

**Mandates of the Independent expert on the promotion of a democratic and equitable international order and the Special Rapporteur on minority issues**

Ref.: AL EST 2/2025  
(Please use this reference in your reply)

6 August 2025

Excellency,

We have the honour to address you in our capacities as Independent expert on the promotion of a democratic and equitable international order and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 54/4, and 52/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **an alleged pattern of legislative, judicial, and administrative measures that allegedly target the Estonian Orthodox Church (EOCC), its canonical leadership, and its adherents**. These measures include: (i) the Tallinn Administrative Court's judgment of 15 May 2025 (Case No. 3-24-3426), (ii) the adoption of the Churches and Congregations (Amendment) Act on 18 June 2025, and (iii) public statements by senior officials, such as the Minister of the Interior on 22 May 2025. These developments appear to constitute a policy of institutionalized religious discrimination, collective punishment, and the misuse of national security and counter-terrorism frameworks to suppress peaceful religious practice and canonical identity.

According to the information received:

On 15 May 2025, the Tallinn Administrative Court upheld the Government's withdrawal of public funding from the EOCC, citing its continued canonical affiliation with the Moscow Patriarchate as a national security threat. No evidence was provided of incitement to violence, unlawful conduct, or political activity by the EOCC or its leadership.

On 22 May 2025, the Minister of the Interior publicly questioned the theological relevance of canonical subordination, suggesting it is not a defining element of religious identity. This statement has reportedly contributed to public delegitimization of EOCC's religious identity.

The Churches and Congregations (Amendment) Act, adopted on 18 June 2025, introduces broad restrictions on religious associations deemed to be affiliated with foreign religious authorities considered a "threat to national security." The Act prohibits such affiliations and enables the removal of clergy and restructuring of religious communities without internal ecclesiastical consent.

While we do not wish to prejudge the accuracy of these allegations, we reiterate our deep concern at the measures taken appear to violate article 18 of the International Covenant on Civil and Political Rights (ICCPR) as they penalize peaceful canonical affiliation and attempt to restructure religious communities through legal coercion. The Court's judgment and legislative amendments appear to rely on article 18(3) justifications – such as national security or public order – that, according to international

law, are inapplicable to limitations on the *forum internum* (the internal freedom of thought, conscience, and religion) and must be interpreted restrictively.

The revocation of residence and exclusion of clergy based on national security claims made without due process or individualized evidence raises concerns under articles 13 and 14 of the ICCPR. In addition, the reported selective targeting of the EOCC, while other religious communities with foreign affiliations are reportedly not subject to similar measures, may constitute a violation of article 26 of the ICCPR.

We also express our concern that the public discourse around the EOCC promoted by State officials may contribute to stigmatization and delegitimization of a religious minority, in breach of article 20(2) of the ICCPR.

Furthermore, the broad and vague provisions introduced in the Churches and Congregations (Amendment) Act may infringe on articles 21 and 22 of the ICCPR as they interfere with the right of religious communities to self-organize and to maintain their canonical structures.

The coercive nature of the legal amendments and administrative sanctions may also constitute a violation of article 27 of the ICCPR, as they appear to unduly restrict the enjoyment of minority rights.

We further underscore that article 18(3) of the ICCPR permits limitations on the right to manifest one's religion only when necessary to protect public safety, order, health, morals, or the rights and freedoms of others—and never on the grounds of national security. We are concerned that Estonia's counter-terrorism rationale, as applied to the EOCC, may exceed the permissible scope allowed under international law, as clearly stated in general comment No. 22 of the Human Rights Committee.

In particular, we are concerned that these actions appear to target a specific religious community, the EOCC, based solely on its spiritual alignment with a foreign patriarchate, without any demonstrated misconduct. The measures seem to create a legal and political framework that penalizes religious affiliation, imposes ideological conformity, and restricts canonical autonomy, in violation of Estonia's obligations under international law.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. What is the legal basis for the Tallinn Administrative Court's ruling of 15 May 2025 in Case No. 3-24-3426? What evidence was presented to substantiate the claim that the EOCC constitutes a national security

threat?

3. Please explain how the provisions of the Churches and Congregations (Amendment) Act comply with articles 18, 19, 21, 22, 26, and 27 of the ICCPR. In particular, how are the restrictions proportionate, necessary, and non-discriminatory?
4. Have similar measures been taken against other religious associations with foreign affiliations, such as the Estonian Evangelical Lutheran Church and the Catholic Church? If not, please explain how equal treatment under the law is ensured.
5. What safeguards are in place to ensure that counter-terrorism and national security frameworks are not applied in a manner that suppresses peaceful religious practice or targets minority groups?
6. Has the Government conducted a human rights impact assessment of the Amendment Act? If so, please provide a copy.
7. Please explain how the Estonian Government ensures that public statements made by State officials do not stigmatize or delegitimize minority religious communities.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge your Excellency's Government to urge to suspend enforcement of the restrictive provisions of the Churches and Congregations (Amendment) Act and to refrain from any further administrative or legal action against the EOCC or its leadership that may contravene Estonia's international obligations

Please accept, Excellency, the assurances of our highest consideration.

George Katrougalos  
Independent expert on the promotion of a democratic and equitable international order

Nicolas Levrat  
Special Rapporteur on minority issues

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to articles 13, 14, 18, 20, 21, 22, 26 and 27 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Estonia on 21 October 1991.

The legally binding international human rights norms do not permit "national security" to be a grounds for restricting the right to manifest one's religion or belief. Article 18 of the ICCPR and article 9 of the European Convention on Human Rights (ratified by Estonia in 1996) guarantee the right to freedom of thought, conscience, and religion, including the freedom to manifest one's religion or belief in teaching, practice, worship, and observance.

Article 18(3) of the ICCPR allows limitations on the freedom to manifest one's religion or belief only when they are prescribed by law and are necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others. The Human Rights Committee, in general comment No. 22, has clarified that restrictions based on "national security" are not permissible under article 18(3). (CCPR/C/21/Rev.1/Add.4, para. 8).

The Special Rapporteur on freedom of religion or belief has underscored that undue state control of religions and the imposition of preventive measures under the pretext of national security often entail significant human rights costs (A/HRC/37/49/Add.2, para. 98). The measures under the Churches and Congregations (Amendment) Act fail to meet the criteria of necessity, proportionality, and non-discrimination as required by international law.

The right to freedom of thought, conscience, and religion, as enshrined in article 18 of the ICCPR, includes the right to manifest one's religion or belief through worship, teaching, practice, and observance. This right "extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship" (CCPR/C/21/Rev.1/Add.4, para. 4). Freedom of expression, under article 19 of the ICCPR, specifically includes "religious discourse," which involves the right to express religious beliefs and ideas in public discourse (CCPR/C/GC/34, para. 11).

However, sections 14(2) and 16(3) of the Churches and Congregations (Amendment) Act 2025 introduce provisions that restrict the activities of foreign religious organizations in Estonia, including the termination of the organization's legal status and cessation of legal transactions between the organization and residents or legal entities in Estonia. These provisions, which amount to a prohibition of religious activity based on a foreign affiliation, do not appear to meet the standard of being the least intrusive and proportionate means to achieve legitimate ends, as required under international human rights law.

In imposing these restrictive measures on the right to manifest one's religion or belief and freedom of expression, Estonia has failed to demonstrate that such restrictions are compatible with the ICCPR. Under international law, restrictions on the right to manifest one's religion or belief must be narrowly tailored and based on specific, individualized evidence of a direct and immediate threat. Estonia has the burden of proof to justify such measures, and it must establish the necessity and proportionality of the actions taken. The restriction must demonstrate a clear connection between the manifestation of the religion or belief and the perceived threat to public order, national security, or other lawful aims (CCPR/C/21/Rev.1/Add.4, para. 8; CCPR/C/GC/34, para. 35; E/CN.4/1984/4, article I.A.10).

We further recall article 27 ICCPR establishing that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, "to profess and practice their own religion, or to use their own language". Moreover, the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135 refers to the obligations of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.

Furthermore, we also would like to draw your Excellency's Government attention to the recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (A/HRC/25/66).