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**REPUBLIC OF ESTONIA**

**DRAFT CONSTITUTION**  
(13 April 1992)

April 13, 1992

Constitutional Assembly  
D R A F T  
Unofficial translation

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

Unwavering in their faith and with an unswerving will to safeguard and develop a state

which is established on the inextinguishable right of the Estonian people to national self-determination and which was proclaimed on February 24, 1918,

which is founded on liberty, justice and law,

which shall serve to protect internal and external peace and provide security for the social progress and general benefit of present and future generations,

which shall guarantee the preservation of the Estonian nation and its culture throughout the ages -

the Estonian people adopted, on the basis of Article 1 of the Constitution which entered into force in 1938, by Referendum held on ..... 1992 the following Constitution:

CHAPTER I  
General Provisions

Art. 1. Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is held by the people.

Estonian independence and sovereignty is interminable and inalienable.

Art. 2. The land area, territorial waters and airspace of Estonia are an inseparable and indivisible whole.

Estonia is politically a unitary state wherein the division of its territory into administrative units shall be determined by law.

Art. 3. Governmental power shall be exercised solely on the basis of this Constitution and such laws which are in accordance with the Constitution. Universally recognized principles and norms of international law shall be an

inseparable part of the Estonian legal system.

Laws shall be published in the prescribed manner. Only laws which have been published shall have obligatory force.

Art. 4. The work of the Riigikogu, the President of the Republic, the Government of the Republic and the courts shall be organized on the principle of separate and balanced powers.

Art. 5. The natural wealth and resources of Estonia are national assets, which shall be used sparingly.

Art. 6. The official language of Estonia is Estonian.

Art. 7. The national colors of Estonia are blue, black and white. The dimensions of the national flag and the national coat-of-arms shall be determined by law.

CHAPTER II

Fundamental Rights, Liberties and Duties

Art. 8. Every child with one parent who is an Estonian citizen shall have the right, by birth, to Estonian citizenship.

Everyone who as a minor lost his or her Estonian citizenship shall have the right to have his or her citizenship restored.

No person who has acquired Estonian citizenship by birth may be deprived of it.

No person may be deprived of Estonian citizenship because of his or her persuasion.

Conditions and procedures for the acquisition, loss and restoration of Estonian citizenship shall be determined by the Law on Citizenship.

Art. 9. The rights, liberties and duties of everyone and all persons, as listed in the Constitution, shall be equal for Estonian citizens as well as for citizens of foreign states and stateless persons who are present in Estonia.

The rights, liberties and duties listed in the Constitution shall be extended to legal entities, to the extent that this is in accordance with the general aims of the legal entities, and with the nature of such rights, liberties and duties.

Art. 10. The rights, liberties and duties enumerated in the present Chapter shall not preclude other rights, liberties or duties which ensue from the spirit of the Constitution or are in accordance therewith and are compatible with human dignity and the principles of a society based on social justice, democracy and the rule of law.

Art. 11. Rights and liberties may be restricted only in accordance with the Constitution. Restrictions may be implemented only insofar as they are necessary in a democratic society, and their imposition may not distort the nature of rights and liberties.

Art. 12. All persons shall be equal before the law. No one may be discriminated against on the basis of nationality, race, color, sex, language, origin, creed, political or other persuasions, financial or social status, or other reasons.

The propagation of national, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. The propagation of hatred, violence or discrimination between social strata is equally prohibited and punishable by law.

Art. 13. Everyone shall have the right to the protection of the state and the law. The Estonian state shall extend to foreign countries its protection of its citizens.

The law shall protect everyone against arbitrary treatment by state authorities.

Art. 14. Guaranteeing rights and liberties shall be the responsibility of the legislative, executive and judicial powers, as well as of local government.

Art. 15. Everyone has the right to appeal to a court of law if his or her rights or liberties have been violated. Everyone whose case is being tested by a court of law shall be entitled to demand any pertinent law, other legal act or procedure to be declared unconstitutional. The courts shall observe the Constitution and shall declare as unconstitutional any law, other legal act or procedure which violates the rights and liberties laid down in the Constitution or which is otherwise in conflict with the Constitution.

Art. 16. Everyone has the right to life. This right is protected by law. No one shall be arbitrarily deprived of his or her life.

Art. 17. No one's honour or reputation may be defamed.

Art. 18. No one may be subjected to torture or to cruel or degrading treatment or punishment.

No one may be subjected to medical or scientific experiments without his or her freely given consent.

Art. 19. Everyone shall have the right to free self-realization.

In exercising their rights and liberties and fulfilling their duties, everyone must respect and consider the rights and liberties of other persons and observe the law.

Art. 20. Everyone shall have the right to liberty and security of person.

No one shall be deprived of his or her liberty, except in such cases and procedures as determined by law:

1) to execute a sentence or an arrest warrant issued by a court of law;

2) in cases of disregard for an instruction by a court of law or in order to ensure the fulfillment of obligations determined by law;

3) to prevent a criminal act or the infringement of a civil law, or to bring a person who is justifiably suspect before a competent public authority, or to forestall his or her escape;

4) to arrange for a juvenile to be placed under supervision or to bring him or her before a competent public authority to determine whether supervision is required;

5) to place a person suffering from an infectious disease, mental illness, alcoholism or drug abuse in custody, if he or she is a danger to themselves or others;

6) to bar illegal settlement in Estonia and to enable expulsion from Estonia or extradition to a foreign state.

No one shall be deprived of his or her liberty merely on the grounds of inability to fulfil a contractual obligation.

Art. 21. Anyone deprived of his or her liberty shall be informed promptly, and in such a language and manner which he or she understands, of the reason for the arrest, and his or her rights, and shall be given the opportunity to notify his or her family about the arrest. A suspected offender shall also be promptly given the opportunity to choose a

legal adviser and to confer with him or her. The right of a suspected offender to notify his or her family of the arrest may only be restricted in such cases and procedures as determined by law, for the purpose of preventing a criminal act or in the interest of establishing facts in a criminal investigation.

No one may be held in custody for more than forty-eight hours without specific permission by a court. Such a decision shall be promptly made known to the person in custody, in such a language and manner which he or she understands.

Art. 22. No one may be held guilty of a criminal offence before a guilty verdict by a court has been delivered against that person.

No one shall be required during a criminal investigation to prove his or her innocence.

No one may be compelled to give testimony against themselves, or against close family.

Art. 23. No one may be pronounced guilty of an act, if that act did not constitute a crime under a law which was in effect at the time the act was committed.

No one may be given a more severe sentence than the one which was applicable at the time the offence was committed. If, subsequent to the offence being committed, a lighter sentence is determined by law, this lighter sentence shall be applied.

No one may be tried or sentenced for a second time for an offence for which he or she has already been finally convicted or acquitted in accordance with the law.

Art. 24. 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.

Everyone shall have the right to be present during his or her trial.

Court hearings shall be public. The court may, in such cases and procedures as determined by law, decide to hold its hearings, wholly or in part, in closed session, for the protection of state or business secrets, public morals or the family life or privacy of persons, or where the interests of juveniles, the victim or justice so require.

Court judgements shall be made public, unless the interests of a juvenile, a matrimonial partner or a victim require otherwise.

Everyone shall have the right to appeal to a higher court against a judgement by a court in his or her case, in accordance with procedures determined by law.

Art. 25. Everyone shall have the right to compensation for moral and material injuries caused by anyone's unlawful action.

Art. 26. Everyone shall have the right to inviolability of family life and privacy. State and local government authorities and their officials may not interfere with any person's family life or privacy, except in such cases and procedures as determined by law for the protection of health or public morals, public order, the rights and liberties of other persons, the prevention of a crime or the apprehension of a criminal.

Art. 27. The family being fundamental for the preservation and growth of the nation, and as the basis for society, shall be protected by the state.

Spouses shall have equal rights.

Parents shall have the right and the responsibility for the raising and care of their children.

The protection of parents and children shall be determined by law.

The family shall be responsible for the care of dependent members.

Art. 28. Everyone shall have the right to health care. Estonian citizens shall be entitled to state assistance in the case of old age, inability to work, loss of provider, and need. The categories, the extent, and the conditions and procedures for assistance shall be determined by law. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and stateless persons who are present in Estonia.

The state shall encourage voluntary and local government social care.

Families with many children and the disabled shall be entitled to special care by state and local authorities.

Art. 29. Estonian citizens shall have the right to freely choose his or her field of activity, profession and place of work. The conditions and procedures for exercising this right may be determined by law. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and

stateless persons who are present in Estonia.

No one may be compelled against his or her free will to perform work or service, except military or alternative service, or work required to prevent the spread of infectious diseases, or in cases of natural disasters or catastrophes, or work which by law is required of a person convicted of a crime.

The state shall organize vocational education and assist in finding work for persons seeking employment.

Working conditions shall be under state supervision.

Employers and employees may freely join unions and associations. Unions and associations of employees and employers may for the protection of their rights and legal interests use any means not prohibited by law. The conditions and procedures for exercising the right to strike shall be determined by law.

Procedures for settling labor disputes shall be determined by law.

Art. 30. Positions in state and local government shall be filled by Estonian citizens, in accordance with procedures determined by law. In accordance with the law, such positions may in exceptional cases be filled by foreign citizens or stateless persons.

The law may restrict the right of some categories of civil servants to engage in commercial activities and to form profit-making associations (Art. 31), as well as the right to join political parties and some other non-profit associations (Art. 48).

Art. 31. Estonian citizens shall have the right to engage in commercial activities and to form profit-making associations and leagues. The law may determine conditions and procedures for the exercise of this right. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and stateless persons who are present in Estonia.

Art. 32. The property rights of everyone are inviolable and enjoy equal protection. No property shall be expropriated without the consent of the owner except in cases of public interest, in accordance with procedures determined by law, and in exchange for equitable and appropriate compensation. Anyone whose property has been expropriated without his or her consent shall have the right to appeal to a court and to contest the expropriation, and the nature and amount of compensation.

Everyone shall have the right to freely manage, use and command his or her property. Restrictions shall be determined by law. Property may not be used against the public interest.

The law may establish, in the public interest, categories of property in Estonia which are reserved for ownership by Estonian citizens, certain categories of legal entities, local government or the Estonian state.

The right of inheritance is guaranteed.

Art. 33. The home is inviolable. No one may forcibly enter or search anyone's dwelling, property or place of work, except in such cases and in accordance with procedures determined by law for the protection of public order or health, or the rights and liberties of others, or in order to prevent a criminal act, to capture a criminal offender or to establish facts in a criminal investigation.

Art. 34. All persons legally present in Estonia shall have the right to freedom of movement and choice of abode. The right to freedom of movement may be restricted only in cases and in accordance with procedures determined by law for the protection of the rights and liberties of others, in the interest of national defense, in the event of a natural disaster or a catastrophe, or in order to prevent the spread of infectious diseases, to protect the environment, to avoid leaving a juvenile or mentally ill person without supervision or to ensure criminal proceedings.

Art. 35. Everyone shall have the right to leave Estonia. This right may be restricted in cases and in accordance with procedures determined by law for the purpose of ensuring court or pre-trial proceedings or the execution of a judgement.

Art. 36. No Estonian citizen may be deported from Estonia or prevented from settling in Estonia.

No Estonian citizen may be extradited to a foreign state, except in cases prescribed by a foreign treaty, and in accordance with procedures determined by the applicable treaty and law. Extradition shall be decided by the Government of the Republic. Anyone whose extradition is sought shall be entitled to contest the extradition in an Estonian court.

Every Estonian shall have the right to settle in Estonia.

Art. 37. Everyone shall have the right to an education. Education shall be compulsory for school-age children to the extent

specified by law, and free of school fees in state and local government general education schools.

In order to make education available, state and local governments shall maintain the necessary number of educational institutions. As determined by law, other educational institutions may be established, including private schools.

Parents shall have the final decision in choosing education for their children.

Everyone shall have the right to instruction in Estonian. Educational institutions established for minorities shall choose their own language of instruction.

The provision of education shall be supervised by the state.

Art. 38. Science and the arts, and their instruction, shall be able to exist freely.

Universities and research institutions shall be autonomous, within the limits prescribed by law.

Art. 39. Authors shall have the inalienable right to their work. The state shall protect intellectual property rights.

Art. 40. Everyone shall have freedom of conscience, religion and thought.

Everyone may freely belong to a church or a religious association. There shall be no state church.

Everyone shall have the freedom, either alone or in community with others and in public or private to practise his or her religion, unless it endangers public order, health or morals.

Art. 41. Everyone shall have the right to hold his or her opinions and persuasions. No one may be coerced to change them.

Persuasions cannot be pleaded as an excuse for a legal offence.

No one may be legally charged because of his or her persuasions.

Art. 42. No state or local government authority or their officials may collect or store information on the persuasions of any Estonian citizen against his or her free will.

Art. 43. Everyone shall be entitled to secrecy of messages

transmitted by him or to him by post, telegram, telephone or other generally used means. Exceptions may be made on authorization by a court, in cases and in accordance with procedures determined by law in order to prevent a criminal act or for the purpose of establishing facts in a criminal investigation.

Art. 44. Everyone shall have the right to freely receive information circulated for general use.

At the request of Estonian citizens, and to the extent and in accordance with procedures determined by law, all state and local government authorities and their officials shall be obligated to provide information on their work, with the exception of information which is forbidden by law to be divulged, and information which is intended for internal use only.

Estonian citizens shall have the right to become acquainted with information about themselves held by state and local government authorities and in state and local government archives, in accordance with procedures determined by law. This right may be restricted by law in order to protect the rights and liberties of other persons, and the secrecy of children's ancestry, as well as to prevent a crime, or in the interests of apprehending a criminal or to clarify the truth for a court case.

Unless otherwise determined by law, the rights specified in paragraphs 2 and 3 of the present Article shall exist equally for Estonian citizens and citizens of other states and stateless persons who are present in Estonia.

Art. 45. Everyone shall have the right to freely circulate ideas, opinions, persuasions and other information by word, print, picture and other means. This right may be restricted by law for the purpose of protecting public order or morals, or the rights and liberties, health, honor and reputation of others. The law may likewise restrict this right for state and local government officials, for the purpose of protecting state or business secrets or confidential communication, which due to their service the officials have access to, as well as of protecting the family life and privacy of other persons, and in the interests of justice.

There shall be no censorship.

Art. 46. Everyone shall have the right to petition state and local government authorities and their officials with memoranda and applications. Procedures for responding shall be determined by law.

Art. 47. Everyone shall have the right, without prior permission, to peacefully assemble and conduct meetings. This right may be restricted in cases and in accordance with procedures determined by law for the purpose of national security, public order or morals, traffic safety and the safety of the participants in such meetings or to prevent the spread of infectious diseases.

Art. 48. Everyone shall have the right to form non-profit associations and leagues. Only Estonian citizens may be members of political parties.

The establishment of associations and leagues possessing weapons or organized in a military fashion or conducting military exercises requires a prior permit, the issuing of which shall be in accordance with conditions and procedures determined by law.

Associations, leagues or political parties whose aims or activities are directed towards the violent change of the Estonian constitutional system or otherwise violate a criminal law shall be prohibited.

The termination or suspension of the activities of an association, a league or a political party, and its penalization, may only be invoked by a court, in cases where a law has been violated.

Art. 49. Everyone shall have the right to preserve his or her ethnic identity.

Art. 50. Ethnic minorities shall have the right, in the interests of their national culture, to establish institutions of self-government in accordance with conditions and procedures determined by the Law on Cultural Autonomy for Ethnic Minorities.

Art. 51. Everyone shall have the right to address a state or local government authority and their officials in Estonian, and to receive answers in Estonian.

In localities where at least half of the permanent residents belong to an ethnic minority, everyone shall have the right to receive answers from state and local government authorities and their officials in the language of that ethnic minority.

Art. 52. The official language of state and local government authorities shall be Estonian.

In localities where the language of the majority of the population is other than Estonian, local government authorities may use the language of the majority of the permanent residents of that locality for internal

communication to the extent and in accordance with procedures determined by law.

The use of foreign languages, including the languages of ethnic minorities, by state authorities and in court and pre-trial proceedings shall be determined by law.

Art. 53. Everyone shall be obligated to preserve human and natural environment and to compensate for damages caused by him or her to the environment. The procedures for compensation shall be determined by law.

Art. 54. It shall be the duty of every Estonian citizen to be loyal to the constitutional system of government and to defend the independence of Estonia.

Where no other means are available, every Estonian citizen shall have the right to take spontaneous action against any forcible change of the constitutional system.

Art. 55. Citizens of foreign states and stateless persons present in Estonia are obligated to respect the Estonian constitutional system of government.

### CHAPTER 3

#### The People

Art. 56. The people shall exercise their supreme power through citizens who have the right to vote by:

- 1) electing the Riigikogu;
- 2) participating in referenda;

Art. 57. The right to vote shall belong to every Estonian citizen who has attained the age of eighteen.

An Estonian citizen who has been declared mentally incompetent by a court of law shall not have the right to vote.

Art. 58. The participation in elections of Estonian citizens who have been convicted by a court of law and who are serving a sentence in a place of detention may be restricted by law.

## CHAPTER 4

### The Riigikogu

- Art. 59. Legislative power shall rest with the Riigikogu.
- Art. 60. The Riigikogu shall be comprised of one hundred and one members. Members of the Riigikogu shall be elected in free elections on the principle of proportionality. Elections shall be general, uniform and direct. Voting shall be secret.

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

Regular elections to the Riigikogu shall be held on the first Sunday in March every fourth year following the year of previous elections to the Riigikogu.

Early elections to the Riigikogu shall be held, in the cases prescribed by Articles 89, 97, 105 and 119 of the Constitution, no earlier than twenty, and no later than forty days after elections have been declared.

The procedures for the election of the Riigikogu shall be determined by the Law On the Riigikogu Elections.

- Art. 61. The authority of the members of the Riigikogu shall commence on the day the results of the elections have been announced. The authority of the previous complement of the Riigikogu shall cease from that same day.

Before beginning to fulfil his or her duties, a member of the Riigikogu shall take an oath of office affirming his or her loyalty to the Republic of Estonia and its constitutional system.

- Art. 62. 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 or any of its bodies.

- Art. 63. A member of the Riigikogu may not hold any other public office.

A member of the Riigikogu shall be released from the responsibility to serve in the defense forces for the duration of his or her term.

- Art. 64. The authority of a member of the Riigikogu shall be suspended on his or her appointment as a member of the Government of the Republic, and shall be restored on his or her being released from the duties as a member of government.

The authority of a member of the Riigikogu shall be

prematurely terminated:

- 1) on he or she assuming another public office;
- 2) on a guilty verdict by a court against him or her entering into force;
- 3) on he or she resigning in accordance with procedures determined by law;
- 4) if the National Court has pronounced him or her to be permanently incapable of fulfilling his or her duties;
- 5) on his or her death.

When the authority of a member of the Riigikogu has been suspended or prematurely terminated, an alternate member shall assume his or her seat, in accordance with procedures determined by law. The alternate member shall have all the rights and duties of a member of the Riigikogu.

The authority of an alternate member shall cease when a member of the Riigikogu resumes his or her authority.

- Art. 65. The Riigikogu shall:

- 1) adopt laws and resolutions;
- 2) decide on the conducting of referenda;
- 3) elect the President of the Republic in accordance with Article 79 of the Constitution;
- 4) ratify and denounce foreign treaties in accordance with Article 121 of the Constitution;
- 5) authorize the candidate for Prime Minister to form the Government of the Republic;
- 6) adopt the national budget and approve the report on its execution;
- 7) appoint, on proposal by the President of the Republic, the Chairman of the National Court, the Chairman of the Council of the Bank of Estonia, the Auditor-General, the Legal Chancellor and the Commander or Commander-in-Chief of the Defense Forces;
- 8) appoint, on proposal by the Chairman of the National Court, judges for the National Court;
- 9) appoint members of the Council of the Bank of Estonia;



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

11) present statements, declarations and appeals to the Estonian people, foreign states and international organizations;

12) establish national orders of merit and military and diplomatic ranks;

13) decide on votes of no-confidence in the Government of the Republic, the Prime Minister or individual ministers;

14) declare a state of emergency in the nation in accordance with Article 129 of the Constitution;

15) on proposal by the President of the Republic declare a state of war, order mobilization and demobilization.

16) resolve all issues of government which, according to the Constitution, are not to be resolved by the President of the Republic, the Government of the Republic, other state bodies or local government.

Art. 66. The first session of the complement of the new Riigikogu shall take place within ten days of the announcement of the results of the Riigikogu elections. The first session shall be convened by the President of the Republic.

Art. 67. Regular sessions of the Riigikogu shall take place from the second Monday of January to the third Thursday of June, and from the second Monday of September to the third Thursday of December.

Art. 68. Extraordinary sessions of the Riigikogu shall be convened by the Speaker of the Riigikogu, on the demand of the President of the Republic, the Government of the Republic or at least one fifth of the complement of the Riigikogu.

Art. 69. The Riigikogu shall elect from among its members the Chairman of the Riigikogu (Speaker) and two Deputy Chairmen (Deputy Speakers), who shall direct the work of the Riigikogu, in accordance with the Law On the Riigikogu By-Laws and the Law On the Riigikogu Proceedings.

Art. 70. The quorum for the Riigikogu shall be determined by the Law On the Riigikogu By-Laws. In an extraordinary session, the Riigikogu shall have a quorum when over half of its complement is present.

Art. 71. The Riigikogu shall establish committees.

Members of the Riigikogu shall have the right to form factions.

Procedures for establishing committees and factions, and their powers, shall be determined by the Law On the Riigikogu By-Laws.

Art. 72. Riigikogu sessions shall be public, unless the Riigikogu, by a majority of two-thirds, decides otherwise.

Voting in the Riigikogu shall be public. Voting by secret ballot shall only be held in cases prescribed by the Constitution or the Riigikogu By-Laws in matters concerning the election or appointment of officials.

Art. 73. Legal acts of the Riigikogu shall be adopted with a majority of yes-votes, unless otherwise prescribed by the Constitution.

Art. 74. Members of the Riigikogu shall have the right to request explanations from the Government of the Republic and its members, the Chairman of the Council of the Bank of Estonia, the President of the Bank of Estonia, the Auditor-General, the Legal Chancellor and the Commander or Commander-in-Chief of the Defense Forces.

Requests for explanations must be answered at a session of the Riigikogu within twenty session days.

Art. 75. The remuneration of members of the Riigikogu and restrictions on other income shall be determined by law, which may be amended for the next complement of the Riigikogu.

Art. 76. A member of the Riigikogu enjoys immunity. Criminal charges can only be brought against him or her on proposal by the Legal Chancellor and with the consent of the majority of the complement of the Riigikogu.

## Chapter V

### The President of the Republic

Art. 77. The President of the Republic is the Head of State of Estonia.

Art. 78. The President of the Republic shall:

1) represent the Republic of Estonia in international relations;

2) appoint and recall, on proposal by the Government,

diplomatic representatives of the Republic of Estonia and accept letters of credence of diplomatic representatives accredited in Estonia;

3) declare regular Riigikogu elections, and early elections for the Riigikogu, in accordance with Articles 89, 97, 105 and 119 of the Constitution;

4) convene the new complement of the Riigikogu in accordance with Article 66 of the Constitution, and shall open its first session;

5) propose to the Speaker of the Riigikogu to convene an extraordinary session of the Riigikogu in accordance with Article 68 of the Constitution;

6) proclaim laws in accordance with Articles 105 and 107 of the Constitution and shall sign documents of ratification;

7) issue edicts in accordance with Articles 109 and 110 of the Constitution;

8) initiate amendments to the Constitution;

9) determine the candidate for Prime Minister in accordance with Article 89 of the Constitution;

10) appoint and recall members of the Government, in accordance with Articles 89, 90 and 92 of the Constitution;

11) present proposals to the Riigikogu for appointments to the offices of the Chairman of the National Court, the Chairman of the Council of the Bank of Estonia, the Auditor-General, the Legal Chancellor and the Commander or the Commander-in-Chief of the Defense Forces;

12) appoint, on proposal by the Council of the Bank of Estonia, the President of the Bank of Estonia;

13) appoint judges on proposal by the National Court;

14) appoint and recall from office the Government of the Republic and, on proposal by the Commander of the Defense Forces, officers in the Defense Forces;

15) confer civil and military honors and diplomatic ranks;

16) be the Supreme Commander of Estonia's national defense;

17) present proposals to the Riigikogu on declarations of

a state of war, on orders for mobilization and demobilization and, in accordance with Article 129 of the Constitution, on proclamations of a state of emergency;

18) declare, in cases of armed aggression against Estonia, a state of war, shall issue orders for mobilization and shall appoint a Commander-in-Chief of the Defense Forces, in accordance with Article 128 of the Constitution;

19) grant mercy, on the request of prisoners, by freeing those sentenced or reducing the sentence;

20) initiate the placing of criminal charges against the Legal Chancellor, in accordance with Article 145 of the Constitution.

Art. 79. The President of the Republic shall be elected by the Riigikogu, or, in the case described in the fourth paragraph of the present Article, by the Electoral Body.

The right to present a candidate for President of the Republic shall rest with at least one-fifth of the complement of the Riigikogu.

Any Estonian citizen by birth, who is at least forty years of age, may be presented as a candidate for President of the Republic.

The President of the Republic shall be elected by secret ballot. Each member of the Riigikogu shall have one vote. A candidate who is supported by a two-thirds majority of the complement of the Riigikogu shall be considered to be elected. Should no candidate receive the required majority, then a new vote shall be organized on the next day. Before the second round of voting, there shall be a new presentation of candidates. Should no candidate receive the required majority in the second round, then a third round of voting shall be organized on the same day between the two candidates who received the most votes in the second round. Should the President of the Republic still not be elected in the third round of voting, the Speaker of the Riigikogu shall convene, within one month, an Electoral Body to elect the President of the Republic.

The Electoral Body shall be comprised of the members of the Riigikogu and representatives of the local government Volikogus. Each local government Volikogu shall elect at least one representative, who must be an Estonian citizen, to the Electoral Body.

The Riigikogu shall present to the Electoral Body as candidates for President the two candidates who received

the greatest number of votes in the Riigikogu. The right to present a presidential candidate shall also rest with at least twenty-one members of the Electoral Body.

The Electoral Body shall elect the President of the Republic with a majority of those members of the Electoral Body who are present. Should no candidate be elected in the first round, a second round of voting shall be organized on the same day between the two candidates who received the highest number of votes.

Further procedures for the election of the President of the Republic shall be determined by the Law On Electing the President of the Republic.

Art. 80. The President of the Republic shall be elected for a term of five years. No person may be elected to the office of President of the Republic for more than two consecutive terms.

The regular election for President of the Republic shall be held no earlier than sixty and no later than ten days before the end of the term of the President of the Republic.

Art. 81. The President of the Republic shall assume office by swearing the following oath of office to the Estonian people before the Riigikogu: "In assuming the office of President of the Republic, I (given- and surname) hereby solemnly swear that I will unswervingly defend the Constitution and the laws of the Republic of Estonia, exercise the power entrusted to me in a just and equitable manner, and honorably fulfil my duties to the best of my ability and to the best of my understanding, for the benefit of the Estonian people and the Republic of Estonia."

Art. 82. The authority of the President of the Republic shall terminate on:

- 1) resigning from office;
- 2) being convicted of an offense;
- 3) his or her death;
- 4) a new President of the Republic assuming office.

Art. 83. If the President of the Republic, according to a resolution by the Riigikogu, is continuously unable to fulfil his or her duties due to the state of health, or he or she is unable to fulfil them temporarily, in cases specified by law, or his or her term has ended prematurely, his or her duties shall temporarily be

transferred to the Speaker of the Riigikogu.

During the period when the Speaker of the Riigikogu is fulfilling the duties of the President of the Republic, his or her authority as a member of the Riigikogu shall be suspended.

The Speaker of the Riigikogu as acting President of the Republic shall not have the right to declare early elections for the Riigikogu or to refuse to proclaim laws, without the consent of the National Court.

Should the President of the Republic be unable to fulfil his or her duties for over three consecutive months, or if his or her authority has terminated prematurely, the Riigikogu shall elect a new President of the Republic within fourteen days, in accordance with Article 79 of the Constitution.

Art. 84. Upon assuming office, the authority and duties of the President of the Republic in all elected and appointed offices shall cease, and he or she shall suspend his or her membership in political parties.

Art. 85. The President of the Republic may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu.

## CHAPTER VI

### The Government of the Republic

Art. 86. Executive power shall be held by the Government of the Republic.

Art. 87. The Government of the Republic shall:

- 1) implement national domestic and foreign policies;
- 2) direct and coordinate the work of government institutions;
- 3) organize the implementation of legislation, the resolutions of the Riigikogu, and the edicts of the President of the Republic;
- 4) submit draft legislation to the Riigikogu, as well as foreign treaties for either ratification or denunciation;
- 5) prepare a draft of the national budget and present it to the Riigikogu, shall administer the implementation of

the national budget, and present a report on the implementation of the budget to the Riigikogu;

6) issue ordinances and directives for fulfillment in accordance with the law;

7) organize relations with foreign states;

8) declare, in the case of natural disasters and catastrophes or in order to impede the spread of infectious diseases, a state of emergency throughout the nation or in parts thereof;

9) fulfil other tasks which have been placed under its jurisdiction by the Constitution and laws.

Art. 88. The Government of the Republic shall be comprised of the Prime Minister and Ministers.

Art. 89. The President of the Republic, within fourteen days after the Government of the Republic has resigned, shall nominate a candidate for Prime Minister, who shall be tasked with forming a new government.

The candidate for Prime Minister shall report to the Riigikogu, within fourteen days of being assigned the task of forming a government, the bases for the formation of the new government, after which the Riigikogu shall decide, without negotiation and by an open vote, on giving the candidate for Prime Minister the authority to form a Government.

The candidate for Prime Minister who has received authority from the Riigikogu to form a government, shall present, within seven days, the composition of the Government to the President of the Republic, who shall appoint the Government within three days.

If the candidate for Prime Minister, nominated by the President of the Republic, does not receive the majority of yes-votes in the Riigikogu, or is unable to form a Government, or abstains, the President of the Republic shall have the right to present another candidate for Prime Minister within seven days.

If the President of the Republic does not present another candidate for Prime Minister within seven days, or abstains, or if this candidate is unable to obtain authority from the Riigikogu, in accordance with the conditions and time restraints in Paragraphs 2 and 3 of the present Article, or is unable to form a Government, or abstains, the right to present a candidate for Prime Minister shall be transferred to the Riigikogu.

The Riigikogu shall present a candidate for Prime Minister, who shall present the composition of the Government to the President of the Republic. If, within fourteen days from the transfer of the right to present a candidate for Prime Minister to the Riigikogu, the composition of the Government has not been presented to the President of the Republic, the President of the Republic shall declare early elections for the Riigikogu.

Art. 90. Changes to the composition of those appointed to the Government of the Republic shall be made by the President of the Republic, on proposal by the Prime Minister.

Art. 91. The Government shall take office by swearing an oath of office before the Riigikogu.

Art. 92. The Government of the Republic shall resign:

1) on the new complement of the Riigikogu convening;

2) on the resignation or death of the Prime Minister;

3) when the Riigikogu expresses no-confidence in the Government or the Prime Minister;

The President of the Republic shall discharge the Government of the Republic when the new Government assumes office.

Art. 93. The Prime Minister shall represent the Government of the Republic and shall direct its work.

The Prime Minister shall appoint two Ministers who shall have the right to substitute for the Prime Minister during his or her absence. The procedures for the substitution shall be determined by the Prime Minister.

Art. 94. Appropriate Ministries shall be established in accordance with the law, for the purpose of executing particular functions of government.

A Minister shall head a Ministry, organize the handling of issues which belong to the sphere of activity of the Ministry, shall issue directives and ordinances to be fulfilled on the basis of the law, and shall fulfil other duties which have been imposed, on the basis and in accordance with procedures determined by law.

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

The President of the Republic may appoint, on proposal by

the Prime Minister, other Ministers who do not head Ministries.

Art. 95. A State Chancellery shall be within the Government, and shall be headed by the State Secretary.

The State Secretary shall be appointed and recalled by the Prime Minister.

The State Secretary shall participate in Government sessions, with the right to speak.

The State Secretary shall have the same rights in heading the State Chancellery which are specified by law for a Minister in heading a Ministry.

Art. 96. Sessions of the Government of the Republic shall be closed, unless the Government decides otherwise.

The Government shall make decisions on proposal by the Prime Minister or by the appropriate Minister.

Ordinances by the Government shall be in effect when they carry the signatures of the Prime Minister, the appropriate Minister and the State Secretary.

Art. 97. The Riigikogu may express no-confidence in either the Government of the Republic, the Prime Minister or a Minister by a resolution adopted by the majority of the complement of the Riigikogu.

The issue of no-confidence may be initiated by at least one-fifth of the complement of the Riigikogu by submitting a written motion at a session of the Riigikogu.

The issue of expressing no-confidence may come up for resolution no earlier than two days after its being submitted, unless the Government demands speedier resolution.

In the case of no-confidence being expressed in the Government or the Prime Minister, the President of the Republic may, on proposal by the Government and within three days, declare early elections.

In the case of no-confidence being expressed in a Minister, the Speaker of the Riigikogu shall notify the President of the Republic, who shall recall the Minister from office.

The expression of no-confidence on the same grounds may be re-initiated no earlier than three months after the previous no-confidence vote.

Art. 98. The Government of the Republic may tie the adoption of a draft, which it has presented to the Riigikogu, with the issue of no-confidence.

Voting may not take place any earlier than two days after the tying of the draft with the issue of no-confidence. Should the Riigikogu reject the draft, the Government shall resign.

Art. 99. Members of the Government of the Republic may not hold any other public office or belong to the leadership or council of a commercial enterprise.

Art. 100. Members of the Government of the Republic may participate, with the right to speak, in sessions of the Riigikogu and its committees.

Art. 101. A member of the Government of the Republic may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu.

The authority of a member of the Government shall terminate when a guilty verdict comes into effect.

## CHAPTER VII

### Legislation

Art. 102. Laws shall be adopted in accordance with the Constitution.

Art. 103. The right to initiate laws shall rest with:

- 1) members of the Riigikogu;
- 2) factions of the Riigikogu;
- 3) Riigikogu committees;
- 4) the Government of the Republic;
- 5) the President of the Republic for amendments to the Constitution.

The Riigikogu shall have the right, with a resolution adopted by a majority of its complement, to propose to the Government of the Republic that it initiate a draft desired by the Riigikogu.

Art. 104. Procedures for the adoption of laws shall be determined by the Law On the Riigikogu By-Laws.

The following laws may be adopted or amended only by a majority of the complement of the Riigikogu:

- 1) Law On Citizenship;
- 2) Law On the Riigikogu Elections;
- 3) Law On Electing the President of the Republic;
- 4) Law On Local Government Elections;
- 5) Referendum Law;
- 6) Law On the Riigikogu By-Laws and Law On the Riigikogu Procedures;
- 7) Law On the Salaries of the President of the Republic and the Members of the Riigikogu;
- 8) Law On the Government of the Republic;
- 9) Law On Court Procedures Against the President of the Republic and the Members of the Government;
- 10) Law On Cultural Autonomy For Ethnic Minorities;
- 11) Law On the National Budget;
- 12) Law On the Bank of Estonia;
- 13) Law On the State Audit Office;
- 14) Law On the Organization of the Courts and On Court Procedures;
- 15) Laws pertaining to external and internal loans, and state asset obligations;
- 16) Law on A State of Emergency;
- 17) Law on Peacetime National Defense and Wartime National Defense.

Art. 105. The Riigikogu shall have the right to put draft legislation or other national issues to a referendum.

The decision of the people shall be determined by the majority of those participating in the referendum.

A law which has been adopted by referendum shall be immediately proclaimed by the President of the Republic. The referendum decision shall be binding on all state bodies.

Should the draft law which has been put to referendum not receive a majority of yes-votes, the President of the Republic shall declare early elections for the Riigikogu.

Art. 106. Issues related to the budget, taxes, the financial obligations of the state, the ratification of foreign treaties, and the enactment and ending of a state of emergency may not be put to referendum.

Procedures for referenda shall be determined by the Referendum Law.

Art. 107. Laws shall be proclaimed by the President of the Republic.

The President of the Republic shall have the right not to proclaim a law adopted by the Riigikogu, and to return the law to the Riigikogu, within fourteen days of receiving it, together with the reasons for its rejection. If the Riigikogu adopts a law which has been returned by the President of the Republic, without amendments, the President of the Republic shall proclaim the law, or propose to the National Court that it declare the law to be in conflict with the Constitution. If the National Court declares the law to be in accordance with the Constitution, the President of the Republic shall proclaim the law.

Art. 108. A law shall come into force on the tenth day after its publication in the "Riigi Teataja", unless the law itself determines otherwise.

Art. 109. If the Riigikogu is prevented from convening, the President of the Republic shall have the right, in matters of national interest which cannot be postponed, to issue edicts which have the force of law, and which shall bear the co-signatures of the Speaker of the Riigikogu and the Prime Minister.

When the Riigikogu convenes, the President of the Republic shall present such edicts to the Riigikogu, which shall immediately adopt a law either confirming or repealing the edicts.

Art. 110. Neither the Constitution, the laws listed in Article 104 of the Constitution, nor laws determining state taxes or the national budget can be enacted, amended or repealed by edicts issued by the President of the Republic.

## CHAPTER VIII

### Finance and the National Budget

Art. 111. The sole right to issue currency in Estonia shall rest with the Bank of Estonia. The Bank of Estonia shall organize currency circulation, and promote the stability of a good national currency.

Art. 112. The Bank of Estonia shall operate in accordance with the law, and shall report to the Riigikogu.

Art. 113. State taxes, fees, levies, penalties and compulsory insurance payments shall be determined by law.

Art. 114. Procedures for the control, use and command of national assets shall be determined by law.

Art. 115. The Riigikogu shall adopt, as a law, a budget for all state income and expenditure for each year.

The Government of the Republic shall present a draft national budget to the Riigikogu no later than three months before the commencement of the budget year.

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

Art. 116. Proposed amendments to the national budget or to its draft, which require a decrease in income, an increase of expenditures, or a re-distribution of expenditures, as prescribed in the draft national budget, must be accompanied by the necessary financial calculations, prepared by the initiators, which indicate the sources of income to cover the proposed expenditures.

The Riigikogu may not eliminate or reduce in the national budget or its draft those expenditures which have been prescribed by other laws.

Art. 117. The procedures for the preparation and adoption of the budget shall be determined by law.

Art. 118. The national budget adopted by the Riigikogu shall enter into force from the beginning of the budget year. If the Riigikogu does not adopt the national budget by the beginning of the budget year, it shall be permitted to make expenditures each month up to one-twelfth of the expenditures of the previous budget year.

Art. 119. If the Riigikogu has not adopted the budget within two months of the beginning of the budget year, the President of the Republic shall declare early elections for the Riigikogu.

## CHAPTER IX

### Foreign Relations and Foreign Treaties

Art. 120. Procedures for the relations of the Republic of Estonia with other states and with international organizations shall be determined by law.

Art. 121. 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 Estonian laws;

3) by which the Republic of Estonia joins international organizations or leagues;

4) by which the Republic of Estonia assumes military or assets obligations;

5) where ratification is prescribed.

Art. 122. The land border of Estonia shall be determined by the Tartu Peace Treaty of February 2, 1920, and other international border treaties. The sea and air borders of Estonia shall be determined on the basis of international conventions.

A two-thirds majority of the complement of the Riigikogu shall be mandatory for the ratification of treaties which amend Estonian state borders.

Art. 123. The Republic of Estonia shall not conclude foreign treaties which are in conflict with the Constitution.

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

## CHAPTER X

### National Defense

Art. 124. Citizens of the Republic of Estonia shall be obligated to participate in national defense, in accordance with the bases and procedures determined by law.

Those who refuse service in the Defense Forces for religious or ethical reasons shall be obligated to participate in alternative service, in accordance with the procedures prescribed by law.

Unless the law, considering the special interests of the service, determines otherwise, persons in the Defense Forces or in alternative service shall have all constitutional rights, liberties and obligations. The rights and liberties prescribed in Article 8 par. 3 and 4, Articles 11-18, Article 20 par. 3, Articles 21-28, Article 32, Article 33, Articles 36-43, Article 44 par. 1 and 2, Articles 49-51 of the Constitution may not be restricted. The legal status of persons in the Defense Forces and alternative service shall be determined by law.

Art. 125. A person in active service may not hold elected or appointed office nor participate in the activities of any political party.

Art. 126. The organization of the Estonian Defense Forces and the national defense organizations shall be determined by law.

The organization of national defense shall be determined by the Peacetime National Defense Law and the Wartime National Defense Law.

Art. 127. The supreme commander of national defense shall be the President of the Republic.

The National Defense Council shall be an advisory body for the President of the Republic, and its composition and tasks shall be determined by law.

The Estonian defense forces shall be headed by the Commander of the Defense Forces in peacetime, and the Commander-in-Chief of the Defense Forces during a state of war. The Commander and Commander-in-Chief of the Defense Forces shall be appointed and recalled by the Riigikogu, on proposal by the President of the Republic.

Art. 128. The Riigikogu shall declare, on proposal by the President of the Republic, a state of war, order mobilization and de-mobilization, and shall decide on the utilization of the Defense Forces to fulfil the international obligations of the Estonian nation.

In the case of aggression directed against the Republic of Estonia, the President of the Republic shall declare a state of war and mobilization, and shall appoint the Commander-in-Chief of the Defense Forces, without waiting for a resolution to be adopted by the Riigikogu.

Art. 129. In the case of a threat to the Constitutional system of government, the Riigikogu may declare, on proposal by the President of the Republic or the Government of the Republic and with a majority of its complement, a state

of emergency in the whole country, with a duration of no longer than three months.

Regulations for a state of emergency shall be determined by law.

Art. 130. During a state of emergency or a state of war, the rights and liberties of persons may be restricted, and obligations placed upon them, in the interests of national security and public order, in the cases, and in accordance with procedures prescribed by law. Rights and liberties determined by Article 8, Articles 11-18, Article 20 par. 3, Article 22, Article 23, Article 24 par. 2 and 4, Article 25, Article 27, Article 28, Article 36 par. 2, Article 40, Article 41, Article 49 and Article 51 par.1 of the Constitution may not be restricted.

Art. 131. During a state of emergency or a state of war there shall be no elections for the Riigikogu, the President of the Republic or representative bodies of local government, nor can their authority be terminated.

The authority of the Riigikogu, the President of the Republic, and representative bodies of local government shall be extended if they should end during a state of emergency or state of war, or within three months of the end of a state of emergency or state of war. In these cases, new elections shall be declared within three months of the end of a state of emergency or a state of war.

## CHAPTER XI

### State Audit Office

Art. 132. The State Audit Office shall be an independent state institution with responsibility for economic control.

Art. 133. State Audit Office shall supervise:

- 1) the economic activity of state institutions, state enterprises and other organizations;
- 2) the use and preservation of state assets;
- 3) the use and control of state assets which has been transferred to the jurisdiction of local government;
- 4) the economic activity of such enterprises where the state has over half of the votes determined by the shares or stocks, or whose loans or contractual obligations are guaranteed by the state.



Art. 134. The State Audit Office shall be headed by the Auditor-General, who shall be appointed and recalled by the Riigikogu, on proposal by the President of the Republic.

The term of office for the Auditor-General shall be five years.

Art. 135. The Auditor-General shall present to the Riigikogu an annual report on the use and preservation of state assets during the previous budget year at the time of the debate in the Riigikogu on the implementation of the national budget.

Art. 136. The Auditor-General shall have the right to participate in sessions of the Government of the Republic with the right to speak on issues related to his or her duties.

The Auditor-General shall have, in heading his or her office, the same rights which are specified by law for a Minister in heading a Ministry.

Art. 137. The organization of the State Audit Office shall be determined by law.

Art. 138. The Auditor-General may be charged with a criminal offence only on proposal by the Legal Chancellor, with the consent of the majority of the complement of the Riigikogu.

## CHAPTER 12

### The Legal Chancellor

Art. 139. The Legal Chancellor shall be, in conducting his or her work, an independent official supervising the accordance with the Constitution and legislation of the legal acts issued by the state legislature and executive, as well as by local government bodies.

The Legal Chancellor shall analyze the proposals made to him or her for amending legislation and adopting new laws, as well as for the work of government institutions, and, if necessary, shall present a report to the Riigikogu.

The Legal Chancellor shall, in the cases referred to in Articles 76, 85, 101, 138, 153 of the Constitution, propose to the Riigikogu to bring criminal charges against a member of the Riigikogu, the President of the Republic, a member of the Government of the Republic, the Auditor-General, the Chairman of the National Court or a member of the National Court.

Art. 140. The Legal Chancellor shall be appointed by the Riigikogu, on proposal by the President of the Republic, for a term of seven years.

The Legal Chancellor may be removed from office only by a Court decision.

Art. 141. The Legal Chancellor, in heading his or her office, shall have all the rights which are accorded to a Minister in heading a Ministry.

The Legal Chancellor shall have the right to participate in sessions of the Riigikogu and in sessions of the Government of the Republic, with the right to speak.

Art. 142. If the Legal Chancellor considers that a legal act issued by the state legislature or executive or by a local government is in conflict with the Constitution or a law, he or she shall propose to the body which has adopted that act to bring the act into accordance with the Constitution or law within twenty days.

If the act is not brought into accordance with the Constitution or law within twenty days, the Legal Chancellor shall apply to the National Court to declare the act null and void.

Art. 143. The Legal Chancellor shall present an annual report to the Riigikogu on the accordance with the Constitution and legislation of legal acts issued by the state legislature and executive and by local government.

Art. 144. The legal status of the Legal Chancellor and the organization of his or her office shall be determined by the law.

Art. 145. The Legal Chancellor may be charged with a criminal offence only on proposal by the President of the Republic and with the consent of the majority of the complement of the Riigikogu.

## CHAPTER 13

### The Courts

Art. 146. Justice shall be administered only by the Courts. The Courts shall be independent in their work and shall administer justice in accordance with the Constitution and laws.

Art. 147. Judges shall be appointed for life. The bases and procedures for recalling judges shall be determined by

law.

Judges may be recalled only by a Court decision.

Judges may not hold any other elected or appointed office, except in cases prescribed by law.

Guarantees for the independence and the legal status of judges shall be determined by law.

Art. 148. The court system shall be comprised of:

- 1) rural and city courts, as well as administrative courts;
- 2) district courts;
- 3) the National Court.

The creation of special courts to handle some categories of court cases shall be determined by law.

The establishment of emergency courts shall be prohibited.

Art. 149. Rural and city courts, as well as administrative courts shall be first level courts.

District courts shall be second level courts, and they shall examine the decisions of the first level courts as appeal procedures.

The National Court is the highest court in the land, which examines court decisions as appeal procedures. The National Court is also the court for constitutional supervision.

The court system and court proceedings shall be regulated by law.

Art. 150. The Chairman of the National Court shall be appointed by the Riigikogu, on proposal by the President of the Republic.

Members of the National Court shall be appointed by the Riigikogu, on proposal by the Chairman of the National Court.

Other judges shall be appointed by the President of the Republic, on proposal by the National Court.

Art. 151. The organization of representation, defense, state prosecution and supervision of legality in Court procedures shall be determined by law.

Art. 152. If any law or another legal act is in conflict with the Constitution, it shall not be applied by the Court in trying a case.

If any law or other legal act is in conflict with the provisions and spirit of the Constitution, it shall be declared null and void by the National Court.

Art. 153. A judge may be charged with a criminal offence during his or her term of office only on proposal by the National Court and with the consent of the President of the Republic.

The Chairman of the National Court and its members may be charged with a criminal offence only on proposal by the Legal Chancellor and with the consent of the complement of the Riigikogu.

#### CHAPTER 14

##### Local Government

Art. 154. All local issues shall be resolved and regulated by local government, which shall operate independently in accordance with the law.

Obligations may be imposed upon local government only in accordance with the law or in agreement with local government. Expenditures related to the obligations imposed on local government by law shall be covered from the national budget.

Art. 155. The units of local government are districts and towns. Other units of local government may be formed in accordance with the bases and procedures determined by law.

Art. 156. The representative body of local government shall be the Volikogu, which shall be elected in free elections for a term of three years. The elections shall be general, uniform and direct. Voting shall be secret.

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

Art. 157. Local government shall have independent budgets, for which the principles of formation and procedures shall be determined by law.

Local governments shall have the right, based on the law,

to impose and collect taxes and to impose fees.

Art. 158. Borders of local government units may not be altered without taking into consideration the opinion of the respective local governments.

Art. 159. Local governments shall have the right to form leagues and joint institutions together with other local governments.

Art. 160. The organization of local government and the supervision of its work shall be determined by law.

## CHAPTER 15

### Amendments to the Constitution

Art. 161. The right to initiate amendments to the Constitution shall rest with at least one-fifth of the complement of the Riigikogu and with the President of the Republic.

Amendments to the Constitution may not be initiated, nor the Constitution amended, during a state of emergency or a state of war.

Art. 162. Chapter I 'General Provisions' and Chapter XV 'Amendments to the Constitution' of the Constitution may be amended only by referendum.

Art. 163. The Constitution may be amended by a law which is adopted by:

- 1) referendum;
- 2) two successive complements of the Riigikogu;
- 3) the Riigikogu, in matters of urgency.

A draft law to amend the Constitution shall be considered during three readings in the Riigikogu, whereby the interval between the first and second readings shall be at least three months, and the interval between the second and third readings shall be at least one month. The manner in which the Constitution is amended shall be decided at the third reading.

Art. 164. In order to put a proposed amendment to the Constitution to referendum, the approval of a three-fifths majority of the complement of the Riigikogu shall be mandatory. The referendum shall not be held earlier than three months from the time that such a resolution is adopted in the Riigikogu.

Art. 165. In order to amend the Constitution by two successive complements of the Riigikogu, the draft law to amend the Constitution must receive the support of the majority of the complement of the Riigikogu.

If the next complement of the Riigikogu adopts the draft which received the support of the majority of the previous complement, without amendment, on its first reading and with a three-fifths majority of its complement, the law to amend the Constitution shall be adopted.

Art. 166. A proposal to consider a proposed amendment to the Constitution as a matter of urgency shall be adopted by the Riigikogu by a four-fifths majority. In such a case the law to amend the Constitution shall be adopted by a two-thirds majority of the complement of the Riigikogu.

Art. 167. The law to amend the Constitution shall be proclaimed by the President of the Republic and it shall enter into force on the date determined by the same law, but not earlier than three months after its proclamation.

Art. 168. An amendment to the Constitution dealing with the same issue may not be re-introduced within one year of the rejection of the respective draft by referendum or by the Riigikogu.