

LEGAL AID IN NATIONAL LAWS: Estonia

Estonia

<p>Is legal aid available?</p> <p>Who is eligible for it?</p>	<p>According to State Legal Aid Act (https://www.riigiteataja.ee/akt/128112017008) state legal aid (<i>riigi õigusabi</i>) is the provision of legal services to a person at the expense of the state. State legal aid means that an advocate appointed by the Estonian Bar Association shall represent and provide counselling to the person participating in legal proceedings.</p> <p>Persons may receive legal aid if they are unable to pay for legal services due to their financial situation at the time at which they need legal aid or are able to pay for legal services only partially or in instalments.</p> <p>In certain cases, a person may receive state legal aid regardless of their financial situation:</p> <ul style="list-style-type: none">a) in criminal proceedings, a suspect or accused has the right to the appointment of a criminal defence counsel during preliminary investigation and in court;b) in misdemeanour proceedings if the person subject to proceedings is 14 to 18 years of age or is unable to represent themselves due to their mental health condition;c) in surrender proceedings and extradition proceedings from the moment of their arrest. <p>Also legal persons (i.e. companies, non-profit associations and foundations) may receive state legal aid: a non-profit association or foundation which is entered on the list of non-profit associations or foundations benefiting from income tax incentives or is equal thereto, which is insolvent and applies for state legal aid in the field of environmental protection or consumer protection, or there is other predominant public interest for the grant of legal aid to prevent possible damage to the rights of a large number of people which are protected by law.</p>
<p>What is the criteria to be eligible for legal aid?</p>	<p>The criteria for receiving state legal aid depend on the type of proceedings for which legal aid is applied.</p>
<p>Where can you file the application for legal aid?</p>	<p>An application for state legal aid is generally submitted to the court. Application form is available online: www.just.ee/sites/www.just.ee/files/elfinder/article_files/riigi_õigusabi_taotluse_naidisvorm.rtf</p> <p>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 – the official conducting the proceedings is required to arrange</p>

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	<p>the appointment of an advocate. The participation of a counsel in a court proceeding is mandatory in the following cases:</p> <ul style="list-style-type: none">a) participation of criminal defence counsel in criminal proceedings shall be mandatory during entire proceeding if, at the time of commission of the criminal offence, the person being defended was a minor; due to their mental or physical disability, the person is unable to defend themselves or if defence is complicated due to such disability; the person is suspected or accused of a criminal offence for which life imprisonment may be imposed; the interests of the person are in conflict with the interests of another person who has a counsel; the person has been under arrest for at least six months; proceedings are conducted in the criminal matter pursuant to expedited procedure;b) in criminal proceedings as of the examination of a criminal file (that means after the completion of pre-trial proceedings);c) in court proceedings regarding a criminal matter;d) in surrender proceedings or extradition proceedings to another country from the moment of the arrest of the person;e) in court proceedings regarding a misdemeanour matter, if the person subject to proceedings is 14 to 18 years of age or is unable to represent themselves due to a mental health condition.
<p>What expenses are covered?</p>	<p>The lawyer shall be paid legal aid fee by the state via the Estonian Bar Association and the recipient need not compensate for the fee. However, state legal aid is not always free of charge. The necessity and extent of the compensation for legal aid costs shall be determined in the ruling on the grant of legal aid.</p> <p>In addition to state legal aid, the person may apply for state aid for procedural expenses, such as filing fees etc:</p> <p>http://www.kohus.ee/et/oigusabi/riigipoolne-menetlusabi</p>
<p>Is there freedom to choose a lawyer?</p>	<p>A person can choose a representative to provide state legal aid if the chosen lawyer agrees to accept this assignment.</p> <p>A recipient of legal aid is also entitled to apply for the court to remove an advocate from the provision of legal aid by a ruling if the advocate has demonstrated incompetence or negligence.</p>
<p>Further information in Estonian</p>	<p>Ministry of Justice: https://www.just.ee/et/eesmargid-tegevused/oigusabi</p> <p>Bar association: http://www.riigioigusabi.ee/korduma-kippuvad-kysimused#Kellel-on-vimalik-saada-riigi-igusabi</p>