



36. EESTI  
ÕIGUSTEADLASTE  
PÄEVAD

PÕHISEADUS |

SADA AASTAT EESTI ESIMISEST PÕHISEADUSEST

## Wednesday, 7 October

20:00–22:00 Welcoming evening at the convent house of korp! Sakala (Veski 69)

## Thursday, 8 October

9:00–10:00 Morning coffee (Vanemuine Concert Hall, doors will open at 8:30)

### Plenary meeting

(Vanemuine Concert Hall, simultaneous interpretation, web streaming)

10:00 Opening

### 100 Years of the Constitution

**Marju Luts-Sootak**, *Professor of Legal History, University of Tartu*

The 1920 Constitution of the Republic of Estonia – is there a Reason to be Proud?

**Miguel Maduro**, *Professor, European University Institute*

Covid-19 and Constitutional Law / Constitutionalism

**Allan Rosas**, *Doctor of Laws, former Judge, European Court of Justice*

On the Relationship of the Constitutional Law of the European Union and its Member States

Awarding the “Õiguse eest seisja” prizes – **Raivo Aeg**, *Minister of Justice*

12:00–12:30 Coffee break

### Has the Protection of Fundamental Rights Gone too Far?

Moderator: **Anvar Samost**

12:30–14:00 PhD **Ülle Madise**, *Chancellor of Justice, Republic of Estonia; Visiting Professor, University of Tartu*

The Significance of Fundamental Rights in Difficult Times

PhD **Dan Bogdanov**, *Cryptologist*

Data Protection During “Times of War” and “Times of Peace” Based on the Example of the Corona Crisis

Participants in the discussion: PhD **Ülle Madise**, *Chancellor of Justice, Republic of Estonia; Visiting Professor, University of Tartu*; PhD **Dan Bogdanov**, *Cryptologist*; mag. iur. **Andres Parmas**, *Prosecutor General*; **Kristjan Siigur**, *Judge, Tallinn Administrative Court*; **Hardo Pajula**, *Professor, Center for Free Economic Thought of Estonian Business School, Head of the Edmund Burke’s Society*

14:00–15:00 Lunch

### Estonian Constitution(s) and International Law

Moderator: *Dr. iur.* **Lauri Mälksoo**, *Professor of International Law, University of Tartu*

15:00–16:30 **Jüri Adams**, *one of the authors of the 1992 Constitution, politician and publicist*

International Law as a Topic at the Constitutional Assembly in 1992

*Dr. iur.* **Julia Laffranque**, Justice, Supreme Court; former Judge, European Court of Human Rights; Visiting Professor, University of Tartu  
 Constitution as Seen Through the Prism of the Human Rights Case Law of European Courts  
 PhD **Tiina Pajuste**, Associate Professor of International Law, Tallinn University  
 Relationship of the Constitution to International Agreements and Other Sources of International Law (§ 123 of the Constitution)  
*Mag. iur.* **Andres Parmas**, Prosecutor General  
 Meaning of § 3 of the Constitution to Material Penal Law

### Applications of Artificial Intelligence in Administrative Proceedings

Moderator: PhD **Ülle Madise**, Chancellor of Justice, Republic of Estonia; Visiting Professor, University of Tartu  
 15:00–16:30 **Luukas Kristjan Ilves**, Head of Strategy at Guardtime, Chair of the Council of Europe's Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT)  
 Technical Nature of Artificial Intelligence, its Opportunities and Risks  
 MA **Kaimar Karu**, entrepreneur, former Minister of Foreign Trade and Information Technology  
 Estonia's Ambitions in Deploying Artificial Intelligence in Public Administration  
 LL.M. **Monika Mikiver**, Adviser, Public Law Division, Ministry of Justice; Doctoral Student, Faculty of Law, University of Tartu  
 Amendments to the Administrative Procedure Act for Engaging Artificial Intelligence  
 PhD **Ivo Pilving**, Chairman of the Administrative Law Chamber of the Supreme Court; Associate Professor of Administrative Law, University of Tartu  
 Judicial Control over Algorithmic Administrative Decisions

### Administrative Penalty I. Incorporation of the Administrative Penalties of the European Union into the Estonian Legal Space: Attempt to Fit in the Unfit in the Most Fitting Manner?

Moderator: **Kristjan-Erik Suurväli**, former Head of the Market Supervision and Enforcement Division, Financial Supervision Authority  
 15:00–16:30 **Kaie Rosin**, Tartu Circuit Court, Advocate General; Assistant, European Union Criminal Law, University of Tartu  
 Interference of the European Union in the Criminal Law of its Member States  
**Markus Kärner**, Head of the Penal Law and Procedure Division, Ministry of Justice; Doctoral Student, Faculty of Law, University of Tartu  
 Fitting European Union Sanctions into Estonian National Legislation: Ten Years of Discussion

### On Maintenance Obligation from Cradle to Care Home

Moderator: **Indrek Niklus**, Adviser, Law Firm NOVE  
 15:00–16:30 **Anneli Apuhtin**, Head of Legal Service, Tartu City Government  
**Katrin Orav**, Attorney-at-Law, Law Firm LEXTAL; Member of the Board and Chairman of the Committee on Family Law, Estonian Bar Association  
*Mag. iur.* **Liis Arrak**, Head of Civil Law Chamber, Tallinn Circuit Court  
**Rainis Int**, Notary in Tallinn

### Is our Constitution Well Protected?

Moderator: PhD **Uno Lõhmus**, Chairman of the Constitutional Law Endowment Panel, Estonian Academy of Sciences; former Chief Justice of the Supreme Court  
 16:45–18:15 PhD **Rait Maruste**, former Chief Justice of the Supreme Court  
 Is the Judicial Constitutional Review in Estonia Functioning as Originally Intended? What is Working, What is Missing?  
 PhD **Hent Kalmo**, Adviser on Constitutional Review and Legal Theory, Chancellor of Justice Office  
 Constitutional Review, Estonian Way

## Autonomy of Local Governments: for Whom and for What?

- Moderators: *Mag. iur.* **Nele Parrest**, Justice, Supreme Court  
**Sulev Valner**, Regional Administration Policy Adviser, Ministry of Finance
- 16:45–18:15 *LLM* **Tim Kolk**, Adviser, Supreme Court
- Would the Constitution Allow More Freedom to Local Governments?  
*Dr. iur.* **Vallo Olle**, Senior Adviser, Law Enforcement Affairs Department, Chancellor of Justice Office
- Matters of the Right to Self Management of Rural Municipalities and Cities Under the Review of the Chancellor of Justice  
**Priit Lello**, City Legal Director, Tallinn City Office
- Matters of the Right to Self Management of Rural Municipalities and Cities as Seen by Local Governments

## Administrative Penalty II. Interference of the European Union in the Penal Criminal Procedural Law of Member States: Regulative Arbitration of the Actual Practice of the European Union's (Allegedly Quite) Harmonised Law Through the Eyes of Market Participants

- Moderator: **Mari-Liis Orav**, Attorney-at-Law, Law Firm TGS Baltic
- 16:45–18:15 **Märt Maarand**, Head of Risk and Compliance, AS Pocopay; Doctoral Student, Faculty of Law, University of Tartu
- The Impact of the Single Financial Supervision of the European Union as Seen by a Market Participant  
**Aleksander Kostjuevits**, Head of Compliance, Olympic Entertainment Group
- The Impact of Cross-Border Regulative Arbitration on the Compliance Check Across the Group

## Freedom to Conduct Business and the Green Wave

- Moderator: *Mag. iur.* **Kai Härmand**, Deputy Secretary General, Legislative Policy Department, Ministry of Justice
- 16:45–18:15 Participants in the discussion: **Maris Kuurberg**, Government Agent of the Republic of Estonia before the European Court of Human Rights; **Jüri Kaljundi**, Head of SA Koosloodus; **Allar Jõks**, Attorney-at-Law and Partner, Law Firm SORAINEN; **Kristi Klaas**, Ministry of the Environment, Deputy Secretary General, Strategic Planning and Climate Policy

## Friday, 9 October

### Is the Right to Die a New Human Right?

- Moderator: *Dr. iur.* **Erkki Hirsnik**, Judge, Tartu Circuit Court
- 9:30–11:00 *Dr. iur.* **Mart Susi**, Professor of Human Rights Law, Tallinn University
- Legal Theoretical Background in Emerging of New Human Rights  
*MD* **Mari-Liis Ilmoja**, Head of Anaesthesiology and Intensive Care, Tallinn Children's Hospital
- Medical Aspect of Euthanasia  
*PhD* **Merike Sisask**, Professor of Social Health Care, Tallinn University
- On Euthanasia from the Viewpoint of a Social Scientist  
**Saskia Kask**, Chief Prosecutor, Northern District Prosecutor's Office
- The Right to Die versus the Right to Kill  
**Aigi Kivioja**, Senior Adviser, Social Rights Department, Office of the Chancellor of Justice
- Issues and Possibilities Regarding a Patient's Will

## Protection of Employee's Fundamental Rights in the Circumstances of Freedom to Conduct Business

- Moderator: PhD **Kadi Pärnits**, *Chairman of the Management Board, AS Mainor*
- 9:30–11:00 LLD **Annika Rosin**, *Lecturer on Labour Law at the University of Turku*  
 The Role of the Charter of Fundamental Rights of the European Union in Ensuring Employment Rights  
 MA **Seili Suder**, *Head of Work Environment, Ministry of Social Affairs; Doctoral Student, Faculty of Law, University of Tartu*  
 Employer's Right to Monitor Employees in the Era of Digital Technologies. Processing Employees' Personal Data during COVID-19 Pandemic  
*Dr. iur. Merle Erikson*, *Professor of Labour Law, University of Tartu*  
 Protection of Whistleblowers in Employment Relationships  
**Rando Maisvee**, *Attorney-at-Law, Law Firm MOSS Legal*  
 Collective Rights in a Sharing Economy

## Legal History I. Constitutions and Statutes in the Republic of Estonia, 1918–1940

- Moderator: *Dr. iur. Marju Luts-Sootak*, *Professor of Legal History, University of Tartu*
- 9:30–11:00 PhD **Lea Leppik**, *Associate Professor of Legal History, University of Tartu; Curator, University of Tartu Museum*  
 Educational Background of Estonian Constitutionalists: Constitutional Law at the University of Yuryev/Tartu and the University of Petrograd in the Early 20th Century  
*Dr. iur. Hesi Siimets-Gross*, *Associate Professor of Legal History and Roman Law, University of Tartu; Lawyer Linguist, European Court of Justice*  
 Constitutions of Estonia and Poland – Parallels or Opposites?  
**Marelle Leppik**, *Doctoral Student, Faculty of Law, University of Tartu*  
 Implementation of the Constitution(s) at the Supreme Court, 1920–1940

## Law in Prison

- Moderator: PhD **Priit Kama**, *Deputy Secretary-General for Prisons, Ministry of Justice*
- 9:30–11:00 **Ksenia Žurakovskaja-Aru**, *Senior Adviser, Inspection Visits Department, Chancellor of Justice Office*  
 Imprisoned Person's Right to Communicate with their Family  
 PhD **Anneli Soo**, *Associate Professor of Penal Law, Faculty of Law, University of Tartu*  
 Limits of the Detained Person's Right to Communicate  
**Laura Glaase**, *Principal Lawyer, Prison Service, Department of Prisons of the Ministry of Justice*  
 Solitary Confinement: Law and Social Sciences  
**Sirje Kaljumäe**, *Judge, Tartu Administrative Court*  
 Complaints from Prison to Administrative Court: Protection of Human Rights vs Unjustified Complaints

## Different Time of Courts and the Press

- Moderator: **Marti Aavik**, *Deputy Editor-in-Chief, Postimees*
- 11:30–13:00 **Ramon Rask**, *Attorney-at-Law and Partner, Law Firm RASK*  
 Nom Nom – Who is Eating Whom?  
**Kretel Tamm**, *Chief Prosecutor, South District Prosecutor's Office*  
 By That Time, No One Will Care About the Prosecutor's Story  
*Mag. iur. Saale Laos*, *Justice, Supreme Court*  
 The Court, the Press – HELP!  
**Risto Berendson**, *Head of the Investigative Division, Õhtuleht*  
 The Eternal Conflict: Collisions between Public Interest and Justice

## Intellectual Property and Freedom to Conduct a Business

- Moderators: PhD **Aleksei Kelli**, *Professor of Intellectual Property, University of Tartu*  
 MJur **Gea Lepik**, *Head of Intellectual Property and Competition Law Division, Ministry of Justice;*  
*Assistant of Civil Law, University of Tartu*
- 11:30–13:00 Participants in the discussion: **Siim Timpson**, *Intellectual Property Specialist, Cleveron AS;*  
**Henrik Trasberg**, *Adviser, Intellectual Property and Competition Law Division, Ministry of Justice;*  
**Mikas Miniotas**, *Partner, AAA Patendibüroo OÜ;* **Liina Jents**, *Attorney-at-Law, Law Firm COBALT*

## Legal History II. Constitutions and Statutes in the Republic of Estonia, 1918–1940

- Moderator: Dr. iur. **Hesi Siimets-Gross**, *Associate Professor of Legal History and Roman Law, University of Tartu;*  
*Lawyer Linguist, Court of Justice*
- 11:30–13:00 **Marin Sedman**, *Analyst, Supreme Court*  
 Penal Law Safeguards in the Constitutions of the Republic of Estonia and their Fate in an Emergency  
 Situation (1920–1940)  
**Karin Visnapuu**, *Doctoral Student, Faculty of Law, University of Tartu*  
 Judicial Control over Land Reform in the Republic of Estonia, 1920–1940  
**Katrin Kiirend-Pruuli**, *Doctoral Student, Faculty of Law, University of Tartu*  
 Constitutional Principles in the Family Law of the Republic of Estonia, 1920–1940

## Children's Rights

- Moderator: Mag. iur. **Andres Aru**, *Head of the Department, Children's and Youth Rights, Chancellor of Justice Office*
- 11:30–13:00 Mag. iur., MAS **Kristi Paron**, *Senior Adviser, Children's and Youth Rights Department, Chancellor of*  
*Justice Office*  
 MSW **Birgit Siigur**, *Head of Southern District, Child Protection Department, Social Insurance Board*  
 Principles of Child-Friendly Proceedings  
 Mag. iur. **Karina Lõhmus-Ein**, *Attorney-at-Law, Law Firm Lillo & Lõhmus, Member of the Board and the*  
*Committee on Family Law, Estonian Bar Association*  
 Mag. iur. **Risto Sepp**, *Bailiff, Ühinenud Kohtutäiturid*  
 Ensuring a Relationship Between a Child and a Parent  
 PhD **Katre Luhamaa**, *Lecturer, European Law and International Law, University of Tartu; Research*  
*Fellow, University of Bergen*  
 MA **Merli Laur**, *Chief Specialist, Child Protection Department, Social Insurance Board, Mediation of*  
*International Child Protection Cases*  
 Limits to Interfering with Family Life. Practice of Different Countries
- 13:00–14:00 Lunch

## The Future of the Constitution: Evolution through Amendments or Interpretation

(Vanemuine Concert Hall, web streaming)

- Moderators: **Heiki Loot**, *Justice of the Supreme Court, Member of the Constitutional Law Endowment Panel, Estonian*  
*Academy of Sciences*  
**Katri Jaanimägi**, *Adviser, Constitutional Review Chamber, Supreme Court*
- 14:00–15:30 Participants in the podium discussion: Dr. iur. **Villu Kõve**, *Chief Justice of the Supreme Court;*  
**Paul Puustusmaa**, *Head of the Riigikogu's Constitutional Committee;* **Urmis Reinsalu**, *Minister of*  
*Foreign Affairs;* **Liia Hänni**, *Chief Expert on e-democracy;* PhD **Jüri Raidla**, *Attorney-at-Law and Senior*  
*Partner, Law Firm Ellex Raidla Advokaadibüroo;* PhD **Madis Ernits**, *Judge, Tartu Circuit Court*