

1. Please provide detailed information, including disaggregated data, on the number of judges that have been subject to disciplinary proceedings in the last ten years. How many of them were found guilty of a disciplinary misconduct? How many of them were removed from office?

During this period, a total of thirty judges have been subject to disciplinary proceedings. Twenty of them were convicted of a disciplinary offense. Two of judges were removed from office.

2. Has any judge belonging to your association been subjected to any form of sanctions that were not previously established by law or that were imposed through a procedure that did not meet the procedural requirements established by the law? If yes, please provide information on the case(s).

No such incidents have occurred.

3. Apart from disciplinary proceedings, are there any other measures that may be used to interfere with the capacity of a judge to adjudicate cases before him or her in full independence? Are you aware of any case in which a judge has been promoted, transferred to another court, forced to take a training course, a vacation or medical leave, or coerced or pressured in similar ways in order to abandon a case pending before him or her? If yes, please provide information on the case(s).

No such measures exist and no such cases have occurred.

4. What measures have been put in place in your country to enable judges to decide matters before them impartially and without any pressure or interference?

The Constitution of the Republic of Estonia establishes that justice shall be administered solely by the courts. The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and the laws.

The Constitution also establishes that judges are appointed for life. The grounds and procedure for release of judges from office are provided by law. Judges may be removed from office only by a court judgment. The legal status of judges and guarantees for their independence are to be provided by law.

The law (the Courts Act) states that no one has the right to interfere with the administration of justice. Acts which are directed at disturbing the administration of justice are prohibited in courts and in the vicinity thereof.

Notwithstanding the foregoing, a judge may be removed from office a judge shall be released from office:1) at the request of the judge; 2) due to age (age of 68 years); 3) due to

unsuitability for office – within three years after appointment to office; 4) due to health reasons which hinders work as a judge; 5) upon liquidation of the court or reduction of the number of judges.

Criminal charges against a judge of a court of the first instance and a court of appeal may be brought during their term of office only on the proposal of the Supreme Court *en banc* with the consent of the President of the Republic.) Criminal charges against a justice of the Supreme Court may be brought during his or her term of office only on the proposal of the Chancellor of Justice with the consent of the majority of the composition of the Parliament (Riigikogu).

The Supreme Court *en banc* may appoint a judge to office to another court of the same or a lower instance with the consent of the judge and on the proposal of the minister responsible for the area. The Supreme Court *en banc* may appoint a judge of a court of first instance with his or her consent to permanent service in another courthouse of the same court. Within the same settlement, a chairman of a court in the interests of the organisation of administration of justice may appoint a judge to permanent office without his or her consent to another courthouse of the same court. The chairman of the court shall first consider the opinion of the full court. Upon the transfer of a judge to another court of the same instance or a lower instance, excluding the transfer of a justice of the Supreme Court to a court of a lower instance, he or she shall be paid no compensation for unexpired unused annual holiday, and the calculation of the holiday shall be continued at a court where the judge was transferred.

The division of tasks between judges of courts of the first instance and courts of appeal shall be prescribed in the division of tasks plan. Tasks shall be divided between judges on the basis of the following principles: 1) each matter received by the court for hearing shall be divided between judges according to the division of tasks plan; 2) matters shall be divided between judges at random and on bases determined in the division of tasks plan; 3) in the distribution of matters, as many matters as possible shall be distributed between the judges serving in the courthouse where the matter will be heard; 4) the distribution of matters must ensure the specialisation of judges; 5) the distribution of the matters shall ensure equal work load of judges within a court. The division of tasks plan shall prescribe the procedure for formation of court panels and for the substitution of judges. The division of tasks plan shall be approved for one calendar year. During a working year, the full court may amend the division of tasks plan only with good reason.