax and Customs Board (hereinafter ETCB) in co-operation with the Estonian Internal Security Service has taken actions for more efficient implementation of the measures concerning the fulfilment of Resolution 1390 of the UN SC.

### **1.4.3. Travel document security**

The Estonian Police and Border Guard Board has implemented various features to maintain a high level of security for travel documents. Travel documents of the Republic of Estonia meet the requirements of ICAO and the European Union:

- mandatory uniformed verification procedures are required for document application and issuance;
- fingerprint biometrics was introduced as of June 29, 2009;
- fingerprint verification against images on document chip during document issuance was introduced in December 2009.

In the beginning of 2014 Police and Border Guard Board began issuing new generation Estonian travel documents. In addition to enhanced security elements new documents comply with EU requirements for SAC/PACE.

The additional measures to support the security of travel documents include also the following:

- validity of travel documents can be verified on the webpage of Police and Border Guard Board;

- information on lost and stolen documents and blanks is forwarded to Interpol and made available on the Internet;
- Police and Border Guard Board provides the notary, credit institutions and other authorities entitled by law with the document holders' data (facial image, signature, personal code) for the purpose of the reliable identification of persons."

Estonia notes that in order to efficiently tackle the problem of terrorists' travel by administrative means, the question of security of travel documents has to be viewed in conjunction with the effective use of technological capabilities of the 21<sup>st</sup> century.

With that in mind, more attention should be paid to the ability of using technological means and databases for both law enforcement and border control purposes. Thus common standards on legal instruments, for instance regarding passenger name records (PNR) have to be drawn up in the nearest possible future.

#### **1.4.4. Container and supply chain security**

The Estonian Tax and Customs Board does not have x-ray machines in the ports and trans-illuminations are not carried out. However, a risk evaluation and direction of goods and vehicles to be controlled on the basis of existing data is carried out. There is access to the data-processing system of the container terminal of the port and it is being used for risk analysis purposes and for sending suspicious containers to customs check.

#### **1.4.5. Security of radioactive sources**

The field of security of radioactive sources is regulated by Radiation Act which is in accordance with EU Council directive 2003/122/Euratom and other International conventions and standards.

#### **1.4.6. Use of the Internet and other information networks for terrorist Purposes**

Estonia is in the process of developing additional capacity to identify and interrupt terrorism-related activities on the internet. Estonia support the EU initiative to counter terrorist content online in cooperation with private sector, incl. the EU Internet Forum.

Several Estonian ministries (incl MOD, MOJ, MOE etc) and agencies (incl. the Police and Border Guard Board, KAPO, etc) are involved in development of needed measures - internet monitoring, interoperability, legal oversight and technical support in a context of cyber security and counter terrorism.

Estonian law enforcement agencies are involved in Europol and Interpol information sharing communities (including SIS II and SLTD data bases).

Web-constables are police officers working on the internet (including on Facebook). They respond to notifications and letters submitted by people or private partners online and train people at issues of internet security: <https://www2.politsei.ee/en/nouanded/veebikonstaablid/index.dot>. Web constables cooperate with the Internet Referral Unit of the Europol Counter Terrorism Center (ECTC) on countering illegal web-content and the violent propaganda.

### **1.4.7. Legal co-operation including extradition**

Estonia has not received or submitted any requests for extradition or European arrest warrants (EAW) with respect to terrorism charges. The surrender of people in order to conduct criminal proceedings or to execute a court judgement which has entered into force takes place within the EU on the basis of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between the Member States (2002/584/JHA). The procedure for extradition with third countries takes place on the basis of the European Convention on Extradition and the First and Second Additional Protocol to the European Convention on Extradition. Upon conducting proceedings concerning the EAWs or requests for extradition submitted to Estonia with respect to terrorism charges there are no differences in comparison with the proceedings conducted with respect to the EAWs or requests for extradition submitted in other criminal offences.

The surrender of a person arrested in Estonia on the basis of EAW shall be decided by the court of first instance. The Government of the Republic shall decide on the extradition of an Estonian citizen; the Minister of Justice shall decide on the extradition of an alien.

## **2. Stationing of armed forces on foreign territory**

### **2.1. Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law**

National Defence Act establishes bases for simple and flexible decision-making procedures for implementing Estonian international military obligations (taking into account NATO membership). The Act also provides rules for visiting forces on the territory of the Republic of Estonia.

When stationing or receiving forces, the following principles are applied in respect of the legal status of the forces:

Unless otherwise agreed, the NATO/PfP SOFA is applied when co-operating with other countries that have signed this agreement (Agreement between the Parties to the North Atlantic Treaty and the Other States Participating in the Partnership for Peace regarding the status of their forces). In respect of the Baltic military co-operation projects, NATO SOFA governs the relationships:

- Between the Baltic states in respect of the status of the forces when stationed in the territory of either of the Baltic states, supplemented by trilateral agreements on the status of joint units and implementation measures to be taken in support of the projects.
- When co-operating with states that are not signatories to the NATO/PfP SOFA, separate arrangements are concluded prior to the stationing or receiving the forces, with due respect to international law.
- If forces are stationed abroad as a contribution to a peace support operation mandated by the United Nations or by regional organization in accordance with the United Nations Charter, the status of the forces will be determined by the Status of Forces Agreement negotiated by Estonia, the responsible organization or the leading nation and the receiving state.

## Participation International Operations

Estonia is an active member of the international community, in the UN, the EU and NATO. Participation in Peace Support Operations is a high priority for Estonia as means to contribute both regional and global security and stability, including fight against terrorism and its root causes. Estonia has participated in different international military operations since 1995.

As of **March 2019** Estonia participates in a number of different operations and missions in the world. Estonia contributes with a total of about 112 servicemen and women to 9 different international peace support operations in 5 countries and regions – Iraq (US-led operation Inherent Resolve, NMI), Afghanistan (Resolute Support), Mali (French-led operation Barkhane, EUTM Mali, MINUSMA), Lebanon (UNIFIL), Middle East (UNTSO), and also in the EU Mediterranean Sea operation (EUNAVFOR Med/Sophia).

From August 2016 Estonia has been contributing to the US-led operation Inherent Resolve in Iraq. Currently Estonia participates in the operation with a team of 6 instructors and a senior staff officer. In the framework of the NATO Mission Iraq (NMI) Estonia contributes with a Military Police.

Currently there are an infantry platoon, national support element, military policemen and a staff officer in Kabul and an EOD-team and a staff officer in Mazar-e-Sharif (up to 42 servicemen) in Afghanistan. The infantry platoon serves within the UK led Kabul Security Force.

From August 2018 Estonia's contribution to the French-led military operation Barkhane in Mali is a mechanised infantry platoon together with the national support element and staff officers, altogether 48 servicemen. The basis for Estonian contribution to the operation is the invitation by the Government of the Republic of Mali and a separate status of forces agreement negotiated with the Government of the Republic of Mali.

Estonia's contribution to the European Union Training Mission in Mali (EUTM Mali) is 2 staff officers in the operation HQ in Bamako and 3 military instructors. The Estonian training team has provided the basic infantry training in Koulikoro training camp since September 2013.

Estonia is also represented in the UN Multi-dimensional Integrated Stabilization Mission in Mali (MINUSMA) with a staff officer in the Mission's Sector West HQ in Timbuktu and 2 servicemen in Gao.

Estonia contributes to the United Nations Truce Supervision Organization (UNTSO) mission in the Middle East with 3 military observers. Estonia also participates in United Nations Interim Forces in Lebanon (UNIFIL) with a staff officer.

From August 2015, Estonia has contributed to the EU Naval Forces in the Mediterranean (EUNAVFOR Med/Sophia) military mission. Estonia currently contributes with 2 staff officers serving in the Operation HQ in Italy.

Estonia also regularly contributes to the NATO Response Force (NRF) capabilities. In 2019 there are 52 servicemen and women in the NRF readiness. Estonia also has units up to 24 servicemen and women under the UK Joint Expeditionary Forces (JEF) readiness.

In 2019 Estonia contributes with 7 servicemen in NATO's Baltic Air Policing Mission in Lithuania.

All above mentioned contributions are based on parliamentary mandates, which are valid throughout the whole calendar year.

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith**

Arms control, disarmament and non-proliferation are integral elements of Estonian security policy. Estonia attaches importance to a lower level of armaments, combined with transparency and verification mechanisms and stringent measures to prevent proliferation.

Estonia is a party and adheres to all major international treaties prohibiting weapons of mass destruction. Estonia shares the concerns and expectations of the international community regarding disarmament and non-proliferation. Gaining control over illicit trafficking of small arms and light weapons is considered of high importance. Estonia has established a well-functioning export control system - the current export control legislation and procedures are compatible with the EU regulations, the EU Code of Conduct on Arms Exports and with international export control and non-proliferation regimes.

According to the principles of the non-proliferation agreements and conventions that Estonia has ratified (BTWC, CWC, NPT, CCW, Ottawa Convention, CTBT), the Government of Estonia has legal measures for effective implementation of the export control system based on the guidelines of the Australia Group, Nuclear Suppliers Group, Missile Technology Control Regime and the Wassenaar Arrangement, aiming to prevent the supplying, selling and transfer of arms, related materials, equipment, paramilitary equipment, spare parts and technical advice, assistance or training.

Furthermore, Estonia has been a supporter the establishment of highest possible common standards for regulating the international trade in conventional arms and therefore was an active participant in the United Nations Arms Trade Treaty negotiations. Estonia signed the treaty on 3 June 2013 and presented the letter of ratification/accession to the treaty on 2 April 2014.

#### **3.2. Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

In the overall context of creating security and stability, OSCE arms control and confidence and security building measures (CSBMs) are significant and effective security policy instruments for a small country as Estonia.

In 2018 Estonia received Vienna Document (VD) inspections from Russian Federation and Republic of Belarus (Belarus together with Serbia), and a VD evaluation from Russian Federation. Estonia led a VD evaluation in Malta (together with Canada), participated in a German-led VD evaluation in Azerbaijan (together with Germany and France) and in a Canadian-led VD evaluation in Armenia. Estonia participated in a Lithuanian-led VD inspection in Serbia (together with Lithuania and Netherlands).

While not being a member state, Estonia has participated in the CFE consultations.

## SECTION II: INTRA-STATE ELEMENTS

### 1. National planning and decision-making process

#### 1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The principles of defence management are defined in the Estonian Constitution, the National Defence Act, the Estonian Defence Forces Organisation Act and other relevant legal acts.

On the 1<sup>st</sup> of January 2016, Estonia adopted its new National Defence Act that replaced the existing Peacetime National Defence Act, the Wartime National Defence Act and the International Military Co-operation Act.

Parliamentary approval is required for the deployment of Estonian forces for operations other than operations of collective security. There are no legal impediments to the entry of visiting forces into Estonian territory, provided that the appropriate Estonian authority has given an approval for entry.

The Estonian Defence Forces Organisation Act, which entered into force at the beginning of 2009, defines the legal status, functions and structure of the Defence Forces, the basis for the management of the Defence Forces and the basis for using force by the Estonian Defence Forces (EDF).

The *Riigikogu* (Parliament) establishes the legal basis for national defence (by adopting laws and ratifying international agreements), and approves the Security Concept. Acting on proposals made by the President of the Republic, *Riigikogu* declares state of war or state of emergency, declares mobilization and decides the use of the EDF in fulfilment of the international obligations of the state. Prime Minister is appointed and recalled by *Riigikogu* upon proposal from President. The Commander of the Estonian Defence Forces (CHOD) is appointed by the Government.

Mobilization will be ordered by the *Riigikogu* on the proposal of the President of the Republic. In the case of an aggression against the Republic of Estonia the mobilization shall be ordered by the President of the Republic (hereinafter *the President*) without awaiting the resolution of the *Riigikogu*.

President of the Republic will declare a state of war and order mobilisation. President also promotes officers.

The National Defence Council is an advisory body for the president. The National Defence Council discusses matters of significant importance to national defence and provides opinions on such matters. The members of the council include the speaker of the parliament, the chairman of the National Defence Committee and the chairman of the Foreign Affairs Committee of the Riigikogu, the prime minister, the ministers responsible for the areas related to national defence, and the commander of the Defence Forces. The president chairs the Council meetings.

The Government has the executive power for overall co-ordination of defence management. Government tasks ministries and other agencies with defence responsibilities, it also co-ordinates the fulfilment of defence responsibilities by local authorities and the Bank of Estonia. The Government initiates work on legislation related to national defence; approves national defence plans, advised by CHOD; appoints to and releases from office the CHOD and the Chief of General Staff on the proposal of the Minister of Defence, taking account of the opinion of the *Riigikogu* National Defence Committee; establishes, by a regulation, the national defence strategy on the proposal of the Minister of Defence.

The Security Committee coordinates the activities of the authorities of executive power upon planning, development and organisation of national defence. The composition of the Security Committee, which consists of ministers responsible for the areas related to national defence, are approved by the Government of the Republic. The activities of the Security Committee are directed by the Prime Minister.

The Ministry of Defence (MoD) is responsible for implementation of defence policy; by the elaboration of several strategic documents it also makes proposals for the formulation of defence policy principles. The Minister of Defence leads the MoD. The Defence Forces and the Defence League are within the area of government of the MoD. The Minister tasks CHOD and exercises supervisory control over the Defence Forces and the Defence League. The Minister also presents accounts to *Riigikogu* and to Prime Minister.

On 22 July 2011 an amendment of the Estonian Constitution entered into force. The purpose of the amendment was to strengthen civilian and democratic control over defence forces by clearly positioning the defence forces within the executive branch of the state. It also clarified the status of the Government, the President and the Minister of Defence in relation to CHOD. Pursuant to the amendment the CHOD is no longer appointed by the Parliament but by the Government. The proposal is made by the Minister of Defence and not by the President.

The CHOD commands the Defence Forces. CHOD is the senior military adviser to Government and Minister of Defence. Force planning and management of the EDF are the responsibilities of CHOD. CHOD, together with Minister of Defence, presents annual reports on the accomplishments of peacetime defence missions to the Government of the Republic. CHOD also presents accounts of the state and activities of the EDF to Government and Minister of Defence. The Headquarters of the Estonian Defence Forces is the working body for the CHOD.

Defence budget forms a part of state budget, which is annually approved by *the Riigikogu* and promulgated by the President.

The Ministry of Defence establishes the guidelines for defence budget. The Headquarters of the Estonian Defence Forces is responsible for budgeting for the expenditures of defence forces and responsible for their financial steering.

**1.2. How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Estonia's security policy is guided by the principles stipulated in the United Nations Charter, including the right and freedom of every country to choose their own solutions for security needs. Estonia's security policy is not directed against any other country. Working balance of both can be obtained through adherence to international law and to Estonia's international obligations. By being a party to different arms control treaties, Estonia accepts restraints on its military capabilities and adheres to the transparency measures of these treaties to dispel the security concerns other States might have. Estonia contributes actively to peace support operations in the framework of the UN and NATO thus contributing to international security and stability.

**2. Existing structures and processes.**

**2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

The Estonian Defence Forces is subordinated to civil and democratic control. Estonia has established civil-military relations in accordance with the traditions of other democratic states. The principles of defence management are defined in the Estonian Constitution and other relevant legal acts.

Refer also to the information provided to question 1.1 in Section II.

In addition to the above-mentioned, it is necessary to mention the National Audit Office, which is an independent state body exercising economic control. The Auditor General (AG), who is appointed and recalled by *Riigikogu* upon proposal of President, leads National Audit Office. The National Audit Office controls mainly the economic activities of public institutions, state enterprises, and other public organizations, the use and preservation of public property. At the time when the report on the implementation of state budget is debated, the AG is required to present an overview on the use and preservation of state assets during the previous budgetary year.

The work of security institutions is regulated by Security Authorities Act, which entered into force in 2001 and was last amended in 2017. This Act established a new set of functions and competence of Estonia's security institutions. Intelligence agencies have a role in ensuring national security through gathering and processing security-related information.



All intelligence services are subordinated to the respective Ministries (Ministry of Interior, Ministry of Defence). Intelligence-related tasks are divided between two agencies - the Internal Security Service and the Foreign Intelligence Service.

**2.2. How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

Please refer to the information provided to questions 1.1 and 2.1 in Section II.

**2.3. What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

The aim of Estonia's national defence policy is to guarantee the preservation of independence and sovereignty of the state, integrity of its land area, territorial waters and airspace, constitutional order, and safety of the people.

The main tasks of the Estonian Defence Forces are:

- to defend the territorial integrity of the state;
- to prepare for military defence of the state;
- to participate in implementation of international military obligations of the state;
- to participate in disaster relief operations.

The main tasks of the Border Guard, which as of 2010 is part of the unified Police and Boarder Guard Board, are to control and defend the border on land and territorial waters, to conduct sea surveillance and limited air surveillance to support those tasks, to prevent violent alterations of the border, and to carry out search and rescue operations.

The Defence League is a voluntary organisation which is a legal person governed by public law and whose purpose is to promote the will of the population to defend its country if necessary.

Refer also to information provided to questions 1.1 and 2.1 of Section II.

**3. Procedures related to different forces personnel**

**3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

As is stated in the Constitution, every citizen of Estonia is required to participate in national defence. Every male citizen of Estonia is required to perform his duty to serve in the Defence Forces. Performance of the duty to serve in the Defence Forces is divided into performance of the conscript service obligation and performance of the reserve service obligation. With the Military Service Act that entered into force on 1 April 2013, also female citizens have a legal right to take part of the conscript service on a voluntary basis.

Procedures for the recruitment are defined in detail in Chapters 4 and 5 of the Military Service Act.

### **3.2. What kind of exemptions or alternatives to military service does your State have?**

Section 2 subsection 2 of the Military Service Act states who are required to serve in the Defence Forces. Refusal to serve in the Defence Forces on religious or ethical grounds does not release the person concerned from performance of the duty to serve in the Defence Forces. Therefore, section 4 states that a person, who refuses to serve in the Defence Forces for religious or ethical reasons, is required to perform alternative service pursuant to the procedure prescribed by law. Persons in alternative service will serve in units dealing with rescue tasks in the area of government of the Ministry of Interior or in state or local government institutions offering social services or in educational institutions for students with special needs.

### **3.3. What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

All persons in Estonia have the right to the protection of the state and the law. The guarantee of rights and freedoms is the duty of the legislative, executive and judicial powers, as well as of local governments. All persons have the right of recourse to the courts if their rights or freedoms are violated. Legal Chancellor acts as an ombudsman to whom all persons can turn for the protection of their constitutional rights.

The Chief Inspector of Estonian Defence Forces, who is nominated by the Chief of Defence, acts as ombudsman for military personnel. He reports directly to CHOD and his main duties are involved with carrying out inspections but also checking the applications and solving the problems raised in the complaints made by the members of the defence forces.

There are no military courts in Estonia and therefore, cases that involve military personnel, are referred to civilian courts. Fair trial standards are provided to both civilians as well as military.

Estonia is a party to the NATO/PfP SOFA and its Additional and Further Additional Protocols.

## **4. Implementation of other political norms, principles, decisions and international humanitarian law**

### **4.1. How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g. through military training programmes and regulations?**

Estonian Constitution states that generally recognized principles and rules of international law are an inseparable part of the Estonian legal system. According to the Constitution, the treaties that have been ratified by the Parliament, become part and parcel of the national legislation without any further delay. Estonian legal system is monistic – ratified international treaties are part of the national legal system and directly applicable. All the relevant legislative acts and international treaties are available to the public on the State Gazette webpage.

Estonia has fully acceded to the Geneva Conventions and its Additional Protocols, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional

Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects and its five Annexed Protocols as well as to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction.

International humanitarian law and public international law are being taught at the Estonian National Defence Academy and at the Baltic Defence College. Principles and norms of international humanitarian law are being taught also at unit level and during conscription service. Legal seminars are held for military lawyers and senior officers. For the civilians there are programmes in place for secondary school students that explain international humanitarian law and courses are provided at the universities that teach international humanitarian law.

Estonia follows the principles set out in the OSCE Code of Conduct.

**4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

The personnel of armed forces are aware of their individual responsibility through courses during the conscription and through the course of international humanitarian law taught at the unit level. Dissemination is provided also through military lawyers and senior officers and commanders, the latter who are educated on their own responsibility and responsibility of their orders and for the acts of their subordinates. Units to be deployed abroad are also briefed on international humanitarian law, war crimes and individual responsibility and command responsibility.

**4.3. How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

The Defence Forces Organization Act defines the functions of the Defence Forces as follows: the military defence of the state and participation in collective defence; preparation for the military defence of the state and participation in collective defence; participation in international military co-operation pursuant to the procedure provided for in the National Defence Act; participation in the resolution of state of emergency or an emergency situation and providing security pursuant to law and performance of other functions imposed on the Defence Forces by law. Emergency Act sets a basis for using the Defence Forces in state of emergency. The use of the Defence Forces therefore to limit the peaceful and lawful exercise of human and civil rights is strictly limited by laws in force.

**4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?**

To provide for a member of the Defence Forces the exercise of his or her civil rights a Service of a Chief Inspector has been implemented in the Headquarters of the Defence Forces which is subject to Chief of Defence.

The Defence Forces Service Act sets out the prohibition for a regular member of the Defence Forces to participate in political parties. Also, that a member of the Defence Forces shall not use his or her command or disciplinary authority in the interests of a political party. Reservists participating in training exercises shall not participate in the activities of political parties during active service.

**4.5. How does your State ensure that its defence policy and doctrine are consistent with international law?**

International law and international obligations that the Republic of Estonia has undertaken are to be obliged, therefore defence policy and doctrine is drafted taking into account relevant international law and obligations taken on by the Republic of Estonia (i.e. international humanitarian law, arms control treaties, human rights, the UN Charter and customary international law).

**SECTION III: PUBLIC ACCESS AND CONTACT INFORMATION**

**1. Public access**

**1.1. How is the public informed about the provisions of the Code of Conduct?**

The official internet website of the Ministry of Defence of Estonia has a link to the website of the OSCE politico-military dimension which includes information on all OSCE arms control related activities and relevant documentation.

**1.2. What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

NA

**1.3. How does your State ensure public access to information related to your State's armed forces?**

Public access to the information related to the Estonian Defence Forces is granted by the Public Information Act. Access is accomplished through:

- various publications and press-releases by the Ministry of Defence and the Headquarters of the Estonian Defence Forces;
- official statements in the Parliament by the Minister of Defence;
- official internet websites of state authorities (e.g. Government, Parliament, Ministry of Foreign Affairs, Ministry of Defence, the Headquarters of the Estonian Defence Forces).

**2. Contact information**

**2.1. Provide information on the national point of contact for the implementation of the Code of Conduct**

Estonian national point of contact for the implementation of the Code of Conduct is the Estonian Ministry of Defence ([info@kaitseministeerium.ee](mailto:info@kaitseministeerium.ee); +372 7170022).

### **3. Any other information**

#### **3.1. Measures taken to aim at the implementation of the UN Security Council resolution 1325 (Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation)**

Estonia supports the implementation of Security Council resolution 1325 and is a co-sponsor of its follow-up resolutions 1820 and 1888. The implementation of the objectives set out in resolution 1325 is important for Estonia for several reasons. As a member of the UN, the European Union, NATO and the OSCE, Estonia participates actively in maintaining international peace and security. The promotion of the rights and situation of women is one of the priorities of Estonia's foreign policy, development cooperation and human rights activities. And Estonia is contributing to international military and civilian missions in countries where conflict resolution and peace-building is directly linked to the implementation of resolution 1325 and where the inclusion of gender dimension in the planning and implementation of missions will enhance the efficiency of international efforts.

Estonia compiles five year national action plans in order to systematise and advance Estonia's activities regarding resolution 1325. The following principles have served as a basis for compiling the action plans:

- to base the plan on the already existing actions in the field of peace, security, development and gender equality, reinforcing and systematising them through the plan;
- to focus on specific priorities to ensure the maximum efficiency of Estonia's contribution;
- to associate Estonia's other planning documents, including development plans and strategies, with the action plan considering the action plan's interrelatedness with a number of different fields of activity.

The current action plan for years 2015-2019 covers the areas where Estonia can contribute to the implementation of the objectives of resolution 1325, including international diplomacy, development cooperation and humanitarian assistance as well as international military and civil missions. As the lead Ministry, the Ministry of Foreign Affairs composed an overview report on the implementation of the action plan during the period of 2015 to 2017. The final report of the current national action plan, is to be compiled in 2019, as is the plan for the next five year period.