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# The Constitution of the Republic of Estonia

30.12.2020 15:10  
REVISED TRANSLATION

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RT 1992, 26, 349  
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Amended by the following acts

| Passed     | Published           | Entry into force |
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| 25.02.2003 | RT I 2003, 29, 174  | 17.10.2005       |
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| 13.04.2011 | RT I, 27.04.2011, 1 | 22.07.2011       |
| 06.05.2015 | RT I, 15.05.2015, 1 | 13.08.2015       |

With unwavering faith and a steadfast will to strengthen and develop the state, which is established on the inextinguishable right of the people of Estonia to national self-determination and which was proclaimed on 24 February 1918, which is founded on liberty, justice and law, which is for the defence of internal and external peace, and is a pledge to present and future generations for their social progress and general welfare, which shall guarantee the preservation of the Estonian nation, language and culture through the ages, the people of Estonia, on the basis of § 1 of the Constitution which entered into force in 1938, and by a referendum held on 28 June 1992, adopted the following Constitution.  
[RT I 2007, 33, 210 - entry into force 21.07.2007]

## Chapter I GENERAL PROVISIONS

**§ 1.** Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is vested in the people.

The independence and sovereignty of Estonia are timeless and inalienable.

**§ 2.** The land, territorial waters and airspace of the Estonian state are an inseparable and indivisible whole. Estonia is politically a unitary state wherein the administrative division of its territory shall be provided by a law.

**§ 3.** State power shall be exercised solely on the basis of the Constitution and laws that are in conformity therewith. Generally recognised principles and rules of international law are an inseparable part of the Estonian legal system.

Laws shall be published pursuant to a prescribed procedure. Only published laws can have obligatory force.

§ 4. The activities of the Riigikogu<sup>1</sup>, the President of the Republic, the Government of the Republic and the courts shall be organised on the principle of separation and balance of powers.

§ 5. The natural wealth and resources of Estonia are national riches which must be used sustainably.

§ 6. The official language of Estonia is Estonian.

§ 7. The national colours of Estonia are blue, black and white. The design of the national flag and of the national coat of arms shall be provided by a law.

## **Chapter II**

# **FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES**

§ 8. Every child with a parent who is an Estonian citizen has the right to Estonian citizenship by birth. Everyone who has lost Estonian citizenship as a minor has the right to its restoration. No one shall be deprived of Estonian citizenship acquired by birth. No one shall be deprived of Estonian citizenship because of his or her beliefs. The conditions and procedure for the acquisition, loss and restoration of Estonian citizenship shall be provided by a law on citizenship.

§ 9. The rights, freedoms and duties of everyone and each person, as set out in the Constitution, are equal for Estonian citizens and for citizens of foreign states and stateless persons in Estonia. The rights, freedoms and duties set out in the Constitution extend to legal persons in so far as this is in accordance with the general aims of legal persons and with the essence of such rights, freedoms and duties.

§ 10. The rights, freedoms and duties set out in this Chapter shall not preclude other rights, freedoms and duties which arise from the spirit of the Constitution or are in accordance therewith, and are in conformity with the principles of human dignity and of a social and democratic state governed by the rule of law.

§ 11. Rights and freedoms may be restricted only in accordance with the Constitution. Such restrictions must be necessary in a democratic society and must not distort the essence of the rights and freedoms restricted.

§ 12. Everyone is equal before the law. No one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other beliefs, property or social status, or on other grounds. The incitement of national, racial, religious or political hatred, violence or discrimination shall be prohibited and punishable by law. The incitement of hatred, violence or discrimination between social strata shall also be prohibited and punishable by law.

§ 13. Everyone has the right to the protection of the state and of the law. The Estonian state shall also protect its citizens abroad. The law shall protect everyone from the arbitrary exercise of state power.

§ 14. The guarantee of rights and freedoms is the duty of the legislature, executive and judiciary, and of the municipalities.

§ 15. Everyone whose rights and freedoms are violated has the right of recourse to the courts. Everyone has the right, while his or her case is before a court, to request for any relevant law, other legal act or action to be declared unconstitutional. The courts shall observe the Constitution and shall declare unconstitutional any law, other legal act or action that violates the rights and freedoms provided for in the Constitution or is otherwise in conflict with the Constitution.

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

§ 17. No one's honour or good name shall be defamed.

§ 18. No one shall be subjected to torture or to cruel or degrading treatment or punishment. No one shall be subjected to medical or scientific experiments against his or her free will.

§ 19. Everyone has the right to free self-realisation. In exercising his or her rights and freedoms and fulfilling his or her duties, everyone must respect and consider the rights and freedoms of others, and must observe the law.

§ 20. Everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty except in the cases and pursuant to a procedure provided by a law:

- 1) to execute a judgment of conviction or detention ordered by a court;
- 2) in the case of non-compliance with an order of a court or to secure the fulfilment of an obligation provided by the law;

- 3) to prevent a criminal or administrative offence, to bring a person who is reasonably suspected of such an offence before a competent state authority, or to prevent his or her fleeing;
- 4) to place a minor under educational supervision or to bring him or her before a competent state authority to determine whether to impose such supervision;
- 5) to detain a person suffering from an infectious disease, a person of unsound mind, an alcoholic or a drug addict, if such person is dangerous to himself or herself or to others;
- 6) to prevent unlawful entry into Estonia or to expel a person from Estonia or to extradite a person to a foreign state.

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

**§ 21.** Everyone who is deprived of liberty shall be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty and of his or her rights, and shall be given the opportunity to notify those closest to him or her. A person suspected of a criminal offence shall also be promptly given the opportunity to choose and meet with defence counsel. The right of a person suspected of a criminal offence to notify those closest to him or her of the deprivation of liberty may be restricted only in the cases and pursuant to a procedure provided by a law to prevent a criminal offence, or in the interests of ascertaining the truth in criminal proceedings.

No one shall be held in custody for more than forty-eight hours without the specific permission of a court. The decision of the court shall be promptly communicated to the person in custody in a language and manner which he or she understands.

**§ 22.** No one shall be deemed guilty of a criminal offence until a judgment of conviction by a court against him or her enters into force.

No one shall be required to prove his or her innocence in criminal proceedings.

No one shall be compelled to testify against himself or herself, or against those closest to him or her.

**§ 23.** No one shall be convicted of an act which did not constitute a criminal offence under the law in force at the time the act was committed.

No one shall be sentenced to a heavier penalty than the one that was applicable at the time the offence was committed. If, subsequent to the commission of an offence, the law provides for a lighter penalty, the lighter penalty shall be applied.

No one shall be tried or punished again for an act for which he or she has been finally convicted or acquitted in accordance with the law.

**§ 24.** No one shall be transferred, against his or her free will, from the jurisdiction of a court specified by the law to the jurisdiction of another court.

Everyone has the right to be present at the hearing of his or her case.

Court sessions shall be public. A court may, in the cases and pursuant to a procedure provided by a law, declare that a session or a part thereof be closed to protect a state secret or trade secret, morals or the private and family life of persons, or where the interests of a minor, a victim or the administration of justice so require.

Judgment shall be pronounced publicly, except in cases where the interests of a minor, a spouse or a victim require otherwise.

Everyone has the right of appeal to a higher court against the judgment rendered in his or her case, pursuant to a procedure provided by a law.

**§ 25.** Everyone has the right to compensation for moral and material damage caused by the unlawful action of any person.

**§ 26.** Everyone has the right to the inviolability of private and family life. State agencies, municipalities and their officials shall not interfere with the family or private life of any person, except in the cases and pursuant to a procedure provided by a law to protect health, morals, public order, or the rights and freedoms of others, to prevent a criminal offence or to apprehend a criminal offender.

**§ 27.** The family, being fundamental to the preservation and growth of the nation and as the foundation of society, shall be under the protection of the state.

Spouses have equal rights.

Parents have the right and the duty to raise and care for their children.

The protection of parents and children shall be provided by a law.

The family has a duty to care for its members in need.

**§ 28.** Everyone has the right to the protection of health.

Estonian citizens have the right to assistance from the state in the case of old age, incapacity for work, loss of a provider or need. The categories and extent of assistance, and the conditions and procedure for the receipt of assistance shall be provided by a law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by a law.

The state shall promote voluntary and municipal welfare services.

Families with many children and persons with disabilities shall be under the special care of the state and municipalities.

**§ 29.** Estonian citizens have the right to freely choose their area of activity, occupation and employment. Conditions and procedures for the exercise of this right may be provided by a law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by a law.

No one shall be compelled to perform work or service against his or her free will, except mandatory service in the defence forces or alternative service, work to prevent the spread of an infectious disease, work in the case of a natural disaster or a catastrophe, and work which a convicted person must perform on the basis of and pursuant to a procedure established by a law.

The state shall organise vocational training and shall assist persons who seek employment in finding work.

Working conditions shall be under state supervision.

Everyone may freely belong to unions and associations of employees and employers. Unions and associations of employees and employers may uphold their rights and lawful interests by means which are not prohibited by the law. The conditions and procedure for the exercise of the right to strike shall be provided by a law.

The procedure for resolution of labour disputes shall be provided by a law.

**§ 30.** Posts in state agencies and municipalities shall be filled by Estonian citizens, on the basis of and pursuant to a procedure established by a law. In accordance with the law, these posts may, as an exception, be filled by citizens of foreign states or stateless persons.

The right of some categories of public servants to engage in enterprise and to form for-profit associations (§ 31), as well as the right to belong to political parties and some types of non-profit associations (§ 48) may be restricted by a law.

**§ 31.** Estonian citizens have the right to engage in enterprise and to form for-profit undertakings and organisations. Conditions and procedures for the exercise of this right may be provided by a law. Citizens of foreign states and stateless persons who are in Estonia have this right equally with Estonian citizens, unless otherwise provided by a law.

**§ 32.** The property of every person is inviolable and shall be equally protected. Property may be expropriated without the consent of the owner only in the public interest, in the cases and pursuant to a procedure provided by a law, and for fair and immediate compensation. Everyone whose property is expropriated without his or her consent has the right of recourse to the courts and to contest the expropriation, the compensation or the amount thereof.

Everyone has the right to freely possess, use, and dispose of his or her property. Restrictions shall be provided by a law. Property shall not be used contrary to the public interest.

Categories of property which, in the public interest, may be acquired in Estonia only by Estonian citizens, some categories of legal persons, municipalities or the Estonian state may be provided by a law.

The right of inheritance shall be guaranteed.

**§ 33.** The home is inviolable. No one's dwelling, premises or workplace shall be forcibly entered or searched, except in the cases and pursuant to a procedure provided by a law, to protect public order, health or the rights and freedoms of others, to prevent a criminal offence, to apprehend a criminal offender, or to ascertain the truth in criminal proceedings.

**§ 34.** Everyone who is lawfully in Estonia has the right to liberty of movement and to choose his or her residence. The right to liberty of movement may be restricted in the cases and pursuant to a procedure provided by a law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to prevent the leaving of a minor or a person of unsound mind without supervision, or to secure the conduct of proceedings in a criminal case.

**§ 35.** Everyone has the right to leave Estonia. This right may be restricted in the cases and pursuant to a procedure provided by a law to secure the conduct of court or pre-trial proceedings, or to execute a court judgment.

**§ 36.** No Estonian citizen shall be expelled from Estonia or prevented from entering Estonia.

No Estonian citizen shall be extradited to a foreign state, except in the cases prescribed by an international treaty and pursuant to the procedure provided by such treaty and by a law. Extradition shall be decided by the Government of the Republic. Everyone who is subject to an extradition order has the right to contest extradition in an Estonian court.

Every Estonian has the right to settle in Estonia.

**§ 37.** Everyone has the right to education. Education shall be compulsory for school-age children to the extent specified by a law, and shall be free of charge in state and municipal general education schools.

In order to make education accessible, the state and municipalities shall maintain the requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained on the basis of a law.

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

Everyone has the right to be taught in Estonian. The language of instruction in national minority educational institutions shall be chosen by the educational institution.

The provision of education shall be supervised by the state.

**§ 38.** Science and art and their teaching shall be free.

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

**§ 39.** Authors have the inalienable right to their creative works. The state shall protect the rights of authors.

**§ 40.** Everyone has freedom of conscience, religion and thought.

Everyone may freely belong to churches and religious societies. There shall be no state church.

Everyone has the freedom to practice his or her religion, both alone and in community with others, in public or in private, unless this is detrimental to public order, health or morals.

**§ 41.** Everyone has the right to remain faithful to his or her opinions and beliefs. No one shall be compelled to change them.

Beliefs cannot excuse a violation of the law.

No one can be held legally liable because of his or her beliefs.

**§ 42.** State agencies, municipalities and their officials shall not gather or store information about the beliefs of an Estonian citizen against his or her free will.

**§ 43.** Everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Exceptions may be made with the permission of a court to prevent a criminal offence, or to ascertain the truth in criminal proceedings, in the cases and pursuant to a procedure provided by a law.

**§ 44.** Everyone has the right to freely receive information disseminated for public use.

All state agencies, municipalities and their officials have a duty to provide information about their activities, pursuant to a procedure provided by a law, to Estonian citizens at their request, except information the disclosure of which is prohibited by a law, and information intended exclusively for internal use.

Estonian citizens have the right to access information about themselves held in state agencies and municipalities and in state and municipal archives, pursuant to a procedure provided by a law. This right may be restricted on the basis of a law to protect the rights and freedoms of others or the confidentiality of a child's filiation, and in the interests of preventing a criminal offence, apprehending a criminal offender or ascertaining the truth in criminal proceedings.

Citizens of foreign states and stateless persons who are in Estonia have the rights specified in paragraphs two and three of this section equally with Estonian citizens, unless otherwise provided by a law.

**§ 45.** Everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be restricted by a law to protect public order, morals, or the rights and freedoms, health, honour and good name of others. This right may also be restricted by a law for state and municipal public servants, to protect a state secret or trade secret or information received in confidence, which has become known to them by reason of their office, or the family and private life of others, as well as in the interests of the administration of justice.

There shall be no censorship.

**§ 46.** Everyone has the right to address state agencies, municipalities and their officials with letters and petitions. The procedure for responding shall be provided by a law.

**§ 47.** Everyone has the right, without prior permission, to assemble peacefully and to conduct meetings. This right may be restricted in the cases and pursuant to a procedure provided by a law to ensure national security, public order, morals, traffic safety and the safety of participants in the meeting, or to prevent the spread of an infectious disease.

**§ 48.** Everyone has the right to form non-profit organisations and associations. Only Estonian citizens may belong to political parties.

The establishment of organisations and associations which possess weapons, are militarily organised or perform military exercises requires prior permission, for which the conditions and procedure of issuance shall be provided by a law.

Associations, organisations and political parties the aims or activities of which are directed at a violent change of the constitutional order of Estonia, or are otherwise in conflict with the law providing for criminal liability, shall be prohibited.

Only a court may terminate or suspend the activities of, or impose a fine on, an organisation, association or political party for a violation of the law.

§ 49. Everyone has the right to preserve his or her national identity.

§ 50. National minorities have the right, in the interests of their national culture, to establish self-governing agencies under conditions and pursuant to a procedure provided by a law on cultural autonomy for national minorities.

§ 51. Everyone has the right to address state agencies, municipalities and their officials in Estonian and to receive responses in Estonian.  
In localities where at least one-half of the permanent residents belong to a national minority, everyone has the right to receive responses from state agencies, municipalities and their officials also in the language of the national minority.

§ 52. The official language of state agencies and municipalities shall be Estonian.  
In localities where the language of the majority of the residents is not Estonian, municipalities may, to the extent and pursuant to a procedure provided by a law, use the language of the majority of the permanent residents of the locality as an internal working language.  
The use of foreign languages, including the languages of national minorities, in state agencies and in court and pre-trial proceedings shall be provided by a law.

§ 53. Everyone has a duty to preserve the living and natural environment and to compensate for damage he or she causes to the environment. The procedure for compensation shall be provided by a law.

§ 54. Estonian citizens have a duty to be loyal to the constitutional order and to defend the independence of Estonia.  
If no other means are available, every Estonian citizen has the right to initiate resistance against a violent change of the constitutional order.

§ 55. Citizens of foreign states and stateless persons who are in Estonia have a duty to respect the constitutional order of Estonia.

## **Chapter III THE PEOPLE**

§ 56. Supreme power shall be exercised by the people through citizens with the right to vote:

1) by electing the Riigikogu;

2) through referendums.

§ 57. Estonian citizens who have attained eighteen years of age have the right to vote.  
Estonian citizens who have been divested of legal capacity by a court shall not have the right to vote.

§ 58. Participation in voting may be restricted by a law for Estonian citizens who have been convicted by a court and are serving a sentence in a penal institution.

## **Chapter IV THE RIIGIKOGU**

§ 59. Legislative power shall be vested in the Riigikogu.

§ 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 proportional representation. Elections shall be general, uniform and direct. Voting shall be secret.  
Every Estonian citizen who has attained twenty-one years of age and has the right to vote may be a candidate for the Riigikogu.

Regular elections of the Riigikogu shall be held on the first Sunday in March of the fourth year following the preceding Riigikogu election year.

Extraordinary elections of the Riigikogu shall be held in the cases prescribed in §§ 89, 97, 105 and 119 of the Constitution not earlier than twenty and not later than forty days after the elections are declared.

The procedure for election of the Riigikogu shall be provided by a law on election of the Riigikogu.

§ 61. The mandates of the members of the Riigikogu shall commence on the day the results of the elections are announced. The mandates of the members of the preceding Riigikogu shall terminate on the same day.

Before assuming his or her duties, a member of the Riigikogu shall take an oath of office to remain loyal to the Republic of Estonia and its constitutional order.

**§ 62.** A member of the Riigikogu shall not be bound by his or her mandate, nor bear legal liability for votes cast or political statements made in the Riigikogu or in any of its bodies.

**§ 63.** A member of the Riigikogu shall not hold any other public office.  
A member of the Riigikogu shall be exempt from the duty to perform mandatory service in the defence forces during his or her mandate.

**§ 64.** The mandate of a member of the Riigikogu shall be suspended upon his or her appointment as a member of the Government of the Republic, and shall be restored upon release from his or her duties as a member of the Government.

The mandate of a member of the Riigikogu shall terminate prematurely:

- 1) upon his or her assumption of another public office;
- 2) upon the entry into force of a conviction by a court against him or her;
- 3) upon his or her resignation, pursuant to a procedure provided by a law;
- 4) if the Supreme Court decides that he or she is permanently incapable of performing his or her duties;
- 5) upon his or her death.

Upon the suspension or premature termination of the mandate of a member of the Riigikogu, he or she shall be replaced by an alternate member, pursuant to a procedure provided by a law. An alternate member has all the rights and duties of a member of the Riigikogu.

The mandate of the alternate member shall terminate upon the restoration of the mandate of the member of the Riigikogu.

**§ 65.** The Riigikogu shall:

- 1) adopt laws and resolutions;
- 2) decide on the holding of referendums;
- 3) elect the President of the Republic, in accordance with § 79 of the Constitution;
- 4) ratify and denounce international treaties, in accordance with § 121 of the Constitution;
- 5) authorise a candidate for Prime Minister to form the Government of the Republic;
- 6) adopt the state budget and approve the report on its implementation;
- 7) on the proposal of the President of the Republic, appoint the Chief Justice of the Supreme Court, the Chairman of the Supervisory Board of Eesti Pank<sup>2</sup>, the Auditor General and the Chancellor of Justice to office; [RT I, 27.04.2011 – entry into force 22.07.2011]
- 8) on the proposal of the Chief Justice of the Supreme Court, appoint justices of the Supreme Court to office;
- 9) appoint members of the Supervisory Board of Eesti Pank;
- 10) on the proposal of the Government of the Republic, decide on borrowing by the state and on the assumption of other pecuniary obligations by the state;
- 11) issue statements, declarations and appeals to the people of Estonia, other states and international organisations;
- 12) establish state decorations, and military and diplomatic ranks;
- 13) decide on the expression of no confidence in the Government of the Republic, the Prime Minister or a minister;
- 14) declare a state of emergency in the state, in accordance with § 129 of the Constitution;
- 15) on the proposal of the President of the Republic, declare a state of war, and order mobilisation and demobilisation;
- 16) resolve other affairs of state which the Constitution does not assign to the President of the Republic, the Government of the Republic, other state bodies or municipalities for decision.

§ 66. The first sitting of a new Riigikogu shall be held within ten days after the announcement of the results of the elections of the Riigikogu. The Riigikogu shall be convened for its first sitting by the President of the Republic.

§ 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.

§ 68. Extraordinary sessions of the Riigikogu shall be convened by the President of the Riigikogu, on the proposal of the President of the Republic, the Government of the Republic, or not less than one-fifth of all members of the Riigikogu.

§ 69. The Riigikogu shall elect from among its members the President of the Riigikogu and two Vice-Presidents who shall organise the work of the Riigikogu pursuant to a law on the rules of procedure of the Riigikogu and a law on the internal rules of the Riigikogu.

§ 70. The quorum for the Riigikogu shall be provided by a law on the rules of procedure of the Riigikogu. In an extraordinary session, the Riigikogu shall have a quorum if more than one-half of all members of the Riigikogu are present.

§ 71. The Riigikogu shall form committees.

Members of the Riigikogu have the right to form parliamentary groups.

The procedure for the formation of committees and parliamentary groups, and their rights, shall be provided by a law on the rules of procedure of the Riigikogu.

§ 72. Sittings of the Riigikogu shall be public, unless the Riigikogu decides otherwise by a two-thirds majority. Voting in the Riigikogu shall be public. Voting by secret ballot shall be held in the cases prescribed by the Constitution or by a law on the rules of procedure of the Riigikogu only upon the election or appointment of officials.

§ 73. Documents adopted by the Riigikogu shall be adopted by a majority of votes in favour, unless otherwise prescribed by the Constitution.

§ 74. Members of the Riigikogu have the right to address questions to the Government of the Republic and its members, to the Chairman of the Supervisory Board of Eesti Pank, the Governor of Eesti Pank, the Auditor General and the Chancellor of Justice.

[RT I, 27.04.2011 – entry into force 22.07.2011]

The questions shall be answered at a sitting of the Riigikogu within twenty session days.

§ 75. The remuneration of members of the Riigikogu and restrictions on the receipt of other employment income shall be provided by a law, which may be amended in respect of the next Riigikogu.

§ 76. Members of the Riigikogu shall have immunity. A member can be prosecuted under criminal law only on the proposal of the Chancellor of Justice, and with the consent of the majority of all members of the Riigikogu.

## **Chapter V**

# **THE PRESIDENT OF THE REPUBLIC**

§ 77. The President of the Republic shall be the head of state of Estonia.

§ 78. The President of the Republic shall:

- 1) represent the Republic of Estonia in international relations;
- 2) appoint and recall diplomatic agents of the Republic of Estonia, on the proposal of the Government of the Republic, and receive the credentials of diplomatic agents accredited to Estonia;
- 3) declare regular elections of the Riigikogu and, in accordance with §§ 89, 97, 105 and 119 of the Constitution, extraordinary elections of the Riigikogu;
- 4) convene the new Riigikogu, in accordance with § 66 of the Constitution, and open its first sitting;
- 5) propose to the President of the Riigikogu to convene an extraordinary session of the Riigikogu, in accordance with § 68 of the Constitution;
- 6) promulgate laws, in accordance with §§ 105 and 107 of the Constitution, and sign instruments of ratification;
- 7) issue decrees, in accordance with §§ 109 and 110 of the Constitution;
- 8) initiate amendment of the Constitution;



- 9) designate the candidate for Prime Minister, in accordance with § 89 of the Constitution;
- 10) appoint to and release from office members of the Government, in accordance with §§ 89, 90, and 92 of the Constitution;
- 11) make proposals to the Riigikogu for appointments to the offices of Chief Justice of the Supreme Court, Chairman of the Supervisory Board of Eesti Pank, Auditor General and Chancellor of Justice;  
[RT I 27.04.2011 – entry into force 22.07.2011]
- 12) on the proposal of the Supervisory Board of Eesti Pank, appoint the Governor of Eesti Pank to office;
- 13) on the proposal of the Supreme Court, appoint judges;
- 14) [repealed – RT I 27.04.2011 – entry into force 22.07.2011]
- 15) confer state decorations, and military and diplomatic ranks;
- 16) be the supreme commander of the national defence of Estonia;
- 17) make proposals to the Riigikogu to declare a state of war, to order mobilisation and demobilisation, and, in accordance with § 129 of the Constitution, to declare a state of emergency;
- 18) declare, in the case of aggression against Estonia, a state of war and order mobilisation, in accordance with § 128 of the Constitution;  
[RT I 27.04.2011 – entry into force 22.07.2011]
- 19) by way of clemency, release convicted persons from serving a sentence or commute their sentences, at their request;
- 20) initiate the prosecution under criminal law of the Chancellor of Justice, in accordance with § 145 of the Constitution.

**§ 79.** The President of the Republic shall be elected by the Riigikogu or, in the case provided by paragraph four of this article, by the electoral body.

The right to nominate a candidate for President of the Republic shall rest with not less than one-fifth of all members of the Riigikogu.

An Estonian citizen by birth who has attained forty years of age may be nominated 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. The candidate in favour of whom a two-thirds majority of all members of the Riigikogu votes shall be declared elected. If no candidate receives the required majority, a new round of voting shall be held on the next day. Before the second round of voting, a new nomination of candidates shall be held. If no candidate receives the required majority in the second round of voting, a third round of voting shall be held on the same day between the two candidates who receive the greatest number of votes in the second round. If the President of the Republic is still not elected in the third round of voting, the President of the Riigikogu shall, within one month, convene the 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 municipal councils. Each municipal council shall elect at least one representative to the electoral body, who must be an Estonian citizen.

The Riigikogu shall present the two candidates who receive the greatest number of votes in the Riigikogu to the electoral body as candidates for President. The right to nominate a candidate for President shall also rest with not less than twenty-one members of the electoral body.

The electoral body shall elect the President of the Republic by the majority of the electoral body members who participate in the voting. If no candidate is elected in the first round, a second round of voting shall be held on the same day between the two candidates who receive the greatest number of votes.

The specific procedure for the election of the President of the Republic shall be provided by a law on election of the President of the Republic.

**§ 80.** The President of the Republic shall be elected to office for a term of five years. No one shall be elected to the office of President of the Republic for more than two consecutive terms.

The regular election of the President of the Republic shall be held not earlier than sixty and not later than ten days before the end of the term of office of the President of the Republic.

**§ 81.** The President of the Republic shall assume office by swearing the following oath of office to the people of Estonia before the Riigikogu: “In assuming the office of President of the Republic, I (given name and surname), solemnly swear to steadfastly defend the Constitution and the laws of the Republic of Estonia, to exercise the

power entrusted to me in a just and impartial manner, and to perform my duties faithfully with all of my abilities and to the best of my understanding, for the benefit of the people of Estonia and the Republic of Estonia.”

**§ 82.** The mandate of the President of the Republic shall terminate upon:

- 1) his or her resignation from office;
- 2) the entry into force of a judgment of conviction by a court against him or her;
- 3) his or her death;
- 4) the assumption of office of the new President of the Republic.

**§ 83.** If the President of the Republic is permanently incapable of performing his or her duties as decided by the Supreme Court, or if he or she is temporarily unable to perform them in the cases specified by a law, or if his or her mandate has terminated prematurely, his or her duties shall temporarily transfer to the President of the Riigikogu.

During the time that the President of the Riigikogu is performing the duties of the President of the Republic, his or her mandate as a member of the Riigikogu shall be suspended.

The President of the Riigikogu, acting as President of the Republic, shall not have the right, without the consent of the Supreme Court, to declare extraordinary elections to the Riigikogu or to refuse to promulgate laws.

If the President of the Republic is unable to perform his or her official duties for longer than three consecutive months, or if his or her mandate has terminated prematurely, the Riigikogu shall elect a new President of the Republic within fourteen days, in accordance with § 79 of the Constitution.

**§ 84.** Upon assuming office, the mandate and duties of the President of the Republic in all elected and appointed offices shall terminate, and he or she shall suspend his or her membership in a political party for the duration of his or her term of office.

**§ 85.** The President of the Republic can be prosecuted under criminal law only on the proposal of the Chancellor of Justice, and with the consent of the majority of all members of the Riigikogu.

## **Chapter VI**

# **THE GOVERNMENT OF THE REPUBLIC**

**§ 86.** Executive power shall be vested in the Government of the Republic.

**§ 87.** The Government of the Republic shall:

- 1) execute the domestic and foreign policies of the state;
- 2) direct and co-ordinate the activities of government agencies;
- 3) organise the implementation of laws, resolutions of the Riigikogu and acts of the President of the Republic;
- 4) introduce bills, and submit international treaties to the Riigikogu for ratification and denunciation;
- 5) prepare the draft of the state budget and submit it to the Riigikogu, administer the implementation of the state budget and present a report on the implementation of the state budget to the Riigikogu;
- 6) issue regulations and orders on the basis of and for the implementation of laws;
- 7) conduct relations with other states;
- 8) in the case of a natural disaster or a catastrophe, or to prevent the spread of an infectious disease, declare an emergency situation throughout the state or in a part thereof;
- 9) perform other duties which the Constitution and the laws assign to the Government of the Republic for decision.

**§ 88.** The Government of the Republic shall be comprised of the Prime Minister and ministers.

**§ 89.** The President of the Republic shall, within fourteen days after the resignation of the Government of the Republic, designate a candidate for Prime Minister whom the President of the Republic shall task with forming a new government.

The candidate for Prime Minister shall, within fourteen days after being tasked with forming a new government, present the bases for the formation of the future government to the Riigikogu, after which the Riigikogu shall decide, without debate and by a public vote, whether to authorise the candidate for Prime Minister to form a government.

The candidate for Prime Minister who is authorised by the Riigikogu to form a government shall, within seven days, present the members of the government to the President of the Republic, who shall appoint the government to office within three days.

If the candidate for Prime Minister designated by the President of the Republic does not receive a majority of votes in favour from the Riigikogu, or is unable or declines to form a government, the President of the Republic has the right to present a second candidate for Prime Minister within seven days.

If the President of the Republic does not present a second candidate for Prime Minister within seven days or declines to do so, or if the second candidate is unable to obtain a mandate from the Riigikogu under the conditions and time limits in paragraphs two and three of this article, or is unable or declines to form a government, then the right to nominate a candidate for Prime Minister shall transfer to the Riigikogu.

The Riigikogu shall nominate a candidate for Prime Minister who shall present the members of government to the President of the Republic. If the members of government are not presented to the President of the Republic within fourteen days after the transfer to the Riigikogu of the right to nominate a candidate for Prime Minister, the President of the Republic shall declare extraordinary elections of the Riigikogu.

**§ 90.** Changes to the appointed membership of the Government of the Republic shall be made by the President of the Republic, on the proposal of the Prime Minister.

**§ 91.** The Government shall assume office by taking an oath of office before the Riigikogu.

**§ 92.** The Government of the Republic shall resign upon:

1) the convening of a new Riigikogu;

2) the resignation or death of the Prime Minister;

3) the expression of no confidence in the Government of the Republic or the Prime Minister by the Riigikogu. The President of the Republic shall release the Government of the Republic from office upon the assumption of office of the new Government.

**§ 93.** The Prime Minister shall represent the Government of the Republic and shall direct its activities.

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

**§ 94.** Corresponding ministries shall be established on the basis of a law for the administration of the areas of government.

A minister shall head a ministry, shall manage issues within its area of government, shall issue regulations and orders on the basis and for the implementation of laws, and shall perform other duties assigned to him or her on the bases and pursuant to a procedure provided by a law.

If a minister is temporarily unable to perform the duties of his or her office due to illness or other hindrances, the Prime Minister shall assign the duties of the minister to another minister for this time.

The President of the Republic may, on the proposal of the Prime Minister, appoint ministers to office who do not head ministries.

**§ 95.** Government Office, which shall be headed by the State Secretary, shall serve the Government of the Republic.

The State Secretary shall be appointed to and released from office by the Prime Minister.

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

The State Secretary, as the head of Government Office, has the same rights that are granted by the law to a minister in heading a ministry.

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

The Government shall make its decisions on the proposal of the Prime Minister or the relevant minister.

Government regulations shall be valid if they bear the signatures of the Prime Minister, the relevant minister and the State Secretary.

**§ 97.** The Riigikogu may express no confidence in the Government of the Republic, the Prime Minister or a minister by a resolution for which the majority of all members of the Riigikogu vote in favour.

An expression of no confidence may be initiated by not less than one-fifth of all members of the Riigikogu by the presentation of a written motion at a sitting of the Riigikogu.

An expression of no confidence may be decided not earlier than on the second day after its initiation, unless the Government requires a more expeditious decision.

If no confidence is expressed in the Government or the Prime Minister, the President of the Republic may, on the proposal of the Government and within three days, declare extraordinary elections of the Riigikogu.

If no confidence is expressed in a minister, the President of the Riigikogu shall notify the President of the Republic, who shall release the minister from office.

An expression of no confidence on the same ground may be initiated not earlier than three months after the previous vote of no confidence.

**§ 98.** The Government of the Republic may bind the adoption of a bill it introduces to the Riigikogu to the issue of confidence.

Voting cannot take place earlier than on the second day after the bill is bound to the issue of confidence. If the Riigikogu does not adopt the bill, the Government shall resign.

**§ 99.** Members of the Government of the Republic shall not hold any other public office, nor belong to the management board or supervisory board of a for-profit enterprise.

**§ 100.** Members of the Government of the Republic may participate in sittings of the Riigikogu and of its committees with the right to speak.

**§ 101.** Members of the Government of the Republic can be prosecuted under criminal law only on the proposal of the Chancellor of Justice, and with the consent of the majority of all members of the Riigikogu. The mandate of a member of the Government shall terminate upon the entry into force of a conviction by a court against him or her.

## **Chapter VII LEGISLATION**

**§ 102.** Laws shall be adopted in accordance with the Constitution.

**§ 103.** The following have the right to initiate laws:

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

5) the President of the Republic, for amendment of the Constitution.

The Riigikogu has the right, on the basis of a resolution made by the majority of all members, to propose to the Government of the Republic to initiate a bill desired by the Riigikogu.

**§ 104.** The procedure for the adoption of laws shall be provided by a law on the rules of procedure of the Riigikogu.

The following laws can be adopted and amended only by the majority of all members of the Riigikogu:

- 1) law on citizenship;
- 2) law on election of the Riigikogu;
- 3) law on election of the President of the Republic;
- 4) law on elections in municipalities;
- 5) law on referendums;
- 6) law on the rules of procedure of the Riigikogu and on the internal rules of the Riigikogu;
- 7) law on remuneration of the President of the Republic and of members of the Riigikogu;
- 8) law on the Government of the Republic;
- 9) law on judicial proceedings against the President of the Republic or members of the Government of the Republic;
- 10) law on cultural autonomy for national minorities;
- 11) law on the state budget;
- 12) law on Eesti Pank;
- 13) law on the National Audit Office;
- 14) law on the administration of the courts and laws on court procedure;
- 15) laws pertaining to foreign and domestic borrowing, and to pecuniary obligations of the state;
- 16) law on a state of emergency;
- 17) law on peace-time national defence and law on war-time national defence.

**§ 105.** The Riigikogu has the right to submit a bill or other affairs of state to a referendum.

The decision of the people shall be made by the majority of the participants in the voting.

A law which is adopted by a referendum shall be promptly promulgated by the President of the Republic. The decision of the referendum shall be binding on all state bodies.

If a bill which is submitted to a referendum does not receive a majority of votes in favour, the President of the Republic shall declare extraordinary elections of the Riigikogu.

**§ 106.** Issues regarding the budget, taxation, financial obligations of the state, ratification and denunciation of international treaties, the declaration or termination of a state of emergency, or national defence cannot be submitted to a referendum.

The procedure for holding referendums shall be provided by a law on referendums.

**§ 107.** Laws shall be promulgated by the President of the Republic.

The President of the Republic may refrain from promulgating a law adopted by the Riigikogu and, within fourteen days after its receipt, return the law, together with his or her reasoned decision, to the Riigikogu for a new debate and decision. If the Riigikogu adopts the law which is returned to it by the President of the Republic again, unamended, the President of the Republic shall promulgate the law or shall propose to the Supreme Court to declare the law unconstitutional. If the Supreme Court declares the law to be in conformity with the Constitution, the President of the Republic shall promulgate the law.

**§ 108.** A law shall enter into force on the tenth day after its publication in the Riigi Teataja<sup>3</sup>, unless otherwise provided for in the law.

**§ 109.** If the Riigikogu is unable to convene, the President of the Republic may, in matters of national urgency, issue decrees that have the force of law, and which shall bear the counter-signatures of the President of the Riigikogu and the Prime Minister.

When the Riigikogu convenes, the President of the Republic shall present the decrees to the Riigikogu, which shall promptly adopt a law for their confirmation or repeal.

**§ 110.** The Constitution, the laws set out in § 104 of the Constitution, laws which establish state taxes, and the state budget cannot be enacted, amended or repealed by a decree of the President of the Republic.

## **Chapter VIII FINANCE AND THE STATE BUDGET**

**§ 111.** Eesti Pank has the sole right to issue Estonian currency. Eesti Pank shall regulate currency circulation and shall uphold the stability of the national currency.

**§ 112.** Eesti Pank shall act on the basis of a law and shall report to the Riigikogu.

**§ 113.** State taxes, duties, fees, fines and compulsory insurance payments shall be provided by a law.

**§ 114.** The procedures for the possession, use and disposal of state assets shall be provided by a law.

**§ 115.** The Riigikogu shall adopt the budget of all state revenue and expenditure for each year in the form of a law.

The Government of the Republic shall submit a draft state budget to the Riigikogu not later than three months before the beginning of the budgetary year.

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

**§ 116.** If a proposed amendment to the state budget or to its draft has the effect of decreasing estimated revenue, increasing expenditure or reallocating expenditure, the initiator shall append financial calculations that demonstrate the sources of revenue necessary to cover the expenditure.

The Riigikogu shall not delete or reduce expenditure in the state budget or in its draft which is prescribed by other laws.

**§ 117.** The procedure for the drafting and adoption of the state budget shall be provided by a law.

**§ 118.** The state budget adopted by the Riigikogu shall enter into force at the beginning of the budgetary year. If the Riigikogu does not adopt the state budget by the beginning of the budgetary year, expenditure of up to one-twelfth of the expenditure of the preceding budgetary year may be made each month.

**§ 119.** If the Riigikogu has not adopted the state budget within two months after the beginning of the budgetary year, the President of the Republic shall declare extraordinary elections of the Riigikogu.

## **Chapter IX FOREIGN RELATIONS AND INTERNATIONAL TREATIES**

**§ 120.** The procedure for the conduct of relations of the Republic of Estonia with other states and with international organisations shall be provided by a law.

**§ 121.** The Riigikogu shall ratify and denounce treaties of the Republic of Estonia:

1) which alter state boundaries;

- 2) the implementation of which requires the adoption, amendment or repeal of Estonian laws;
- 3) by which the Republic of Estonia joins international organisations or unions;
- 4) by which the Republic of Estonia assumes military or pecuniary obligations;
- 5) in which ratification is prescribed.

**§ 122.** The land boundary of Estonia shall be determined by the Tartu Peace Treaty of 2 February 1920 and by other international border treaties. The sea and air boundaries of Estonia shall be determined on the basis of international conventions.

The ratification of treaties which alter the state boundaries of Estonia requires a two-thirds majority of all members of the Riigikogu.

**§ 123.** The Republic of Estonia shall not enter into international treaties that are in conflict with the Constitution. If laws or other acts of Estonia are in conflict with international treaties ratified by the Riigikogu, the provisions of the international treaty shall be applied.

## **Chapter X NATIONAL DEFENCE**

**§ 124.** Estonian citizens have a duty to participate in national defence on the bases and pursuant to a procedure provided by a law.

Persons who refuse to perform mandatory service in the defence forces for religious or moral reasons have a duty to perform alternative service pursuant to a procedure prescribed by a law.

Persons in the defence forces and alternative service have all constitutional rights, freedoms and duties, unless otherwise prescribed by a law in the interests of the special nature of the service. The rights and freedoms prescribed in paragraphs 3 and 4 of § 8, §§ 11-18, paragraph 3 of § 20, §§ 21-28, § 32, § 33, §§ 36-43, paragraphs 1 and 2 of § 44 and §§ 49-51 of the Constitution shall not be restricted. The legal status of persons in the defence forces and alternative service shall be provided by a law.

**§ 125.** Persons in active service shall not hold other elected or appointed office, or participate in the activities of any political party.

**§ 126.** The organisation of national defence shall be provided by a law on peace-time national defence and a law on war-time national defence.

The organisation of the Estonian defence forces and national defence organisations shall be provided by a law.

**§ 127.** The President of the Republic shall be the supreme commander of national defence.

The National Defence Council shall be an advisory body to the President of the Republic, the composition and tasks of which shall be provided by a law.

[RT I, 27.04.2011 – entry into force 22.07.2011]

**§ 128.** The Riigikogu shall, on the proposal of the President of the Republic, declare a state of war, shall order mobilisation and demobilisation, and shall decide on the deployment of the defence forces in the fulfilment of the international obligations of the Estonian state.

In the case of aggression against the Republic of Estonia, the President of the Republic shall declare a state of war and shall order mobilisation without waiting for a resolution of the Riigikogu.

[RT I, 27.04.2011 – entry into force 22.07.2011]

**§ 129.** In the case of a threat to the constitutional order of Estonia, the Riigikogu may, on the proposal of the President of the Republic or the Government of the Republic, by the majority of all members, declare a state of emergency throughout the state, but for not longer than three months.

Rules governing a state of emergency shall be provided by a law.

**§ 130.** During a state of emergency or a state of war, in the interests of national security and public order, the rights and freedoms of persons may be restricted, and obligations may be imposed on them, under conditions and pursuant to a procedure prescribed by a law. The rights and freedoms provided for in § 8, §§ 11-18, paragraph 3 of § 20, § 22, § 23, paragraphs 2 and 4 of § 24, § 25, § 27, § 28, paragraph 2 of § 36, § 40, § 41, § 49 and paragraph 1 of § 51 of the Constitution shall not be restricted.

**§ 131.** During a state of emergency or a state of war, the Riigikogu, the President of the Republic, and the representative bodies of municipalities shall not be elected, nor shall their mandates be terminated.

The mandates of the Riigikogu, the President of the Republic and the representative bodies of municipalities shall extend if the mandates should terminate during a state of emergency or a state of war or within three months after the termination of a state of emergency or a state of war. In these cases, new elections shall be declared within three months after the termination of the state of emergency or the state of war.

## **Chapter XI**

## THE NATIONAL AUDIT OFFICE

§ 132. The National Audit Office shall be, in its activities, an independent state body responsible for auditing.

§ 133. The National Audit Office shall audit:

- 1) the economic activities of state agencies, state enterprises and other public organisations;
- 2) the use and preservation of state assets;
- 3) the use and disposal of state assets that have been transferred into the possession of municipalities;
- 4) the economic activities of enterprises in which the state holds more than one-half of the votes by way of parts or shares, or the loans or contractual obligations of which are guaranteed by the state.

§ 134. The National Audit Office shall be headed by the Auditor General who shall be appointed to and released from office by the Riigikogu, on the proposal of the President of the Republic. The term of office of the Auditor General shall be five years.

§ 135. The Auditor General shall present an overview on the use and preservation of state assets during the preceding budgetary year to the Riigikogu at the same time as the report on the implementation of the state budget is debated in the Riigikogu.

§ 136. The Auditor General may participate in sessions of the Government of the Republic in which issues related to his or her duties are discussed, with the right to speak. The Auditor General, as the head of his or her office, has the same rights that are granted by the law to a minister as head of a ministry.

§ 137. The organisation of the National Audit Office shall be provided by a law.

§ 138. The Auditor General can be prosecuted under criminal law only on the proposal of the Chancellor of Justice, and with the consent of the majority of all members of the Riigikogu.

## Chapter XII THE CHANCELLOR OF JUSTICE

§ 139. The Chancellor of Justice shall be, in his or her activities, an independent official who shall review the acts of general application of the legislature and the executive and of municipalities for conformity with the Constitution and laws.

The Chancellor of Justice shall analyse proposals made to him or her concerning the amendment of laws, the adoption of new laws, and the activities of state agencies, and, if necessary, shall present a report to the Riigikogu.

The Chancellor of Justice shall, in the cases prescribed by §§ 76, 85, 101, 138, 153 of the Constitution, make a proposal to the Riigikogu to prosecute a member of the Riigikogu, the President of the Republic, a member of the Government of the Republic, the Auditor General, the Chief Justice of the Supreme Court or a justice of the Supreme Court under criminal law.

§ 140. The Chancellor of Justice shall be appointed to office by the Riigikogu, on the proposal of the President of the Republic for a term of seven years. The Chancellor of Justice can be removed from office only by a court judgment.

§ 141. The Chancellor of Justice, in heading his or her office, has the same rights that are granted by the law to a minister for heading a ministry. The Chancellor of Justice may participate in sittings of the Riigikogu and sessions of the Government of the Republic with the right to speak.

§ 142. If the Chancellor of Justice finds that an act of general application adopted by the legislature or the executive or by a municipality is in conflict with the Constitution or a law, he or she shall propose to the body which adopted the act to bring the act into conformity with the Constitution or the law within twenty days.

If the act is not brought into conformity with the Constitution or the law within twenty days, the Chancellor of Justice shall propose to the Supreme Court to declare the act invalid.

§ 143. The Chancellor of Justice shall present an annual report to the Riigikogu on the conformity of the acts of general application adopted by the legislature and the executive and by municipalities with the Constitution and laws.

§ 144. The legal status of the Chancellor of Justice and the organisation of his or her office shall be provided by a law.

§ 145. The Chancellor of Justice can be prosecuted under criminal law only on the proposal of the President of the Republic, and with the consent of the majority of all members of the Riigikogu.

## **Chapter XIII THE JUDICIARY**

§ 146. Justice shall be administered solely by the courts. The courts shall be independent in their activities and shall administer justice in accordance with the Constitution and laws.

§ 147. Judges shall be appointed for life. The grounds and procedure for the release of judges from office shall be provided by a law.

A judge can be removed from office only by a court judgment.

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

Guarantees for the independence of judges, and their legal status, shall be provided by a law.

§ 148. The court system shall consist of:

1) district and city courts, and administrative courts;

2) circuit courts of appeal;

3) the Supreme Court.

The creation of specialised courts with specific jurisdiction shall be provided by a law.

The formation of extraordinary courts shall be prohibited.

§ 149. District and city courts, and administrative courts shall be courts of first instance.

Circuit courts of appeal shall be courts of second instance and shall review decisions of the courts of first instance by way of appeal proceedings.

The Supreme Court shall be the highest court in the state and shall review court decisions by way of cassation proceedings. The Supreme Court shall also be the court of constitutional review.

Rules regarding the administration of the courts and rules of court procedure shall be established by a law.

§ 150. The Chief Justice of the Supreme Court shall be appointed to office by the Riigikogu, on the proposal of the President of the Republic.

Justices of the Supreme Court shall be appointed to office by the Riigikogu, on the proposal of the Chief Justice of the Supreme Court.

Other judges shall be appointed to office by the President of the Republic, on the proposal of the Supreme Court.

§ 151. The rules of court procedure regarding representation, defence, state prosecution and supervision of legality shall be provided by a law.

§ 152. When adjudicating a matter, a court shall not apply any law or other legal act that is in conflict with the Constitution.

The Supreme Court shall declare invalid any law or other legal act that is in conflict with the letter and spirit of the Constitution.

§ 153. A judge can be prosecuted under criminal law during his or her term of office only on the proposal of the Supreme Court, and with the consent of the President of the Republic.

The Chief Justice and justices of the Supreme Court can be prosecuted under criminal law only on the proposal of the Chancellor of Justice, and with the consent of the majority of all members of the Riigikogu.

## **Chapter XIV LOCAL SELF-GOVERNMENT**

§ 154. All local issues shall be decided and organised by municipalities, which shall act independently on the basis of laws.



Obligations may be imposed on a municipality only on the basis of a law or by agreement with the municipality. Expenditure related to obligations of the state imposed by the law on a municipality shall be funded from the state budget.

**§ 155.** Municipalities shall be rural municipalities and towns.  
Other local self-government units may be formed on the bases and pursuant to a procedure provided by a law.

**§ 156.** The representative body of a municipality shall be the council which shall be elected in free elections for a term of four years. The term of the mandate of a council may be shortened by a law in relation to a merger or division of municipalities or the inability of a council to act. Elections shall be general, uniform and direct. Voting shall be secret.

[RT I 2003, 29, 174 - entry into force 17.10.2005]

In elections of municipal councils, persons who reside permanently in the territory of the municipality and have attained sixteen years of age have the right to vote, under conditions prescribed by a law.

[RT I, 15.05.2015, 1 – entry into force 13.08.2015]

**§ 157.** Municipalities shall have independent budgets for which the bases and procedure for formation shall be provided by a law.

Municipalities have the right, on the basis of a law, to establish and collect taxes, and to impose duties.

**§ 158.** The boundaries of municipalities shall not be altered without hearing the opinion of the municipalities concerned.

**§ 159.** Municipalities have the right to form associations and joint agencies with other municipalities.

**§ 160.** The organisation of municipalities and supervision of their activities shall be provided by a law.

## **Chapter XV AMENDMENT OF THE CONSTITUTION**

**§ 161.** The right to initiate amendment of the Constitution shall rest with not less than one-fifth of all members of the Riigikogu and with the President of the Republic.

Amendment of the Constitution cannot be initiated, nor can the Constitution be amended, during a state of emergency or a state of war.

**§ 162.** Chapter I “General Provisions” and Chapter XV “Amendment of the Constitution” of the Constitution can be amended only by a referendum.

**§ 163.** The Constitution can be amended by a law which has been adopted by:

1) a referendum;

2) two successive compositions of the Riigikogu;

3) the Riigikogu, as a matter of urgency.

A bill to amend the Constitution shall be debated in three readings in the Riigikogu, whereby the interval between the first and second readings shall be not less than three months, and the interval between the second and third readings shall be not less than one month. The manner in which the Constitution is to be amended shall be decided at the third reading.

**§ 164.** A three-fifths majority of all members of the Riigikogu is required to submit a bill to amend the Constitution to a referendum. The referendum shall be held not earlier than three months after the adoption of such resolution by the Riigikogu.

**§ 165.** In order to amend the Constitution by two successive compositions of the Riigikogu, a bill to amend the Constitution must receive the support of the majority of all members of the Riigikogu.

If the bill to amend the Constitution which received the support of the majority of all members of the preceding Riigikogu is adopted by the succeeding Riigikogu, unamended, at its first reading and with a three-fifths majority of all members of the Riigikogu, then the law to amend the Constitution is adopted.

**§ 166.** A resolution to consider a bill to amend the Constitution as a matter of urgency shall be adopted by a four-fifths majority of the Riigikogu. In this case, the law to amend the Constitution shall be adopted by a two-thirds majority of all members of the Riigikogu.

**§ 167.** A law to amend the Constitution shall be promulgated by the President of the Republic and shall enter into force on the date specified therein, but not earlier than three months after the date of promulgation.

**§ 168.** Amendment of the Constitution regarding the same issue cannot be initiated within one year after the rejection of a corresponding bill by a referendum or by the Riigikogu.

<sup>1</sup>Riigikogu = the parliament of Estonia.

<sup>2</sup>Eesti Pank = the Bank of Estonia.

<sup>3</sup>Riigi Teataja = State Gazette.