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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**REPUBLIC OF ESTONIA**

**DRAFT CONSTITUTION**  
**(February 1992)**

(PRELIMINARY)

Constitutional Assembly  
DRAFT  
Unofficial translation

FEB 1992

REPUBLIC OF ESTONIA

CONSTITUTION

Unwavering in her 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 the 24th of February, 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,

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

CHAPTER 1

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 air space of Estonia are an inseparable and indivisible whole.

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

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

Laws shall be published in a 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 national government and the courts shall be organized on the principle of separate and balanced powers.

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

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

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

CHAPTER 2

Fundamental Rights, Liberties and Duties

Art. 8. Every child having one parent who is <sup>an</sup> Estonian citizen shall have the right to Estonian citizenship by birth.

Every person who as minor was deprived of his Estonian citizenship shall have the right to have his Estonian citizenship restored.

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

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

Conditions and procedures for the acquisition, loss and restoration of Estonian citizenship are stipulated by the Law on Citizenship.

Art. 9. Estonian citizens shall have all the rights, liberties and duties provided by the Constitution.

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

Art. 11. Rights and liberties may be restricted only in concordance with the Constitution. Restrictions may be imposed only insofar as they are necessary in a democratic society and their imposition may not misconstrue existing rights and liberties.

Art. 12. All persons are equal before the law, irrespective of nationality, race, colour, sex, language, origin, creed, political or other persuasions, or financial or social status.

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. Every person has the right to the protection of the State and the law. The Republic of Estonia extends the protection of its citizens to foreign countries.

The law protects every person against arbitrary rule by public authorities.

Art. 14. It is the responsibility of the legislative, executive and judicial powers and local government authorities to secure rights and liberties.

Art. 15. Every person has the right to appeal to a court of law in case his rights or liberties have been violated. Every person whose case is being tested by a court of law is entitled to demand any law, other legal act or procedure pertaining to his case to be declared unconstitutional.

Courts of law 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 otherwise is in conflict with the Constitution.

Art. 16. Every person has the right to life. This right is protected by law. Nobody shall be arbitrarily deprived of his life.

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

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

No one shall be subjected without his free consent to medical or scientific experimentation.

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

In exercising their rights and liberties and fulfilling their duties, all persons shall respect and recognize the rights and liberties of other persons and shall observe the law.

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

No one shall be deprived of his liberty, except in such cases and by such procedure as are prescribed by law:

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

2) in cases of disregard for a decision by a court of law or in order to ensure the fulfilment of obligations stipulated by law;

3) to prevent a criminal act, or to bring a suspect before a competent public authority or to forestall his escape;

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

5) to place a person suffering from an epidemic disease, a mental illness, alcoholism or narcotism in custody, if he is a danger to himself or others;

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

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

Art. 21. Anyone deprived of his liberty shall be informed promptly and in such a language and manner which he understands of the cause of his arrest and his rights and shall be given the opportunity to notify his family about the arrest. A suspected offender shall also be given the opportunity to choose a legal adviser and confer with him. The right of a suspected offender to notify his family of his arrest may only be restricted in such cases and by such procedure as prescribed 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 except with a specific warrant by a court. Such a warrant shall promptly be made known to the person held in such a language and manner which he understands.

Art. 22. No one shall 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 to prove his or her innocence.

No one shall be compelled to give testimony against himself, or against close family.

Art. 23. No one shall be pronounced guilty of an act, if that act did not constitute a criminal offence under a law which was in effect before the act was committed.

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

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

Art. 24. No one shall be transferred against his 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 tried in his presence.

Court hearings shall be public. The court may, in such cases and by such procedure as are prescribed 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 private lives of persons involved, or where the interests of juvenile persons or justice so require.

Judgements rendered in court shall be made public unless the interests of a juvenile person, a party in a matrimonial dispute or the victim of a crime require otherwise.

Everyone shall have the right to appeal to a higher court against a judgement rendered in his case, in accordance with the procedure prescribed by law.

Art. 25. Everyone shall have the right to compensation for moral and material injuries caused by any other's unlawful action. The procedure and manner of making compensation shall be prescribed by law.

Art. 26. Everyone has the right to security of family and privacy. State and local government authorities and their officials shall not interfere with any person's family or privacy, except in cases and in accordance with procedures provided by law for the protection of health or morals or the rights and liberties of other persons.

Art. 27. The family being fundamental for the preservation and growth of the people and society shall be protected by the State.

Spouses shall have equal rights.

Parents are responsible for the care and education of their children.

The law shall provide for the protection of parents and children.

The family is responsible for the care of dependent members.

Art. 28. Everyone is entitled to protection of his health and to state assistance in cases of old age, inability to work, need, and loss of provider. The forms and extent of assistance and the conditions and procedures for receiving it shall be established by law.

The state supports voluntary and local government social care.

Families with many children and the disabled are entitled to special care by state and local governments.

Art. 29. Everyone has the right to freely choose his or her field of activity, profession and place of work. The conditions and procedure for exercising this right may be established by law.

No one shall be compelled against his free will to perform work or service, except military or alternative service, or work required for the prevention of epidemics 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 public supervision.

Employees and employers 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 established by law.

Procedures for settling labour disputes shall be established by law.

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

Art. 31. Everyone has the right to engage in commercial activities and to form business companies and associations. The law may prescribe conditions and procedures for the exercise of this right.

Art. 32. Everyone's property rights are inviolable and enjoy equal protection. No property shall be expropriated without the consent of the owner except in cases of public interest and in accordance with procedures established by law, against equitable and appropriate compensation. Anyone whose property has been expropriated without his consent shall be entitled to appeal to a court and contest the expropriation order and the nature and amount of compensation.

Everyone has the right to freely manage, use and dispose of his property. Restrictions shall be established by law.

Ownership obliges. Property may not be used against public interest.

The law may establish categories of property reserved for ownership by the Republic of Estonia, its citizens, local governments or certain categories of legal entities.

The right of inheritance is guaranteed.

Art. 33. The home is inviolable. No one shall forcibly enter a person's dwelling, property or place of work, nor search these, except in such cases and in accordance with such procedures as prescribed 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. Every legal resident in Estonia has 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 prescribed by law for the protection of the rights and liberties of others, in the interest of national defence, in the event of a natural disaster or a catastrophe, or in order to prevent the spread of an epidemic, to protect the environment, to avoid leaving a juvenile or mentally ill person without supervision or to ensure the execution of criminal proceedings.

Art. 35. Everyone has the right to leave Estonia. The exercise of this right may be restricted in cases and in accordance with procedures prescribed by law for the purpose of ensuring court or pre-trial proceedings or the execution of a judgement.

Art. 36. No Estonian citizen shall be deported nor prevented from returning to Estonia.

No Estonian citizen shall be extradited to a foreign State, except on the basis of a decision made by the Government of Estonia in cases provided by a foreign treaty and in accordance with procedures prescribed by the treaty and by law. Every person whose extradition is sought shall be entitled to contest his extradition before an Estonian court of law.

Every Estonian national has the right to settle in Estonia.

Art. 37. Everyone has 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. Pursuant to legislation, other educational institutions may be established, including private schools.

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

Everyone has the right to instruction in the Estonian language. 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, are free.

Institutions of higher education and scientific institutions and shall be autonomous, within the limits established 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.

Membership in a church or a religious association is free. There is no state church.

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

Art. 41. Everyone has the right to hold his 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 on the ground of his persuasions.

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

Art. 43. Everyone is entitled to secrecy of messages transmitted by him or to him by post, telegram, telephone or other means. Exceptions may be made on authorization by a court in cases and in accordance with procedures prescribed by law in order to prevent a criminal act or for the purpose of establishing facts in a criminal investigation.

Art. 44. Everyone has the right to freely receive generally circulated information.

At the request of any person and to the extent and in accordance with procedures prescribed by law, all state and local government authorities and their officials are obliged to provide information on their activities, unless the information concerns national security, a criminal investigation, or the family, private life, health and rights of others, or business secrets or confidential communication.

Everyone has the right to acquaint himself with information about himself held by state and local government authorities and in state and local government archives to the extent and in accordance with procedures prescribed by law.

Art. 45. Everyone has the right to freely circulate ideas, opinions, persuasions and other information by word, print, picture and other means. This freedom may be restricted by law for the purpose of protecting public order or morals, or the rights and liberties, health, honour 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 they due to their service have access to, and the interests of justice.

There shall be no State censorship in Estonia.

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 established by law.

Art. 47. Everyone has the right, without prior authorization, to peacefully assemble and conduct meetings. This right may be restricted in cases and in accordance with procedures prescribed by law for the purpose of securing national security, public order or morals, traffic safety and the safety of the participants in such meetings or to prevent the spread of epidemics.

Art. 48. Everyone has the right to form non-profit associations and unions. Only Estonian citizens may form political parties.

The establishment of associations and unions possessing weapons or organized in a military fashion or conducting military exercises require prior authorization, which shall be given on conditions and in accordance with procedures prescribed by law.

Associations, unions or political parties which aim at and actively work for the violent overthrow of the constitutional system of Estonia or otherwise are in conflict with criminal law shall be prohibited.

The termination or suspension of the activities and punishment of an association, a union or a political party 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 in the interests of their national culture have the right to establish institutions of self-government in accordance with conditions and procedures established by the Law on Cultural Autonomy for Ethnic Minorities.

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

In localities where at least half of the resident population 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 is the Estonian language.

In localities where the language of the majority of the population is other than the Estonian language, local government authorities may use the language of the majority of the resident population of that locality for internal communication to the extent and in accordance with procedures established 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 established by law.

Art. 53. Everyone is obliged to preserve human and natural environment and to compensate for damages caused by him to the environment. The procedures for making compensation shall be prescribed by law.

Art. 54. It is the obligation of an Estonian citizen to be loyal to the constitution of Estonia and to defend Estonia's independence.

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 residing in Estonia are obliged to respect the Estonian constitution.

Art. 56. Foreign citizens and stateless persons residing in Estonia shall be equated with Estonian citizens in respect of all rights, liberties and obligations established in this Constitution except those which in accordance with the Constitution only apply to Estonian citizens. The law may restrict the freedom of foreign citizens and stateless persons to engage in political activities and their right to join certain associations (Articles 45, 47 and 48), their right to choose fields of activity, place of work and profession (Article 29, 1st paragraph), their right to engage in commercial activity and to form business companies (Article 31), their right to own certain categories of property (Article 32, 4th paragraph), their right to public assistance (Articles 28, 1st paragraph, and 29, 3rd paragraph) and their right to obtain information (Article 44, 2nd and 3rd paragraphs).

### CHAPTER 3

#### The People

Art. 57. The people shall exercise their supreme power through citizens entitled to vote by:

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

Art. 58. The right to vote belongs to every Estonian citizen who has attained the age of eighteen.

An Estonian citizen who has been declared incapable by a court of law has no right to vote.

Art. 59. The law may restrict participation in elections for Estonian citizens who have been convicted by a court of law and are serving a sentence in a place of detention.

CHAPTER 4

The Riigikogu

Art. 60. Legislative power shall rest with the Riigikogu.

Art. 61. The Riigikogu shall comprise one hundred and one members. Members of the Riigikogu shall be elected in free elections on the principle of proportionality. Elections shall be general, equal, direct and secret.

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

Ordinary 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. Ordinary elections to the Riigikogu shall be announced no later than ninety days before polling day.

Extraordinary elections to the Riigikogu shall be held, in the cases prescribed by Articles 91, 99, 107 and 121 of the Constitution, no earlier than twenty, and no later than sixty days after elections have been ordered.

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

Art. 62. The mandate of the members of the Riigikogu shall commence on the day the final results of the elections have been announced. The mandate of the previous body shall cease from the same day.

Before entering on the execution of his duties a member of the Riigikogu shall take an oath of office affirming his loyalty to the Republic of Estonia and its constitutional system.

Art. 63. A member of the Riigikogu shall not be tied to his mandate nor be held legally responsible for his votes or political statements which he has made in the Riigikogu or any of its organs.

Art. 64. A member of the Riigikogu may not hold any other state office.

A member of the Riigikogu shall be released from the armed services for the duration of his term.

Art. 65. The mandate of a member of the Riigikogu shall be suspended on his appointment to a Government post and shall be restored on his being discharged of his Government duties.

The mandate of a member of the Riigikogu shall be prematurely terminated:

- 1) on his appointment to other state office;
- 2) on a guilty verdict by a court against him coming into force;
- 3) if he resigns his mandate in accordance with procedures established by law;
- 4) if the Riigikogu has pronounced him permanently incapacitated to perform his duties;
- 5) on his death.

When the mandate of a member of the Riigikogu has been suspended or prematurely terminated, an alternate member shall take over in his stead in accordance with procedures established by law. The alternate member shall assume all the rights and duties of a member of the Riigikogu.

The mandate of an alternate member shall cease when a member of the Riigikogu resumes his mandate.

Art. 66. The Riigikogu shall resolve all state governmental issues in Estonia, except those which the Constitution reserves for the people, the President of the Republic, the Government, other state bodies or local governments to decide.

Art. 67. The Riigikogu shall:

- 1) adopt laws and resolutions;
- 2) decide on the conducting of referenda;
- 3) elect the President of the Republic as prescribed in Article 81 of the Constitution;
- 4) ratify and denounce foreign treaties as prescribed in Article 123 of the Constitution;
- 5) appoint a Prime Minister;
- 6) adopt a national budget and approve the auditor's report;
- 7) appoint, on proposal by the President of the Republic, the Chairman of the National Court, the Chairman of the Board 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 on the National Court;
- 9) appoint members of the Board 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, the Prime Minister or individual ministers;
- 14) declare a state of emergency in the country as prescribed in Article 131 of the Constitution;
- 15) on proposal by the President of the Republic declare a state of war, order mobilization and demobilization.

Art. 68. The first plenary session of the new Riigikogu shall be opened 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. 69. Ordinary sessions of the Riigikogu shall last 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. 70. Extraordinary sessions of the Riigikogu shall be summoned by the Chairman of the Riigikogu at the request of the President of the Republic, the Government or at least one fifth of the full body of the Riigikogu.

Art. 71. The Riigikogu shall elect from among its members the Chairman of the Riigikogu and two Deputy Chairmen, who shall direct the work of the Riigikogu in accordance with the order and rules of proceedings of the Riigikogu.

Art. 72. The Riigikogu shall have a quorum when, for an ordinary session, at least one-quarter, and for an extraordinary session, over half of its full body is present.

Art. 73. The Riigikogu shall establish Committees.

Members of the Riigikogu shall have the right to join factions

Procedures for establishing committees and member factions and their powers shall be prescribed by law.

Art. 74. 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 order in matters concerning the election or appointment of officials.

Art. 75. Legal acts of the Riigikogu shall be adopted with a majority of affirmative votes, unless otherwise prescribed by the Constitution.

Art. 76. Members of the Riigikogu shall have the right to request information from the Government and its members, the Chairman of the Board 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 Defence Forces.

The question must be answered at a session of the Riigikogu within twenty working days.

Art. 77. The remuneration of members of the Riigikogu and restrictions on other income shall be prescribed by law, which may be amended for the next Riigikogu.

Art. 78. A member of the Riigikogu enjoys immunity. Criminal charges can only be brought against him on proposal by the Legal Chancellor and the consent of the majority of the members of the Riigikogu.

#### Chapter V

#### The President of the Republic

Art. 79. The President of the Republic is the Head of State of Estonia.

Art. 80. The President of the Republic:

1) represents the Republic of Estonia in international relationships;

2) appoints and recalls, on proposal by the Government, diplomatic representatives of the Republic of Estonia and accepts letters of credence of diplomatic representatives accredited in Estonia;

3) orders ordinary Riigikogu elections and, pursuant to Articles 91, 99, 107 and 121 of the Constitution,

- extraordinary elections for the Riigikogu;
- 4) convenes the new Riigikogu in accordance with Article 69 of the Constitution and opens its first session;
  - 5) proposes to the Chairman of the Riigikogu the summoning of an extraordinary session of the Riigikogu in accordance with Article 70 of the Constitution;
  - 6) proclaims laws pursuant to Articles 107 and 109 of the Constitution and signs instruments of ratification;
  - 7) issues decrees pursuant to Articles 111 and 112 of the Constitution;
  - 8) appoints candidates for Prime Minister pursuant to Article 91 of the Constitution;
  - 9) appoints and recalls, on proposal by the Prime Minister, the Ministers;
  - 10) presents proposals to the Riigikogu for appointments to the offices of the Chairman of the National Court, the Chairman of the Board of the Bank of Estonia, the Auditor General, the Legal Chancellor and the Commander or the Commander-in-Chief of the Defence Forces;
  - 11) appoints, on proposal by the Board of the Bank of Estonia, the President of the Bank of Estonia;
  - 12) appoints judges on proposal by the National Court;
  - 13) appoints and recalls from office the Government of the Republic and, on proposal by the Commander of the Defence Forces, officers in the Defence Forces;
  - 14) confers civil and military honours and diplomatic ranks;
  - 15) is the Supreme Commander of Estonia's national defence;
  - 16) presents proposals to the Riigikogu on proclamations of state of war, on orders for mobilization and demobilization and, pursuant to Article 131 of the Constitution, on proclamations of state of emergency;
  - 17) proclaims in cases of armed aggression against Estonia a state of war, issues orders for mobilization and appoints a Commander-in-Chief of the Defence Forces, pursuant to Article 130 of the Constitution;

- 18) grant mercy, on the request of prisoners, by freeing those sentenced or reducing the sentence;
- 19) initiate the placing of criminal charges against the Legal Chancellor, according to Art. 147 of the Constitution.

Art. 81. The President of the Republic shall be elected by the Riigikogu, or, in the case described in the fourth paragraph of the current Article, by the Electoral Body.

The right to present a candidate 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. Every 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, into the Electoral Body.

The Riigikogu shall present as presidential candidates to the Electoral Body the two candidates who received the most 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 most 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. 82. The President of the Republic shall be elected to hold office for a term of five years. No person shall be permitted to be elected to the office of President of the Republic for more than two consecutive terms.

The regular election for a 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. 83. The President of the Republic shall assume office by swearing the following oath of office to the Estonian people in front of the Riigikogu: "In assuming the office of the President of the Republic, I (first and surname) hereby swear a holy oath to unswervingly defend the Constitution and laws of the Republic of Estonia, to wield the power given to me in a just and equitable manner, and to honestly fulfil my obligations to the best of my abilities and to the best of my understanding, to the benefit of the Estonian people and the Republic of Estonia."

Art. 84. The term of the President of the Republic shall end in the following cases:

- 1) resigning from office;
- 2) a guilty verdict against him or her comes into force;
- 3) his/her death;
- 4) the new President of the Republic takes office.

Art. 85. If the President of the Republic, according to a resolution by the Riigikogu, is continuously unable to fulfil his/her duties due to the state of health, or he/she is unable to fulfil them temporarily, in the cases specified by law, or his/her term has ended prematurely, his or her duties shall be temporarily 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 term as a member of the Riigikogu shall be suspended.

The Speaker of the Riigikogu acting as 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 not be able to fulfil his/her duties for over three consecutive months, or if his/her term has prematurely ended, the Riigikogu shall elect a new President of the Republic within fourteen days.

Art. 86. On assuming office, the terms of office and obligations of the President of the Republic in all elected and appointed offices shall cease, and he/she

shall suspend his/her membership in political parties.

Art. 87. 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. 88. Executive power shall be borne by the Government of the Republic.

Art. 89. The Government of the Republic of Estonia shall:

- 1) implement the domestic and foreign policies of the state;
- 2) direct and coordinate the activity of government institutions;
- 3) organize the implementation of legislation, the resolutions of the Riigikogu, and the edicts of the President of the Republic;
- 4) present draft legislation to the Riigikogu, as well as foreign treaties for either ratification or denunciation;
- 5) compile the draft of the state budget and present it to the Riigikogu, organize the implementation of the state budget, and present to the Riigikogu the report of the implementation of the budget;
- 6) issue ordinances and instructions for fulfillment in concordance with the law;
- 7) organize relationships 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 in the whole country or in one area;
- 9) fulfil other tasks which have been placed under its jurisdiction by the Constitution and laws.

Art. 90. The Government of the Republic shall comprise the Prime Minister and Ministers.

Art. 91. The President of the Republic, within fourteen days after the Government of the Republic has resigned, shall nominate the candidate for Prime Minister, whom shall be tasked with the formation of the new government.

The candidate for Prime Minister shall present to the Riigikogu, within fourteen days of receiving the task to form a government, a report on the bases for the formation of the future government, after which the Riigikogu shall decide, without debate and by a public vote, the confirmation of the Prime Minister to the office.

If the candidate for Prime Minister does not receive the majority of yes-votes, the President of the Republic shall declare, after fourteen days, early elections for a new complement of the Riigikogu.

The President of the Republic shall not declare early elections for the new complement of the Riigikogu, if the Riigikogu, within fourteen days, confirms the

Prime Minister of its own choice to the office.

Art. 92. Ministers shall be appointed and recalled by the President of the Republic, on proposal by the Prime Minister.

Art. 93. The Government shall take office by swearing an oath of office in the Riigikogu.

Art. 94. The Government of the Republic shall resign in the case of:

- 1) the new complement of the Riigikogu convening;
- 2) 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 release the Government of the Republic from office when the new Government assumes office.

Art. 95. The Prime Minister shall represent the Government of the Republic and shall guide its activities.

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

Art. 96. Appropriate Ministries shall be formed, according to the law, for the purpose of organizing particular spheres of government.

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

Should the Minister be unable to temporarily fulfil his or her duties, due to illness or other hindrances, the Prime Minister shall transfer his or her 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. 97. A State Chancellery shall be attached to 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. 98. 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 become effective when they carry the signatures of the Prime Minister, the appropriate Minister and the State Secretary.

Art. 99. The Riigikogu may express no-confidence in either the Government of the Republic, the Prime Minister or a Minister with 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 presenting a written application 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 initiated, 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 declare, on proposal by the Government and within three days, 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 then recall the Minister from office.

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

Art. 100. 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 not adopt the draft, the Government shall resign.

Art. 101. Members of the Government of the Republic may not hold any other public office or belong to the leadership or council of a profit-making enterprise.

Art. 102. Members of the Government of the Republic may participate, with the right to speak, in sessions of

the Riigikogu and its sub-committees.

Art. 103. 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 term of office of a member of the Government shall end when a guilty verdict comes into effect.

## CHAPTER VII

### Legislation

Art. 104. Legislation shall be adopted in concordance with the Constitution.

Art. 105. The right to initiate legislation shall rest with:

- 1) members of the Riigikogu;
- 2) factions of the Riigikogu;
- 3) sub-committees of the Riigikogu;
- 4) the Government of the Republic.

Art. 106. Procedures for the adoption of legislation shall be determined by the Law On the Statutes of the Riigikogu.

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 Elections to the Riigikogu;
- 3) Law On Electing the President of the Republic;
- 4) Law On Local Government Elections;
- 5) Referendum Law;
- 6) Law On the Statutes of the Riigikogu and Law On the Procedures of the Riigikogu;
- 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 Taking the President of the Republic and the Members of the Government to Court;
- 10) Law On Cultural Autonomy For Minorities;
- 11) Law On the State 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. 107. The Riigikogu shall have the right to put draft legislation or other state issues to 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 obligatory to 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. 108. Issues related to the budget, taxes, the financial responsibilities 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. 109. Legislation 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.

Art. 110. The law shall come into force on the third day after its publication in the "Riigi Teataja" unless the law itself determines otherwise.

Art. 111. If the Riigikogu is prevented from convening, the President of the Republic shall have the right, in cases of state necessity 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.

The President of the Republic shall present the edicts to the Riigikogu within fourteen days of the convening of the Riigikogu. The Riigikogu shall immediately adopt a law to either confirm or annul these.

Art. 112. The Constitution, the laws listed in Article 106 of the Constitution, nor laws determining state taxes or the state budget cannot be enacted, amended or annulled by edicts from the President of the Republic.

## CHAPTER VIII

### Finance and the State Budget

Art. 113. 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 state currency.

Art. 114. The Bank of Estonia shall operate according to the law, and shall report to the Riigikogu.

Art. 115. State taxes, fees, levies, penalties and compulsory

insurance payments shall be determined by law.

Art. 116. Procedures for the control, use and command of state assets shall be determined by law.

Art. 117. The Riigikogu shall adopt as law a budget for all state income and expenditure for each year.

The Government of the Republic shall present a draft state 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. 118. Proposed amendments to the state 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 state 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 state budget or its draft those expenditures which have been prescribed by other laws.

Art. 119. The procedures for the preparation and the adoption of the budget shall be determined by law.

Art. 120. The state budget adopted by the Riigikogu shall come into force from the beginning of the budget year. If the Riigikogu does not adopt the state 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. 121. 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 Relationships and Foreign Treaties

Art. 122. Procedures for the relationship of the Republic of Estonia with other states and with international organizations shall be determined by law.

Art. 123. 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 takes upon itself military or assets obligations;
- 5) where ratification is prescribed.

Art. 124. 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. 125. 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. 126. Citizens of the Republic of Estonia shall be obligated to participate in national defense, according to the bases and procedures determined by law.

Those who, for religious or ethical reasons, refuse service in the Defense Forces, 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 Art. 8 par. 3 and 4, 11-18, 20 par. 3, 21-28, 32, 33, 36-43, 44 par. 1 and 2, 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. 127. A person in active service may not hold elected or appointed office nor participate in the activities of any political party.

Art. 128. The organization of the Estonian Defense Forces and the state 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. 129. The supreme leader 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. 130. The Riigikogu shall declare, on proposal by the President of the Republic, a state of war, 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. 131. In the case of a threat to the Constitutional system of government, the Riigikogu may declare, on proposal by 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.

The organization of a state of emergency shall be determined by law.

Art. 132. 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 according to the procedures prescribed by law. Those rights and liberties determined by Art. 8, 11-18, 20 par. 3, 22, 23, 24 par. 2 and 4, 25, 27, 28, 36 par. 2, 40, 41, 49 and 51 par.1 of the Constitution may not be restricted.

Art. 133. During a state of emergency or a state of war there shall be no elections for the Riigikogu, the President of the Republic nor representative bodies of local government, nor can their terms in office be terminated.

The terms in office 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. 134. The State Audit Office shall be an independent state institution with responsibility for economic control.

Art. 135. State Audit Office shall control:

1) the economic activity of state institutions, state enterprises and other organizations;

2) the use and preservation of state property;

3) the use and control of state property 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 stocks or shares, or whose loans or contractual obligations are guaranteed by the state.

Art. 136. 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. 137. The Auditor-General shall present to the Riigikogu an annual report on the use and preservation of state property during the previous budget year at the time of the debate in the Riigikogu on the carrying out of the state budget.

Art. 138. 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. 139. The organization of the State Audit Office shall be determined by law.

Art. 140. 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. 141. The Legal Chancellor shall be, in conducting his or her activities, an independent official supervising the concordance 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/her for amending legislation and adopting new laws and, if necessary, shall present a report to the Riigikogu.

The Legal Chancellor shall, in the cases foreseen in Articles 78, 87, 103, 140, 155 of the Constitution, make a proposal to the Riigikogu to bring criminal charges against a member of the Riigikogu, President of the Republic, a member of the Government of the Republic, the Auditor-General, Chairman of the National Court or a member of the National Court.

Art. 142. 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 recalled from his office only by a Court decision.

Art. 143. 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. 144. If the Legal Chancellor considers that a legal act issued by the state legislature or executive or by local government which is in contradiction to the Constitution or a law, he or she shall propose to the body which has adopted this act to bring the act into concordance with the Constitution or law within twenty days.

If the act is not brought into concordance 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. 145. The Legal Chancellor shall present an annual report to the Riigikogu on the concordance with the Constitution and legislation of legal acts issued by the state legislature and executive and by local government.

Art. 146. The legal status of the Legal Chancellor and the organization of his/her office shall be determined by the law.

Art. 147. 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. 148. Justice shall be administered only by the Courts. The Courts shall be independent in their activities and shall administer justice in concordance with the Constitution and legislation.

Art. 149. Judges shall be appointed for life. The bases and procedures for recalling judges shall be determined by the law.

Judges may be recalled only by a Court decision.

Judges may not hold any other elected or appointed post, except in the occasions established by the law.

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

Art. 150. The court system shall comprise:

- 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 creation of emergency courts shall be prohibited.

Art. 151. 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 State, which examines court decisions as appeal procedures. The National Court is also the court for constitutional supervision.

The organization of the court system and court proceedings shall be determined by law.

Art. 152. 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. 153. The organization of representation, defense, state prosecution and supervision of legality in Court procedures shall be determined by law.

Art. 154. If any law or another legal act is in contradiction to the Constitution, it shall not be applied by the Court while dealing with a specific case.

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

Art. 155. A judge may be charged with a criminal offence during his or her term of office only on proposal by the National Court and 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. 156. All local issues shall be resolved and organized by local government, which shall operate independently according to the law.

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

Art. 157. The units of local government are districts and towns. Other units of local government may be formed

according to the bases and procedures determined by law.

Art. 158. The representative body of local government shall be the Volikogu, which shall be freely elected in a general, uniform, direct and secret election for three years.

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, according to conditions determined by law.

Art. 159. Local government shall have independent budgets, whose bases and procedures of formation shall be determined by law.

Local government shall have the right, based on the law, to impose and collect taxes and to impose fees.

Art. 160. Borders of the local government units may not be altered without taking into consideration the opinion of the respective local governments.

Art. 161. Local governments have the right to form, together with other local governments, leagues and joint institutions.

Art. 162. The organization of local government and supervision of its activities shall be determined by law.

#### CHAPTER 15

##### Amendments to the Constitution

Art. 163. The right to initiate amendments to the Constitution shall rest with at least one-fifth of the complement of the Riigikogu.

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

Art. 164. Chapter I 'General Provisions' and Chapter XV 'Amendments to the Constitution' of the Constitution may be amended only by referendum.

Art. 165. Constitution may be amended by a law which is adopted by:

- 1) referendum;
- 2) two consecutive complements of the Riigikogu;
- 3) the Riigikogu, as a matter of urgency.

Draft legislation 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 at least one month shall pass between the second and third readings. The method of amending the Constitution shall be decided at the third reading.

Art. 166. In order to put draft legislation to amend the Constitution to referendum, the support of a three-fifths majority of the complement of the Riigikogu shall be required. The referendum shall not be held earlier than three months from the time that such a resolution is adopted in the Riigikogu.

Art. 167. In order to amend the Constitution by two consecutive 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, without amendment on its first reading with a three-fifths majority of its complement, the draft which received the support of the majority of the previous complement, the law to amend the Constitution shall be adopted.

Art. 168. The proposal to deal with the draft to amend the Constitution as a matter of urgency, shall be adopted by the Riigikogu with a four-fifths majority. In that case the law to amend the Constitution shall be adopted by a two-thirds majority of the complement of the Riigikogu.

Art. 169. The law to amend the Constitution shall be proclaimed by the President of the Republic and it shall come into force on the date determined by the same law, but not earlier than three months after the proclamation.

Art. 170. An amendment to the Constitution dealing with the same issue may not be initiated within one year of the rejection of the respective draft by referendum or by the Riigikogu.