

Issuer:	Riigikogu
Type:	act
In force from:	05.06.2020
In force until:	In force
Translation published:	28.05.2020

Chancellor of Justice Act

Passed 25.02.1999
RT I 1999, 29, 406
Entry into force 01.06.1999

Amended by the following acts

Passed	Published	Entry into force
15.11.2000	RT I 2000, 92, 597	01.01.2001
17.04.2001	RT I 2001, 43, 240	01.09.2001
06.06.2001	RT I 2001, 58, 353	12.07.2001
13.03.2002	RT I 2002, 30, 176	06.04.2002
12.06.2002	RT I 2002, 57, 357	01.08.2002
29.01.2003	RT I 2003, 20, 119	15.03.2003
11.02.2003	RT I 2003, 23, 142	01.01.2004
18.12.2003	RT I 2003, 90, 601	01.01.2008
15.06.2005	RT I 2005, 39, 308	01.01.2006
14.12.2005	RT I 2005, 73, 565	08.01.2006
26.01.2006	RT I 2006, 7, 42	04.02.2006
11.10.2006	RT I 2006, 48, 357	18.11.2006
15.11.2006	RT I 2006, 55, 405	01.01.2007
18.01.2007	RT I 2007, 11, 52	18.02.2007
25.01.2007	RT I 2007, 16, 77	01.01.2008
17.12.2008	RT I 2008, 58, 329	01.01.2009
18.02.2009	RT I 2009, 15, 94	10.03.2009, applied to persons in respect of whom a judgment of conviction enters into force after the entry into force of the Act.
16.12.2009	RT I 2010, 1, 2	01.01.2012, enters into force on the starting date of authority of XII composition of the Riigikogu, date of entry into force changed on 01.01.2012; date of entry into force changed in part on 01.01.2013 [RT I, 28.12.2011, 1]; date of entry into force changed 01.01.2014 [RT I, 29.12.2012, 1]
22.04.2010	RT I 2010, 19, 101	13.05.2010
08.12.2010	RT I, 28.12.2010, 6	01.01.2012
17.02.2011	RT I, 09.03.2011, 1	19.03.2011
15.06.2011	RT I, 08.07.2011, 8	22.07.2011
07.12.2011	RT I, 28.12.2011, 1	01.01.2012, in part on the tenth day after publication in the Riigi Teataja.
14.03.2012	RT I, 29.03.2012, 3	01.01.2013
03.05.2012	RT I, 29.05.2012, 2	08.06.2012
13.06.2012	RT I, 06.07.2012, 1	01.04.2013
12.12.2012	RT I, 29.12.2012, 1	01.01.2013, in part 01.04.2013 and 01.07.2013
12.06.2013	RT I, 03.07.2013, 2	01.10.2013
09.12.2014	RT I, 22.12.2014, 2	01.01.2015

09.12.2015	RT I, 30.12.2015, 5	01.01.2016
16.03.2016	RT I, 06.04.2016, 1	01.05.2016
01.06.2016	RT I, 22.06.2016, 1	01.01.2018
06.12.2017	RT I, 28.12.2017, 1	01.01.2018
13.06.2018	RT I, 03.07.2018, 14	01.01.2019
04.12.2019	RT I, 19.12.2019, 1	01.01.2020
13.05.2020	RT I, 26.05.2020, 1	05.06.2020

Chapter 1

GENERAL PROVISIONS

§ 1. Duties of Chancellor of Justice

(1) The Chancellor of Justice is in their activities an independent official who reviews the acts of general application of the legislature and the executive power and of municipalities for conformity with the Constitution (hereinafter Constitution) and the laws of the Republic of Estonia.

(2) The Chancellor of Justice analyses proposals made to them concerning the amendment of laws, passage of new laws and activities of state agencies, and, where necessary, submits reports to the Riigikogu.

(3) The Chancellor of Justice proposes to the Riigikogu for prosecution under criminal law of a member of the Riigikogu, the President of the Republic, a member of the Government of the Republic, the Auditor General, the Chief Justice of the Supreme Court or a justice of the Supreme Court pursuant to law.

(3¹) The Chancellor of Justice makes a proposal to the President of the European Parliament to waive immunity prescribed by the Protocol on the privileges and immunities of the European Communities from members of the European Parliament elected from Estonia.

(4) The Chancellor of Justice submits a request to the Supreme Court en banc to declare the President of the Republic permanently incapable of performing their duties.

(5) The Chancellor of Justice resolves discrimination disputes which arise between persons in private law on the basis of the Constitution and other laws.

(6) The Chancellor of Justice exercises supervision over conformity of legal acts with international treaties. [RT I 2007, 11, 52 – entry into force 18.02.2007]

(7) The Chancellor of Justice is the national preventive mechanism provided for in Article 3 of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. [RT I 2007, 11, 52 – entry into force 18.02.2007]

(8) The Chancellor of Justice performs the functions of protection of the rights of children and promotion thereof according to Article 4 of the Convention on the Rights of the Child. [RT I, 09.03.2011, 1 – entry into force 19.03.2011]

(9) The Chancellor of Justice exercises supervision over observance of fundamental rights and freedoms in organisation of covert collection of personal data and information related thereto, processing, use and supervision thereof by authorities of executive power. [RT I, 22.12.2014, 2 – entry into force 01.01.2015]

(9¹) In the framework of the function provided for in subsection 9 of this section, the Chancellor of Justice exercises supervision, at least every two years, on the basis of subsection 2 of § 29 of the Security Authorities Act and subsection 2 of § 40 of the Defence Forces Organisation Act over justification for non-notification of persons of actions. [RT I, 26.05.2020, 1 – entry into force 05.06.2020]

(10) The Chancellor of Justice performs the functions of protection and promotion of human rights on the basis of the UN General Assembly Resolution No 48/134 of 20 December 1993, 'National institutions for the promotion and protection of human rights'. [RT I, 03.07.2018, 14 – entry into force 01.01.2019]

(11) Based on Article 33(2) of the Convention on Rights of Persons with Disabilities, the Chancellor of Justice performs the functions of promoting the implementation, protection and monitoring of the Convention. [RT I, 03.07.2018, 14 – entry into force 01.01.2019]

§ 2. Participation of Chancellor of Justice in sessions of Riigikogu and Government of the Republic

(1) The Chancellor of Justice may participate in sessions of the Riigikogu and the Government of the Republic with the right to speak.

§ 3. Interpellations of members of Riigikogu

The Chancellor of Justice replies to interpellations of members of the Riigikogu pursuant to a procedure provided by law.

§ 4. Overview of Chancellor of Justice to Riigikogu

The Chancellor of Justice presents an annual report to the Riigikogu once a year on the performance of the duties assigned to them by this Act.

[RT I, 29.05.2012, 2 – entry into force 08.06.2012]

Chapter 2 STATUS OF CHANCELLOR OF JUSTICE

§ 5. Appointment of Chancellor of Justice to office

The Chancellor of Justice is appointed to office by the Riigikogu on the proposal of the President of the Republic for a term of seven years.

§ 6. Requirements for Chancellor of Justice

(1) The Chancellor of Justice must be an Estonian citizen who has active legal capacity, is of high moral character and is fully proficient in the official language.

(2) The Chancellor of Justice must have completed an academic education in law and he they must be an experienced and recognised lawyer.

§ 6¹. Security check of candidate for Chancellor of Justice

(1) A candidate for the Chancellor of Justice must pass a security check before being appointed the Chancellor of Justice, except where they hold a valid access permit to access state secrets classified as top secret or if, at the time of becoming a candidate, they hold a position which provides the right by virtue of office to access all levels of state secrets.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

(2) A person acquires the status of a candidate for the Chancellor of Justice after the President of the Republic has proposed to the person to be a candidate for the office and the person agrees to it in writing.

(3) The security check of a candidate for Chancellor of Justice is performed by the Estonian Internal Security Service pursuant to a procedure prescribed by the Security Authorities Act.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

(4) In order to pass the security check, a candidate for the Chancellor of Justice submits a completed form for an applicant for a permit to access state secrets to the Estonian Internal Security Service through the Office of the President of the Republic, and a written consent which permits the agency which performs security checks to obtain information concerning the person from natural and legal persons and state and self-governing agencies and bodies during the performance of the security check.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

(5) The Security Police Board send, within three months as of receipt of the documents specified in subsection 4 of this section, the information gathered as a result of the security check to the President of the Republic and provide an opinion concerning the compliance of the candidate for the Chancellor of Justice with the requirements for issue of a permit for access to state secrets.

(6) Where the mandate of the Chancellor of Justice has terminated prematurely, the security check of the candidate for the Chancellor of Justice is performed within one month as of the receipt of the documents specified in subsection 4 of this section. With the permission of the Security Committee of the Government of Republic, the term for performing the security check may be extended by one month where any circumstance specified in clause 1 or 2 of subsection 4 of § 33 of the State Secrets and Classified Information of Foreign States Act become evident or a circumstance specified in clause 3 or 4 may become evident within one month.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

(7) Relying on the data collected in the course of the security check, a candidate for the Chancellor of Justice may be appointed to office within nine months as of the time when the agency which performed the security check sent the information collected in the course of the security check to the President of the Republic. After the expiry of the specified term, the candidate for the Chancellor of Justice may be appointed to office after passing a new security check.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 7. Oath of office of Chancellor of Justice

(1) The Chancellor of Justice assumes the office during the first working week of the plenary session of the Riigikogu following their appointment by taking the following oath of office before the Riigikogu:
'I swear to remain faithful to the people of Estonia, the Republic of Estonia and its constitutional order, and to perform, in an impartial manner, all the duties required of my office according to my conscience and in conformity with the Constitution of the Republic of Estonia and the law.'

(2) The text of the oath of office is signed by the Chancellor of Justice and deposited in the Office of the Riigikogu during the term of office of the Chancellor of Justice; after the Chancellor of Justice leaves office, the text is deposited in the State Archives.

§ 8. Termination of mandate of Chancellor of Justice

The mandate of the Chancellor of Justice is deemed to be terminated:

- 1) as of the date of expiry of the seven-year term referred to in § 5 of this Act;
- 2) as of the date of their resignation from office;
- 3) as of the date of entry into force of a judgment of the Supreme Court en banc in the case of their permanent incapability to perform their duties for more than six consecutive months;
- 4) as of the date of entry into force of a judgment of conviction against them for an intentionally committed criminal offence;
- 5) as of the date of entry into force of a judgment of conviction against them which prescribes imprisonment for a criminal offence committed due to negligence;
- 6) upon their death.

§ 9. Resignation of Chancellor of Justice

The Chancellor of Justice notifies the President of the Republic of their resignation from office at least four months in advance.

§ 10. Permanent incapability of Chancellor of Justice to perform their duties

(1) Where the Chancellor of Justice is permanently incapable of performing their duties for six consecutive months due to illness or for any other reasons, the President of the Republic files a reasoned petition with the Supreme Court to declare it by its decision.

(2) The Supreme Court en banc reviews the petition and makes a decision promptly.

(3) A judgment of the Supreme Court en banc by which the Chancellor of Justice is declared permanently incapable of performing their duties enters into force on the date of proclamation of the decision.

(4) A decision of the Supreme Court en banc which has entered into force releases the Chancellor of Justice from office.

§ 11. Prosecution of Chancellor of Justice under criminal law

(1) The Chancellor of Justice may be prosecuted under criminal law only on the proposal of the President of the Republic and with the consent of the majority of all the members of the Riigikogu.

(2) The mandate of the Chancellor of Justice is suspended as of the date of a decision of the Riigikogu to approve the prosecution of the Chancellor of Justice under criminal law.

(3) The mandate of the Chancellor of Justice is restored as of the date of entry into force of a judgment of acquittal or a judgment of conviction against them for a criminal offence committed due to negligence (except where they are punished by imprisonment), or as of the date of termination of criminal proceedings in their criminal case.

(4) The Chancellor of Justice is removed from office:

- 1) as of the date of entry into force of a judgment of conviction against them for an intentionally committed criminal offence;
- 2) as of the date of entry into force of a judgment of conviction against them which prescribes imprisonment for a criminal offence committed due to negligence.

(5) The procedure for prosecution of the Chancellor of Justice under criminal law is provided for in the Code of Criminal Procedure.

[RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 11¹. Access of Chancellor of Justice to state secrets and classified information of foreign states

(1) The Chancellor of Justice has the right by virtue of office to access state secrets and classified information of foreign states in order to perform duties which have been assigned to them by the Constitution or laws of the Republic of Estonia and by legal acts issued on the basis thereof.

(2) Where, pursuant to an international treaty, performance of a security check is a mandatory precondition for granting the right of access to classified information of foreign states, the security check is also performed in respect to the Chancellor of Justice.

(3) In order to pass the security check specified in subsection 2 of this section, the Chancellor of Justice completes the form for an applicant for a permit to access state secrets and sign a consent which permits the agency which performs security checks to obtain information concerning them from natural and legal persons and state and self-governing agencies and bodies during the performance of the security check, and submit these to the security authorities surveillance committee of the Riigikogu.

(4) The security authorities surveillance committee of the Riigikogu appoints the agency which performs a security check with respect to the Chancellor of Justice and delivers the documents specified in subsection 3 of this section to the agency.

(5) The security check agency submits the information collected in respect to the Chancellor of Justice in the course of the performed security check within three months as of the delivery of the documents specified in subsection 3 of this section to the security authorities surveillance committee of the Riigikogu for decision whether the Chancellor of Justice has passed the security check. A certificate for access to classified information of foreign states is issued pursuant to the procedure prescribed by the State Secrets and Classified Information of Foreign States Act.

(6) The Chancellor of Justice has no access to classified information of foreign states or state secrets concerning:

- 1) persons recruited for secret co-operation;
- 2) methods of activities of security authorities classified as secret or top secret;
- 3) collection of information by a security authority in the manner provided for in § 25 or 26 of the Security Authorities Act, where such collection is still in progress;
- 4) joint international operations of security authorities or information forwarded by foreign states or international organisations, where the person who forwarded the information has not granted consent for access.

[RT I, 22.12.2014, 2 – entry into force 01.01.2015]

§ 12. Restrictions on activities of Chancellor of Justice

(1) During their term of office, the Chancellor of Justice does not:

- 1) hold another state or municipality office or office of a legal person in public law;
- 2) participate in any activities of political parties;
- 3) belong to the management board, supervisory board or supervisory body of a company;
- 4) engage in enterprise, except their personal investments and any interest and dividends received therefrom and income received from disposal of their property.

(2) The Chancellor of Justice is permitted to engage in research or teaching unless this hinders the performance of their functions.

[RT I 2006, 48, 357 – entry into force 18.11.2006]

§ 13. Duty of confidentiality of Chancellor of Justice

The Chancellor of Justice is required to maintain state secrets, classified information of foreign states, business secrets and information subject to banking secrecy and not to disclose the information of which they become aware concerning the family or private life of individuals or other information which disclosure is prohibited by law.

[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 14. Benefits of Chancellor of Justice related to office

(1) The salary of the Chancellor of Justice is provided by the Salaries of Higher State Servants Act. [RT I 2010, 1, 2 – entry into force 01.01.2014 (entry into force postponed – RT I, 29.12.2012, 1)]

(2) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(2¹) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(2²) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(2³) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(3) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(4) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(4¹) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(5) [Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

(5¹) The Chancellor of Justice is paid 20 per cent of their salary on monthly basis for representation expenses. [RT I, 28.12.2017, 1 – entry into force 01.01.2018]

(6) The Chancellor of Justice whose mandate is terminated pursuant to clause 1 or due to illness on the basis of clause 3 of § 8 of this Act has the right to receive compensation in an amount equal to the salary rate for six months.

Chapter 3

SUPERVISION OVER CONFORMITY OF ACTS OF GENERAL APPLICATION WITH CONSTITUTION AND THEIR LEGALITY

§ 15. Commencement of proceedings for review of conformity of acts of general application with Constitution and law

(1) Everyone has the right of recourse to the Chancellor of Justice to review the conformity of a law or other act of general application with the Constitution or the law. A petitioner states in their petition the reasons why they consider the act of general application to be in conflict with the Constitution or the law.

(2) The Chancellor of Justice may also initiate proceedings on own initiative. [RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 15¹. Processing of petition for review of conformity of legal acts of general application with Constitution and law

(1) The Chancellor of Justice reviews a petition submitted for review of the conformity of an act of general application with the Constitution and the law pursuant to the procedure provided for in Subchapters 1 and 2 of Chapter 4 of this law, taking into consideration the specifications provided for in this Chapter.

(2) The Chancellor of Justice may refuse to review a petition where any of the circumstances specified in subsection 2 or clauses 1, 2, 4 and 5 of subsection 3 of § 25 of this Act exist or where there is no significant public interest in the processing thereof. [RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 16. Duty to submit act of general application

[Repealed – RT I 2010, 19, 101 – entry into force 13.05.2010]

§ 17. Proposal to bring act of general application into conformity

Where the Chancellor of Justice finds that any act of general application is in full or in part contrary to the Constitution or the law, they propose to the body which passed the act that the act or a provision thereof be brought into conformity with the Constitution and the law within 20 days.

§ 18. Proposal to repeal act of general application

(1) Where a body which passed an act of general application has not brought the act or a provision thereof into conformity with the Constitution or the law within 20 days after the date of receipt of a proposal of the Chancellor of Justice, the Chancellor of Justice proposes to the Supreme Court that the act of general application or a provision thereof be repealed.

(1¹) Where the Chancellor of Justice finds that a bill, except a bill to amend the Constitution, or other affairs of state which is submitted to a referendum is in conflict with the Constitution or that the Riigikogu has

significantly violated the established procedure upon passage of the resolution to hold the referendum, they make a proposal to the Supreme Court within 14 days as of receipt of the resolution of the Riigikogu to repeal the resolution of the Riigikogu concerning the submission of a bill or other affairs of state to a referendum.

(2) The procedure for participation of the Chancellor of Justice and their rights in the constitutional review proceedings are provided by law.

[RT I 2002, 30, 176 – entry into force 06.04.2002]

Chapter 4

SUPERVISION OVER OBSERVANCE OF FUNDAMENTAL RIGHTS AND FREEDOMS

[RT I 2003, 23, 142 - entry into force 01.01.2004]

Subchapter 1

General Provisions

§ 19. Right of recourse to Chancellor of Justice

(1) Everyone has the right of recourse to the Chancellor of Justice in order to have their rights protected by way of filing a petition to request verification whether or not a state agency, self-governing agency or body, legal person in public law, natural person or legal persons in private law performing public duties (hereinafter agency under supervision) observes the principles of ensuring the fundamental rights and freedoms and good administrative practice.

(2) Everyone has the right of recourse to the Chancellor of Justice for the conduct a conciliation procedure where they find that a natural person or a legal person in private law has discriminated against them on the basis of:

- 1) sex;
- 2) race;
- 3) nationality (ethnic origin),
- 4) colour;
- 5) language;
- 6) origin;
- 7) religion or religious beliefs;
- 8) political or other beliefs;
- 9) property or social status;
- 10) age;
- 11) disability;
- 12) sexual orientation; or
- 13) other discrimination attributes specified by law.

(3) [Repealed – RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 20. Choice of form and purposefulness of proceedings by Chancellor of Justice

(1) Unless the form and other details of a procedural act are provided by law, the form and details of procedural acts are determined by the Chancellor of Justice based on the principles of purposeful, efficient, straightforward performance without undue delay, avoiding superfluous costs and inconveniences to persons.

(2) The Chancellor of Justice may authorise the Deputy Chancellor of Justice-Adviser or adviser to the Chancellor of Justice to perform acts which performance is prescribed for the Chancellor of Justice in this Chapter.

§ 21. Principle of investigation and specialists

(1) During proceedings in a case, the Chancellor of Justice establishes the facts relevant to the case and, where necessary, collects evidence on their own initiative.

(2) The Chancellor of Justice may obtain the opinion of specialists in issues relevant to the adjudication of a case.

§ 22. Removal

A Deputy Chancellor of Justice-Adviser or adviser to the Chancellor of Justice removes themselves from the conduct of the proceedings in a case where they doubt their impartiality. A petition of challenge regarding a Deputy Chancellor of Justice-Adviser or adviser to the Chancellor of Justice is submitted to the Chancellor of Justice by the petitioner or respondent. A petition must be substantiated.

§ 23. Filing of petitions

- (1) A petitioner files a petition in person or through an authorised representative.
- (2) In conciliation proceedings for resolution of discrimination disputes, a person who has legitimate interest to check compliance with the requirements for equal treatment may also act as a representative.
- (3) A petition contains the following information:
 - 1) the name, postal address, personal identification code or date of birth of the petitioner;
 - 2) the name of the agency or person who allegedly violated the rights of the petitioner (hereinafter respondent);
 - 3) a sufficiently clear description of the activity specified in the petition.
- (4) The representative of the petitioner appends a document certifying the right of representation to the petition.
- (5) Where a petition is not in conformity with the requirements set forth in subsections 3 and 4 but the deficiency can be eliminated, the Chancellor of Justice requires additional clarification from the petitioner or sets a term for elimination of the deficiency to the petitioner.
- (6) A petitioner has the right to file a petition orally. In this case the Chancellor of Justice formalises the petition in writing.
- (7) In addition to the information listed in subsection 3 of this section, the Chancellor of Justice may ask petitioners for other information for statistical purposes. Petitioners have the right to decline submission of such information.
- (8) The Chancellor of Justice may classify a petition and information contained therein as information intended for internal use where so requested by the petitioner or where the Chancellor of Justice finds that access to the petition has to be restricted in order to protect the rights and freedoms of persons.

§ 24. Filing of petitions

Where a petition is filed with the Chancellor of Justice by a prisoner, conscript, or person in a psychiatric hospital, an institution providing twenty-four hour special care services, an institution providing twenty-four hour general care services outside home, at a shelter or substitute home, the relevant agency promptly forwards the petition to the addressee at the agency's expense without examining the contents of the petition.
[RT I, 30.12.2015, 5 – entry into force 01.01.2016]

§ 25. Refusal to review petition

- (1) The Chancellor of Justice refuses to review a petition where resolution thereof does not fall within the competence of the Chancellor of Justice.
- (2) No court judgments, court orders on termination of misdemeanour proceedings or judicial proceedings or decisions of bodies conducting extra-judicial proceedings in misdemeanour proceedings may have entered into force in the matter of the petition, and at the time of filing the petition the matter may not be subject to court proceedings, offence proceedings or mandatory pre-trial complaint proceedings.
[RT I, 29.05.2012, 2 – entry into force 08.06.2012]
- (3) The Chancellor of Justice may refuse to review a petition if:
 - 1) the petition is not in conformity with the requirements provided for in this Act and the petitioner has failed to eliminate the deficiencies within the term;
 - 2) the petition is clearly unfounded;
 - 3) the petition is filed after one year from the date when the person became aware or should have become aware of the violation of their rights;
 - 4) the person has the opportunity to file a challenge or resort to other legal remedies or where the person failed to exercise this opportunity;
 - 5) challenge proceedings or other non-obligatory pre-trial proceedings are conducted.
[RT I, 29.05.2012, 2 – entry into force 08.06.2012]
- (4) The Chancellor of Justice may deliver petitions for adjudication to a relevant supervisory body, where this is expedient for the protection of the rights of the petitioner. The petitioner is notified of delivery of the petition. Petitions containing sensitive personal data may be delivered only with the consent of the petitioner. Agencies under supervision notify the Chancellor of Justice of adjudication of the petition.
[RT I, 29.05.2012, 2 – entry into force 08.06.2012]

(5) The Chancellor of Justice notifies a petitioner of refusal to review the petition in writing. The notice has to contain the reasons for the refusal to review the petition.
[RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 26. Commencement of proceedings

Where the Chancellor of Justice accepts a petition, they notify the petitioner thereof and set out the acts which they have performed or deem necessary to perform for the conduct of proceedings in connection with the petition.

§ 27. Unrestricted access, verification visit and professional assistance

[RT I 2007, 11, 52 – entry into force 18.02.2007]

(1) In the course of proceedings in a case, the Chancellor of Justice has unrestricted access to documents and other materials and places which are in the possession of the agencies under supervision and the parties to conciliation proceedings. Agencies and persons enable the Chancellor of Justice unconditional and immediate opportunity to receive all documents and other materials in the possession of the agencies and persons and access to relevant places.

[RT I 2007, 11, 52 – entry into force 18.02.2007]

(2) The Chancellor of Justice may make verification visits to prisons, military units, houses of detention, detention centres, accommodation centres for applicants for international protection, premises of the Police and Border Guard Board where temporary housing is provided for applicants for international protection, psychiatric hospital, special care institution providing twenty-four hour services, schools for students with special needs, general institutions providing twenty-four hour services outside home, shelters, substitute homes and any other agencies under supervision. Verification visits may be made be unannounced and specialists, interpreters or translators may be involved in the visits.

[RT I, 06.04.2016, 1 – entry into force 01.05.2016]

(3) During verification visits, agencies under supervision ensure the following to the Chancellor of Justice:
[RT I 2007, 11, 52 – entry into force 18.02.2007]

- 1) unrestricted access to the information required to verify whether the agency under supervision adheres to the principles of observance of the fundamental rights and freedoms and good administrative practice;
- 2) unrestricted access to the information concerning the persons staying in the agencies under supervision, their detention conditions and location;
- 3) access to the buildings and territory of the agency under supervision;
- 4) possibility to interview each person with restricted rights staying in and staff of the agency under supervision without the presence of other persons.

[RT I 2007, 11, 52 – entry into force 18.02.2007]

(4) Agencies under supervision provide professional assistance to the Chancellor of Justice in the course of proceedings.

[RT I 2007, 11, 52 – entry into force 18.02.2007]

§ 28. Request for information

The Chancellor of Justice has the right to request information necessary for the performance of their duties. Agencies under supervision, parties to conciliation proceedings, other persons and agencies communicate such information within the term set by the Chancellor of Justice.

§ 29. Collection of explanations

The Chancellor of Justice may request that agencies under supervision and parties to conciliation proceedings submit written explanations concerning a petition. Agencies and persons comply with such demand within the term prescribed by the Chancellor of Justice.

§ 30. Taking of testimony

(1) In the course of proceedings, the Chancellor of Justice may take testimonies from persons concerning whom there is information that they know facts relevant to the case and are capable of providing truthful testimonies concerning such facts.

(2) Persons specified in subsections §§ 71–73 of the Code of Criminal Procedure may refuse to provide a testimony, except in the cases where the testimony is requested by the person concerning whom the information is disclosed.

(3) Persons asked to provide testimony are required to appear following a summons from the Chancellor of Justice. The following information concerning a person is set forth in a summons:

- 1) the name;
 - 2) the place and time of appearance;
 - 3) the matter concerning which the person is summoned, the role of the person in the proceedings and the purpose of the summons;
 - 4) the description of consequences of failure to appear.
- [RT I 2006, 7, 42 – entry into force 04.02.2006]

§ 31. Reimbursement of expenses of specialists, interpreters or translators and witnesses

(1) Where the work performed by a specialist, interpreter or translator in the proceedings conducted by the Chancellor of Justice is not part of their official duties, the specialist, interpreter or translator is reimbursed out of the budget of the Chancellor of Justice.

[RT I, 29.05.2012, 2 – entry into force 08.06.2012]

(2) Where the employer of a witness involved by the Chancellor of Justice is any other than the state or agency under supervision, the person is paid compensation for absence from work or their everyday activities from the budget of the Chancellor of Justice on the bases and pursuant to the procedure provided for in the Code of Civil Procedure.

(3) Agencies and persons participating in proceedings may involve specialists, interpreters or translators and witnesses at their own expense.

[RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 32. Public disclosure of case concerning which proceedings are conducted

(1) The Chancellor of Justice may disclose the content of a petition concerning which proceedings are conducted and the final result of the proceedings in the media or through other channels without disclosing any information which would allow the persons involved to be identified.

(2) The Chancellor of Justice may disclose the names of persons who refuse to give testimony without good reason.

Subchapter 2 Supervision over Legality and Observance of Good Administrative Practice

§ 33. Scope of supervision

The Chancellor of Justice verifies whether or not agencies under supervision adhere to the principles of observance of the fundamental rights and freedoms and good administrative practice.

§ 34. Commencement of proceedings

(1) The Chancellor of Justice commences proceedings on the basis of a petition filed by a person or on their own initiative.

[RT I, 22.12.2014, 2 – entry into force 01.01.2015]

(2) [Repealed – RT I, 29.05.2012, 2 – entry into force 08.06.2012]

(3) Where the Chancellor of Justice commences the proceedings on their own initiative, they notify the relevant agency of the reasons for and purpose of commencement of proceedings.

§ 35. Obstruction of activities of Chancellor of Justice

(1) Obstruction of the activities of the Chancellor of Justice means:

- 1) concealment of information from the Chancellor of Justice which is necessary for the performance of their duties, evading provision of such information and refusal to provide such information without good reason;
- 2) evading provision of explanation or testimony, or refusal to provide explanation or testimony without good reason;
- 3) provision of insufficient or incorrect explanation, testimony or information;
- 4) hindrance of unrestricted access.

(2) The Chancellor of Justice has the right to apply for commencement of disciplinary proceedings against officials who obstruct the activities of the Chancellor of Justice or their advisers.

(3) The Chancellor of Justice may inform the public of obstruction of their activities.

§ 35¹. Completion of proceedings

(1) Proceedings are completed when the Chancellor of Justice formulates their position, assessing whether the activities of the agency under supervision are legal and in compliance with good administrative practice.

(2) The Chancellor of Justice may provide criticism, suggestions and express their opinion in other ways or make proposals for elimination of the violation.

(3) The position of the Chancellor of Justice is communicated in writing to the petitioner and the agency under supervision which participated in the proceedings. The position is final and cannot be contested in court.

§ 35². Ensuring compliance with proposal of Chancellor of Justice

(1) An agency who receives a suggestion or proposal from the Chancellor of Justice informs the Chancellor of Justice, within the term set by them, of the details of compliance with the suggestion or proposal.

(2) The Chancellor of Justice has the right to make inquiries concerning compliance with their suggestions and proposals. An agency who receives an inquiry responds without delay.

(3) Where a suggestion or proposal of the Chancellor of Justice is not complied with or an agency fails to respond to an inquiry of the Chancellor of Justice, the Chancellor of Justice may report such fact to the authority which exercises supervision over the agency, the Government of the Republic or the Riigikogu.

(4) The Chancellor of Justice may inform the public of their suggestions or proposals and compliance or failure to comply therewith.

§ 35³. Legal aid and exemption from state fees

[Repealed – RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 35⁴. Notification of offence

Where the Chancellor of Justice finds that an official has violated the Constitution or law, they notify either an investigative body or another competent body thereof in writing and, where necessary, deliver relevant information and documents to them.

Subchapter 3 Conciliation Proceedings for Resolution of Discrimination Disputes

§ 35⁵. Competence to resolve discrimination disputes

(1) The Chancellor of Justice supervises the activities of natural persons and legal persons in private law and conducts conciliatory proceedings on the basis of petitions filed by persons who find that they are discriminated on the basis of an attribute specified in clause 2 of subsection 19.

(2) Petitions concerning activities of natural persons or legal persons in private law do not fall within the competence of the Chancellor of Justice where they concern:

- 1) professing and practising of faith or working as a minister of a religion in religious associations with registered articles of association;
- 2) relations in family or private life;
- 3) performance of right of succession.

§ 35⁶. Term of recourse to Chancellor of Justice

The Chancellor of Justice may refuse to review a filed petition where it is filed later than four months as of the date on which the person became aware or should have become aware of the alleged discrimination.

§ 35⁷. Commencement of conciliation proceedings

(1) After accepting a petition, the Chancellor of Justice sends a copy of the petition to the respondent whose activities are contested in the petition and sets a term for submission of a written response. In the written response, the respondent may propose to resolve the dispute.

(2) The Chancellor of Justice sends a copy of the written response specified in subsection 1 to the petitioner. The petitioner informs the Chancellor of Justice within the set term whether or not the petitioner consents to the proposal of the respondent to resolve the dispute.

(3) Where the petitioner consents to the proposal to resolve the dispute specified in subsection 2 and such resolution ensures a fair balance in the rights of the parties, the Chancellor of Justice deems the petition to be resolved and concludes the proceedings.

§ 35⁸. Conduct of proceedings

(1) Sessions conducted in the course of conciliation proceedings are closed sessions. Documents and information pertaining to conciliation proceedings are not disclosed.

(2) Information pertaining to conciliation proceedings may be disclosed in the manner prescribed in § 32.

(3) Taking of explanations and oral testimonies and use of unrestricted access is recorded pursuant to the procedure prescribed in § 18 of the Administrative Procedure Act.

§ 35⁹. Review of petition in session

(1) A petition filed by a person may be reviewed in a session in the presence of the petitioner and respondent or their representatives. The Chancellor of Justice may obligate the parties to appear in person.

(2) The Chancellor of Justice sets the time and place for holding a session and notifies the petitioner and respondent thereof.

(3) A session is chaired by the Chancellor of Justice who:

- 1) explains the content of the petition and the corresponding rules of law;
- 2) grants the petitioner a possibility to provide their positions and the reasons therefor;
- 3) grants the respondent a possibility to provide their positions as to whether the respondent accepts or contests the petitioner's allegations.

(4) At a session, documents and other evidence are examined and assessed. With the Chancellor of Justice's consent, witnesses and specialists may be summoned to and heard at a session.

(5) Minutes are taken of a session in the manner prescribed in § 18 of the Administrative Procedure Act.

§ 35¹⁰. Conclusion of conciliation proceedings

Conciliation proceedings are concluded where:

- 1) the proceedings are terminated,
- 2) the parties fail to reach an agreement; or
- 3) the Chancellor of Justice approves an agreement.

§ 35¹¹. Termination of conciliation proceedings

(1) Conciliation proceedings are terminated where:

- 1) the petitioner submits a written notice concerning their withdrawal of the petition filed with the Chancellor of Justice,
- 2) the respondent fails to submit the written response specified in § 35⁷ within the term set by the Chancellor of Justice or communicates refusal to participate in the conciliation proceedings in the response; or
- 3) the petitioner or respondent fails to perform procedural acts without good reason within the term set by the Chancellor of Justice, refuses to perform the acts or obstructs the organisation of the conciliation proceedings in any other manner.

(2) The Chancellor of Justice gives written notice of termination of the conciliation proceedings to the petitioner and respondent.

§ 35¹². Proposal to resolve dispute and enter into agreement

(1) The Chancellor of Justice makes a proposal to resolve the dispute and enter into an agreement and communicates such proposal to the parties to the conciliation proceedings at the end of a session or sets a term during the session within which they will communicate the proposal to the petitioner and respondent.

(2) In the proposal, the Chancellor of Justice presents their substantiated opinion on the discrimination allegations formed by them in the course of the proceedings based on obtained evidence and established facts. In the proposal, the Chancellor of Justice may suggest that the respondent perform appropriate acts and take measures for payment of compensation and restitution of the petitioner's rights. The Chancellor of Justice may propose to the respondent to compensate for the reasonable expenses which the petitioner has borne or will bear for the services of specialists, interpreters or translators or witnesses.

(3) The Chancellor of Justice explains the consequences of approval of the agreement specified in § 35¹⁴ to the parties.

(4) A petitioner and a respondent may, within 10 working days as of the receipt of the proposal of the Chancellor of Justice, present their positions expressing consent or opposition to the content of the proposal. Failure to present a position is considered as consent to the proposal.

§ 35¹³. Approval of agreement

(1) Where a petitioner and respondent consent to the proposal of the Chancellor of Justice, the Chancellor of Justice approves the agreement and notifies the parties thereof in writing.

(2) Where a petitioner or the respondent fails to consent to the proposal of the Chancellor of Justice, the Chancellor of Justice states the failure to reach an agreement and notifies the parties thereof in writing.

§ 35¹⁴. Performance of agreement

(1) Performance of an agreement approved by the Chancellor of Justice is mandatory to the parties to conciliation proceedings. An agreement is performed within 30 days as of the day following the day on which a copy of the agreement is received, unless another term is prescribed in the agreement.

(2) Where an agreement is not performed within the term specified in subsection 1, the petitioner or respondent may submit the agreement approved by the Chancellor of Justice to an enforcement agent for enforcement pursuant to the procedure provided by the Code of Enforcement Procedure.

§ 35¹⁵. Recourse to courts

(1) Where conciliation proceedings are terminated or the Chancellor of Justice states failure to reach an agreement, the petitioner has, within 30 days as of the receipt of the notice, the right of recourse to a court or to an authority conducting pre-trial proceedings as provided by law for the protection of their rights.

(2) An agreement approved by the Chancellor of Justice is final and cannot be contested in court, except where the Chancellor of Justice materially violates a provision the conciliation proceedings and such violation affects or may affect the content of the agreement.

(3) An action may be filed with an administrative court for establishment of the Chancellor of Justice's material violation of a provision of conciliation proceedings within 30 days after the date on which approval of an agreement is communicated.

(4) Where a court establishes material violation by the Chancellor of Justice of a provision of conciliation proceedings which affects or may affect the content of the agreement, the agreement approved by the Chancellor of Justice is deemed to be null and void and the person has the right to recourse to a court for the protection of their rights within 30 days as of the entry into force of the court judgment.

Subchapter 4 Activities of Chancellor of Justice in Application of Principles of Equality and Equal Treatment

§ 35¹⁶. Promotion of principles of equality and equal treatment

The Chancellor of Justice performs the following duties for application of the principles of equality and equal treatment:

- 1) analyses the effect of the implementation of legal acts to the condition of the members of the society;
- 2) informs the Riigikogu, the Government of the Republic, governmental agencies, self-governing agencies and bodies, other interested persons and the public of application of the principles of equality and equal treatment;
- 3) makes proposals for amendment of legal acts to the Riigikogu, Government of the Republic, governmental agencies, self-governing agencies and bodies and employers;
- 4) promotes, in the interests of adherence to the principles of equality and equal treatment, the development of national and international co-operation between individuals, legal persons and agencies;
- 5) promotes, in co-operation with other persons, the principles of equality and equal treatment.

Chapter 5

OFFICE OF CHANCELLOR OF JUSTICE

[RT I 2003, 23, 142 - entry into force 01.01.2004]

§ 36. Office of Chancellor of Justice

(1) The Office of the Chancellor of Justice is the agency servicing the Chancellor of Justice as a constitutional institution.

(2) The Chancellor of Justice as the head of the Office of the Chancellor of Justice establishes the statutes, structure and positions of the Office and its structural units and may establish the classification of the positions into service groups.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(2¹) The Chancellor of Justice establishes the requirements for the education, work experience, knowledge and skills of officials which are required for the performance of their duties and the procedure for the recruitment, choice, assessment, development and training of officials.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(3) The Chancellor of Justice decides on granting of the right of signature to officials and employees of the office and the extent thereof.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(4) The Office of the Chancellor of Justice is registered in the state register of state and self-governing agencies pursuant to the procedure provided for in the statutes of the register.

(5) [Repealed – RT I, 29.05.2012, 2 – entry into force 08.06.2012]

§ 37. Deputy Chancellor of Justice-Adviser

(1) On the proposal of the Chancellor of Justice, the Riigikogu appoints two advisers to the Chancellor of Justice to the position of the Deputy Chancellor of Justice-Adviser. When assuming the office, the Deputy Chancellor of Justice-Adviser takes the oath of office referred to in § 7 of this Act.

(2) Where the Chancellor of Justice is temporarily unable to perform their functions, or upon termination of the authority of the Chancellor of Justice on the bases provided for in § 8 of this Act, one of the Deputy Chancellor of Justice-Advisers performs the duties of the Chancellor of Justice until a new Chancellor of Justice assumes the office pursuant to the procedure for substitution determined by the Chancellor of Justice.

(3) An adviser to the Chancellor of Justice is released from the office of the Deputy Chancellor of Justice-Adviser:

- 1) as of the date of their resignation from office;
- 2) in the case of their extended inability to perform their duties for more than six consecutive months, as of the date on which a new Deputy Chancellor of Justice-Adviser assumes office on the proposal of the Chancellor of Justice;
- 3) as of the date on which a new Deputy Chancellor of Justice-Adviser appointed by a new Chancellor of Justice assumes office;
- 4) as of the date of entry into force of a judgment of conviction against them for an intentionally committed criminal offence;
- 5) as of the date of entry into force of a judgment of conviction against them which prescribes imprisonment for a criminal offence committed due to negligence;
- 6) upon their death.

§ 37¹. Security check of candidate for Deputy Chancellor of Justice-Adviser

(1) A candidate for the office of the Deputy Chancellor of Justice-Adviser must pass a security check before being appointed the Deputy Chancellor of Justice-Adviser, excluding the case where they hold a valid access permit to access state secrets classified as top secret or where they occupy a position at the time of becoming a candidate which provides the right by virtue of office to access all levels of state secrets.

(2) A person acquires the status of a candidate for the Deputy Chancellor of Justice-Adviser after the Chancellor of Justice proposes to the person to run as a candidate for the office and the person agrees in writing to run as a candidate.

(3) The security check of a candidate for the Deputy Chancellor of Justice-Adviser is performed by the Estonian Internal Security Service pursuant to the procedure provided for in the Security Authorities Act.

(4) To conduct the security check specified in subsection 1 of this section, the candidate for the Deputy Chancellor of Justice-Adviser completes the form used to apply for an access permit to state secrets and signs the consent which permits the agency which performs security checks to obtain information concerning the person from natural and legal persons and state and self-governing agencies and bodies during the performance

of the security check, and submits these to the Estonian Internal Security Service through the Office of the Chancellor of Justice.

(5) The Estonian Internal Security Service presents the information gathered as a result of the security check to the Office of the Chancellor of Justice within three months as of receipt of the documents specified in subsection 4 of this section and provides an opinion concerning the compliance of the candidate for the Deputy Chancellor of Justice-Adviser with the conditions for the issue of a permit for access to state secrets.

(6) Relying on the data collected in the course of the security check, a candidate for the Deputy Chancellor of Justice-Adviser may be appointed to the office within nine months as of the time when the agency which performed the security check delivered the information collected in the course of the security check to the Office of the Chancellor of Justice. A candidate for the Deputy Chancellor of Justice-Adviser may be appointed to the office later than the specified term after passing a new security check.
[RT I 2007, 16, 77 – entry into force 01.01.2008]

§ 37². Access of Deputy Chancellor of Justice-Adviser to state secrets and classified information of foreign states

(1) The Deputy Chancellor of Justice-Adviser has the right by virtue of office to access state secrets and classified information of foreign states in order to perform duties which have been assigned to them by the Constitution or Acts of the Republic of Estonia and the legal acts issued on the basis thereof.

(2) Where conducting of a security check is a mandatory precondition for granting the right of access to classified information of foreign states pursuant to an international agreement, the security check is also conducted in respect to the Deputy Chancellor of Justice-Adviser.

(3) To conduct the security check specified in subsection 1 of this section, the Deputy Chancellor of Justice-Adviser completes the form used to apply for an access permit to state secrets and signs the consent which permits the agency which performs security checks to obtain information concerning the person from natural and legal persons and state and self-governing agencies and bodies during the performance of the security check, and submits these to the security authorities surveillance committee of the Riigikogu through the Office of the Chancellor of Justice.

(4) The security authorities surveillance committee of the Riigikogu appoints the agency which performs a security check with respect to the Deputy Chancellor of Justice-Adviser and delivers the documents specified in subsection 3 of this section to the agency.

(5) The security check agency submits the information collected in respect to the Deputy Chancellor of Justice-Adviser in the course of the performed security check within three months as of the delivery of the documents specified in subsection 3 of this section to the security authorities surveillance committee of the Riigikogu for decision whether the Deputy Chancellor of Justice-Adviser passed the security check. A certificate for access to classified information of foreign states is issued pursuant to the procedure prescribed by the State Secrets and Classified Information of Foreign States Act.

(6) A Deputy Chancellor of Justice-Adviser has no access to classified information of foreign states or state secrets about:

- 1) persons recruited for secret co-operation;
 - 2) methods of activities of security authorities classified as secret or top secret;
 - 3) collection of information by a security authority in the manner provided for in § 25 or 26 of the Security Authorities Act, where such collection is still in progress;
 - 4) joint international operations of security authorities or information forwarded by foreign states or international organisations, where the person who forwarded the information has not granted consent for access.
- [RT I, 22.12.2014, 2 – entry into force 01.01.2015]

§ 38. Adviser to Chancellor of Justice

(1) A person who has higher education may be appointed as an adviser to the Chancellor of Justice.

(2) Advisers to the Chancellor of Justice are junior advisers, advisers and senior advisers.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(3) A person who has or acquires higher education may be appointed as a junior adviser to the Chancellor of Justice.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(3¹) A person with higher education who has been employed as a judge, notary, attorney-at-law or teacher at an institution of higher education for at least three years or who has been employed in other public service for at least three years may be appointed as an adviser to the Chancellor of Justice.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(4) A person who has been employed as an adviser to the Chancellor of Justice or as a judge, notary, attorney-at-law, or teacher at an institution of higher education for at least five years or who has been employed in other public service for at least five years may be appointed as a senior adviser to the Chancellor of Justice.

(5) The Chancellor of Justice may designate certain advisers to work on the review of specific areas of fundamental rights.

(6) The Chancellor of Justice may designate advisers to counties.

§ 39. Restrictions on activities of Deputy Chancellor of Justice-Advisers and advisers to Chancellor of Justice

(1) The restrictions provided for in §§ 12 and 13 of this Act apply to Deputy Chancellor of Justice-Advisers.

(2) The restrictions provided for in clauses 1 and 2 of subsection 1, subsection 2 of § 12 and § 13 of this Act apply to advisers of the Chancellor of Justice. With the permission of the Chancellor of Justice, advisers to the Chancellor of Justice may hold the office provided for in clause 1 of subsection 1 of § 12 of this Act where the office involves research or teaching.

(3) With the consent of the Chancellor of Justice, advisers to the Chancellor of Justice may work outside their duties of employment based on a contract of employment or another contract, operate as an undertaking, be a general partner in a general partnership or limited partnership or a member of the management or controlling body of a legal person, except where the volume of labour spent on the ancillary activities or the nature thereof hinders regular performance of their duties of employment or where the ancillary activities may bring about a breach of the duties of employment, hinder the performance of the public duties or harm the reputation thereof.
[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 40. Remuneration for work

The work of the Deputy Chancellor of Justice-Advisers, advisers, officials and employees of the Office of the Chancellor of Justice are remunerated for on the basis of the Public Service Act and the Employment Contracts Act.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

§ 41. Occupational pension of Deputy Chancellor of Justice-Adviser

[Repealed – RT I, 29.03.2012, 3 – entry into force 01.01.2013]

§ 42. Budget of Office of the Chancellor of Justice

(1) The budget of the Office of the Chancellor of Justice is approved by the Chancellor of Justice based on the state budget.

(2) The procedure for payment of remuneration to consultants, translators or interpreters and specialists is established by the Chancellor of Justice.

[RT I, 29.05.2012, 2 – entry into force 08.06.2012]

Chapter 6 IMPLEMENTING PROVISIONS

§ 43. Amendment of Salaries of State Public Servants Appointed by Riigikogu or President of the Republic Act

[Omitted from this text.]

§ 43¹. Right to receive occupational pension of Chancellor of Justice

The following persons have the right to receive the occupational pension of the Chancellor of Justice when they attain the pensionable age:

- 1) who have worked by 1 January 2013 as the Chancellor of Justice for at least five years;
- 2) who hold the office of the Chancellor of Justice on 1 January 2013 and who hold the office for at least five years.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 43². Right to receive survivor's pension of dependants of Chancellor of Justice

Family members incapacitated for work and maintained by the Chancellor of Justice have the right to receive survivor's pension where the Chancellor of Justice who holds the office on 1 January 2013 dies during their term of office.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 43³. Right to receive occupational pension of Deputy Chancellor of Justice-Adviser

The following persons have the right to receive the occupational pension of the Deputy Chancellor of Justice-Adviser when they attain the pensionable age:

1) who have worked by 1 January 2013 as the Deputy Chancellor of Justice-Adviser, judge, notary, attorney-at-law, teacher at an institution of higher education or has been employed in public service for at least 20 years, including at least five years as the Deputy Chancellor of Justice-Adviser;

2) who hold the office of the Deputy Chancellor of Justice-Adviser on 1 January 2013 and who has completed by such time at least 50 per cent of both the pension qualifying periods required for the grant of the occupational pension provided for in clause 1 of this section and who complete the specified pension qualifying periods by the time of retirement;

3) who is on 1 January 2013 a judge, notary, attorney-at-law, teacher at an institution of higher education or employed in public service and who has completed by this time at least five-year length of service as the Deputy Chancellor of Justice-Adviser and at least 50 per cent of the 20-year length of service as a Deputy Chancellor of Justice-Adviser, judge, notary, attorney-at-law, teacher at an institution of higher education or employment in public service and who complete the specified pension qualifying period by the time of retirement.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 43⁴. Amount of occupational pension of Chancellor of Justice

The amount of the occupational pension of the Chancellor of Justice is 70 per cent of the salary for the position of the Chancellor of Justice which was in force on the day as of which the occupational pension is granted.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 43⁵. Amount of survivor's pension of dependants of Chancellor of Justice

The amount of the survivor's pension payable upon the death of the Chancellor of Justice to every family member of the Chancellor of Justice who is incapacitated for work and who was maintained by them is 17.5 per cent of the salary for the position of the Chancellor of Justice which was in force on the day as of which the survivor's pension is granted. The survivor's pensions of the family members of the Chancellor of Justice in total may not exceed 52.5 per cent of the salary for the position of the Chancellor of Justice on the specified date.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 43⁶. Amount of occupational pension of Deputy Chancellor of Justice-Adviser

The amount of the occupational pension of a Deputy Chancellor of Justice-Adviser is 65 per cent of the salary for the position of the Deputy Chancellor of Justice-Adviser which was in force on the day as of which the occupational pension is granted.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 43⁷. Grant and payment of occupational pension and survivor's pension

(1) The provisions of the State Pension Insurance Act apply to occupational pension and survivor's pension, taking account of the specifications provided for in this Act.

[RT I, 22.06.2016, 1 – entry into force 01.01.2018]

(2) Occupational pensions and survivor's pensions, except for pensions calculated on the basis of the wage of the current year, are indexed by 1 April of each year by the pension index approved by the Government of the Republic on the basis of § 26 of the State Pension Insurance Act.

(3) The part of the occupational pension and survivor's pension which exceeds the state old-age pension or survivor's pension calculated pursuant to the State Pension Insurance Act is paid from the state budget.

[RT I, 19.12.2019, 1 – entry into force 01.01.2020]

(4) When receiving the occupational pension and survivor's pension, a person does not have the right to receive other state pensions. The occupational pension is not increased on the basis of § 113 of the Public Service Act. Where a person has the right to receive several classes of state pension, one pension is granted to the person at their choice.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(5) No occupational pension is paid to the Chancellor of Justice and Deputy Chancellor of Justice-Adviser who are employed in a position granting the right to receive such occupational pension or as member of the Riigikogu, President of the Republic, member of the Government of the Republic, Chief Justice or justice of the Supreme Court, Commander or Commander-in-Chief of the Defence Forces, Auditor General or Governor of Eesti Pank.

(6) No occupational pension is paid upon removal from the office of the Chancellor of Justice or upon release of the Deputy Chancellor of Justice-Adviser from their position on the basis of §§ 91, 92, 94 or 95 of the Public Service Act, except based on the circumstances provided for in clause 4 of § 15 of the Public Service Act or due to entry into force of a judgment of conviction.

[RT I, 06.07.2012, 1 – entry into force 01.04.2013]

(7) A person convicted for an offence provided for in Chapter 15 or Subchapter 2 of Chapter 17 of the Penal Code, for which the Penal Code prescribes at least up to five years' imprisonment, loses the right to an occupational pension.

(8) Where a person was paid the occupational pension provided for in this Act, the payment of the pension is terminated as of the month following the month of entry into force of the judgment. In the case of losing the right to the occupational pension provided for in this section, the person retains the right to apply for a pension on a general basis.

(9) A court notifies the Social Insurance Board in writing within ten working days as of the entry into force of the court judgment of the fact due to which the person loses the right to the occupational pension of the Chancellor of Justice or the Deputy Chancellor of Justice-Adviser.

(10) The provisions of subsection 7 of this section apply to persons in respect of whom a judgment of conviction entered into force after 10 March 2009.

[RT I, 29.03.2012, 3 - entry into force 01.01.2013]

§ 44. Entry into force of law

(1) This law enters into force on 1 June 1999 and the Chancellor of Justice Activities Organisation Act is repealed as of the same date.

(2) Proceedings concerning petitions filed with the Chancellor of Justice before the entry into force of this Act are completed on the basis of the procedure which was in force before the entry into force of this Act.