

## National courts

### County courts, administrative courts, district courts and the Supreme Court

Court contact details and further information can be found on the [Courts' website](#).

County Courts hear all civil, criminal and misdemeanour cases as a court of first instance. An appeal against a county-court ruling may be lodged with a district court. There are four county courts in Estonia: Harju County Court, Viru County Court, Tartu County Court and Pärnu County Court.

Administrative courts hear administrative cases as a court of first instance. The jurisdiction of the administrative courts, the procedure for bringing an action before an administrative court and the rules for administrative proceedings are laid down in the [Code of Administrative Court Procedure](#). There are two district courts in Estonia: Tallinn Administrative Court and Tartu Administrative Court.

District courts, as a court of second instance, review county-court and district-court rulings on the basis of challenges or appeals lodged against them. Case reviews at district courts are carried out in a collegial manner, i.e. appeals are dealt with by a court division composed of three judges. There are two district courts in Estonia: Tallinn District Court and Tartu District Court.

Estonia's highest court is the Supreme Court. Under the Estonian Constitution, the Supreme Court is a Court of Cassation and a Constitutional Court. The jurisdiction of the Supreme Court is set out in the [Courts Act](#). The Supreme Court is responsible for:

- carrying out constitutional review;
- reviewing court rulings in cassation;
- examining applications for review;
- discharging other functions arising from law.

An appeal in cassation may be lodged before the Supreme Court by any party who is dissatisfied with the ruling of a lower court. The Supreme Court admits appeals in cassation where the grounds set out in the appeal suggest that a lower court has misapplied a substantive rule or has seriously infringed a procedural rule, leading potentially to an incorrect ruling.

If an individual considers that a person in public law (such as the State or local government) has violated their rights or restricted their freedoms through an administrative act or process, they may bring the matter before an administrative court. Disputes regarding the ownership reform or land reforms, public services, tax administration, citizenship and migration issues, as well as public procurement, state property, building and planning and State responsibility are heard by the district courts.

Cases involving infringements of rights under civil law, such as contractual disputes, family cases, disputes concerning law of succession and property law, issues concerning the activities and management of businesses and non-profit organisations, as well as intellectual property disputes and bankruptcy cases and questions relating to employment law may be brought before a county court.

### National human rights institutions

Since 1 January 2019, the Chancellor of Justice has been charged with the task of protecting and promoting human rights, in accordance with UN General Assembly Resolution 48/134 of 20 December 1993 entitled 'National institutions for the promotion and protection of human rights'. National human rights bodies may apply for formal international accreditation. The Chancellor of Justice has formally requested to begin the accreditation process, but as at 30 September 2020 the process has not been completed.

### Ombudsman

#### The role of Ombudsman is performed by the Chancellor of Justice.

Office of the [Chancellor of Justice](#): *Kohtu 8, 15193 Tallinn, Estonia*

The Chancellor of Justice performs the functions of Ombudsman, guardian of the constitutionality and legality of legislative acts, and Ombudsman for Children.

In his capacity as Ombudsman, the Chancellor of Justice monitors the activities of authorities performing public duties and checks that state authorities observe peoples' fundamental rights and freedoms and good administrative practice. The Chancellor of Justice checks:

- the activities of state bodies and authorities;
- the activities of local government bodies and authorities;
- the activities of the bodies or authorities of legal persons in public law or private entities performing public functions.

Everyone has the right to submit an application to the Chancellor of Justice to check the activities of authorities performing public duties.

If the Chancellor of Justice finds that the activities of an authority performing public functions are unlawful, he sends an opinion to the authority stating how it has infringed the law and, where necessary, recommends it to follow lawful and good administrative practice or makes a proposal to remedy the infringement. In both cases, before issuing an opinion he assesses whether the authority has complied with the law and whether communication with the individual has been in line with good administrative practice. In his opinion the Chancellor of Justice may criticise, voice an opinion or give targeted recommendations for remedying the infringement.

### Chancellor of Justice

Office of the [Chancellor of Justice](#): *Kohtu 8, 15193 Tallinn, Estonia*

Everyone has the right to submit an application to the Chancellor of Justice to check that an Act or other piece of legislation complies with the Constitution and other laws. The Chancellor of Justice checks that legislation issued by the legislative and executive powers and local governments is in compliance with the Constitution and other laws.

The Chancellor of Justice checks:

- that Acts comply with the Constitution;
- that Government of the Republic regulations comply with the Constitution and other legislation;
- that ministerial regulations comply with the Constitution and other legislation;
- that regulations of local government councils and of municipal and city governments comply with the Constitution and other legislation;

the legality of legislative acts issued by legal persons in public law.

If the Chancellor of Justice finds that a legislative act is unconstitutional or does not comply with other laws:

they submit a **proposal** to the issuer of the act to bring the act into line with the Constitution or the relevant law within 20 days.

If the proposal is ignored, the Chancellor of Justice submits a request to the Supreme Court to declare the legislative act invalid.

they can submit a **report** to the Supreme Court drawing its attention to the problems in the legislation.

#### **Specialised human rights bodies**

##### **Ombudsman for Children (function performed by the Chancellor of Justice)**

The Chancellor of Justice performs the duties of protecting and promoting the rights of children pursuant to Article 4 of the Convention on the Rights of the Child.

**Office of the Chancellor of Justice:** *Kohtu 8, 15193 Tallinn, Estonia*

The duties of the advisers in the Children's and Young People's Rights Department consist mainly in:

dealing with applications concerning children's rights in cases involving constitutional review and the Ombudsman;

preparing and carrying out inspection visits to childcare facilities;

preparing applications and opinions in constitutional review cases;

teaching about children's human rights and raising awareness of the UN Convention on the Rights of the Child, raising awareness of and giving training in children's rights;

carrying out surveys and studies on issues relating to the promotion and protection of children's rights;

organising cooperation between children's and young people's organisations, citizen's associations, NGOs, professional organisations and scientific and state authorities.

In addition to the above, the Chancellor of Justice:

resolves discrimination disputes between private parties on the basis of the Constitution and other laws;

is the national preventive body as set out in Article 3 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;

monitors the respect of fundamental rights and freedoms by the authorities of the executing State in organising the collection, processing, use and supervision of personal data and related information in a covert manner;

performs the tasks of promoting and monitoring the implementation of the Convention on the Rights of Persons with Disabilities, in accordance with Article 33 (2) thereof.

#### **Equality body**

**Gender Equality and Equal Treatment Commissioner,** *Roosikrantsi 8b, 10119 Tallinn, Estonia*

The Gender Equality and Equal Treatment Commissioner is an independent and impartial expert acting under the Gender Equality Act and the Equal Treatment Act. The Commissioner's role is to monitor compliance with the requirements of both these Acts. The Commissioner advises and assists people in discrimination-related disputes and issues expert opinions on instances of discrimination.

The Gender Equality and Equal Treatment Commissioner:

receives applications from individuals and issues opinions on cases of discrimination;

analyses the impact of legislation on the situation of women and men and people in minority groups in society;

makes proposals to the Government of the Republic and government bodies and to local governments and local government bodies for legislation to be amended;

provides advice and information to the Government of the Republic, government bodies and local government bodies on questions concerning the implementation of the Gender Equality Act and the Equal Treatment Act;

adopts measures to promote the gender equality and equal treatment of women and men.

The Commissioner provides opinions to victims of discrimination and persons with a legitimate interest in monitoring compliance with the requirements concerning equal treatment. The purpose of these opinions is to provide an assessment which, in conjunction with the Gender Equality Act, the Equal Treatment Act and international agreements binding on the Republic of Estonia and other legislation, enables an evaluation to be made of whether the principle of equal treatment has been violated in the legal relationship in question.

In order to receive an opinion, an application must be submitted to the Commissioner containing a description of the facts suggesting that discrimination has taken place. In order to deliver an opinion, the Commissioner has the right to obtain information from all persons who may possess the necessary information to ascertain the facts relating to a case of discrimination, and to demand written explanations concerning the facts relating to alleged discrimination and the submission of documents or copies thereof within the period of time laid down by the Commissioner.

#### **Data protection body**

**Data Protection Inspectorate,** *Tatari 39, 10134 Tallinn, Estonia*

**The Data Protection Inspectorate defends the following constitutional rights:**

the right to be informed of the performance of public tasks;

the right to privacy in the protection of personal data;

the right to access one's own data.

If a person's rights are violated in the processing of personal data or by granting access to public information, they may apply to the Data Protection Inspectorate.

The Data Protection Inspectorate must be informed if the requirements for the processing of personal data are breached within the company or body. This is not necessary, however, if the breach is not likely to constitute a threat to the rights and freedoms of natural persons. The Data Protection Inspectorate must also be provided with the contact details of the data protection officer of the company or body in question.

The easiest way to contact the Data Protection Inspectorate is [via the website](#).

#### **Other specialised bodies**

There are no other specialised bodies.

#### **Other**

Estonian Bar Association

**Estonian Bar Association,** *Rävala pst 3, 10143 Tallinn, Estonia*

**The Estonian Bar Association is an association of Estonian advocates, whose main activity is to provide legal advisory services to citizens. The Estonian Bar Association** is a professional association of advocates established on **14 June 1919** which acts on the principles of local government administration and organises the provision of legal services in the private and public interest. The activities of the Estonian Bar Association include organising the professional

development of advocates, relations with lawyers, state authorities and numerous local and foreign organisations and actively participating in legislative drafting. The Association also organises performance of the public-private law function – providing defence and representation in civil and administrative matters for a fee payable by the State.

In general, an [application](#) must be submitted to obtain state legal aid. Applications for state legal aid are generally submitted to the court. The application for state legal aid is forwarded to the investigating authority or the Prosecutor's Office if the person is a suspect in a criminal case in which the participation of a counsel is not mandatory.

Applications for state legal aid must be submitted in Estonian. The application may also be submitted in English if the applicant for state aid is a natural person who is resident in a different Member State of the European Union or who is a citizen of another EU Member State, or a legal person based in a different EU Member State.

At the request of the investigating authority, the Prosecutor's Office or the court, the Estonian Bar Association appoints an advocate to provide the state legal aid. In general, an individual does not have the right to choose which advocate will provide them state legal aid. However, a person has the right to apply for the state legal aid to be provided by a particular advocate if the advocate has agreed to provide the state legal aid. In that case, the name of the advocate who granted their consent must immediately be indicated in the application for state legal aid.

In proceedings where the participation of a counsel is required by law, a person does not have to do anything to receive state legal aid (unless they have employed an advocate themselves) – the official conducting the proceedings is required to arrange the appointment of an advocate for the person and the person does not have to submit an application.

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