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| affaires générales et politiquegeneral affairs and policy Doc. prél. No 4 B — réviséPrel. Doc. No 4 B — revisedjuin / June 2014 | logo_04 |

**PROJET DE PROFIL D’ÉTAT – RÉVISÉ**

**ORDONNANCES DE PROTECTION RENDUES PAR DES JURIDICTIONS NATIONALES ET ÉTRANGÈRES : LÉGISLATION, RECONNAISSANCE ET EXÉCUTION, ET AUTRES RESSOURCES**

*proposé par le Bureau Permanent*

**\* \* \***

**DRAFT COUNTRY PROFILE – REVISED**

 **NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

*proposed by the Permanent Bureau*

*Document préliminaire No 4 B (révisé) de juin 2014 à l’attention*

*du Conseil d’avril 2014 sur les affaires générales et la politique de la Conférence*

*Preliminary Document No 4 B (revised) of June 2014 for the attention*

*of the Council of April 2014 on General Affairs and Policy of the Conference*

**PROJET DE PROFIL D’ÉTAT – RÉVISÉ**

**ORDONNANCES DE PROTECTION RENDUES PAR DES JURIDICTIONS NATIONALES ET ÉTRANGÈRES : LÉGISLATION, RECONNAISSANCE ET EXÉCUTION, ET AUTRES RESSOURCES**

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**\* \* \***

**DRAFT COUNTRY PROFILE – REVISED**

 **NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

*proposed by the Permanent Bureau*

**FOREWORD TO THE DRAFT COUNTRY PROFILE –**

**NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES**

This Draft Country Profile was prepared in the light of a mandate given by the 2013 Council on General Affairs and Policy of the Hague Conference on the topic of “Recognition and enforcement of foreign civil protection orders”:

“The Council welcomed the work carried out by the Permanent Bureau and invited it to continue exploratory work, including further comparative research (such as a country profile) and investigation on the feasibility of a future instrument. The Permanent Bureau may, resources allowing, convene an Experts’ Group to assist in carrying out this work.”[[1]](#footnote-1)

Country Profiles have been developed under a number of Hague Conventions.[[2]](#footnote-2) However, the Country Profiles have in general been elaborated subsequent to the adoption or entry into force of a particular instrument. Contracting States, national authorities and others who are involved in the operation of Hague Conventions have found the Country Profile to be an invaluable tool to facilitate access to information on foreign law and procedures, as well as to other national information in relation to a specific Convention, with the goal of facilitating the effective operation of the instrument.

The objectives of this Draft Country Profile are two-fold. Firstly, if completed by individual States or jurisdictions, it will provide a comparative overview of this area of the law. The information sought on domestic law in the Draft Country Profile is based on responses received from Members of the Hague Conference to a 2012 Questionnaire on civil protection orders.[[3]](#footnote-3) Secondly, the Draft Country Profile seeks to provide necessary information for States, relevant governmental authorities (*e.g.*, members of the judiciary, enforcement officials), and also to individuals / members of the public, in order to facilitate the cross-border recognition and enforcement of foreign protection orders and international co-operation in this respect. A later version of this Draft Country Profile could be used as an implementation or operational tool in the context of either a binding or a non-binding international instrument or mechanisms on the subject of protection orders.

The initial version of the Draft Country Profile was produced as a discussion document for the attention of the meeting of the Experts’ Group on Recognition and Enforcement of Foreign Civil Protection Orders (12-13 February 2014). Specific sections of the Draft Country Profile were referred to in the agenda of the meeting in order to facilitate discussion among the experts.

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| **Identification** |
| Name of State (or territorial unit, where applicable): | Estonia  |
| **Information for follow-up purposes** |
| Name and title of contact person: | Ms Kristiina Koll  |
| Name of Authority / Office: | Estonian Ministry of Justice |
| Telephone number: | +372 6208265  |
| E-mail address: | kristiina.koll@just.ee  |

DRAFT COUNTRY PROFILE – national and FOREIGN PROTECTION ORDERS: legislation, recognition and enforcement and other resources

**PART I: CENTRAL AUTHORITIES[[4]](#footnote-4)**

|  |
| --- |
| 1. CENTRAL AUTHORITY contact details |
| a. Organisation:b. Address:c. Territorial or personal extent of functions, if applicable:d. Telephone:e. Fax:f. E-mail:g. Website:h. Contact person(s):i. Language(s): |

|  |
| --- |
| 2. OTHER cENTRAL AUTHORITY (IF APPLICABLE)  |
| Please attach additional pages if there are more than two designated Central Authorities in your State a. Organisation:b. Address:c. Territorial or personal extent of functions, if applicable:d Telephone:e. Fax:f. E-mail:g. Website:h. Contact person(s):i. Language(s): |

|  |
| --- |
| 3. LANGUAGE REQUIREMENTS  |
| 1. Does your State / jurisdiction require that any application and related documents submitted be accompanied by a translation? If so, in what language?
 | * Yes
* Into official language of your State / jurisdiction. Please specify:
* Into another language. Please specify:
* No
 |

|  |  |
| --- | --- |
| 1. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory.
 |  |

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| --- |
| 4. central AUTHORITY OPERATION |
| Please provide answers for each Central Authority if there is more than one designated in your State (attach additional pages) |
| 1. What are the working days and hours of the Central Authority?
 | Days of the week open: Opening time: Closing time: Shutdown periods (*e.g.,* public holidays, court closures):  |
| 1. Can the Central Authority be accessed outside of working hours in case of emergency?
 | * Yes

 Please specify contact details, if different from above: * No
 |

**PART II: ENFORCEMENT[[5]](#footnote-5) OF NATIONAL PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES**

|  |
| --- |
| 1. COMPETENT ENFORCEMENT AUTHORITIES  |
| 1.1. contact details of COMPETENT AUTHORITY that is responsible for the enforcement of NATIONAL protection orders |
| [ ]  Police officers  |
| [x]  Bailiffs |
| [ ]  Administrative Authority |
| [ ]  Other.  |
| Please specify: - enter text here -  |
| 1. Organisation: A bailiff engages in liberal profession and holds office in public law in his or her own name and at own liability. All bailiffs are members of the The Estonian Chamber of Bailiffs and Trustees in Bankruptcy.Contact information about bailiffs and the opening hours of their offices is following:

Harju regionKRISTIINA FEINMANBailiff in TallinnAddress: Narva mnt 7D, Tallinn 10151Tel: 6 129 155Fax: 6 129 166E-mail: Kristiina.Feinman[at]taitur.just.eeOpening hours: Mon-Thu 9:00-17:00 ja Fri 9:00-13:00KAJA LILLOJABailiff in TallinnAddress: Jõe 3, Tallinn 10151Tel: 6 811 488E-mail: Kaja.Lilloja[at]taitur.just.eeOpening hours: Mon-Fri 12:00-16:00MATI KADAKBailiff in TallinnAddress: Kentmanni tn 21/Liivalaia tn 27/Kaupmehe tn 14, 10114 Tallinn, II floorTel: 6 604 604Fax: 6 604 639E-mail: Mati.Kadak[at]taitur.just.eeOpening hours: Mon-Tue 14:00-18:00 and Wed-Fri 10:00-14:00KAIRI KUMMBailiff in TallinnAddress: Tornimäe 7-016 (8.floor), 10145 TallinnTel: 6 897 993E-mail: kairikumm.buroo[at]taitur.just.ee Opening hours: Mon- Thu 12:00-16:00, Fri 9:00-13:00MAREK LAANEMETSBailiff in TallinnAddress: Narva mnt 7D, TallinnTel: 6 129 155Fax: 6 129 166E-mail: Marek.Laanemets[at]taitur.just.ee Opening hours: Mon-Thu 9:00-17:00, Fri 9:00-13:00TOOMAS SAARMABailiff in TallinnAddress: Kotzebue 9, nimekast nr. 1523, 10412 TallinnTel: 6 272 742E-mail: taitur[at]ktb.ee Opening hours: E, K 13:00-17:00 ning T, N, R 9:00-13:00PRIIT PETTERBailiff in TallinnAddress: Tornimäe 7-008 (7. korrus), 10145 TallinnTel: 6878455Fax:6878456E-mail: priitpetter.byroo[at]taitur.just.ee Opening hours: Mon-Fri 10:00-14:00 ARVI PINKBailiff in TallinnAddress: Narva mnt. 7D, TallinnTel: 6 129 155Fax: 6 129 166E-mail: Arvi.Pink[at]taitur.just.eeOpening hours: Mon-Thu 9:00-17:00, Fri 9:00-13:00KAIRE PÕLTSBailiff in TallinnAddress: Tartu mnt 16b (3.korrus), Tallinn 10117Tel: 683 6390E-mail: Kaire.Polts[at]taitur.just.eeOpening hours: Mon 10.00-17.00; Tue 10.00-18.00; Wed-Fri 10.00-14.00MATI ROODESBailiff in TallinnAddress: Kentmanni 22-12, Tallinn 10116Tel: 6 531 111Fax: 6 611 110E-mail: Mati.Roodes[at]taitur.just.eeOpening hours: Mon, Wed 13:00-17:00 and Tue, Thu, Fri 9:00-13:00 HILLE KUDUBailiff in TallinnAddress: Narva mnt 7D, TallinnTel: 6 129 155Fax: 6 129 166E-mail: hillekudu.buroo[at]taitur.just.eeOpening hours: Mon-Thu 9-17 ja Fri 9-13KERSTI SEISLERBailiff in TallinnAddress: Tartu mnt 16b (3. floor), Tallinn 10117Tel: 683 6390E-mail: kersti.seisler[at]taitur.just.eeOpening hours: Mon 10.00-17.00; Tue 10.00-18.00; Wed-Fri 10.00-14.00 RISTO SEPPBailiff in TallinnAddress: Narva mnt 7D, TallinnTel: 6 129 155Fax: 6 129 166E-mail: Risto.Sepp[at]taitur.just.eeOpening hours: Mon-Thu 9-17 ja Fri 9-13 URMAS TÄRNOBailiff in TallinnAddress: Kentmanni tn 21/Liivalaia tn 27/Kaupmehe tn 14, 10114 Tallinn, 2.floor Postal address: Kaupmehe 14-41, 10114 TallinnTel: 6 835 500Fax: 6 835 501E-mail: Urmas.Tarno[at]taitur.just.eeOpening hours: Mon-Tue 14:00-18:00 and Wed-Fri 10:00-14:00 KATRIN VELLETBailiff in TallinnAddress: Weizenbergi 20, 10150 TallinnTel: 6 814 482Fax: 6 814 481Website: www.vellet.eeE-mail: info[at]vellet.ee Opening hours: Mon-Thu 13:00-17:00, Fri 10:00-14:00 ELIN VILIPPUSBailiff in TallinnAddress: A.Lauteri 5, 10114 TallinnTel 6 840 620Fax 6 840 621E-mail: elinvilippus.buroo[at]taitur.vilippus.eeOpening hours: Mon 13.00-17.00 ja Tue-Fri 9.00-13.00 Pärnu regionHEIMO VILPUU Bailiff in PaideAddress: Tallinna 18, Paide 72711Tel: 3 848 724Fax: 3 848 724E-mail: Heimo.Vilpuu[at]taitur.just.eeOpening hours: Mon-Fri 10:00-12:00 and 13:00-15:00 VIRGE VÄLBBailiff in PaideAddress: Tallinna 18, Paide 72711Tel: 38 48 725E-mail: Virge.Valb[at]taitur.just.eeOpening hours: Mon, Tue, Thu 9:00-15:00, Wed 9:00-16:00 and Fri 9:00-13:00 IGOR PRIGODABailiff in KärdlaAddress: Lihula mnt 3, Haapsalu 90507Tel: 47 33 103fax: 47 33 103E-mail: igor.prigoda2[at]taitur.just.eeOpening hours: Mon, Wed-Fri 9:00-13:00 and Tue 9:00-16:00\*\*\*Address:: Heltermaa mnt 6, Kärdla 92414E-mail: igor.prigoda[at]taitur.just.eeTel/Fax: 46 32 069Opening hours: Mon-Fri 9.00-12.30 and 13.30-15.00 TARVI SÖÖMERBailiff in HaapsaluAddress: Karja 17, Haapsalu 90502Tel: 47 33 322Fax: 47 33 322E-mail: Tarvi.Soomer[at]taitur.just.eeOpening hours: Mon-Tue and Thu-Fri 9:00-13:00 and Wed 12:00-16:00ROCKI ALBERTBailiff in PärnuAddress: Uus tn 1, Pärnu 80011Tel: 44 29 972Fax: 44 29 975E-mail: rockialbert.byroo[at]taitur.just.eeE-mail: info@albert.eeOpening hours: Mon 13:00-17:00 and Tue-Fri 9:00-13:00 KERSTI KALJULABailiff in PärnuAddress: Lõuna 18, Pärnu 80011Tel/fax: 44 35 485E-mail: kersti.kaljula[at]taitur.just.eeOpening hours: Mon, Wed, Fri 9.00-13.00 and Tue, Thu 13.00-17.00 RANNAR LIITMAABailiff in PärnuAddress: Rüütli 51-M3 (2.korrus), Pärnu 80011Tel: 44 29 973Fax: 44 29 974E-mail: Rannar.Liitmaa[at]taitur.just.eeOpening hours: Mon, Thu 13.00-17.00; Tue, Wed, Fri 9.00-13.00 EHA NIKKERBailiff in PärnuAddress: Riia mnt 28A-1, Pärnu 80013Tel/fax: 44 35 452E-mail: Eha.Nikker[at]taitur.just.eeOpening hours: E, K, R 10:00-14:00 ja T, N 13:00-17:00ÕNNE PAJURBailiff in RaplaAddress:: Tallinna mnt 30, Rapla 79512 Tel: 48 94 435Fax: 48 94 433E-mail: Onne.Pajur[at]taitur.just.eeOpening hours: Mon 13:00-17.00; Tue-Thu 10:00-12:00 and 14:00-16:00; Fri 09.00-13.00ENNO KERMIKBailiff in KuressaareAddress: büroo asukoht: Lossi 4a, Kuressaare 93816Tel: 45 45 626E-mail: Enno.Kermik[at]taitur.just.eeOpening hours: Mon-Wed 9:00-13:00 and 14:00-17:00, Thu-Fri 9:00-13:00SVETLANA PÕLDBailiff in Pärnu regionAdress: Lossi 4a, Kuressaare 93816 (office. 118-119)Tel/fax: 45 39 652E-mail: Svetlana.Pold[at]taitur.just.eeOpening hours: Mon-Fri 9.00-17.00Tartu regionIVI KALMETBailiff in JõgevaAddress: Piiri 4, Jõgeva 48304Tel: 77 21 252E-mail: Ivi.Kalmet[at]taitur.just.eeOpening hours: Mon-Fri 9:00-16:00AIVE KOLSARBailiff in PõlvaAddress: Aasa 5, Põlva 63304Tel: 7 995 794, 7 823 795Fax: 7 995 004E-mail: Aive.Kolsar[at]taitur.just.eeOpening hours: Mon, Wed 8:00-17:00 Tue, Thu, Fri 8:00-12:00\*\*\*Address: Vabaduse 26 (II korrus), Valga 68204Tel/fax: 7 661 640E-mail: Aive.Kolsar[at]taitur.just.eeOpening hours: Mon, Tue, Thu 8:00-12:00, 13:00-17:00 and Wed, Fri 8:00-12:00 ANNE BÖCKLERBailiff in TartuAddress: Õpetaja 9a, Tartu 51003Tel: 7 420 486Fax: 7 420 494E-mail: Anne.Bockler[at]taitur.just.eeOpening hours: Mon, Wed 10:00-12:00 ja 14:00-17:00; Tue, Thu, Fri 9:00-14:00JAANIKA PAJUSTE Bailiff in TartuAddress: Õpetaja 9a, Tartu 51003Tel: 7 420 487Fax: 7 420 487E-mail: Jaanika.Pajuste[at]taitur.just.eeOpening hours: Mon, Wed 10:00-12:00 and 14:00-16:00; Tue, Thu, Fri 9:00-14:00REET ROSENTHALBailiff in TartuAddress: Õpetaja 9, Tartu 51003Tel: 7 427 702Fax: 7 427 098E-mail: Reet.Rosenthal[at]taitur.just.eeOpening hours: Mon, Tue, Thu, Fri 9:00-13:00, Wed 13:00-17:00JANE RUMJANTSEVABailiff in TartuAddress: Anne 47-41, Tartu 50606Tel/fax: 7 405 477E-mail: janerumjantseva.buroo[at]taiturikirjad.ee Opening hours: Mon-Fri 9:00-17:00OLEG SIROTINBailiff in TartuAddress: Õpetaja 9a, Tartu 51003Tel: 7 427 875Fax: 7 420 492E-mail: Oleg.Sirotin[at]taitur.just.eeOpening hours: Mon-Fri 9:00-17:00 OKSANA KUTŠMEIBailiff in TartuAddress: Jakobi tn 23, Tartu 51006Tel: 7 828 110Fax: 7 828 111E-mail: info[at]tartutaitur.eeOpening hours: Mon-Fri 13:00-17:00 RITA LOHUBailiff in ViljandiAddress: Kauba 7-1, Viljandi 71003Tel: 43 33 415Fax: 43 33 415E-mail: Rita.Lohu[at]taitur.just.eeOpening hours: Mon, Wed, Fri 8:00-12:00; Tue, Thu 9:00-12:00 and 13.00-16:30 JANEK POOLBailiff in ViljandiAddress: Kaalu tn 1, Viljandi 71012Tel/fax: 43 33 045E-mail: menetlus[at]janekpool.euOpening hours: Mon, Wed, Thu 9:00 - 15:00, Tue 12.00 - 16.00 and Fri 9:00-13:00TAIVE PEEDOSAARBailiff in VõruAddress: Jüri tn 43, Võru 65610Tel: 7 823 260E-mail: Taive.Peedosaar[at]taitur.just.eeOpening hours: Mon-Fri 9:00-16:00 SIRJE TAELBailiff in TartuAddress: Jaama 76, D-korpus, 50605 TartuTel/fax: 7 401 551E-mail: taitur[at]stael.eeOpening Hours: Mon, Tue, Thu 12:00 - 16:00 and Wed, Fri 8:00 - 12:00Viru regioonRISTO KÜTTBailiff in JõhviAddress: Jaama 14, Jõhvi 41533Tel: 33 20 034Fax 33 20 223E-mail: Risto.Kytt[at]taitur.just.eeOpening hours: Mon, Wed, Fri 10:00-14:00 and Tue, Thu 12:00-16:00 KRISTEL MAALMANBailiff in JõhviAddress: Jaama 14, Jõhvi 41533Tel: 33 74 854E-mail: Kristel.Maalman[at]taitur.just.eeE-mail: kristelmaalman.buroo[at]taitur.just.eeOpening hours: Mon-Wed, Fri 9:00-13:00 and Thu 13:00-17:00NATALJA MALAHHOVABailiff in JõhviAddress: Jaama 16, Jõhvi 41533Tel/fax: 33 56 868 / 33 56 871E-mail: Natalja.Malahhova[at]taitur.just.eeOpening hours: Mon, Thu 9:00-13:00 ja TUe, Wed 13:00-17:00 and Fri 9:00-13:00KAIRI LAIÕUNBailiff in RakvereAddress: Veski 5a, Rakvere 44310Tel: 32 23 917E-mail: kairilaioun.buroo[at]taitur.just.eeOpening hours: Mon-Tue 13:00-17:00 and Wed-Fri 10:00-14:00RAIGO PÄRSBailiff in RakvereAddress: Laada 20, Rakvere 44310Tel: 32 23 919E-mail: Raigo.Pars[at]taitur.just.eeOpening hours: Mon, Wed, Fri 9:00-13:00 and Tue, Thu 12:00-16:00 KERSTI VILBOBailiff in RakvereAddress: Turuplats 3, Rakvere 44310Tel: 32 23 920E-Mail: Kersti.Vilbo[at]taitur.just.eeOpening hours: Mon, Wed, Fri 9:00-13:00 and Tue, Thu 12:00-16:00 KRISTA JÄRVETBailiff in NarvaAddress: Tallinna mnt 9, Narva 20303Tel: 35 948 73E-mail: Krista.Jarvet[at]taitur.just.eeOpening hours: Mon, Tue, Thu, Fri 9:00-13:00 and Wed 13:00-17:00ANDREI KREKBailiff in NarvaAddress: Puškini 14, Narva 20308 Tel: 3 560 393Fax: 3 563 200Website: www.andreikrek.com Email: info[at]andreikrek.comOpening hours: Mon, Tue 13:00-17:00 and Wed-Fri 8:00-12:00 |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.2. contact details of OTHER competent AUTHORITY that is responsible for the enforcement of NATIONAL protection orders (IF APPLICABLE)  |
| Please attach additional pages if there are more than two Competent Enforcement Authorities in your State / jurisdiction[ ]  Police officers  |
| [ ]  Bailiffs |
| [ ]  Administrative Authority  |
| [ ]  Other  |
| Please specify: - enter text here -  |
| a. Organisation: - enter text here -  |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h Contact person(s): |
| i. Language(s): |

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| 1.3. competent ENFORCEMENT AUTHORITIES OPERATION |
| Please provide answers for each Competent Enforcement Authority if there is more than one in your State / jurisdiction (attach additional pages) |
| a. What are the working days and hours of the Competent Enforcement Authority? | Days of the week open: Opening time: Closing time: Shutdown periods (*e.g.,* public holidays, court closures):  |
| b. Can the authority be accessed outside of working hours in case of emergency? | * Yes

 Please specify contact details, if different from above: * No
 |

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| 1.4. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT |
| Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?(Please also see Annex I) | * Yes. Please specify, with full contact details:
* No
 |

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| **2. DOMESTIC PROTECTION ORDER CONDITIONS OF ENFORCEMENT** |
| 2.1. Can domestic protection orders be enforced on the simple presentation of the protection order to the enforcement officer?  | [x]  Yes, the protection order itself (*i.e.*, the decision establishing the protection order)  |
|  Comments: - enter text here -  |
| [ ]  No  |
|  Please specify how enforcement takes place: - enter text here -  |
| 2.2. What kinds of penalties are applicable for breach of protection orders in your State / jurisdiction? (Please check all which apply and specify whether considered civil, criminal or other type of sanction)  | [x]  Arrest (and detention / imprisonment)  |
|  Please specify: According to § 331 sec of the Penal Code violation of a restriction order or other measure of protection of personality right imposed by a court decision, if this poses a danger to the life, health or property of persons, or repeated violation of a restriction order or other measure of protection of personality right is punishable by a pecuniary punishment or up to one year of imprisonment.This is considered a criminal sanction. |
| [x]  Pecuniary measures |
|  Please specify: Please see the previous comment.  |
| [ ]  Other |
|  Please specify: - enter text here -  |
| 2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of protection orders? | [x]  Yes  |
|  Please specify: It is mandatory for bailiffs to have liability insurance. |
| [ ]  No |
| 2.4. Does your State / jurisdiction utilise national, regional or local registers or electronic database(s) which register enforceable protection orders for the benefit of law enforcement officials or other authorities?  | [x]  Yes |
|  Please specify: Protection orders are applied by courts. All judgements taken by the court are inserted in a court register. |
| [ ]  No |
| 2.5 Are security bracelets, GPS tracking devices or other technology used to assist with the enforcement of protection orders? | [ ]  Yes |
|  Please specify: - enter text here -  |
| [x]  No |

**PART III: ENFORCEMENT OF FOREIGN PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES**

**[x]  The responses to questions in Section 1 are the same as for Part II, Section 1 (if so, please go to Part III, Section 2)**

|  |
| --- |
| 1. COMPETENT Enforcement AUTHORITIES  |
| 1.1. contact details of COMPETENT AUTHORITY that is responsible for the enforcement of FOREIGN protection orders |
| [ ]  Police officers  |
| [ ]  Bailiffs |
| [ ]  Administrative Authority  |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| a. Organisation: - enter text here -  |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 1.2. contact details of OTHER competent AUTHORITY that is responsible for the enforcement of FOREIGN protection orders (IF APPLICABLE)  |
| Please attach additional pages if there are more than two Competent Enforcement Authorities in your State / jurisdiction |
| [ ]  Police officers  |
| [ ]  Bailiffs |
| [ ]  Administrative Authority  |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| a. Organisation: - enter text here -  |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d. Telephone: |
| e. Fax: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

|  |
| --- |
| 1.3 competent ENFORCEMENT AUTHORITIES OPERATION |
| Please provide answers for each Competent Enforcement Authority if there is more than one designated in your State / jurisdiction (attach additional pages) |
| a. What are the working days and hours of the Competent Enforcement Authority? | Days of the week open: Opening time:Closing time: Shutdown periods (*e.g.,* public holidays, court closures):  |
| b. Can the authority be accessed outside of working hours in case of emergency? | * Yes

 Please specify contact details, if different from above: * No
 |

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| --- |
| 1.4. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT |
| Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?(Please also see Annex I) | * Yes. Please specify, with full contact details:
* No
 |

[ ]  **The responses to the questions in Section 2 are the same as for Part II, Section 2 (if so, please go to Part IV)**

|  |
| --- |
| **2. FOREIGN PROTECTION ORDER CONDITIONS OF ENFORCEMENT**  |
| 2.1. Can foreign protection orders be enforced on the simple presentation of the foreign protection order or the standard enforcement certificate published by the Hague Conference to the enforcement officer? Please specify whether prior registration of the foreign order is required. | 🞎 Yes, the standard Enforcement Certificate published by the Hague Conference |
| [ ]  Yes, the foreign protection order itself (*i.e.*, the decision establishing the protection order) |
|  Comments: - enter text here -  |
| [x]  No |
|  Please specify how enforcement takes place: At first the foreign protection order has to be declared enforcable by an Estonian court. After that a foreign protection order can be enforeced on the presentation of the foreign protection order and the declaration of enforceability to the bailiff.In relation to foreign protection orders from EU Member States, this will change, when the Regulation (EU) No 606/2013 shall become applicable. |
| 2.2. What kinds of penalties are applicable for breach of foreign protection orders in your State / jurisdiction? (Please check all which apply and specify whether considered civil, criminal or other type of sanction).  | [x]  Arrest (and detention / imprisonment)  |
|  Please specify: According to § 331 sec of the Penal Code violation of a restriction order or other measure of protection of personality right imposed by a court decision, if this poses a danger to the life, health or property of persons, or repeated violation of a restriction order or other measure of protection of personality right is punishable by a pecuniary punishment or up to one year of imprisonment.This is considered a criminal sanction.      |
| [x]  Pecuniary measures |
|  Please specify: Please see the previous comment. |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| 2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of foreign protection orders? | [x]  Yes  |
|  Please specify: It is mandatory for bailiffs to have liability insurance. |
| [ ]  No |

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| 2.4. Does your State / jurisdiction utilise national, regional or local registries or electronic database(s) which register enforceable foreign protection orders for the benefit of law enforcement officials or other authorities?  | [x]  Yes  |
|  Please specify: Protection orders are applied by courts. All judgements taken by the court are inserted in a court register.      |
| [ ]  No |
| 2.5 Are security bracelets, GPS tracking devices or other technology used to assist with the enforcement of foreign protection orders? | [ ]  Yes  |
|  Please specify: - enter text here -  |
| [x]  No |

**PART IV: RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS**

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| 1. relevant legislation |
| Does your State / jurisdiction currently have laws (including rules of private international law) by which protection orders from foreign States are recognised and declared enforceable or registered for enforcement in your jurisdiction? | [x]  Yes  |
|  Please describe: Currently protection measures ordered in EU Member States are recognised and enforced under the Brussels I (44/2001) and Brussels IIa (2201/2003) Regulations. Other foreign protection orders are recognized under Chapter 62 of the Estonian Code of Civil Procedure - Recognition and Enforcement of Judgments in Civil Matters and Other Execution Documents of Foreign States, sections 619-627.  |
|  Please list relevant Internet weblink(s), if available: The Brussels I (44/2001) regulation is available on the following website: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:012:0001:0023:en:PDFThe Brussels IIa (2201/2003) regulation is available on the following website: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:338:0001:0029:EN:PDFThe translation of the Code of Civil Procedure is available on the following website:https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/511072014015/consolide  |
|  Please comment on special features, if any, found in these laws which seek to quickly protect persons at-risk in cross-border settings:  - enter text here -  |
| [ ]  No (if not, continue to Part IV, Section 7) |

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| 2. COMPETENT AUTHORITIES  |
| 2.1. contact details of COMPETENT AUTHORITY that is responsible for recognition and DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR enforcement of foreign protection orders |
| [x]  Judicial Authority [ ]  Administrative Authority [ ]  Other Authority a. Organisation: County Courts. (The Court Registrys are are open on weekdays 9-17 and 9-14 before national holidays. Content of procedural document submitted to court is regulated in § 338 of Code of Civil Procedure; content of statement of claim is regulated in § 363 of Code of Civil Procedure).Harju County CourtAddress: Liivalaia 24, 15034, Tallinn, EstoniaPhone: (372) 620 0002Fax:(372) 6200 000E-mail: harjumk.info@kohus.eehmkkentmanni.menetlus@kohus.eehmktartumnt.menetlus@kohus.eewww.kohus.eeEstonianViru County Court Address: Kooli 2a, Jõhvi 41598, EstoniaPhone:(372) 663 8300Fax:(372) 663 8302E-mail: virumk.info@kohus.eevmknarva.menetlus@kohus.eevmkjohvi.menetlus@kohus.eevmkrakvere.menetlus@kohus.eewww.kohus.eeEstonianTartu County Court Address: Kalevi 1, 51010, Tartu, EstoniaPhone: (372) 7500 615Fax: (372) 7500 611E-mail: tartumk.info@kohus.eetmktartu.menetlus@kohus.eetmkjogeva.menetlus@kohus.eetmkpolva.menetlus@kohus.eetmkvalga.menetlus@kohus.eetmkviljandi.menetlus@kohus.eetmkvoru.menetlus@kohus.eewww.kohus.eeEstonianPärnu County Court Address: Kuninga 22, 80099, Pärnu, EstoniaPhone: (372) 447 9500Fax: (372) 447 9590E-mail: parnumk.info@kohus.eepmkparnu.menetlus@kohus.eepmkpaide.menetlus@kohus.eepmkrapla.menetlus@kohus.eepmkhaapsalu.menetlus@kohus.eepmkkuressaare.menetlus@kohus.eewww.kohus.eeEstonianb. Address:c. Territorial or personal extent of functions, if applicable:d. Telephone:e. Fax:f. E-mail:g. Website:h. Contact person(s):i. Language(s): |

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| 2.2. contact details of OTHER competent AUTHORITY that is responsible for recognition and DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR enforcement of foreign protection orders (IF APPLICABLE)  |
| Please attach additional pages if there is more than one designated Competent Authority in your State / jurisdiction |
| [ ]  Judicial Authority  |
| [ ]  Administrative Authority  |
| [ ]  Other Authority |
| a. Organisation: - enter text here -  |
| b. Address: |
| c. Territorial or personal extent of functions, if applicable: |
| d Telephone: |
| e. Fax: |
| f. E-mail: |
| g. Website: |
| h. Contact person(s): |
| i. Language(s): |

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| 2.3. LANGUAGE REQUIREMENTS for applications to competent authorities |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) |
| 1. Does your State / jurisdiction require that a foreign application and related documents for recognition and declaration of enforceability or registration for enforcement be accompanied by a translation? If so, in what language?
 | * Yes
	+ Into official language of your State / jurisdiction. Please specify:
	+ Into another language. Please specify:
* No
 |
| 1. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory.
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| 2.4. cOmpetent AUTHORITIES OPERATION |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) |
| 1. What are the working days and hours of the Competent Authority?
 | Days of the week open: Opening time: Closing time:Shutdown periods (*e.g.,* public holidays, court closures):  |
| 1. Can the authority be accessed outside of working hours in case of emergency?
 | 🞏 Yes  Please specify contact details, if different from above: * No
 |
| 2.5. organisations / bodies PROVIDING ASSISTANCE TO APPLICANT |
| Are there other organisations / bodies that will help with an application for the recognition and enforcement of a foreign protection order?(Please also see Annex I) | * Yes. Please specify, with full contact details:
* No
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| **3.** **NECESSARY INFORMATION FOR APPLICATIONS FOR RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS**  |
| 3.1. What information is required to be included in an application for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (Please check all which apply) | About the protected person (applicant):* Full name
* Date and / or place of birth
* Personal identification number (such as social security or passport number)
* Mailing address
* Telephone, e-mail and other contact details
* Nationality / nationalities
* Other. Please specify:

About the person causing the risk (respondent):* Full name
* Date and / or place of birth
* Personal identification number (such as social security or passport number)
* Mailing address
* Telephone, e-mail and other contact details
* Nationality / nationalities
* Other. Please specify:

About the issuing Authority: * Name
* Mailing address
* Telephone, e-mail and other contact details
* Internal reference number of the case
* Other. Please specify:

About the protection order: * Information on the types of the measures included in the protection order
* Date of effect of the protection order
* Duration of the protection order
* Names of the parties to the protection order
* Renewability of the protection order
* Other. Please specify:

Other information: Please specify:  |
| 3.2. What documents are required for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply) | [ ]  A complete text of the order |
| [x]  A complete copy of the order certified by the competent authority in the State of origin |
| [ ]  An abstract or extract of the order drawn up by the competent authority of the State of origin, in lieu of the complete text of order |
| [x]  A document stating that the decision is enforceable in the State of origin  |
| [x]  If the protection order was rendered in default of appearance in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or to appeal it on fact and law  |
| [x]  Any other relevant document  |
|  Please specify: - documents concerning the enforcement of the decision if enforcement has already been attempted; - documents concerning the enforcement of the decision if the decision has already been enforced; - translations into Estonian of the following documents made by a sworn translator or authenticated by a notary:1) a transcript of the court decision authenticated pursuant to the requirements of the law of the state of the location of the court which made the decision; 2) a document which confirms that an action, summons or other document initiating the proceeding has been served in time on at least one occasion pursuant to the law of such state on the defendant or based on the decision, on another debtor who did not participate in the proceeding; 3) a document which certifies that the decision has entered into force pursuant to the law of the state where the decision was made and has been communicated to the defendant or based on the decision, another debtor; 4) documents concerning the enforcement of the decision if enforcement has already been attempted; 5) documents concerning the enforcement of the decision if the decision has already been enforced. |
| 3.3. Does your State / jurisdiction have a prescribed or preferred form for an application to recognise and enforce a protection order?  | * Yes, the standard form published by the Hague Conference
 |
| [ ]  Yes  |
|  Please attach a copy of the form or provide a website link or both:  - enter text here -  |
| [x]  No |
| 3.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | [x]  Yes  |
|  Please specify: According to act of Civil Procedure § 336 petitions and other documents which must be in written form may be submitted to the court electronically if the court is able to make printouts and copies of the submitted document. A document shall bear the digital signature of the sender or be transmitted in another similar secure manner which enables the sender to be identified. The sender is deemed to be clearly identifiable if a certificate of authenticity created with the aid of the private key of the sender is added to the e-mail. If petitions and other documents can be submitted to the proceedings information system maintained on a computer through the portal created for the purpose, these shall not be submitted by e-mail, unless there is good reason therefor. The Minister of Justice shall establish the list of documents to be submitted through the portal by a regulation.  |
| [ ]  No |
| 3.5. What is the average expected time from the submission of the application to the finalisation of the recognition and declaration of enforceability or registration for enforcement procedure (excluding appeals)? | [ ]  Within 24 hours |
| [ ]  Within 2 to 3 days |
| [ ]  Up to 1 week |
| [ ]  1 to 4 weeks |
| [ ]  4 to 6 weeks |
| [ ]  Other  |
|  Please specify: Data not available. There are no time limits introduced to the courts to adjudicate the matter of recognition and enforcement of court decisions and other enforcement instruments of foreign states.  |
| 3.6. Can the merits of the protection order be reviewed in recognition and declaration of enforceability or registration for enforcement procedures? | [ ]  Yes |
|  Please specify: - enter text here -  |
| [x]  No |
| 3.7. Is recognition and declaration of enforceability or registration for enforcement of a severable part of a foreign protection order possible in your State / jurisdiction? | [x]  Yes |
|  Please specify: A petition for declaring a court decision of a foreign state enforceable is annexed thereto a document which certifies that the decision has entered into force pursuant to the law of the state where the decision was made and has been communicated to the defendant or based on the decision, another debtor. Recognition and enforcement of a severable part of such court decision or other enforcement istrument of a foreign state is on restricted; a party can determine the scope/range of using its procedural rights.  |
| [ ]  No |

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| **4. eligible APPLICANTs for recognition and enforcement**  |
| Who can apply for the recognition and enforcement of a foreign protection order? (check all which apply) | [x]  The intended protected person |
| [x]  A representative or advocate of the intended protected person.  |
|  Please specify any criteria: The right of representation gives a representative the right to perform all procedural acts in the name of the person represented  |
| [ ]  Any interested party |
| [ ]  Other  |
|  Please specify: - enter text here -  |

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| **5. TYPES AND FEATURES OF PROTECTION ORDERS WHICH MAY BE RECOGNISED AND ENFORCED IN YOUR STATE / JURISDICTION** |
| * 1. Foreign protection orders addressing what types of behaviours can be recognised and enforced in your State / jurisdiction? (please check all which apply)
 | [x]  Contacting or communicating with the protected person |
| [x]  in person |
| [x]  by way of a third party |
| [x]  by mail  |
| [x]  by e-mail  |
| [x]  by phone  |
| [x]  by other means.  |
|  Please specify: - enter text here -  |
| [x]  Approaching or being in physical proximity to the protected person  |
|  Distance requirement? - enter text here -  |
| [x]  General harassment of the protected person  |
| [x]  Molestation / annoyance of the protected person |
| [x]  Staying away from a certain place  |
|  Please describe: - enter text here -  |
| [x]  Forwarding or disseminating personal data or photos of the protected person |
| [x]  Possession of weapons |
| [x]  Behaviours at the discretion of the judge or other competent authority in an individual case |
| [x]  Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order |
| [x]  Other specific behaviours  |
|  Please specify: According to Law of Obligations Act § 1055 in the case of bodily injury, damage to health, violation of inviolability of personal life or any other personality rights, it may be demanded, inter alia, that the tortfeasor be prohibited to approach other persons (restraining order), the use of housing or communication be regulated or other similar measures be applied. List of the measures to apply is open and the actual measure depends on the circumstances of the case. therefore also the recognition. Therefore recognition of protection measures is not limited to a specific behaviour that is subject to the protection measure. |
| * 1. Protection orders for the benefit of what categories of protected persons can be recognised and enforced in your State / jurisdiction? (please check all which apply)
 | [x]  Married persons |
| [x]  Formerly married persons |
| [x]  Divorcing persons |
| [x]  Women only  |
| [x]  Unmarried couples  |
| [x]  Family members |
| [x]  Roommates / housemates  |
| [x]  Children of the intended protected person |
| [x]  Other relatives of the intended protected person  |
| [x]  Persons who are not in any kind of intimate or cohabitation relationship  |
| [x]  Other individuals  |
|  Please specify: In Estonia a protection measure may be ordered to protect basically anyone who has suffered from bodily injury, damage to health, violation of inviolability of personal life or any other personality rights. Therefore recognition of protection measures is not limited to measures for the benefit of specific categories of persons.  |
| * 1. Against whom can foreign protection orders be recognised and enforced in your State / jurisdiction? (please check all which apply)
 | [x]  An individual perpetrator or potential perpetrator  |
| [ ]  Family members of the principal perpetrator or potential perpetrator |
| [ ]  Other individuals  |
|  Please specify: - enter text here -  |

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| * 1. Can supplementary matters included in a foreign protection order, which may or may not be directly related to the immediate safety of the protected person, also be recognised and enforced in your State / jurisdiction?
 | [x]  Yes:  |
| [x]  Temporary maintenance orders |
| [x]  Temporary child custody orders |
| [x]  Protection of property |
| [x]  Mandatory counselling |
| [x]  Monetary reimbursement of damages to the protected person |
| [x]  Seizure of property of the respondent |
| [x]  Other  |
|  Please specify: Upon adjudication of a petition for declaring a court decision of a foreign state enforceable, the court examines the prerequisites for recognition of the court decision. In case the court decision meets the prerequisites for recognition of the court decision, the court declares the court decision enforcable (§ 623 (1) of the Code of Civil Procedure). There are no restricting rules concerning declaring enfoceability of different claims.  |
| [ ]  No |
| * 1. Foreign protection orders of what duration can be recognised and enforced in your State / jurisdiction? (please check all which apply)
 | [ ]  Orders which have a minimum duration  |
|  Please specify: There is no similar concept in Estonian law, therefore we cannot answer to such abstract question |
| [x]  Orders which have a maximum duration |
|  Please specify: If a court decision declared to be subject to enforcement is annulled or amended in the state of the location of the court which made the decision, and the debtor can no longer rely on such fact in the proceeding for declaring the decision enforceable, the debtor may file a petition for annulment or amendment of the declaration of enforceability of the decision with the court which declared the decision to be subject to enforcement (§ 624 (1)).  |
| [x]  Orders which are of a fixed duration |
|  Please specify: According to § 544 (1) of Code of Civil Procedure such measures may be applied with a term of up to three years. If circumstances change, the court may cancel or alter a restraining order or another measure for protection of personality rights (§ 548).  |
| [x]  Orders which are of a duration according to judicial / other instituting authority’s discretion |
| [ ]  Orders which are renewable |
|  Please describe: There is no similar concept in Estonian law, therefore we cannot answer to such abstract question. This also applies to the orders of indefinite duration |
| [x]  Orders which are not renewable |
|  Please describe: - enter text here -  |
| [ ]  Lifetime or indefinite orders |
| * 1. Does your State / jurisdiction recognise and enforce foreign protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)?
 | [x]  Yes |
|  Please describe any specific treatment of these types of orders: According to § 620 of Code of Civil Procedure a court decision in a civil matter made by a foreign state is subject to recognition in the Republic of Estonia, except in the case where: 1) recognition of the decision would be clearly contrary to the essential principles of Estonian law (public order) and, above all, the fundamental rights and freedoms of persons; 2) the defendant or other debtor was unable to reasonably defend the rights thereof and, above all, if the summons or other document initiating the proceeding was not served on time and in the requisite manner, unless such person had a reasonable opportunity to contest the decision and the person failed to do so within the prescribed term; 3) the decision is in conflict with an earlier decision made in Estonia in the same matter between the same parties or if an action between the same parties has been filed with an Estonian court; 4) the decision is in conflict with a decision of a foreign court in the same matter between the same parties which has been earlier recognised or enforced in Estonia; 5) the decision is in conflict with a decision made in a foreign state in the same matter between the same parties which has not been recognised in Estonia, provided that the earlier court decision of the foreign state is subject to recognition or enforcement in Estonia; 6) the court which made the decision could not make the decision in compliance with the provisions of Estonian law regulating international jurisdiction. A court decision of a foreign state is recognised in Estonia only if the decision has entered into force pursuant to the law of the state which made the decision unless, pursuant to law or an international agreement, such decision is subject to recognition and enforcement as of the time such decision can be enforced in the state of the location of the court which made the decision.§ 621 of Code of Civil Procedure stipulates that unless otherwise provided by law or an international agreement, a court decision of a foreign state is subject to enforcement in Estonia only after the decision has been declared to be subject to enforcement by the Estonian court.According to § 627 of Code of Civil Procedure the same provisions correspondingly apply to the recognition and enforcement of enforcement instruments notarised in a foreign state or other public enforcement orders, unless otherwise provided by this section. A public document prepared in a foreign state is recognised in Estonia as an enforcement instrument if: 1) its format complies with the requirements set for enforcement instruments subject to immediate enforcement prepared in Estonia, and 2) it is subject to immediate enforcement is the state of its preparation, and 3) it is not contrary to Estonian public order.There are no specific rules for a recognition and enforcement of foreign protection orders considered to be of an interim or emergency nature  |
| [ ]  No |

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| 6. grounds for refusal of recognition AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT of a foreign protection order |
| What are the grounds for refusal of recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply) | [x]  Review of jurisdictional grounds of issuing competent authority  |
|  Please specify: According to § 623 of the Code of Civil Procedure the court does not verify the correctness of the court decision in the part of the merits of the matter.  |
| [x]  The recognition and / or enforcement is manifestly incompatible with the public policy (“*ordre public*”) of your State / jurisdiction  |
| [ ]  The protection order was obtained by fraud in connection with a matter of procedure |
| [x]  Proceedings between the same parties and having the same purpose are pending before an authority of your State / jurisdiction and those proceedings were the first to be instituted |
| [x]  The protection order is incompatible with an order rendered between the same parties and having the same purpose, either in your State / jurisdiction or in another State, and this latter order fulfils the conditions necessary for recognition and declaration of enforceability or registration for enforcement in your State / jurisdiction  |
| [x]  In a case where the protection order was rendered in default of appearance in the State of origin, the respondent had neither proper notice of the proceedings and an opportunity to be heard, nor proper notice of the order and the opportunity to challenge or appeal it on fact and law |
| [x]  Other  |
|  Please specify: the court which made the decision could not make the decision in compliance with the provisions of Estonian law regulating international jurisdiction (§ 620 (1) 6) of Code of Civil Procedure). |

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| 7. PROTECTION ORDERS IN THE CONTEXT OF THE 1980 CHILD ABDUCTION CONVENTION AND THE 1996 CHILD PROTECTION CONVENTION |
| 7.1. Is your State is a Party to the 1980 Child Abduction Convention? *(Convention of 25 October 1980 on the Civil Aspects of International Child Abduction)* | [x]  Yes |
| [ ]  No |
| 7.2. If your State is a Party to the 1980 Child Abduction Convention, please indicate the mechanisms that are used in your State / jurisdiction to recognise and enforce a protection order made in a foreign State to protect an accompanying parent upon the return of a child under the 1980 Child Abduction Convention(please check all which apply). | [ ]  Mirror orders |
| [ ]  Voluntary undertakings |
| [x]  Recognition and enforcement of foreign protection orders under another international instrument  |
|  Please specify: - enter text here -  |
| [x]  Recognition and enforcement of foreign protection orders under domestic law (including rules of private international law)  |
|  Please specify: - enter text here -  |
| [ ]  Other  |
|  Please specify: - enter text here -  |

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| 7.3. If your State is also a Party to the 1996 Child Protection Convention *(Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children),* are provisions of this Convention (*e.g.*, Art. 11 relating to necessary measures of protection in cases of urgency) utilised in order to protect an accompanying parent when a return order of a child is issued under the 1980 Child Abduction Convention by a competent authority in your State / jurisdiction?  | [ ]  Yes  |
|  Please specify: - enter text here -  |
| [ ]  No |

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| 8. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS |
| 8.1. Please list any additional bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which cover the recognition and enforcement of foreign protection orders (in addition to legislation listed in Part IV, Section 1): | Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (will be binding in the future)Treaty of Republic of Estonia and the Russian Federation on Legal Assistance and Legal Relations in Civil, Family and Criminal MattersTreaty of Republic of Estonia and Ukraine on Legal Assistance and Legal Relations in Civil, Family and Criminal MattersTreaty of Republic of Estonia and Republic of Poland on Legal Assistance and Legal Relations in Civil, Labour and Criminal MattersTreaty of Republic of Estonia, Republic of Latvia and Republic of Lithuania on Legal Assistance and Legal Relations |
| 8.2. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings: | The European Union will provide a coordinated reply regarding Regulation (EU) No 606/2013.Listed treaties do not contain specific regulation concerning recognition and enforcement of protection orders |

part V: protection order regimes / types of orders available in your State / jurisdiction and applicationS for establishment of National protection orders

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| 1. Relevant legislation on NATIONAL protection orders |
| * 1. Does your State / jurisdiction currently have protection order regime(s) in force?

 (Please attach additional pages if there is more than one type of protection order available in your State / jurisdiction) | [ ]  No |
| [x]  Yes |
|  Pleaseprovide a reference to the protection order regime, with the date and title of legislation(s) or a reference to relevant case law: The regulation for protection orders in civil matters is provided in § 1055 (1) of Law of Obligation Act and Chapter 55 of Code of Civil Procedure, provisional legal protection Chapter 40 of Code of Civil ProcedureThe regulation for protection orders in criminal matters is provided in § 141.1 of Code of Criminal Procedure  |
|  Please list any Internet weblink(s) to the legislation or case law, if available:  The translation of Law of Obligation Act is available on the web site: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/506112013011/consolideThe translation of the Code of Civil Procedure is available on the web site: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/511072014015/consolideThe translation of the Code of Criminal Procedure is available on the web site: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/522082014002/consolide  |
|  The protection order regime, from the perspective of your State / jurisdiction, is considered to be of the following character: - enter text here -  |
| [x]  Civil  |
| [ ]  Administrative |
| [x]  Criminal  |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| * 1. If protection order regime(s) exist in your State / jurisdiction, are modifications of the existing regime(s) contemplated?
 | [ ]  Yes  |
|  Please specify: - enter text here -  |
| [x]  No |
| * 1. If there is no protection order regime in force in your State / jurisdiction, are there plans to legislate in this area in the future?
 | [ ]  Yes  |
|  Please specify: - enter text here -  |
| [ ]  No |

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| 2. COMPETENT AUTHORITIES RESPONSIBLE FOR establishing national PROTECTION ORDERS  |
| 2.1. Which courts or authorities are competent to issue protection orders? (please check all which apply) | [ ]  Family courts  |
| [x]  Courts of general jurisdiction  |
| [ ]  Specialised domestic violence courts |
| [x]  Civil courts  |
| [x]  Criminal courts  |
| [ ]  Administrative authorities.  |
|  Please specify: - enter text here -  |
| [ ]  Police authorities  |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| Comments:       |

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| **2.2 CONTACT DETAILS OF COMPETENT AUTHORITY RESPONSIBLE FOR ESTABLISHING NATIONAL** **PROTECTION ORDERS** |
| a. Organisation:b. Address:c. Territorial or personal extent of functions, if applicable:d Telephone:e. Fax:f. E-mail:g. Website:h. Contact person(s):i. Language(s): |

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| 2.3. contact details of OTHER competent AUTHORITY RESPONSIBLE FOR ESTABLISHING NATIONAL PROTECTION ORDERS (IF APPLICABLE)  |
| Please attach additional pages if there is more than one designated Competent Authority in your State / jurisdictiona. Organisation:b. Address:c. Territorial or personal extent of functions, if applicable:d Telephone:e. Fax:f. E-mail:g. Website:h. Contact person(s):i. Language(s): |

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| 2.4. organisations /bodies PROVIDING ASSISTANCE TO APPLICANT |
| Are there organisations / bodies that will help applicants with filing applications for the establishment of a protection order?(Please also see Annex I) | * Yes. Please specify, with full contact details:
* No
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| 2.5. LANGUAGE REQUIREMENTS FOR applications to competent authorities (ESTABLISHMENT APPLICATIONS) |
| 🞏 The responses to questions in this Section are the same as for Part IV, Section 2.3(if so, please go to next Section)  |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) |
| a. What language does your State / jurisdiction require for any application and related documents for establishment of a protection order?  | * Official language of your State / jurisdiction. Please Specify:
* Other languages are accepted. Please specify:
 |
| b. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory.  |  |

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| 2.6. cOmpetent AUTHORITIES OPERATION |
| 🞏 The responses to questions in this Section are the same as for Part IV, Section 2.4 (if so, please go to next Section) |
| Please provide answers for each Competent Authority if there is more than one designated in your State / jurisdiction (attach additional pages) |
| a. What are the working days and hours of the Competent Authority? | Days of the week open:Opening time:Closing time:Shutdown periods (*e.g.,* public holidays, court closures):  |
| b. Can the Competent Authority be accessed outside of working hours in case of emergency? | * Yes

Please specify contact details, if different from above: * No
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| **3. TYPES AND FEATURES OF DOMESTIC PROTECTION ORDERS** |
| 3.1. What types of behaviours do protection orders in your State / jurisdiction obligate an individual to refrain from or to do? (please check all which apply) | [x]  Contacting or communicating with the protected person |
| [x]  in person |
| [x]  by way of a third party |
| [x]  by mail  |
| [x]  by e-mail  |
| [x]  by phone  |
| [x]  by other means.  |
|  Please specify**:**  - enter text here -  |
| [x]  Approaching or being in physical proximity to the protected person |
|  Distance requirement? - enter text here -  |
| [x]  General harassment of the protected person  |
| [x]  Molestation / annoyance of the protected person |
| [x]  Staying away from a certain place  |
|  Please describe: - enter text here -  |
| [x]  Forwarding or disseminating personal data or photos of the protected person |
| [x]  Possession of weapons |
| [x]  Behaviours at the discretion of the judge or other competent authority in an individual case |
| [x]  Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order |
| [x]  Other specific behaviours  |
|  Please specify: Section 1055 paragraph 1 of the Estonian Law of Obligations Act provides, that if unlawful damage is caused continually or a threat is made that unlawful damage will be caused, the victim or the person who is threatened, has the right to demand that behavior which causes damage be terminated or the making of threats with such behavior be refrained from. In the case of bodily injury, damage to health, violation of inviolability of personal life or any other personality rights, it may be demanded, inter alia, that the tortfeasor be prohibited to approach other persons (restraining order), the use of housing or communication be regulated or other similar measures be applied. Section 1055 paragraph 1 provides for an open catalogue of protection measures. Due to the fact, that also “other similar measures may be applied”, one cannot exclude the possibility that measures, which are not expressis verbis mentioned in section 1055 paragraph 1 could also be applied. However the most common protection orders used in Estonia are a prohibition to approach the protected person, staying away from certain places and prohibition of communicating or contacting the protected person.       |
| 3.2. For whom are protection orders available (*i.e.*, who are the intended protected persons)? (please check all which apply) | [x]  Married persons |
| [x]  Formerly married persons |
| [x]  Divorcing persons |
| [x]  Women only  |
| [x]  Unmarried couples  |
| [x]  Family members |
| [x]  Roommates / housemates  |
| [x]  Children of the intended protected person |
| [x]  Other relatives of the intended protected person  |
| [x]  Persons who are not in any kind of intimate or cohabitation relationship  |
| [x]  Other individuals  |
|  Please specify: A protection measure may be ordered to protect basically anyone who has suffered from bodily injury, damage to health, violation of inviolability of personal life or any other personality rights.      |
| 3.3. Against whom are the protection orders available? (please check all which apply) | [x]  An individual perpetrator or potential perpetrator  |
| [ ]  Family members of the principal perpetrator or potential perpetrator |
| [ ]  Other individuals  |
|  Please specify: - enter text here -  |
| 3.4. Please indicate who in your State / jurisdiction is able to apply for / initiate the establishment of a protection order (please check all which apply). | [x]  The intended protected person (*i.e*. the victim or potential victim who will be protected by the order) |
| [ ]  Family member(s) of the protected person  |
|  Please specify: - enter text here -  |
| [ ]  Public prosecutor |
| [ ]  Police officials |
| [ ]  A judge *ex officio*  |
| [ ]  Other public authority or official  |
|  Please specify: - enter text here -  |
| [x]  Other advocate for the protected person  |
|  Please specify: The right of representation gives a representative the right to perform all procedural acts in the name of the person represented |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| 3.5. If possible, please indicate the actions or potential actions in response to which the protection orders are put in place (please check all which apply). | [x]  Domestic and family violence |
| [x]  Sexual assault |
| [x]  Dating violence |
| [x]  Stalking |
| [x]  Forced marriage |
| [x]  So-called “honour crimes” |
| [x]  Human trafficking |
| [x]  Other general criminal or harmful behaviour |
| [x]  Other behaviours / situations  |
|  Please specify : Basically all violations of personality rights may give grounds for ordering a protection measure. But one must also take into account the restrictions set forth on section 1055 paragraph 2 of the Law of Obligations Act. Namely the right to demand that behaviour which causes damage as specified in paragraph 1 of section 1055 of the Law of Obligations Act be terminated does not apply if it is reasonable to expect that such behaviour can be tolerated in human co-existence or due to significant public interest. In such case, the victim has the right to make a claim for compensation for unlawfully caused damage.       |
| 3.6. Can supplementary matters, which may or may not be directly related to the immediate safety of the protected person, be included in a protection order? | [x]  Yes; |
| [ ]  Temporary maintenance orders |
| [ ]  Temporary child custody orders |
| [ ]  Protection of property |
| [ ]  Mandatory counselling |
| [ ]  Monetary reimbursement of damages to the protected person |
| [ ]  Seizure of property of the respondent |
| [x]  Other  |
|  Please specify: A court may proceed an application for getting a protection order together with other claims, however they are not subject to the protection order  |
| [ ]  No |
| 3.7. Please specify whether the protection orders (which are *not* of an interim or emergency nature) in your State / jurisdiction (please check all which apply):  | [ ]  Have a minimum duration  |
|  Please specify: - enter text here -  |
| [x]  Have a maximum duration  |
|  Please specify: According to § 544 (1) of Code of Civil Procedure such measures may be applied with a term of up to three years. If circumstances change, the court may cancel or alter a restraining order or another measure for protection of personality rights (§ 548).  |
| [x]  Are of a fixed duration  |
|  Please specify: Protection orders of a fixed duration are also covered by the regulation of § 544 (1) of the Code of Civil Procedure  |
| [ ]  Are of a duration according to judicial / other instituting authority’s discretion |
| [ ]  Are renewable  |
|  Please describe: - enter text here -  |
| [ ]  Are not renewable  |
|  Please describe: - enter text here -  |
| [ ]  Lifetime or indefinite orders |
| 3.8. Generally, what is the expected time from the submission of an application to a final order (excluding appeals)? | [ ]  Within 24 hours |
| [ ]  Within 2 to 3 days |
| [ ]  Up to 1 week |
| [ ]  1 to 4 weeks |
| [ ]  4 to 6 weeks |
| [ ]  Other  |
|  Please specify: Data not available. There are no time limits introduced to the courts to adjudicate the matter of recognition and enforcement of court decisions and other enforcement instruments of foreign states.  |
| 3.9. Does your State / jurisdiction offer protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)? | [x]  Yes  |
|  Please describe the main features of these orders, including information as to when the respondent is notified and has an opportunity to be heard and / or challenge such an order and until when these orders are effective: Where necessary, the court may secure a petition for application of a restraining order or another measure for protection of personality rights or apply provisional legal protection by a ruling at its own initiative. As a measure of provisional legal protection, measures for securing the action may be applied pursuant to the procedure for securing an action (§ 546 of Code of Civil Procedure). The defendant and other participants in the proceeding are not notified of the hearing of a petition for securing an action. If this is clearly reasonable and, above all, if provisional regulation of the disputed legal relationship is requested by the petition, the court may first hear the defendant (§ 384 (3) of Code of Civil Procedure).A party may file an appeal against a ruling by which a county court or circuit court secures an action, substitutes one measure for securing an action with another or cancels the securing of an action. The filing of an appeal against a ruling does not suspend the enforcement of the ruling on securing the action. The filing of an appeal against a ruling on cancelling the securing of an action or the substitution of one measure for securing an action with another suspends the enforcement of the ruling (§ 390 of Code of Civil Procedure).If the circumstances change and, above all, the cause for securing an action ceases to exist or due to another reason provided by law, the court may cancel the securing of an action based on the request of a party. The court cancels the securing of an action by a court judgment if the action is not satisfied, or by a ruling if the action is not accepted or the proceeding in the matter is terminated. The court also cancels the securing of an action if the securing of the action was decided by another court unless otherwise provided by the law. A ruling on securing an action in a family matter may also be amended or annulled at the initiative of the court.  |
| [ ]  No |

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| 4. Availability of protection orders for visitors to your State / jurisdiction  |
| Can an individual in need of protection while temporarily visiting your State / jurisdiction obtain a protection order in your State / jurisdiction for the duration of his / her visit?  | [x]  Yes  |
|  Please specify: If an Estonian court has jurisdiction, then a person in need for protection can apply for a protection measure in Estonia.  |
| [ ]  No |
| Comments: - enter text here -  |

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| 5. Jurisdictional Grounds and law applicable to protection orders in your State / jurisdiction |
| 5.1. Please specify the grounds upon which domestic competent authorities may assume jurisdiction for the establishment of protection orders (check all which apply). | [ ]  Physical presence in the State / jurisdiction of the person seeking protection |
| [ ]  Future physical presence in the State / jurisdiction of the person seeking protection |
| [x]  Physical presence of the defendant in the State / jurisdiction |
| [x]  Other  |
|  Please specify: place of performance of the act or occurrence of the event which caused the damage or the place where the damage was caused.In case a protection order is needed in family matter an Estonian court is competent if the person in need is a citizen of the Republic of Estonia, or his or her residence is in Estonia; the person needs the protection of an Estonian court due to another reason, including the case where the property of the person is located in Estonia.Provisional legal protection in a family matter on petition can be applied by each court within whose territorial jurisdiction a measure must be applied. |
| Comments: - enter text here -  |
| 5.2. Please specify what law will be applicable to the establishment of a protection order in your State / jurisdiction.  | [x]  Law of the forum |
| [x]  Other law |
|  Please specify, indicating relevant conflict of law rules: Claims arising from unlawful causing of damage shall be governed by the law of the state where the act or event which forms the basis for causing the damage was performed or occurred. If the consequences do not become evident in the state where the act or event which formed the basis for causing the damage was performed or occurred, the law of the state where the consequences of the act or event became evident shall be applied at the request of the injured party. |

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| 6. necessary information for appLICATIONs FOR establishment of NATIONAL protection orders  |
| 6.1. Does your State / jurisdiction have a prescribed or preferred form for an application to establish a protection order?  | * Yes, standard form for establishment published by the Hague Conference
 |
| [ ]  Yes  |
|  Please attach a copy of the form or provide a website link or both:  - enter text here -  |
| [x]  No |
| 6.2. What information is required to be included in an application to establish a protection order? | About the applicant:🞎 Full name * Date and / or place of birth
* Personal identification number (such as social security or passport number)
* Mailing address
* Telephone, e-mail and other contact details
* Nationality / nationalities
* Other. Please specify:

About the respondent:* Full name
* Date and / or place of birth
* Personal identification number (such as social security or passport number)
* Mailing address
* Telephone, e-mail and other contact details
* Nationality / nationalities
* Other. Please specify:

Other information:Please specify: |
| 6.3. What documents are required for an application to establish a protection order? Please specify. |  The evidence in proof of the circumstances which constitute the cause of the action, and a specific reference to the facts which the plaintiff wants to prove with each piece of evidence; |
| 6.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | [x]  Yes  |
|  Please specify: According to act of Civil Procedure § 336 petitions and other documents which must be in written form may be submitted to the court electronically if the court is able to make printouts and copies of the submitted document. A document shall bear the digital signature of the sender or be transmitted in another similar secure manner which enables the sender to be identified. The sender is deemed to be clearly identifiable if a certificate of authenticity created with the aid of the private key of the sender is added to the e-mail. If petitions and other documents can be submitted to the proceedings information system maintained on a computer through the portal created for the purpose, these shall not be submitted by e-mail, unless there is good reason therefor. The Minister of Justice shall establish the list of documents to be submitted through the portal by a regulation.  |
| [ ]  No |

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| 7. APPLICATIONS TO MODIFY protection orders  |
| 7.1. In addition to application contents specified in Section 6.2, what information is required in order to process an application to modify a protection order established in your State / jurisdiction?  | About the applicant:Please specify:About the respondent:Please specify:  |
| 7.2. What documents are required for an application to modify a protection order established in your State / jurisdiction? (please check all which apply) | [ ]  Complete text of the existing protection order |
| [x]  Other / additional documents  |
|  Please specify: the evidence in proof of the circumstances which constitute the cause of the action, and a specific reference to the facts which the plaintiff wants to prove with each piece of evidence |
| 7.3. On what grounds can an application be filed for modification of a protection order established in your State / jurisdiction? (please check all which apply) | [x]  Changed circumstances of the protected person so as to justify the modification  |
| [x]  Changed circumstances of the person causing the risk so as to justify the modification |
| [x]  Other  |
|  Please specify: If circumstances change, the court may cancel or alter a restraining order or another measure for protection of personality rights. Before cancelling or altering a measure, the court hears the participants (§ 548 of Code of Civil Procedure). |

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| 7.4. Does your State / jurisdiction have a prescribed or preferred form for an application to modify a protection order made in your State?  | * Yes, standard form for modification published by the Hague Conference
 |
| [ ]  Yes  |
|  Please attach a copy of the form or provide a website link or both:  - enter text here -  |
| [x]  No |
| 7.5. Can your State / jurisdiction accept an application and related documents transmitted by electronic means? | [x]  Yes |
| [ ]  No |

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| 8. RESPONDENT’S RIGHTS |
| Please answer questions in this section for the protection order regimes in your State / jurisdiction which are not considered to be of an interim or emergency nature (covered in Section 3.9., above) |
| 8.1 Does the respondent have an opportunity to be heard in proceedings for protection orders in your State / jurisdiction? | [x]  Yes, always |
| [ ]  It depends upon the particular case and is at the discretion of the judge / authority hearing the case  |
|  Please specify: - enter text here -  |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| 8.2 Is the respondent given notice when a protection order is rendered or modified? | [x]  Yes |
| [ ]  No |
| Comments: - enter text here -  |
| * 1. Please describe any other important features of respondent rights.
 |  - enter text here -  |

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| **9. APPLICANT’S RIGHTS AND SUPPLEMENTARY SERVICES** |
| 9.1. Does the intended protected person have an opportunity to be heard in proceedings for protection orders in your State / jurisdiction? | [x]  Yes, always  |
| [ ]  It depends upon the particular case and is at the discretion of the judge / authority hearing the case  |
|  Please specify: - enter text here -  |
| [ ]  Other  |
|  Please specify: - enter text here -  |
| 9.2. Is the protected person or his / her representative given notice when a protection order is rendered or modified?  | [x]  Yes |
| [ ]  No |
| Comments:       |

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| 9.3. Are there any support services available in your State / jurisdiction for victims of domestic violence or other crimes / behaviours (*e.g.*, such as those described in Section 3.5., above)?  | [x]  Yes. Please complete Annex I describing services and providing contact details.  |
| [ ]  No |
|  If existent, are these services also available for non-nationals or non-residents of your State / jurisdiction? (*i.e.*, are they also available to foreigners?) | [x]  Yes |
| [ ]  No  |
| Comments: Women's shelters are open also for non-nationals.      |

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| 10. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS generally addressing protection orders[[6]](#footnote-6) |
| 10.1. Please list any bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which address protection orders generally:  | The European Union will provide a coordinated reply regarding the relevant EU instruments.Council of Europe Convention on preventing and combating violence against women and domestic violence (will be binding in the future) |
| 10.2. Please provide relevant Internet weblink(s), if available:  |       |
| 10.3. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings: |  - enter text here -  |

part VI: other general information on NATIONAL protection orderS and recognition and enforcement of FOREIGN protection orderS

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| 1. Legal representation and assistance |
| * 1. Is legal representation required in proceedings concerning national protection orders or for the recognition and enforcement of a foreign protection order?
 | [ ]  Yes |
| [x]  No |
| [ ]  No, but recommended. |
| Comments: - enter text here -  |
| * 1. If legal representation is required in proceedings, can those other than lawyers represent the parties?
 | [ ]  Yes  |
|  Please specify: - enter text here -  |
| [ ]  No |
| * 1. Is free or reduced rate legal assistance available to an applicant for a protection order or for its recognition and enforcement in your State / jurisdiction?
 | [ ]  Yes, free legal assistance |
| [ ]  Yes, reduced rate legal assistance |
| [x]  No |
| Comments: Participant can request a procedural assistance by the state for covering procedural expenses according to Chapter 18 Section 6 of Code of Civil Procedure. |

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| * 1. If free or reduced rate legal assistance is not available, in what other ways can your State / jurisdiction assist an applicant financially?
 | [x]  There is a system of costs ordering the respondent to pay |
| [x]  Pro bono legal assistance |
| [x]  Other  |
|  Please specify: Participant can request a procedural assistance by the state for covering procedural expenses according to Chapter 18 Section 6 of Code of Civil Procedure. |
| [ ]  Not at all |
| * 1. Is free or reduced rate legal assistance available to the respondent?
 | [ ]  Yes, free legal assistance |
| [ ]  Yes, reduced rate legal assistance |
| [x]  No |
| * 1. Please indicate on what basis free or reduced rate legal assistance may be available.
 | [x]  Income of the applicant  |
|  Please specify: Procedural assistance is not granted to a natural person if the procedural expenses are not presumed to exceed twice the average monthly income of the person requesting procedural assistance calculated on the basis of the average monthly income of the last four months before the submission of the petition, from which taxes and compulsory insurance payments and amounts prescribed to fulfil a maintenance obligation arising from law, likewise reasonable expenses on housing and transport have been deducted  |
| [x]  Assets of the applicant  |
|  Please specify: Procedural assistance is not granted to a natural person if the person requesting procedural assistance is able to cover the procedural expenses out of the existing assets which can be sold without any major difficulties and against which a claim for payment can be made pursuant to law  |
| [ ]  Age of the applicant  |
|  Please specify: - enter text here -  |
| [x]  Country of residence of the applicant |
|  Please specify: Procedural assistance is granted to a participant in a proceeding who, at the time of filing the petition for grant of procedural assistance, has residence in the Republic of Estonia or another Member State of the European Union or is a citizen of the Republic of Estonia or another Member State of the European Union. Other participants in the proceeding are granted procedural assistance only if this arises from an international agreement. |
| [x]  Likelihood of success of the proceedings  |
| [ ]  Other |
|  Please specify: - enter text here -  |
| * 1. Which costs are covered by free or reduced rate legal assistance?
 | [x]  Translation  |
| [x]  Interpretation |
| [x]  Service of documents  |
| [x]  Court fees |
| [x]  Lawyer fees  |
| [x]  Other  |
| Please specify: the costs related to witnesses, experts, interpreters and translators as well as the costs of persons not participating in the proceeding incurred in connection with examinations to be compensated for pursuant to the Forensic Examination Act; the costs related to obtaining documentary evidence and physical evidence; the costs related to inspection, including necessary travel expenses incurred by the court; the costs of issuing procedural documents; the costs related to the determination of the value of the civil matter. |
| * 1. Does your State / jurisdiction have a prescribed or preferred form for an application for free or reduced rate legal assistance?
 | [x]  Yes  |
|  Please attach a copy of the form or provide a website link or both: https://www.riigiteataja.ee/aktilisa/1291/0201/3013/JM\_m32\_lisa1.pdf#enter http://www.riigioigusabi.ee/applications  |
| [ ]  No |
| * 1. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?
 | [x]  Yes  |
|  Please specify: According to act of Civil Procedure § 336 petitions and other documents which must be in written form may be submitted to the court electronically if the court is able to make printouts and copies of the submitted document. A document shall bear the digital signature of the sender or be transmitted in another similar secure manner which enables the sender to be identified. The sender is deemed to be clearly identifiable if a certificate of authenticity created with the aid of the private key of the sender is added to the e-mail. If petitions and other documents can be submitted to the proceedings information system maintained on a computer through the portal created for the purpose, these shall not be submitted by e-mail, unless there is good reason therefor. The Minister of Justice shall establish the list of documents to be submitted through the portal by a regulation.  |
| [ ]  No |

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| 2. challenges / Appeals |
| * 1. Can the establishment of a domestic protection order or the recognition and / or enforcement of a foreign order be appealed?
 | [x]  Yes  |
|  Please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: A ruling on application of a restraining order or another measure for protection of personality rights is subject to appeal by the persons obligated to comply therewith.A ruling whereby the court refuses to satisfy a petition for applying a restraining order or another measure for protection of personality rights, or cancels or alters such measure is subject to appeal by the person who requested application of the measure or in whose interests the measure was applied.The claimant may file an appeal against a ruling on refusal to declare a court decision of a foreign state to be subject to enforcement or a ruling on annulment of declaring such decision enforceable. The claimant and the debtor may file an appeal against a ruling on declaring a court decision of a foreign to be subject to enforcement or a ruling on amendment of declaring such decision enforceable. The term for filing an appeal against a ruling is one month after the date of service of the ruling or, in the case of service of the ruling in a foreign state, two months after the date of service thereof.A ruling of a county court is subject to appeal pursuant to law, the ruling of the circuit court made concerning the appeal against the ruling is also subject to appeal to the Supreme Court. |
| [ ]  No |
| Comments: - enter text here -  |
| * 1. Who can initiate the appeal process?
 | [ ]  Either applicant or respondent |
| [x]  Other |
|  Please specify: A ruling on application of a restraining order or another measure for protection of personality rights is subject to appeal by the persons obligated to comply therewith.A ruling whereby the court refuses to satisfy a petition for applying a restraining order or another measure for protection of personality rights, or cancels or alters such measure is subject to appeal by the person who requested application of the measure or in whose interests the measure was applied.The claimant may file an appeal against a ruling on refusal to declare a court decision of a foreign state to be subject to enforcement or a ruling on annulment of declaring such decision enforceable. The claimant and the debtor may file an appeal against a ruling on declaring a court decision of a foreign to be subject to enforcement or a ruling on amendment of declaring such decision enforceable. The term for filing an appeal against a ruling is one month after the date of service of the ruling or, in the case of service of the ruling in a foreign state, two months after the date of service thereof. |
| * 1. On what grounds can an appeal be initiated? Please specify.
 | An appeal can only rely on the allegation that the judgment of the court of first instance is based on a violation of a legal provision or that, pursuant to the circumstances and evidence which must be taken into consideration in appeal procedure (§ 652 of Code of Civil Procedure), a judgment different from the judgment made by the court of first instance should be made by way of appeal proceedings (§ 631 (1) of Code of Civil Procedure).New circumstances and evidence may be submitted in order to substantiate an appeal against a ruling (§ 662 (3) of Code of Civil Procedure). |
| * 1. Is leave to appeal required?
 | [ ]  Yes |
| [ ]  No |
| [x]  In certain circumstances  |
|  Please specify: The Supreme Court decides to accept an appeal in cassation or refuse to accept an appeal in cassation by a ruling after the expiry of the term set to the respondent and third parties for giving a response to the appeal in cassation and providing positions concerning the appeal (§ 679 (1) of Code of Civil Procedure).  |
| * 1. Can the establishment of a domestic protection order or the recognition and / or enforcement of a foreign order be suspended (*i.e.*, ‘stayed’) pending an appeal?
 | [ ]  Yes, a protection order or recognition and enforcement is *automatically* suspended pending an appeal |
| [ ]  Yes, a protection order or recognition and enforcement can be suspended pending an appeal at the request of either party  |
| [ ]  Yes, a protection order or recognition and enforcement can be suspended pending an appeal at the request of either party and after determination by the judge / authority |
|  Please specify : Until the end of the term for filing appeals against a ruling on declaring a decision of a foreign state to be subject to enforcement or the entry into force of a decision made concerning an appeal against the ruling, only the measures prescribed for securing an action may be applied for the compulsory enforcement of a court decision of a foreign state.Filing of an appeal against a ruling concerning protection order given in matter in petition does not suspend the enforcement of the ruling unless otherwise provided by law.A court whose ruling is contested and the circuit court adjudicating the appeal against the ruling may secure the appeal against the ruling before it is heard and among other, suspend the enforcement of the contested ruling or apply other measures of provisional legal protection  |
| [ ]  No  |
| Comments: - enter text here -  |
| * 1. Is there a time limit by which an appeal must be filed?
 | [x]  Yes  |
|  The time limit: 15 days  |
|  From when the time limit starts to run (*e.g.*, from the date of the order, from the date the parties were notified of the order, etc.): The term for filing of appeals against rulings starts from the service of the ruling.  |
| [ ]  No |
| * 1. Generally, what is the expected time within which appeals are filed and decided?
 | [ ]  Less than 1 month |
| [ ]  1 to 3 months |
| [ ]  Longer than 3 months |
| Comments: Data not available. There are no time limits introduced to the courts to adjudicate the appeals to the decisions on domestic protection orders or enforcement of a foreign order.  |

**ANNEX I**

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| support services available for victims of domestic violence and other CRIMINAL OR HARMFUL BEHAVIOURS (*e.G.*, see Part V, Section 3.5) in your state / jurisdiction  |
| Please attach additional pages as necessary if there are more organisations that offer support services for victims in your State / jurisdiction |
| 1. contact details of organisation offering support services |
| a. Organisation: Women’s shelters in Estonia:Tartu Naiste Varjupaikhttp://naistetugi.ee/ Tel: 55 94 94 96E-Mail: info@naistetugi.ee Tähtvere Avatud Naistekeskushttp://www.naistekeskus.ee/ Tel: 56 82 47 68E-Mail: naistekeskus@gmail.com Tallinna Naiste Kriisikoduhttp://www.naisteabi.ee/ Tel: 52 646 97E-Mail: tallinn@naisteabi.ee Läänemaa Naiste Tugikeskushttp://laanenaistetugi.ee/esileht/ Tel: 50 42 300E-Mail: laanenaistetugi@gmail.com Ida-Virumaa Naiste Tugikeskus-Varjupaikhttp://www.naistetugikeskus.eu/ Tel: 53 33 26 27E-Mail: naistetugikeskus@hot.ee Virumaa Naiste Tugikeskushttp://virunaistetugi.ee/esileht/ Tel: 56 297 745E-Mail: virunaistekeskus@gmail.com Järvamaa Naiste Tugikeskushttp://www.jarvanaistetugi.ee/esileht/ Tel: 581 33 755E-Mail: jarvanaistekeskus@gmail.com Jõgevamaa Naiste Tugikeskushttp://jogevanaistetugi.ee/esileht/ Tel: 58 600 170E-Mail: jogevamaanaistetugikeskus@gmail.com Viljandimaa Naiste Varjupaik http://viljandinaistetugi.eu/ Tel: 58 05 05 35E-Mail: viljandinaistevarjupaik@gmail.com Raplamaa Naiste Varjupaikhttp://raplanaistetugi.ee/esileht/ Tel: 53 365 027E-Mail: raplavarjupaik@gmail.com Valgamaa Naiste Varjupaikhttp://valganaistevarjupaik.ee/ Tel: 53 03 25 44E-Mail: valgavarjupaik@hot.ee Pärnu Naiste Varjupaikhttp://pnv.edicypages.com/et Tel: 53 98 16 20E-Mail: parnunaistevarjupaik@hot.ee Võrumaa naiste varjupaikhttp://www.vorunaistetugi.ee/esileht/ Tel: 52 83 61 5E-Mail: vorunaistevarjupaik@gmail.com  |
| b. Description of services offered: - enter text here -  |
| c. Address:d. Telephone:e. Fax:f. E-mail: |
| g. Website: - enter text here -  |
| h. Contact person(s):i. Language(s): |
| 2. contact details of organisation offering support services |
| 1. Organisation: The provision of victim support services shall be ensured by the Social Insurance Board in accordance with the principle of regionality
 |
| b. Description of services offered: Services listed in the Victim Support Act. An English translation is available on the following website: https://www.riigiteataja.ee/en/eli/517062014014/consolide. Victim support services include: 1) counselling of victims; 2) assisting victims in communicating with state and local government authorities and legal persons. 3) ensuring safe accommodation; 4) ensuring catering; 5) ensuring access to necessary health services; 6) providing necessary material assistance; 7) providing necessary psychological assistance; 8) enabling necessary translation and interpretation services for receiving the services provided within the framework of victim support services; 9) providing other services necessary for physical and psycho-social rehabilitation of victims.      |
| c. Address:d. Telephone:e. Fax:f. E-mail: |
| g. Website: - enter text here -  |
| h. Contact person(s):i. Language(s): |
| 3. contact details of organisation offering support services |
| a. Organisation: Local Goverments |
| b. Description of services offered: social assistance for people in need |
| c. Address:d. Telephone:e. Fax:f. E-mail: |
| g. Website: - enter text here -  |
| h. Contact person(s):i. Language(s): |

1. Conclusion and Recommendation No 9 of the Conclusions and Recommendations of the Council on General Affairs and Policy of the Conference (9-11 April 2013) (available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs”). [↑](#footnote-ref-1)
2. For example, in relation to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (developed during the negotiations of the Convention), the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* and the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (available on the Hague Conference website at < www.hcch.net > under “Conventions”). [↑](#footnote-ref-2)
3. “Questionnaire on the Recognition and Enforcement of Foreign Civil Protection Orders,” Prel. Doc. No 4 A of November 2012 for the attention of the Council of April 2013 on General Affairs and Policy of the Conference (available on the Hague Conference website at < www.hcch.net > under “Work in Progress” then “General Affairs”). [↑](#footnote-ref-3)
4. The areas marked in dark grey highlight could be utilised under a possible future Convention or other international co-operation mechanisms on protection orders. [↑](#footnote-ref-4)
5. *I.e.*, including the application or threat of sanctions for the violation or potential violation of a protection order. [↑](#footnote-ref-5)
6. *E.g.*, the *Council of Europe* *Convention on preventing and combatting violence against women and domestic violence* (adopted 7 April 2011). Art. 53(1) of this Convention requires that all States Parties “ensure that appropriate restraining orders or protection orders are available to victims of all forms of violence covered by the scope of [the] Convention.” [↑](#footnote-ref-6)