

## Estonia - Constitution

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{ Editor's Note

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[Preamble]

Unwavering in their faith and with an unswerving will to safeguard and develop a state which is established on the inextinguishable right of the Estonian people to national self-determination and which was proclaimed on February 24, 1918, which is founded on liberty, justice and law, which shall serve to protect internal and external peace and provide security for the social progress and general benefit of present and future generations, which shall guarantee the preservation of the Estonian nation and its culture throughout the ages, the Estonian people adopted, on the basis of Article 1 of the Constitution which entered into force in 1938, by Referendum held on June 28, 1992 the following Constitution:

### Chapter I General Provisions

Article 1 [Sovereignty]

- (1) Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is held by the people.
- (2) Estonian independence and sovereignty is interminable and inalienable.

Article 2 [Territory]

- (1) The land area, territorial waters and airspace of Estonia are an inseparable and indivisible whole.
- (2) Estonia is politically a unitary state wherein the division of its territory into administrative units shall be determined by law.

Article 3 [Rule of Law, International Law]

- (1) Governmental power shall be exercised solely on the basis of this Constitution and such laws which are in accordance with the Constitution. Universally recognized principles and norms of international law shall be an inseparable part of the Estonian legal system.
- (2) Laws shall be published in the prescribed manner. Only laws which have been published shall have obligatory force.

#### Article 4 [Separation of Powers]

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

#### Article 5 [Natural Resources]

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

#### Article 6 [Language]

The official language of Estonia is Estonian.

#### Article 7 [Symbols]

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

## Chapter II Fundamental Rights, Liberties, and Duties

#### Article 8 [Citizenship]

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

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

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

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

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

#### Article 9 [Subjects]

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

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

#### Article 10 [Other Rights]

The rights, liberties, and duties enumerated in the present Chapter shall not

preclude other rights, liberties or duties which ensue from the spirit of the Constitution or are in accordance therewith and are compatible with human dignity and the principles of a society based on social justice, democracy and the rule of law.

#### Article 11 [Restrictions]

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

#### Article 12 [General Equality, No Discrimination]

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

(2) 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.

#### Article 13 [Right to Protection]

(1) Everyone shall have the right to the protection of the state and the law. The Estonian state shall extend to foreign countries its protection of its citizens.

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

#### Article 14 [Binding on Powers]

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

#### Article 15 [Access to Courts]

(1) Everyone has the right to appeal to a court of law if his or her rights or liberties have been violated. Everyone whose case is being tested by a court of law shall be entitled to demand any pertinent law, other legal act or procedure to be declared unconstitutional.

(2) The courts shall observe the Constitution and shall declare as unconstitutional any law, other legal act or procedure which violates the rights and liberties laid down in the Constitution or which is otherwise in conflict with the Constitution.

## Article 16 [Right to Life]

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

## Article 17 [Honor]

No one's honor or reputation may be defamed.

## Article 18 [No Torture or Cruel Punishment]

(1) No one may be subjected to torture or to cruel or degrading treatment or punishment.

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

## Article 19 [Right to Self-Realization]

(1) Everyone shall have the right to free self-realization.

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

## Article 20 [Personal Freedom]

(1) Everyone shall have the right to liberty and security of person. No one shall be deprived of his or her liberty, except in such cases and procedures as determined by law:

- 1) to execute a sentence or an arrest warrant issued by a court of law;
- 2) in cases of disregard for an instruction by a court of law or in order to ensure the fulfillment of obligations determined by law;
- 3) to prevent a criminal act or the infringement of a civil law, or to bring a person who is justifiably suspect before a competent public authority, or to forestall his or her escape;
- 4) to arrange for a juvenile to be placed under supervision or to bring him or her before a competent public authority to determine whether supervision is required;
- 5) to place a person suffering from an infectious disease, mental illness, alcoholism or drug abuse in custody, if he or she is a danger to themselves or others;
- 6) to bar illegal settlement in Estonia and to enable expulsion from Estonia or extradition to a foreign state.

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

## Article 21 [Custody, Arrest]

(1) Anyone deprived of his or her liberty shall be informed promptly, and in such a language and manner which he or she understands, of the reason for the arrest, and his or her rights, and shall be given the opportunity to notify his or her family about the arrest. A suspected offender shall also be promptly given the opportunity to choose a legal adviser and to confer with him or her. The right of a suspected offender to notify his or her family of the arrest may only be restricted in such cases and procedures as determined by law, for the purpose of preventing a criminal act or in the interest of establishing facts in a criminal investigation.

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

#### Article 22 [Presumption of Innocence, Right Against Self-Incrimination]

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

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

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

#### Article 23 [Nulla Poena Sine Lege]

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

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

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

#### Article 24 [Right to Fair Trial]

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

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

(3) Court hearings shall be public. The court may, in such cases and procedures as determined by law, decide to hold its hearings, wholly or in

part, in closed session, for the protection of state or business secrets, public morals or the family life or privacy of persons, or where the interests of juveniles, the victim or justice so require.

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

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

#### Article 25 [Right to Compensation]

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

#### Article 26 [Family, Privacy]

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

#### Article 27 [Protection of Family]

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

(2) Spouses shall have equal rights.

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

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

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

#### Article 28 [Welfare Rights]

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

(2) The state shall encourage voluntary and local government social care.

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

#### Article 29 [Right to Profession]

(1) Estonian citizens shall have the right to freely choose his or her field of activity, profession and place of work. The conditions and procedures for exercising this right may be determined by law. Unless otherwise determined by law, this right shall exist equally for Estonian citizens and citizens of foreign states and stateless persons who are present in Estonia.

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

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

(4) Working conditions shall be under state supervision.

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

(6) Procedures for settling labor disputes shall be determined by law.

#### Article 30 [Public Office]

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

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

#### Article 31 [Right to do Business]

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

#### Article 32 [Property]

(1) The property rights of everyone are inviolable and enjoy equal protection. No property shall be expropriated without the consent of the owner except in cases of public interest, in accordance with procedures determined by law, and in exchange for equitable and appropriate compensation. Anyone whose property has been expropriated without his or her consent shall have the right to

appeal to a court and to contest the expropriation, and the nature and amount of compensation.

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

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

(4) The right of inheritance is guaranteed.

#### Article 33 [Home]

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

#### Article 34 [Freedom to Move]

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

#### Article 35 [Freedom to Leave]

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

#### Article 36 [Right Against Extradition]

(1) No Estonian citizen may be deported from Estonia or prevented from settling in Estonia.

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

(3) Every Estonian shall have the right to settle in Estonia.

#### Article 37 [Education]



(1) Everyone shall have the right to an education. Education shall be compulsory for school-age children to the extent specified by law, and free of school fees in state and local government general education schools.

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

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

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

(5) The provision of education shall be supervised by the state.

#### Article 38 [Freedom of Science and Teaching]

(1) Science and the arts, and their instruction, shall be able to exist freely.

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

#### Article 39 [Right to Intellectual Property]

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

#### Article 40 [Freedom of Religion]

(1) Everyone shall have freedom of conscience, religion and thought.

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

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

#### Article 41 [Freedom of Belief]

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

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

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

#### Article 42 [Privacy of Religion and Belief]

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

will.

#### Article 43 [Secrecy of Communication]

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

#### Article 44 [Right to Information]

(1) Everyone shall have the right to freely receive information circulated for general use.

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

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

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

#### Article 45 [Freedom of Speech]

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

(2) There shall be no censorship.

#### Article 46 [Right to Petition]

Everyone shall have the right to petition state and local government authorities and their officials with memoranda and applications. Procedures

for responding shall be determined by law.

#### Article 47 [Right to Assemble]

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

#### Article 48 [Right to Associate]

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

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

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

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

#### Article 49 [Ethnic Identity]

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

#### Article 50 [Minority Rights]

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

#### Article 51 [Right to Administrative Help]

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

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

#### Article 52 [Official Language]

(1) The official language of state and local government authorities shall be Estonian.

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

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

#### Article 53 [Preservation of Human and Natural Environment]

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

#### Article 54 [Loyalty, Right to Resistance]

(1) It shall be the duty of every Estonian citizen to be loyal to the constitutional system of government and to defend the independence of Estonia.

(2) 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.

#### Article 55 [Foreign and Stateless Persons]

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

### Chapter III The People

#### Article 56 [Sovereignty]

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

- 1) electing the Parliament;
- 2) participating in referenda.

#### Article 57 [Right to Vote]

(1) The right to vote shall belong to every Estonian citizen who has attained the age of eighteen.

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

## Article 58 [Inability to Vote]

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

## Chapter IV The Parliament

## Article 59 [Legislative Power]

Legislative power shall rest with the Parliament.

## Article 60 [Membership]

(1) The Parliament shall be comprised of one hundred and one members. Members of the Parliament shall be elected in free elections on the principle of proportionality. Elections shall be general, uniform and direct. Voting shall be secret.

(2) Every citizen entitled to vote who has attained 21 years of age may be a candidate for the Parliament.

(3) Regular elections to the Parliament shall be held on the first Sunday in March every fourth year following the year of previous elections to the Parliament.

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

(5) The procedures for the election of the Parliament shall be determined by the Law On the Parliament Elections.

## Article 61 [Constitution]

(1) The authority of the members of the Parliament shall commence on the day the results of the elections have been announced. The authority of the previous complement of the Parliament shall cease from that same day.

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

## Article 62 [Free Mandate]

A member of the Parliament shall not be tied to his or her mandate, nor be held legally responsible for his or her votes or political statements which he or she has made in the Parliament or any of its bodies.

## Article 63 [Incompatibility]

(1) A member of the Parliament may not hold any other public office.

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

#### Article 64 [Suspension, Termination]

(1) The authority of a member of the Parliament shall be suspended on his or her appointment as a member of the Government of the Republic, and shall be restored on his or her being released from the duties as a member of government.

(2) The authority of a member of the Parliament shall be prematurely terminated:

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

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

(4) The authority of an alternate member shall cease when a member of the Parliament resumes his or her authority.

#### Article 65 [Functions]

The Parliament shall:

- 1) adopt laws and resolutions;
- 2) decide on the conducting of referenda;
- 3) elect the President of the Republic in accordance with Article 79;
- 4) ratify and denounce foreign treaties in accordance with Article 121;
- 5) authorize the candidate for Prime Minister to form the Government of the Republic;
- 6) adopt the national budget and approve the report on its execution;
- 7) appoint, on proposal by the President of the Republic, the Chairman of the National Court, the Chairman of the Council of the Bank of Estonia, the Auditor-General, the Legal Chancellor, and the Commander or Commander-in-Chief of the Defense Forces;
- 8) appoint, on proposal by the Chairman of the National Court, judges for the National Court;
- 9) appoint members of the Council of the Bank of Estonia;
- 10) decide, on proposal by the Government, on the issue of Government loans and the undertaking of other financial obligations by the state;
- 11) present statements, declarations and appeals to the Estonian people, foreign states and international organizations;
- 12) establish national orders of merit and military and diplomatic ranks;

- 13) decide on votes of no-confidence in the Government of the Republic, the Prime Minister or individual ministers;
- 14) declare a state of emergency in the nation in accordance with Article 129;
- 15) on proposal by the President of the Republic declare a state of war, order mobilization and demobilization;
- 16) resolve all issues of government which, according to the Constitution, are not to be resolved by the President of the Republic, the Government of the Republic, other state bodies or local government.

#### Article 66 [First Session]

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

#### Article 67 [Regular Sessions]

Regular sessions of the Parliament 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.

#### Article 68 [Extraordinary Sessions]

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

#### Article 69 [Speaker]

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

#### Article 70 [Quorum]

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

#### Article 71 [Committees, Factions]

- (1) The Parliament shall establish committees.
- (2) Members of the Parliament shall have the right to form factions.
- (3) Procedures for establishing committees and factions, and their powers, shall be determined by the Law On the Parliament By-Laws.

#### Article 72 [Publicity]

(1) Parliament sessions shall be public, unless the Parliament, by a majority of two-thirds, decides otherwise.

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

#### Article 73 [Majority]

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

#### Article 74 [Questioning Government]

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

(2) Requests for explanations must be answered at a session of the Parliament within twenty session days.

#### Article 75 [Remuneration]

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

#### Article 76 [Immunity]

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

### Chapter V The President of the Republic

#### Article 77 [Head of State]

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

#### Article 78 [Functions]

The President of the Republic shall:

- 1) represent the Republic of Estonia in international relations;
- 2) appoint and recall, on proposal by the Government, diplomatic representatives of the Republic of Estonia and accept letters of credence of diplomatic representatives accredited in Estonia;
- 3) declare regular Parliament elections, and early elections for the Parliament, in accordance with Articles 89, 97, 105 and 119;



- 4) convene the new complement of the Parliament in accordance with Article 66, and shall open its first session;
- 5) propose to the Speaker of the Parliament to convene an extraordinary session of the Parliament in accordance with Article 68;
- 6) proclaim laws in accordance with Articles 05 and 107 and shall sign documents of ratification;
- 7) issue edicts in accordance with Articles 109 and 110;
- 8) initiate amendments to the Constitution;
- 9) determine the candidate for Prime Minister in accordance with Article 89;
- 10) appoint and recall members of the Government, in accordance with Articles 89, 90 and 92;
- 11) present proposals to the Parliament for appointments to the offices of the Chairman of the National Court, the Chairman of the Council of the Bank of Estonia, the Auditor-General, the Legal Chancellor and the Commander or the Commander-in-Chief of the Defense Forces;
- 12) appoint, on proposal by the Council of the Bank of Estonia, the President of the Bank of Estonia;
- 13) appoint judges on proposal by the National Court;
- 14) appoint and recall from office the Government of the Republic and, on proposal by the Commander of the Defense Forces, officers in the Defense Forces;
- 15) confer civil and military honors and diplomatic ranks;
- 16) be the Supreme Commander of Estonia's national defense;
- 17) present proposals to the Parliament on declarations of a state of war, on orders for mobilization and demobilization and, in accordance with Article 129, on proclamations of a state of emergency;
- 18) declare, in cases of armed aggression against Estonia, a state of war, shall issue orders for mobilization and shall appoint a Commander-in-Chief of the Defense Forces, in accordance with Article 128;
- 19) grant mercy, on the request of prisoners, by freeing those sentenced or reducing the sentence;
- 20) initiate the placing of criminal charges against the Legal Chancellor, in accordance with Article 145.

#### Article 79 [Election]

- (1) The President of the Republic shall be elected by the Parliament, or, in the case described in Paragraph (4), by the Electoral Body.
- (2) The right to present a candidate for President of the Republic shall rest with at least one-fifth of the complement of the Parliament.
- (3) Any Estonian citizen by birth, who is at least forty years of age, may be presented as a candidate for President of the Republic.
- (4) The President of the Republic shall be elected by secret ballot. Each member of the Parliament shall have one vote. A candidate who is supported by a two-thirds majority of the complement of the Parliament 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 Parliament shall convene, within one month, an Electoral Body to elect the President of the Republic.

(5) The Electoral Body shall be comprised of the members of the Parliament and representatives of the local government council. Each local government council shall elect at least one representative, who must be an Estonian citizen, to the Electoral Body.

(6) The Parliament shall present to the Electoral Body as candidates for President the two candidates who received the greatest number of votes in the Parliament. The right to present a presidential candidate shall also rest with at least twenty-one members of the Electoral Body.

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

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

#### Article 80 [Term]

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

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

#### Article 81 [Oath]

The President of the Republic shall assume office by swearing the following oath of office to the Estonian people before the Parliament:

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

## Article 82 [Termination of Authority]

The authority of the President of the Republic shall terminate on:

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

## Article 83 [Inability]

- (1) If the President of the Republic, according to a resolution by the Parliament, is continuously unable to fulfil his or her duties due to the state of health, or he or she is unable to fulfil them temporarily, in cases specified by law, or his or her term has ended prematurely, his or her duties shall temporarily be transferred to the Speaker of the Parliament.
- (2) During the period when the Speaker of the Parliament is fulfilling the duties of the President of the Republic, his or her authority as a member of the Parliament shall be suspended.
- (3) The Speaker of the Parliament as acting President of the Republic shall not have the right to declare early elections for the Parliament or to refuse to proclaim laws, without the consent of the National Court.
- (4) Should the President of the Republic be unable to fulfil his or her duties for over three consecutive months, or if his or her authority has terminated prematurely, the Parliament shall elect a new President of the Republic within fourteen days, in accordance with Article 79.

## Article 84 [Incompatibility]

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

## Article 85 [Immunity]

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 Parliament.

## Chapter VI The Government of the Republic

### Article 86 [Executive Power]

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

### Article 87 [Functions]

The Government of the Republic shall:

- 1) implement national domestic and foreign policies;
- 2) direct and coordinate the work of government institutions;

- 3) organize the implementation of legislation, the resolutions of the Parliament, and the edicts of the President of the Republic;
- 4) submit draft legislation to the Parliament, as well as foreign treaties for either ratification or denunciation;
- 5) prepare a draft of the national budget and present it to the Parliament, shall administer the implementation of the national budget, and present a report on the implementation of the budget to the Parliament;
- 6) issue ordinances and directives for fulfillment in accordance with the law;
- 7) organize relations with foreign states;
- 8) declare, in the case of natural disasters and catastrophes or in order to impede the spread of infectious diseases, a state of emergency throughout the nation or in parts thereof;
- 9) fulfil other tasks which have been placed under its jurisdiction by the Constitution and laws.

#### Article 88 [Composition]

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

#### Article 89 [Nomination of Prime Minister]

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

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

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

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

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

(6) The Parliament shall present a candidate for Prime Minister, who shall

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

#### Article 90 [Composition]

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

#### Article 91 [Oath]

The Government shall take office by swearing an oath of office before the Parliament.

#### Article 92 [Resignation]

- (1) The Government of the Republic shall resign:
  - 1) on the new complement of the Parliament convening;
  - 2) on the resignation or death of the Prime Minister;
  - 3) when the Parliament expresses no-confidence in the Government or the Prime Minister.
- (2) The President of the Republic shall discharge the Government of the Republic when the new Government assumes office.

#### Article 93 [Functions of Prime Minister]

- (1) The Prime Minister shall represent the Government of the Republic and shall direct its work.
- (2) The Prime Minister shall appoint two Ministers who shall have the right to substitute for the Prime Minister during his or her absence. The procedures for the substitution shall be determined by the Prime Minister.

#### Article 94 [Ministries]

- (1) Appropriate Ministries shall be established in accordance with the law, for the purpose of executing particular functions of government.
- (2) A Minister shall head a Ministry, organize the handling of issues which belong to the sphere of activity of the Ministry, shall issue directives and ordinances to be fulfilled on the basis of the law, and shall fulfil other duties which have been imposed, on the basis and in accordance with procedures determined by law.
- (3) Should the Minister be temporarily unable to fulfil his or her duties, due

to illness or other hindrances, the Prime Minister shall transfer the Minister's duties to another Minister for that time period.

(4) The President of the Republic may appoint, on proposal by the Prime Minister, other Ministers who do not head Ministries.

#### Article 95 [State Chancellery]

(1) A State Chancellery shall be within the Government, and shall be headed by the State Secretary.

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

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

(4) 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.

#### Article 96 [Sessions of the Government]

(1) Sessions of the Government of the Republic shall be closed, unless the Government decides otherwise.

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

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

#### Article 97 [Vote of No-Confidence]

(1) The Parliament may express no-confidence in either the Government of the Republic, the Prime Minister or a Minister by a resolution adopted by the majority of the complement of the Parliament.

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

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

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

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

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

## Article 98 [Draft Tied to Vote of No-Confidence]

(1) The Government of the Republic may tie the adoption of a draft, which it has presented to the Parliament, with the issue of no-confidence.

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

## Article 99 [Incompatibility]

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

## Article 100 [Government in Parliament]

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

## Article 101 [Immunity]

(1) 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 Parliament.

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

## Chapter VII Legislation

### Article 102 [Rule of Law]

Laws shall be adopted in accordance with the Constitution.

### Article 103 [Initiative]

(1) The right to initiate laws shall rest with:

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

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

### Article 104 [Procedures, Qualified Majority]

(1) Procedures for the adoption of laws shall be determined by the Law On the

Parliament By-Laws.

(2) The following laws may be adopted or amended only by a majority of the complement of the Parliament:

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

Article 105 [Referendum]

(1) The Parliament shall have the right to put draft legislation or other national issues to a referendum.

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

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

(4) 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 Parliament.

Article 106 [Financial Laws]

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

(2) Procedures for referenda shall be determined by the Referendum Law.



## Article 107 [Proclamation]

(1) Laws shall be proclaimed by the President of the Republic.

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

## Article 108 [Coming Into Force]

A law shall come into force on the tenth day after its publication in the National Gazette, unless the law itself determines otherwise.

## Article 109 [Presidential Edicts]

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

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

## Article 110 [Restriction to Presidential Edicts]

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

## Chapter VIII Finance and the National Budget

### Article 111 [Currency, Stability]

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

### Article 112 [Rule of Law, Report to Parliament]

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

#### Article 113 [Taxation]

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

#### Article 114 [Control]

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

#### Article 115 [Budget]

(1) The Parliament shall adopt, as a law, a budget for all state income and expenditure for each year.

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

(3) On proposal by the Government, the Parliament may adopt a supplementary budget during the budget year.

#### Article 116 [Amendment to the National Budget]

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

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

#### Article 117 [Procedures for the Budget]

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

#### Article 118 [Budget Year]

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

#### Article 119 [Failure to Adopt a Budget]

If the Parliament 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 Parliament.

## Chapter IX Foreign Relations and Foreign Treaties

### Article 120 [International Relations]

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

### Article 121 [Ratification of Treaties]

The Parliament shall ratify and denounce treaties of the Republic of Estonia:

- 1) which amend state borders;
- 2) the implementation of which requires the adoption, amendment or annulment of Estonian laws;
- 3) by which the Republic of Estonia joins international organizations or leagues;
- 4) by which the Republic of Estonia assumes military or assets obligations;
- 5) where ratification is prescribed.

### Article 122 [Land Border]

(1) 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.

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

### Article 123 [Restrictions to Treaties]

(1) The Republic of Estonia shall not conclude foreign treaties which are in conflict with the Constitution.

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

## Chapter X National Defense

### Article 124 [Duty to Service]

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

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

(3) Unless the law, considering the special interests of the service,

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

#### Article 125 [Political Restrictions]

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

#### Article 126 [Organizational Law]

(1) The organization of the Estonian Defense Forces and the national defense organizations shall be determined by law.

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

#### Article 127 [Supreme Command]

(1) The supreme commander of national defense shall be the President of the Republic.

(2) 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.

(3) 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 Parliament, on proposal by the President of the Republic.

#### Article 128 [State of War]

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

(2) 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 Parliament.

#### Article 129 [State of Emergency]

(1) In the case of a threat to the Constitutional system of government, the Parliament may declare, on proposal by the President of the Republic or the

Government of the Republic and with a majority of its complement, a state of emergency in the whole country, with a duration of no longer than three months.

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

Article 130 [Restrictions During State of Emergency]

During a state of emergency or a state of war, the rights and liberties of persons may be restricted, and obligations placed upon them, in the interests of national security and public order, in the cases, and in accordance with procedures prescribed by law. Rights and liberties determined by Article 8, Articles 11–18, Article 20 (3), Article 22, Article 23, Article 24 (2) and (4), Article 5, Article 27, Article 28, Article 36 (2), Article 40, Article 41, Article 9 and Article 51 (1) may not be restricted.

Article 131 [Authority During State of Emergency]

(1) During a state of emergency or a state of war there shall be no elections for the Parliament, the President of the Republic or representative bodies of local government, nor can their authority be terminated.

(2) The authority of the Parliament, 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

Article 132 [Independence, Economic Control]

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

Article 133 [Functions]

State Audit Office shall supervise:

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

Article 134 [Auditor-General]

(1) The State Audit Office shall be headed by the Auditor-General, who shall be appointed and recalled by the Parliament, on proposal by the President of the Republic.

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

#### Article 135 [Annual Report]

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

#### Article 136 [Auditor-General in Government]

(1) 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.

(2) 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.

#### Article 137 [Organization by Law]

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

#### Article 138 [Immunity]

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 Parliament.

## Chapter XII The Legal Chancellor

#### Article 139 [Independence, Functions]

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

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

(3) The Legal Chancellor shall, in the cases referred to in Articles 76, 85, 101, 138, 53, propose to the Parliament to bring criminal charges against a member of the Parliament, the President of the Republic, a member of the Government of the Republic, the Auditor-General, the Chairman of the National

Court or a member of the National Court.

#### Article 140 [Appointment]

- (1) The Legal Chancellor shall be appointed by the Parliament, on proposal by the President of the Republic, for a term of seven years.
- (2) The Legal Chancellor may be removed from office only by a Court decision.

#### Article 141 [Powers, Legal Chancellor in Parliament and Government]

- (1) The Legal Chancellor, in heading his or her office, shall have all the rights which are accorded to a Minister in heading a Ministry.
- (2) The Legal Chancellor shall have the right to participate in sessions of the Parliament and in sessions of the Government of the Republic, with the right to speak.

#### Article 142 [Constitutional Review]

- (1) If the Legal Chancellor considers that a legal act issued by the state legislature or executive or by a local government is in conflict with the Constitution or a law, he or she shall propose to the body which has adopted that act to bring the act into accordance with the Constitution or law within twenty days.
- (2) If the act is not brought into accordance with the Constitution or law within twenty days, the Legal Chancellor shall apply to the National Court to declare the act null and void.

#### Article 143 [Annual Report]

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

#### Article 144 [Status by Law]

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

#### Article 145 [Immunity]

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 Parliament.

### Chapter XIII The Courts

#### Article 146 [Independence]

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

#### Article 147 [Term, Incompatibility]

- (1) Judges shall be appointed for life. The bases and procedures for recalling judges shall be determined by law.
- (2) Judges may be recalled only by a Court decision.
- (3) Judges may not hold any other elected or appointed office, except in cases prescribed by law.
- (4) Guarantees for the independence and the legal status of judges shall be determined by law.

#### Article 148 [Court System]

- (1) The court system shall be comprised of:
  - 1) rural and city courts, as well as administrative courts;
  - 2) district courts;
  - 3) the National Court.
- (2) The creation of special courts to handle some categories of court cases shall be determined by law.
- (3) The establishment of emergency courts shall be prohibited.

#### Article 149 [Court Levels]

- (1) Rural and city courts, as well as administrative courts shall be first level courts.
- (2) District courts shall be second level courts, and they shall examine the decisions of the first level courts as appeal procedures.
- (3) The National Court is the highest court in the land, which examines court decisions as appeal procedures. The National Court is also the court for constitutional supervision.
- (4) The court system and court proceedings shall be regulated by law.

#### Article 150 [National Court]

- (1) The Chairman of the National Court shall be appointed by the Parliament, on proposal by the President of the Republic.
- (2) Members of the National Court shall be appointed by the Parliament, on proposal by the Chairman of the National Court.
- (3) Other judges shall be appointed by the President of the Republic, on proposal by the National Court.

#### Article 151 [Organization by Law]



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

#### Article 152 [Constitutional Review by National Court]

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

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

#### Article 153 [Immunity of Judges]

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

(2) 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 Parliament.

### Chapter XIV Local Government

#### Article 154 [Local Government Functions]

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

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

#### Article 155 [Units]

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

#### Article 156 [Representation]

(1) The representative body of local government shall be the council, which shall be elected in free elections for a term of three years. The elections shall be general, uniform and direct. Voting shall be secret.

(2) In the election of the local government council, all persons who have reached the age of eighteen years and who reside permanently on the territory of that local government unit shall have the right to vote, in accordance with

conditions determined by law.

#### Article 157 [Budget]

- (1) Local government shall have independent budgets, for which the principles of formation and procedures shall be determined by law.
- (2) Local governments shall have the right, based on the law, to impose and collect taxes and to impose fees.

#### Article 158 [Borders]

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

#### Article 159 [Joint Institutions]

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

#### Article 160 [Organization by Law]

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

### Chapter XV Amendments to the Constitution

#### Article 161 [Initiative]

- (1) The right to initiate amendments to the Constitution shall rest with at least one-fifth of the complement of the Parliament and with the President of the Republic.
- (2) Amendments to the Constitution may not be initiated, nor the Constitution amended, during a state of emergency or a state of war.

#### Article 162 [Referendum]

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

#### Article 163 [Proceedings]

- (1) The Constitution may be amended by a law which is adopted by:
  - 1) referendum;
  - 2) two successive complements of the Parliament;
  - 3) the Parliament, in matters of urgency.
- (2) A draft law to amend the Constitution shall be considered during three readings in the Parliament, whereby the interval between the first and second readings shall be at least three months, and the interval between the second

and third readings shall be at least one month. The manner in which the Constitution is amended shall be decided at the third reading.

#### Article 164 [Majority for Referendum]

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

#### Article 165 [Majority for Adoption by Parliament]

(1) In order to amend the Constitution by two successive complements of the Parliament, the draft law to amend the Constitution must receive the support of the majority of the complement of the Parliament.

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

#### Article 166 [Very Qualified Majority]

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

#### Article 167 [Proclamation]

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

#### Article 168 [Limit to Re-Introduction]

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

