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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF ESTONIA

DRAFT CONSTITUTION

of 13 December 1991

REPUBLIC OF ESTONIA
C O N S T I T U T I O N

The Estonian people, with a firm belief in, and a steadfast will to consolidate and develop their own State,

created on the basis of the inextinguishable right of the Estonian people to self-determination through statehood, and declared on February 24, 1918,

founded on justice, law and liberty,

for the defence of internal and external peace, for providing security to present and future generations in their social progress and for their general good,

has adopted, in place of the Constitution which came into force on January 1, 1938, by Referendum held on 1992 the following Constitution:

CHAPTER 1

General Provisions

- Art. 1. Estonia is an independent and sovereign Republic wherein the supreme power of the State is held by the people.
- Estonian independence and sovereignty is interminable and inalienable.
- Art. 2. The territory of Estonia is an indivisible whole.
- Art. 3. State authority in Estonia shall be exercised solely on the basis of the Constitution and legislation which is in agreement with the Constitution.
- No one can plead ignorance of the law as an excuse. Mandatory laws are only such laws that have been made public.
- Generally recognized norms and principles of international law shall be an inseparable part of the Estonian legal system.

- Art. 4. Estonian citizenship is acquired by birth or by later legal procedure.

Estonian citizens who have left Estonia, as well as their descendants, are entitled to retain or restore their Estonian citizenship.

The conditions for granting and forfeiting citizenship shall be stipulated by Law.

- Art. 5. Every person of Estonian nationality shall have the right to take up residence in Estonia.
- Art. 6. Land and all other natural resources in Estonia shall be under State protection. Economical use of natural resources shall be guaranteed by Law.
- Art. 7. The official language of Estonia is the Estonian language.
- Art. 8. The national colours of Estonia are blue, black and white. The shape of the national flag and the national coat-of-arms shall be determined by law.

CHAPTER 2

Fundamental Rights, Liberties and Obligations

- Art. 9. Human rights are inalienable.
- Securing the fundamental rights listed in the present Chapter of the Constitution shall be the responsibility of the legislative, executive and judicial authorities of the Estonian State.
- Art. 10. All persons are equal before the law. No one may have their rights restricted on grounds of race, nationality, sex, language, creed, ancestry, economic circumstances, occupation, political or other persuasion.
- The propagation of national, racial or religious hatred shall be prohibited.
- Art. 11. Every person shall have the right to free self-realization, insofar as he or she does not violate other people's rights, the constitutional order or generally accepted moral norms.

Art. 12. Inviolability of the individual shall be guaranteed.

No one may be prosecuted or have his personal liberty restricted, except in such cases and by such procedures as prescribed by law.

Suspects may not be held in custody for more than forty-eight hours except with a specific warrant by a court. A person held in custody shall be informed immediately of the reason for the arrest and of his or her rights, in a language understood by him or her.

The use of a foreign language in court and in pre-trial proceedings shall be determined by law.

Art. 13. No one may be transferred against his or her will from the jurisdiction of a court, which has been determined by law, to the jurisdiction of another court.

Art. 14. No one may be treated as being guilty of a crime until a guilty verdict by a court has been delivered against that person.

No one shall be obligated to prove his or her innocence.

No one may be forced to give testimony against himself, or against close family.

Art. 15. No one may be pronounced guilty of an act, if that act was not illegal under a law which was in effect before the act was committed.

No one shall be subjected to a more severe penalty than the one that was applicable at the time the offence was committed. If, subsequent to the commission of the offence, a law prescribes a lighter penalty, such lighter penalty shall also be applied to the person before court.

Art. 16. No one shall be tortured, ill-treated or punished in a cruel or degrading manner.

No one shall be subject to medical or scientific experiments without his consent.

Art. 17. The home shall be inviolable.

No one shall forcibly enter a person's home or legally owned property, or to search these, except in such cases as indicated by law.

Art. 18. Everyone shall have freedom of thought, religion and conscience.

No one shall be coerced to change his beliefs or opinions.

There shall be no State church in Estonia.

Everyone shall be free to belong to a church or a religious association.

Everyone shall be free to practise his religion, unless it endangers public order or morals. Religious creed or persuasion is no excuse for violation of a Law.

Art. 19. Everyone shall have the right to freely receive and propagate information, and to express his or her opinions either orally or in print, by picture, image or any other media. This freedom may be restricted by law for the purpose of protecting national security, public order or morals, or human dignity and honor.

There shall be no State censorship in Estonia.

Art. 20. Secrecy of messages transmitted by post, telephone or other means, shall be guaranteed. Exceptions may be made, as authorized by a court on the bases and according to procedures stipulated by law.

Art. 21. Everyone shall have the right to join political parties as well as non-profit associations and unions.

Associations, unions or political parties advocating the violent overthrow of the legal system of government in Estonia or in any of its parts, shall be prohibited.

Termination or suspension of the activities of, as well as imposition of fines on an association, unions or political party shall only be effected by a court in cases where a law has been violated.

Art. 22. Everyone shall have the right to engage in business and to participate in profit-making associations and societies, according to principles and regulations provided by law.

Art. 23. Everyone shall have the right to conduct meetings. This right may be restricted by conditions and regulations provided by law, for the purpose of protecting national security or public order or morals.

Art. 24. Everyone shall have the right to the protection of the law against deliberate interference into his or her personal or family life.

Art. 25. The family and marriage shall enjoy the protection of

the State. Spouses shall have equal rights. The law shall protect mothers and children.

Responsibility for raising children and providing them with an education shall rest with the parents. The State shall support families with many children.

Art. 26. Everyone shall have the right to an education. Schooling shall be compulsory for school-age children, to the extent determined by law. There shall be no school fees in State and local government general education schools.

State and local government shall maintain the necessary number of educational institutions. Private educational institutions may be established, in accordance with procedures laid down by law.

Everyone shall have the right to Estonian-language instruction. Schools established for minorities shall have their own language as their language of instruction.

The provision of education shall be supervised by the State.

Art. 27. Science and the arts, and their instruction, shall operate freely and under the protection of the state.

Scientific institutions and institutes of higher education shall be autonomous, within the limits established by law.

Art. 28. Everyone shall have the right to preserve his or her ethnic identity.

Ethnic minorities shall have the right to enjoy cultural autonomy. Relevant procedures and conditions shall be established by law.

Art. 29. In districts where an ethnic minority constitutes a majority of the population, local government offices shall provide for the language of that ethnic minority to be used as the official language of communication along with the national language. In contacts with State authorities the Estonian language shall be used.

Art. 30. Everyone shall have the right to petition State and local government offices, and officials, with memoranda, applications and complaints. Procedures for responding shall be established by law.

Art. 31. Everyone legally residing in Estonia shall have freedom of movement and choice of residence. This freedom may be restricted only on the bases and in accordance with procedures prescribed by law.

Art. 32. Work is the most dignified form of self-realization. Every citizen shall have the right to freely choose his or her field of activity and profession. The State shall assist in providing work.

The entering into contracts of employment shall be free. Labour safety requirements shall be established by law.

The right to strike shall be guaranteed in Estonia. Restrictions on the right to strike and the settling of labour disputes shall be regulated by law.

Art. 33. Property rights shall be guaranteed. Restrictions of such rights shall be regulated by law.

Expropriation of property without the consent of the owner may occur only to serve public interests and for equitable compensation, in accordance with procedures established by law. In cases of dispute, the right to appeal to the courts shall be guaranteed.

The responsibility to guarantee inheritance rights and copyright shall rest with the State.

Art. 34. No public tax or fee may be levied on anyone, except according to the law, and to the extent of the amount stipulated by law.

Art. 35. The care of a person requiring assistance shall rest primarily with the members of that person's family.

Categories and amounts of State support and assistance in cases of old age, illness, loss of provider, accident, inability to work, or unemployment, shall be established by law.

The state shall support voluntary and local government care.

Art. 36. Everyone shall have the right to health care and to a healthy work and living environment. Every person, institution, business and organization shall have the obligation to compensate for damage done to the environment.

Art. 37. It is the duty of an Estonian citizen to be loyal to the Republic of Estonia and its constitutional order, and to defend the independence of Estonia.

It is the right of every Estonian citizen to oppose, on his own initiative, a forcible change of the constitutional order.

Art. 38. No citizen shall be deported nor prevented from returning to Estonia.

No Estonian citizen shall be extradited to a foreign State, except in cases prescribed by international treaties.

Art. 39. Every citizen shall have the right of access to full information from State and local government offices on their activities. This right may be restricted in order to protect business and State secrets, according to procedures established by law.

Art. 40. Official positions in State and local government offices shall be held by Estonian citizens possessing the appropriate training and abilities.

Citizens of foreign States and stateless persons may be appointed to these positions only according to the conditions and procedures established by law.

Art. 41. Citizens of foreign States and stateless persons residing in Estonia shall be obligated to respect the Estonian constitutional system and to obey Estonian laws.

Art. 42. The rights, liberties and duties listed in the present Chapter shall not preclude other rights, liberties and duties which are in the spirit of the Constitution, or are in concordance with it.

Art. 43. Fundamental rights shall also extend to legal entities, which have been formed on the basis of Estonian legislation, to the extent to which the nature of the rights are applicable.

Art. 44. The fundamental rights and liberties of citizens referred to in Articles 17, 19, 20, 23, 31, 32, 33 and 39 of the present Chapter of the Constitution, may be restricted by law, and within the limits prescribed by law, for the duration of a state of emergency or a state of war.

Art. 45. In cases where the rights listed in the present Chapter, or universally recognized human rights, are violated, there shall exist the right to apply to the courts.

In such cases, the basis for a decision by the court shall be the Articles of the present Chapter of the Constitution.

CHAPTER 3

The People

Art. 46. The supreme power in Estonia shall be held by the people, as represented by the body of citizens entitled to vote.

Art. 47. The people shall exercise their power by:

- 1) electing the Riigikogu;
- 2) participating in referenda;
- 3) electing the representative bodies of local governments, according to Art. 146 of the Constitution.

Art. 48. Every citizen who has attained the age of eighteen shall have the right to vote.

A citizen who has been declared by a court to be incapable shall not be entitled to vote.

Art. 49. Citizens who have been declared guilty by a court and who are serving a sentence in a place of detention shall not participate in elections.

Art. 50. The organization of a referendum shall be decided by the Riigikogu. The order of conducting a referendum shall be established by law. The result of a referendum shall have the power of law when the share of the yes-vote exceeds the share of the no-vote.

CHAPTER 4

The Riigikogu

Art. 51. Legislative power in the Republic of Estonia shall rest with the Riigikogu. The Riigikogu shall decide on all Estonian national issues which by this Constitution has not been delegated to the people, the State Elder, the Government, other State authorities or local governments.

Art. 52. The Riigikogu shall comprise one hundred and one members,

who shall be elected in general, equal, direct and secret elections for a four year term.

The election of the Riigikogu shall be based on the principle of proportionality.

The procedures for the election of the Riigikogu shall be established by law.

Art. 53. The authority of the members of the Riigikogu shall commence when the new complement of the Riigikogu convenes for the first session. The authority of the previous complement shall cease from the same day.

A member of the Riigikogu shall take an oath of office before the Riigikogu on commencing his or her term of office.

Art. 54. Ordinary elections to the Riigikogu shall be held no earlier than sixty days and no later than ten days before the end of the term.

Extraordinary elections to the Riigikogu shall be held, in the cases prescribed by Art. 81 and 97, 109 of the Constitution, no earlier than sixty, and no later than ninety days after the elections have been declared.

Art. 55. Every citizen entitled to vote who has attained 21 years of age may be a candidate for the Riigikogu.

Art. 56. Should a member of the Riigikogu take public office as the State Elder, a member of Cabinet, the State Controller, the Legal Chancellor, the President of the Bank of Estonia or a judge, or if he or she is hindered for an extended period from working in the Riigikogu due to illness or another reason, or if he or she dies, then the replacement candidate shall take his or her seat.

Procedures for the replacement of a member of the Riigikogu shall be established by law.

Art. 57. The Riigikogu of the Republic of Estonia shall:

- 1) adopt laws and resolutions;
- 2) decide on the conducting of referenda and public opinion polls;
- 3) announce the elections of State Elder;
- 4) ratify and denounce foreign treaties;
- 5) decide on the appointment to the office of Prime Minister;
- 6) adopt a National Budget and approve the Report;
- 7) on proposal by the State Elder appoint the Chairman of the National Court, the Chairman of the Council of the

Bank of Estonia, the State Controller, the Legal Chancellor and the Commander-in-Chief of the Defense Forces;

8) on proposal by the Chairman of the National Court appoint judges;

9) approve the complement of the Council of the Bank of Estonia;

10) on proposal by the Government decide on the issue of Government loans and the undertaking of other financial obligations by the State;

11) present statements, declarations and appeals to the people, foreign States, as well as to international organizations;

12) declare a state of emergency in the country;

13) establish national orders of merit and national awards, military and diplomatic ranks;

14) decide on the expression of no-confidence in the Government of the Republic;

15) on proposal by the State Elder declare a state of war and mobilization, as well as demobilization.

Art. 58. A member of the Riigikogu shall not be tied to his or her mandate nor be held legally responsible for his or her votes or political statements which he or she has made in the Riigikogu.

Art. 59. Members of the Riigikogu shall receive payment for their work. The categories, amounts and restrictions regarding payment for other work shall be established by law, which may be amended for the next complement of the Riigikogu.

Art. 60. Members of the Riigikogu shall be released from the armed services for the duration of their term.

Art. 61. The new complement of the Riigikogu shall be convened for its first session by the State Elder within ten days after the announcement of the results of the Riigikogu elections.

Art. 62. The Riigikogu shall elect from amongst its members the Chairman of the Riigikogu (the Speaker) and the two Deputy Chairmen (Deputy Speakers), who shall direct the work of the Riigikogu, according to the law.

Art. 63. The Riigikogu shall have a quorum when, for an ordinary session, at least one-quarter, and for an extraordinary session, over-half of its complement is present.

Art. 64. The Riigikogu shall establish permanent and special Committees. Members of the Riigikogu shall have the right to join member factions. The list and jurisdiction of the permanent committees, as well as the procedures for the establishment of member factions and their legal position shall be determined by law.

Art. 65. Riigikogu sessions shall be public. The Riigikogu may decide on holding a closed session by a two-thirds majority vote.

Voting in the Riigikogu shall be public, except in those cases determined by law.

Art. 66. Legal acts of the Riigikogu shall be adopted with a majority of affirmative votes, unless otherwise prescribed by the Constitution.

A majority of affirmative votes shall be understood as more yes-votes than no-votes.

A two-thirds majority shall be understood as at least two times more yes-votes than no-votes.

A majority of the complement of the Riigikogu shall be understood as representing the affirmative vote of more than half of the complement of the Riigikogu.

A two-thirds majority of the complement of the Riigikogu shall be understood as representing the affirmative vote of at least two-thirds of the complement of the Riigikogu.

A four-fifths majority of the complement of the Riigikogu shall be understood as representing the affirmative vote of at least four-fifths of the complement of the Riigikogu.

Art. 67. The Riigikogu shall convene for extraordinary sessions on request by the State Elder, the Speaker of the Riigikogu or one-fifth of its members.

Art. 68. Members of the Riigikogu shall have the right to present written questions to the Government, to the Cabinet, the President of the Bank of Estonia and other high government officials.

The question must be answered no later than during the first session of the Riigikogu falling twenty days after the date on which the question was presented.

Art. 69. Legal proceedings against a member of the Riigikogu shall be initiated by the Legal Chancellor and based on a decision adopted by the Riigikogu by a majority of votes.

If a court decision on a guilty verdict enters into force against a member of the Riigikogu, the mandate of that member shall be regarded as terminated and an alternate member shall take his place in the Riigikogu.

CHAPTER 5

The State Elder

Art. 70. The State Elder shall be the Head of State of the Republic of Estonia.

The State Elder embodies the unity of the power of the State.

Art. 71. The State Elder:

- 1) represents the Republic of Estonia in international relationships;
- 2) appoints and recalls, on proposal by the Government, diplomatic representatives of the Republic of Estonia to foreign states and international organizations, and accepts letters of credence of diplomatic representatives of foreign states accredited in the Republic of Estonia;
- 3) orders ordinary elections for the new complement of the Riigikogu, in accordance with Art. 54 of the Constitution, and extraordinary elections for a new complement of the Riigikogu, in accordance with Art. 54, 81, 97 and 109 of the Constitution;
- 4) convenes the new complement of the Riigikogu, according to Art. 61 of the Constitution, and chairs its sessions until the election of the Speaker of the Riigikogu;
- 5) presents to the Riigikogu the candidate for Prime Minister;
- 6) appoints and recalls, on proposal by the Prime Minister, the Ministers and the State Secretary;
- 7) signs laws adopted by the Riigikogu, or returns them to the Riigikogu, according to Art. 95 of the Constitution;
- 8) issues edicts, according to Art. 99 and 100;
- 9) convenes an emergency session of the Riigikogu, according to Art. 67 of the Constitution;
- 10) proposes to the Riigikogu the appointment of the Legal Chancellor, Chairman of the Council of the Bank of Estonia, the State Controller, the Commander-in-Chief of the Defense Forces;
- 11) appoints and recalls, on proposal by the Council of the Bank of Estonia, the President of the Bank of Estonia;
- 12) appoints, on proposal by the Commander-in-Chief of the Defense Forces, the leadership of the Defense Forces;
- 13) grants mercy;
- 14) grants military and diplomatic ranks;
- 15) grants State awards and service medals;
- 16) proposes to the Riigikogu the declaration of a state of war, mobilization and de-mobilization;
- 17) declares, in the case of military attack, a state of

war and mobilization:

18) the State Elder shall fulfil other tasks determined by the Constitution.

Art. 72. The State Elder shall be elected by the Riigikogu. The right to present a candidate shall rest with at least one fifth of the Electoral Body.

Every Estonian citizen, who has reached the age of forty years and who has been a resident of Estonia for the previous ten years, may be a candidate for State Elder.

Procedures for electing the State Elder shall be specified by law.

Art. 73. The State Elder shall be elected by an Electoral Body comprised of members of the Riigikogu and by a minimum of one hundred members delegated by the representative bodies of local governments. The procedures for the formation of the Electoral Body and the procedures for the election of the State Elder shall be established by law.

Art. 73. The State Elder shall be elected for a term of office of five years. No person may be elected to the office of State Elder for more than two consecutive terms.

Regular elections for a new State Elder shall be held no earlier than sixty and no later than ten days before the end of the term of the incumbent State Elder.

The State Elder shall assume his or her duties by taking an oath of office before the Riigikogu.

Art. 74. The term of the State Elder shall end prematurely in the following cases:

- 1) he or she resigns from office;
- 2) a guilty verdict against him or her comes into force;
- 3) on the basis of an adopted resolution by a two-thirds majority of the Riigikogu, if the State Elder is continuously hindered in fulfilling the official duties due to his or her state of health;
- 4) in case of the death of the State Elder.

Art. 75. Should the State Elder end his term prematurely, his or her duties shall be temporarily transferred to the Chairman of the Riigikogu (Speaker), who shall without delay declare elections for a new State Elder.

During the period when the Speaker of the Riigikogu is acting State Elder, he or she shall be considered to have left the complement of the Riigikogu. The duties of the

Speaker of the Riigikogu shall be fulfilled by one of the Deputy Speakers of the Riigikogu.

Art. 76. The State Elder may not hold any other elected or appointed office or occupy a seat on the board of the council of a commercial enterprise. The State Elder shall suspend his or her membership in a political party.

Art. 77. The State Elder may be charged with a criminal offence on the basis of a resolution of the Riigikogu adopted by the majority of the complement of the Riigikogu.

CHAPTER 6.

The Government.

Art. 78. The Government shall exercise executive power in the Republic of Estonia.

Art. 79. The Government of the Republic of Estonia shall:

- 1) implement national domestic and foreign policy;
- 2) direct and coordinate the activities of Government offices;
- 3) supervise the implementation of the legislation and resolutions of the Riigikogu, and initiate legislation;
- 4) organize the draft of the state budget and present it to the Riigikogu, supervise the implementation of the state budget, and present to the Riigikogu the report of the implementation of the budget;
- 5) upon authorization by law, and within the limits provided by law, issue regulations and instructions as well as take decisions;
- 6) organize contacts with foreign states;
- 7) resolve other issues which have been placed under its jurisdiction by the Constitution and the law.

Art. 80. The Government shall be composed of the Prime Minister and Ministers.

Art. 81. The State Elder shall, within fourteen days after the resignation of a Government, nominate a new candidate for Prime Minister, who shall be assigned the task of forming a Government. The candidate for Prime Minister shall present to the Riigikogu the composition of the Government within fourteen days, after which the Riigikogu shall decide on the confirmation of the Prime Minister to office.

If the candidate for Prime Minister does not receive the majority of yes-votes, the State Elder shall nominate

within seven days a new candidate for Prime Minister, who shall be assigned the task of forming a Government. The candidate for Prime Minister shall present to the Riigikogu the composition of the Government within fourteen days at the latest, after which the Riigikogu shall decide on the confirmation of the Prime Minister to office.

If also the second candidate for Prime Minister fails to receive a majority of the yes-votes, then the State Elder shall either select a new candidate for Prime Minister who shall be assigned the task of forming a Government, or shall declare, after fourteen days, extraordinary elections for a new complement of the Riigikogu.

The State Elder shall not have the right to declare extraordinary elections for the new complement of the Riigikogu, if the Riigikogu, within the fourteen days referred to in the previous paragraph of the present Article, confirms a Prime Minister of its own choice.

Art. 82. The Prime Minister, who has been confirmed in office by the Riigikogu, shall present to the State Elder the composition of the Government within three days of his or her confirmation. The State Elder shall appoint the Ministers proposed by the Prime Minister.

Art. 83. The Prime Minister shall represent the Government of the Republic and shall guide its activities.

The State Elder shall appoint, on proposal by the Prime Minister, two Ministers from amongst the members of the Government who shall fulfil the duties of the Prime Minister during his or her absence. The procedures for the replacement shall be determined by the Prime Minister.

Art. 84. Appropriate Ministries shall be established, according to the law, for the purpose of administering specific spheres of government.

A Ministry shall be headed by a Minister, who shall organize the management of issues belonging to the sphere of activity of the Ministry, shall issue directives and ordinances, and fulfil other duties which have been imposed, on the basis and to the extent established by law.

Should the Minister be temporarily unable to discharge his or her duties, due to illness or other hindrances, the Prime Minister shall transfer his or her duties to another Minister for that period.

A Minister shall be recalled and appointed by the State Elder on proposal by the Prime Minister.

Art. 85. The basis for the resignation of the Government shall be:

- 1) the convening of a new complement of the Riigikogu;
- 2) the resignation or death of the Prime Minister;
- 3) expression by the Riigikogu of no-confidence in the Prime Minister or the Government;
- 4) the rejection of a draft in the Riigikogu which the Government has linked to the issue of no-confidence.

The Government is released from office when the new Government assumes office.

Art. 86. The Riigikogu may express its lack of confidence in either the Prime Minister or in an individual Minister by a resolution adopted by the majority of the legal complement of the Riigikogu.

In order to initiate a vote of no-confidence, at least one-fifth of the complement of the Riigikogu must present a written proposition to this effect. The issue may come up for resolution no earlier than two days after its being initiated.

Art. 87. The Government shall have the right to link the adoption of a bill, which has been presented to the Riigikogu, with a declaration of confidence. Voting may not take place earlier than two days after the bill has been linked with a vote of confidence. Should the Riigikogu not adopt the draft in its presented form, the Government shall resign.

Art. 88. A State Chancellery shall be attached to the Government, headed by State Secretary. State Secretary shall be appointed and recalled by the State Elder, on proposal by the Prime Minister. State Secretary shall participate in Government sessions.

Art. 89. The Prime Minister and other members of the Government may not hold any other elected or appointed public office or be a member of the management or board of a profit-making enterprise.

Art. 90. Members of the Government may participate, with the right to speak, in sessions of the Riigikogu and its committees.

Art. 91. Government sessions shall be closed, unless the Government decides otherwise.

The ordinances and the directives of the Government must be signed by the Prime Minister, the appropriate Minister

and the State Secretary.

Art. 92. The Prime Minister and a minister may be charged with a criminal offence only on the basis of a resolution by the Riigikogu, adopted by a majority of the complement of the Riigikogu.

CHAPTER 7

Legislation

Art. 93. The legislation of the Republic of Estonia shall be adopted in concordance with the Constitution.

Art. 94. The right to initiate legislation shall rest with:

- 1) private members of the Riigikogu;
- 2) groups of members of the Riigikogu;
- 3) Riigikogu committees;
- 4) the Government of the Republic.

Art. 95. Draft legislation, which results in the reduction of revenue, the increase in expenditures or the redistribution of expenditures in the applicable state budget, must be accompanied by the required financial calculations, prepared by the initiators, to show the sources of income to cover the named expenditures.

Art. 95. Legislation adopted by the Riigikogu shall be signed by the State Elder.

The State Elder shall sign a law adopted by the Riigikogu within fourteen days of its adoption by the Riigikogu, or return the law to the Riigikogu, within the same time period, together with the reasons for its rejection.

If the Riigikogu adopts a law which has been returned by the State Elder, without amendments, by a majority of yes-votes, the State Elder shall sign the law.

Art. 96. The law shall come into force on the tenth day after its publication in the "Riigi Teataja" unless the law or a resolution on the implementation of the law prescribes other procedures or time period.

Art. 97. The Riigikogu shall have the right to put draft legislation to referendum.

Should the draft law which has been put to referendum not receive a majority of yes-votes, the State Elder may declare, on proposal by the Prime Minister, early

elections for the Riigikogu.

Art. 98. Issues related to the budget, taxes, the ratification of foreign treaties, the enactment and ending of a state of emergency, mobilization and de-mobilization, as well as to the financial responsibilities of the state, may not be put to referendum.

Art. 99. If the Riigikogu is prevented from convening, the State Elder shall have the right to issue edicts which have the force of law, and which shall bear the signatures of the State Elder, the Speaker of the Riigikogu and the Prime Minister. The procedures for issuing edicts shall be determined by law.

After the Riigikogu has convened, it shall either confirm or repeal the edict of the State Elder. If the Riigikogu does not confirm the edict within fourteen days of its convening, the law shall cease to be in force.

Art. 100. The following laws may not be enacted or amended by an edict of the State Elder:

- 1) the Constitution of the Republic of Estonia;
- 2) the Law on Elections to the Riigikogu;
- 3) the Law on Elections to Local Governments;
- 4) the Law on the State Elder;
- 5) the Law on Referenda;
- 6) the Rules of the Riigikogu;
- 7) the Law on the Remuneration of the State Elder and Members of the Riigikogu;
- 8) the Law on the National Budget, and the National Budget;
- 9) laws enacting State taxes;
- 10) the Law on the Bank of Estonia;
- 11) the Law on State Control;
- 12) the Law on the Organization of Courts and Court Procedures;
- 13) laws pertaining to foreign and domestic loans and National financial obligations;
- 14) Law on Proclamation of a State of Emergency;
- 15) Law on National Defense.

CHAPTER 8.

Finance and the State Budget

Art. 101. The sole right to issue currency in Estonia shall rest with the Bank of Estonia. The designation of the Estonian currency and the denominations shall be established by law.

Currency circulation and accounting procedures shall be supervised by the Bank of Estonia in accordance with law.

The Bank of Estonia shall report on its activities to the Riigikogu.

Art. 103. Taxes, fees, levies, penalties and compulsory insurance payments shall be determined by law.

Art. 104. Procedures for the administration, use and disposition of State property shall be established by law.

Art. 105. The Riigikogu shall adopt a budget for each year covering all State income and expenditure.

The Government shall present a draft national budget to the Riigikogu no later than seventy-five days before the commencement of the fiscal year.

On proposal by the Government, the Riigikogu may adopt a supplementary budget during the year.

Art. 106. Amendments to the national budget requiring increases in the expenditures provided in the draft national budget or the addition of new expenditures must be accompanied by estimates prepared by the initiators, indicating sources of revenue for the proposed expenditures.

The Riigikogu may not delete or reduce such expenditures provided in the draft budget which are prescribed by law.

Procedures for the preparation and the adoption of the budget shall be determined by law.

Art. 107. Decisions on taking up state loans or assuming other financial obligations on behalf of the State shall be made by the Riigikogu on proposal by the Government.

Art. 108. The national budget adopted by the Riigikogu shall come into force from the beginning of the fiscal year. If the Riigikogu does not adopt the national budget by the

beginning of the fiscal year, it may appropriate monthly expenditures of up to one-twelfth of the expenditures of the previous fiscal year.

Art. 109. If the Riigikogu has not adopted the budget within seventy-five days of the beginning of the fiscal year, the State Elder may, on proposal by the Prime Minister, order extraordinary elections for the Riigikogu.

CHAPTER 9:

Foreign Relationships and Foreign Treaties

Art. 110. Procedures for the relationship of the Republic of Estonia with foreign states and international organizations shall be determined by law.

Art. 111. The Riigikogu shall ratify and denounce treaties of the Republic of Estonia:

- 1) which amend state borders;
- 2) the implementation of which requires the adoption, amendment or annulment of laws of the Republic of Estonia;
- 3) by which the Republic of Estonia joins international organizations or unions;
- 4) by which the Republic of Estonia assumes financial obligations;
- 5) which relate to national defense;
- 6) where ratification is prescribed.

Art. 112. Estonia's terrestrial border has been established by the Tartu Peace Treaty of February 2, 1920, and by other international border treaties. Regulation of Estonia's air and sea borders shall be based on international conventions.

International treaties whereby national borders are altered shall require the ratification by a two-thirds majority of the Riigikogu.

Art. 113. The Republic of Estonia shall not conclude foreign treaties which are in conflict with the Constitution.

If the laws or other acts of the Republic of Estonia are in conflict with foreign treaties ratified by the Riigikogu, the articles of the foreign treaty shall be applied.

CHAPTER 10

National Defence

Art. 114. Citizens of the Republic of Estonia shall be obligated to participate in the national defence, in accordance with provisions and procedures laid down by law.

Citizens who for religious or ethical reasons object to serving in the armed forces shall be obligated to participate in alternative service, in accordance with procedures prescribed by law.

Art. 115. Defence personnel in active service may not hold elected or appointed State civilian office nor participate in the activities of political parties.

Art. 116. The defence forces of the Republic of Estonia shall comprise the Armed Forces of the Republic of Estonia and national defence organizations established in accordance with procedures stipulated by law.

The organization of the national defence shall be established by law.

Art. 117. The supreme leader of national defense shall be the State Elder.

The Estonian defence forces shall be headed by the Commander-in-Chief of the Armed Forces.

The Commander-in-Chief of the Armed Forces shall be appointed and recalled by the Riigikogu, on proposal by the State Elder.

Art. 118. The Riigikogu shall, on proposal by the State Elder, declare a state of war, issue orders for mobilization and demobilization, and decide on the use of the armed forces in fulfilling Estonia's international obligations.

In case of an armed attack, the State Elder shall declare a state of war and order mobilization, without waiting for a decision by the Riigikogu.

Art. 119. During a state of war, the mandates of the Riigikogu, the State Elder and local government councils shall be prolonged. In case mandates have been prolonged, elections shall be called within three months after a declaration of an end to the state of war has been issued.

Art. 120. In case of imminent danger to the population or the national constitutional order, the Riigikogu shall have the right to declare a state of emergency throughout the Republic or in some of its parts for a period not exceeding three months.

Provisions for a state of emergency shall be laid down by law.

Art. 121. The authority and competency of the Riigikogu, the State Elder, the Government and the Commander-in-Chief during a state of emergency and a state of war shall be established by law.

CHAPTER 11

State Control

Art. 122. The State Control is an independent State body exercising economic control.

Art. 123. The State Control shall control:

- 1) the economic activity of public authorities, public enterprises and public organizations;
- 2) the use and maintenance of national financial resources and material assets;
- 3) the use of State funds by local governments;
- 4) the economic activity of such enterprises in which the state holds a majority of the shares or the fixed capital, or is the guarantor for loans or contractual obligations.

Art. 124. The State Control shall be directed by the State Controller, who shall be appointed and recalled by the Riigikogu, on proposal by the State Elder.

The term of office for the State Controller shall be five years.

In the direction of his office, the State Controller shall have the same rights to which a head of a Ministry is entitled by law.

Art. 125. The State Controller shall submit to the Riigikogu an

annual report on the use of national resources and the maintenance of assets during the previous fiscal year.

- Art. 126. In all matters within his competence the State Controller shall have the right to attend Government meetings with consultative voice.
- Art. 127. Legal proceedings against the State Controller shall be initiated by the Legal Chancellor and based on a decision adopted by the Riigikogu by a majority of votes.
- Art. 128. The functions of the State Controller and his office shall be further specified by law.

CHAPTER 12

The Legal Chancellor

- Art. 129. The Legal Chancellor shall ensure that the activities of State and local government bodies are in agreement with the Constitution and the laws and that human rights are observed.
- Art. 130. The Legal Chancellor shall be appointed and recalled by the Riigikogu, on proposal by the State Elder.
- The term of office of the Legal Chancellor is seven years.
- In the direction of his office, the Legal Chancellor shall have all the rights accorded to the head of a Ministry by law.
- Art. 131. The Legal Chancellor shall have the right to attend, with a consultative voice, sessions of the Riigikogu and its sub-committees and Government meetings.
- Art. 132. If the Legal Chancellor considers that a state or local government body or official has issued an illegal legal act, he or she shall propose to that body or official to bring the act into agreement with the law within twenty days. If the state or local government body or official does not agree with the proposal by the Legal Chancellor or does not comply with the proposal within the specified time limit, then the Legal Chancellor shall apply to the National Court to declare the act null and void.

In case human rights have been violated, the Legal Chancellor shall suspend the activity of the official

responsible or the implementation of the act, and shall submit a request for legal proceedings to be initiated against the official or the act to be declared null and void.

- Art. 133. The Legal Chancellor shall submit an annual report to the Riigikogu.
- Art. 134. Legal proceedings against the Legal Chancellor shall be initiated by the State Elder and based on a decision adopted by the Riigikogu by a majority of votes.
- Art. 135. The functions of the Legal Chancellor and his office shall be further specified by law.

CHAPTER 13

The Courts

- Art. 136. Judicial authority shall be exercised by independent courts, which are subordinate only to the law.
- Art. 138. The court system comprises:
- 1) district and city courts and administrative courts;
 - 2) regional courts;
 - 3) the State Court.

The establishment of special courts to handle particular cases or areas shall be determined by law.

The establishment of extraordinary courts shall be prohibited.

- Art. 139. District courts, city courts and administrative courts shall be first level courts.

Regional courts shall be second level courts, and shall examine the decisions of the first level courts through appeal procedures.

The State court is the highest court in the Republic, which examines court decisions through appeal procedures. The State Court is also the court for constitutional supervision.

Regulations for courts and court proceedings shall be fixed by law.

- Art. 139. The Chairman of the State Court shall be appointed by the Riigikogu, on proposal by the State Elder.

Judges shall be appointed by the Riigikogu, on proposal by the Chairman of the State Court.

The legal status of judges shall be determined by law.

Art. 140. The Chairman or a judge of the State Court shall be released from office according to procedures laid down by law on the following grounds:

- 1) At his own request;
- 2) On reaching the age limit stipulated by law;
- 3) For reasons of health which prevent the judge from carrying out his duties;
- 4) In cases of serious transgressions of official powers or conduct incompatible with the administration of justice;
- 5) In cases of a guilty verdict for a deliberate criminal offense having been delivered against the judge.

Art. 141. Prosecutors appointed by the Legal Chancellor are attached to the courts to represent the public in criminal cases as well as to supervise pre-trial investigations and the carrying out of sentences.

Art. 142. If an enacted law is in conflict with the Constitution, or any other legal act by a State or local government authority is in conflict with the Constitution or a law, the State Court shall declare this legal act to be null and void.

Art. 143. Legal proceedings against the Chairman of the State Court and other judges shall be initiated by the Legal Chancellor and based on a decision adopted by the Riigikogu by a majority of votes.

CHAPTER 14

Local Government

Art. 144. Local issues shall be resolved and organized by local government, which shall operate independently within the limits specified by law.

Art. 145. Additional responsibilities may be imposed upon local government only when based on law or an agreement. Expenditures connected with additional responsibilities placed on local governments on the basis of law shall be funded over the national budget.

Art. 146. The representative body of local government shall be the Volikogu, which shall be elected in a general, direct, uniform and secret election.

In elections to the local government Volikogu, all persons who have reached the age of eighteen years and who reside permanently in the territory of that local government unit shall have the right to vote, according to conditions determined by law.

Art. 147. Local governments shall have independent budgets, which are approved by the Volikogu. The Volikogu shall dispose of the assets of the local government.

Art. 148. Local government shall have the legally established right:

- 1) to impose and collect taxes and to impose fees;
- 2) to form unions and joint institutions together with other local governments.

Art. 149. Regulation and supervision of the activities of local governments shall be specified by law.

CHAPTER 15

Amendments to the Constitution

Art. 150. The right to initiate amendments to the Constitution shall rest with one-fifth of the complement of the Riigikogu.

The Constitution may be amended by a law adopted by referendum or by four-fifth of the complement of the Riigikogu or by a majority of two consecutive complements of the Riigikogu.

The Constitution may not be amended during a state of emergency or a state of war.

Art. 151. A draft laws submitted as an amendment to the Constitution shall be considered during three readings in the Riigikogu, whereby the draft must have been published at least three months before the first reading, and an interval of at least one month shall have passed between each reading.

If the next complement of the Riigikogu adopts, after the first reading, the draft which was adopted by the

previous complement, the amendment to the Constitution shall be considered to be adopted.

Art. 152. A draft law to amend the Constitution shall be put to referendum when two-thirds of the complement of the Riigikogu supports the proposal. The referendum shall not be held earlier than three months or later than six months from the time this resolution was adopted in the Riigikogu.

Art. 153. Chapter I "General Provisions", Chapter III "The People" and Chapter XV "Amendments to the Constitution", of the Constitution may be amended only by referendum.

Art. 154. The law amending the Constitution shall come into force not earlier than three months after the adoption of the law.