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Estonian

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National courts and other non-judicial bodies

Estonia

National courts

National organisation for the protection of human rights

Ombudsman

Specialised bodies for the protection of human rights

Other

National courts

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

Addresses:

Harju County Court, Liivalaia 24, 15034 Tallinn, Estonia

Viru County Court, Kooli 2a, 41598 Jõhvi, Estonia

Tartu County Court, Kalevi 1, 51010 Tartu, Estonia

Pärnu County Court, Kuninga 22, 80099 Pärnu, Estonia

Tallinn Administrative Court, Pärnu mnt 7, 15082 Tallinn, Estonia

Tartu Administrative Court, Kalevi 1, 51010 Tartu, Estonia

Tallinn District Court, Pärnu mnt 7, 15084 Tallinn, Estonia

Tartu District Court, Kalevi 1, 50050 Tartu, Estonia

Supreme Court, Lossi 17, 50093 Tartu, Estonia

These institutions resolve legal disputes. There are four county courts: Harju County Court, Viru County Court, Tartu County Court and Pärnu County Court. There are two administrative courts, located in Tallinn and Tartu. In the second stage (the appeal stage), the Administrative Chambers of the Tallinn and Tartu district courts review rulings given by the administrative court. At the highest stage rulings are reviewed by the Administrative Chamber of the Supreme Court.

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.

The district court which receives the complaint checks whether the complaint or objection meets the legal requirements, whether it is accompanied by all the annexes listed in the complaint, whether it falls within the remit of the district court and whether the state fee has been paid. If any of these is missing the court gives the person filing the complaint or objection up to 15 days to rectify the shortcoming. If the person filing the complaint or objection fails to rectify the shortcomings within this time, the district court returns the complaint or objection to them with a notice. If the complaint or objection meets the requirements, the court accepts the case and a **preliminary procedure** is carried out during which the court prepares the case such that it is possible to resolve it without interruption at one sitting. When the preliminary procedure is complete, the court sends a summons to the parties involved in the case informing them of the time and place at which the court will examine the case.

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. This is just a brief list of the matters handled by county courts under the **Code of Civil Procedure**

People who wish to bring a case before the civil court to protect their own rights (or those of others) must submit an application to a court. The application constitutes a civil claim brought before a civil court. The application submitted to the court must state against whom the case is being brought, what is being claimed, why (i.e. on what legal grounds) and what evidence there is in support of the claim.

When the court receives an application it checks whether it meets the requirements and whether the state fee has been paid. If the application is incomplete, the court sets a deadline by which any shortcomings must be rectified. If the shortcomings have not been rectified by the deadline, the court terminates the proceedings. If the application meets the requirements the court sends it to the opposing party for a response. The court gives its decision within a reasonable period of time by issuing a notice admitting or rejecting the case.

If you are a victim of crime, you can **report the crime** verbally or in writing to an investigative body, usually the **police** or the **Prosecutor's Office**.

The **crime report** must contain your personal and contact details, a description of the crime, the date and a signature. No special form is required, but the police may nonetheless give you a report form. The form to be sent to the Prosecutor's Office is also available on the Office's **website**.

The crime report you submit either verbally or by telephone is registered, and crime reports made by telephone may also be recorded.

No later than ten days after receiving your crime report, the police or the Prosecutor's Office must inform you if they refuse to open criminal proceedings. This deadline may be extended by ten days if additional information is required from the person filing the crime report in order to decide whether or not to open criminal proceedings. The person filing the crime report is informed that the deadline for replying has been extended and of the reasons why.

When an investigation has been completed, the police prepares a file and sends it to the Prosecutor's Office, which:

sends it for information to the alleged offender and to the victim (upon request, see Section 224(2) of the Code of Criminal Procedure) if it considers the investigation complete, and then draws up an indictment and sends it to the court;

requires the police to carry out further investigations, or

closes the proceedings.

National organisation for the protection of human rights

Estonia does not currently have any national authority or other organisation that has applied for accreditation as a national organisation for the protection of human rights.

Ombudsman

This role is performed by the Chancellor of Justice

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

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 monitors:

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

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:

he can make a **proposal** to the issuer of the act to bring the act into line with the Constitution and other laws.

The issuer of the legislative act is obliged to present its opinion to the Chancellor of Justice within 20 days. If the proposal is ignored, the Chancellor of Justice submits a request to the Supreme Court to declare the legislative act unconstitutional or invalid.

he or she can submit a **memorandum** to the issuer of the legislative act bring the act into line with the Constitution and other laws, setting a deadline for eliminating the incompatibility.

If the recommendations made in the memorandum are disregarded, the Chancellor of Justice may submit a proposal to the issuer of the legislative act. If the proposal is ignored, the Chancellor of Justice submits a request to the Supreme Court to declare the legislative act unconstitutional or invalid.

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

Specialised bodies for the protection of human rights

Ombudsman for Children (role performed by the Chancellor of Justice)

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

The role of the Ombudsman for Children is performed by the Chancellor of Justice. The duties of the advisers in the Children's Rights Department consist mainly of:

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 other respects, the same applies as described for the Chancellor of Justice.

Equality body

Chancellor of Justice, Gender Equality and Equal Treatment Commissioner

Addresses:

Chancellor of Justice, *Kohtu 8, 15193 Tallinn, Estonia*

Gender Equality and Equal Treatment Commissioner, *Gonsiori 29, 15027 Tallinn, Estonia*

The Chancellor of Justice monitors the fundamental right to equal treatment in accordance with the normal procedures. The Gender Equality and Equal Treatment Commissioner is an independent official 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 Inspectorate

[Data Protection Inspectorate](#) Väike-Ameerika 19, 10129 Tallinn, Estonia

The Data Protection Inspectorate defends the following constitutional rights:

the right to obtain information on the activities of public authorities;

the right to respect for private and family life when using personal data;

people's right to access their own data.

A complaint regarding a person's actions or failure to act may be submitted if the person (e.g. a processor of personal data or a holder of information) who has infringed your rights has failed to react to your attempt(s) to contact them. The Inspectorate handles the complaint within 30 days of submission. The deadline for examining a complaint may be extended by up to 60 days. The complainant must be notified of this in writing.

Other specialised institutions

There are no other specialised institutions.

Other

Estonian Bar Association

[Estonian Bar Association](#), Rävåla 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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