Rights of minors in court proceedings

Eesti

1. The child's legal capacity

According to the General Part of the Civil Code Act all persons have passive legal capacity. Persons under 18 years of age have restricted active legal capacity. A court may extend the restricted active legal capacity of children 15 years of age and above if this is in the interests of the child and the child's level of development permits it. In Estonia, the minimum age at which a plaintiff can bring a case to court in their own right is 15.

2. Access to adapted proceedings

Regarding the on judicial systems please see respective e-Justice portal page.

Children below the minimum age for criminal responsibility (14 years) who have committed offences are dealt with by juvenile committees. Decisions by the committees are first reviewed by the county governor and subsequent appeals in administrative judicial proceedings by administrative courts. It is possible to apply for an appropriate measure where the case has been in court for nine months or more and the court has not yet made a necessary proceeding based on reasonable justification. Also, if the hearing is postponed for longer than three months without the consent of the parties, the parties can appeal the decision. There are specific rules concerning provisional measures, which can be ordered by the court in order to protect the child from harm and secure the action, and the law provides an exemption from hearing children with special needs.

3. Multidisciplinary aspects

Child protection is organised by the Government of the Republic, child protection council, Ministry of Social Affairs, Social Insurance Board, county governors and local governments based on the functions provided for in Child Protection Act.

4. Training of professionals

The training of judges is organised by the Judicial Training Council that operates under the Supreme Court in accordance with the Estonian Court Act. Estonian Bar Association is a member of European Bar Association and communicates with other Member States about training through it.

5. Best interests of the child

Many legal acts refer to the child's interests. The Child Protection Act (section 21) enacts the obligation to set the best interests of a child a primary consideration.

6. Monitoring and enforcement of decisions in proceedings involving children

As children do not have active procedural capacity, they are not personally informed of the judgement and its enforcement by the court. Once the judgement becomes enforceable, the child's legal representative can submit an application for enforcement to the bailiff. Communication of the information regarding the enforcement proceedings to the child is presumed to be the responsibility of the legal representative.

7. Access to remedies

In Estonia children involved in civil judicial proceedings are represented by their legal representatives who are presumed to act in their best interests. Therefore, in principle the child's legal representatives can make submissions and bring appeals to the court on behalf of their children without the child's consent. However, it can be inferred from the law that a child can also submit an application/appeal to court in his/her own right. Generally, his/her legal representative is expected to join immediately. In family matters on petition, a child of 14 years of age and above with sufficient understanding of the proceedings has the right to appeal against court rulings without being represented by his/her legal representative.

8. Procedure for adoption, including international adoption

A person wishing to adopt files a petition for adoption to a county government. If the county government presumes that the conditions required for adoption are complied with, the person wishing to adopt files a petition for adoption to the court. A petition for adoption is filed with the court of the residence of the adoptive child. If the residence of the adoptive parent or the child is not in Estonia, a court shall not decide on adoption without the consent of the committee for international adoptions formed at the Ministry of Social Affairs of the Republic of Estonia. A child who is at least 10 years of age may be adopted only with his or her consent.

Child-friendly justice in Estonia PDF (469 Kb) en

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