

The Constitution of the Republic of Estonia

Passed 28.06.1992
RT 1992, 26, 349
Entry into force 03.07.1992

[Amended by the following legal instruments](#)

Passed	Published	Entry into force
25.02.2003	RT I 2003, 29, 174	17.10.2005
05.10.2003	RT I 2003, 64, 429	06.01.2004
12.04.2007	RT I 2007, 33, 210	21.07.2007
13.04.2011	RT I, 27.04.2011, 1	22.07.2011

With unwavering faith and a steadfast will to strengthen and develop the state which embodies the inextinguishable right of the people of Estonia to national self-determination and which was proclaimed on 24 February 1918, which is founded on liberty, justice and the rule of law, which is created to protect the peace and defend the people against aggression from the outside, and which forms a pledge to present and future generations for their social progress and welfare, which must guarantee the preservation of the Estonian people, the Estonian language and the Estonian culture through the ages, the people of Estonia, on the basis of § 1 of the Constitution which entered into force in 1938, and in the referendum held on 28 June 1992, have adopted the following Constitution.
[RT I 2007, 33, 210 - entry into force 21.07.2007]

Chapter II FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES

§ 48. Everyone has the right to form non-profit associations and federations. Only citizens of Estonia may belong to political parties.

The establishment of associations and federations which possess weapons, which are organised in accordance with military principles or which hold exercises of a military nature requires a prior authorisation whose conditions of issuance and procedure of issuance are provided by law.

Associations, federations and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force or are otherwise in conflict with a law providing criminal liability, are prohibited.

Only a court may terminate or suspend the activities of an association, federation or political party for a violation of the law, or order the association, federation or political party to pay a fine.

Chapter III THE PEOPLE

§ 56. Supreme political authority in Estonia is vested in the people who, through citizens eligible to vote, exercise it:

- 1) in elections of the *Riigikogu*;
- 2) in referendums.

§ 57. Any citizen of Estonia who has attained eighteen years of age is eligible to vote.

A citizen of Estonia who has been declared by a court to lack legal capacity is ineligible to vote.

§ 58. Participation in elections may be circumscribed by law in the case of citizens of Estonia who have been convicted by a court and are serving a sentence in a penal institution.

Chapter IV THE RIIGIKOGU

§ 65. The *Riigikogu*:

- 1) passes laws and resolutions;
- 2) decides the holding of a referendum;
- 3) elects the President pursuant to § 79 of the Constitution;
- 4) ratifies and denounces international treaties in accordance with § 121 of the Constitution;
- 5) authorises a Prime Minister candidate to form the Government of the Republic;
- 6) passes the national budget and approves the report on its implementation;
- 7) acting on a recommendation of the President, appoints to office the Chief Justice of the Supreme Court, the Chairman of the Board of the Bank of Estonia, the Auditor General and the Chancellor of Justice;
[RT I, 27.04.2011, 1 – entry into force 22.07.2011]
- 8) acting on a recommendation of the Chief Justice of the Supreme Court, appoints to office justices of the Supreme Court;
- 9) appoints members of the board of the Bank of Estonia;

- 10) acting on a proposal of the Government of the Republic, decides whether to authorise government borrowing or the assumption of other financial obligations;
- 11) makes statements, declarations and appeals to the people of Estonia, to other states and to international organisations;
- 12) establishes national awards, as well as military and diplomatic ranks;
- 13) determines motions to express no confidence in the Government of the Republic, the Prime Minister or individual ministers;
- 14) declares a state of emergency in the national territory pursuant to § 129 of the Constitution;
- 15) acting on a proposal of the President, declares a state of war and orders mobilisation and demobilisation;
- 16) resolves other issues of national importance which the Constitution does not assign to the President, the Government of the Republic, other public bodies or local authorities.

Chapter V THE PRESIDENT

§ 78. The President:

- 1) represents the Republic of Estonia in its international relations;
- 2) appoints and recalls diplomatic agents of the Republic of Estonia on the proposal of the Government of the Republic, and receives the credentials of diplomatic agents accredited to Estonia;
- 3) calls regular elections of the *Riigikogu* and, pursuant to §§ 89, 97, 105 and 119 of the Constitution, extraordinary elections of the *Riigikogu*;
- 4) convenes the new *Riigikogu* pursuant to § 66 of the Constitution, and opens its first sitting;
- 5) makes proposals to the Speaker of the *Riigikogu* to convene an extraordinary session of the *Riigikogu* pursuant to § 68 of the Constitution;
- 6) proclaims laws pursuant to §§ 105 and 107 of the Constitution, and signs instruments of ratification;
- 7) issues presidential decrees pursuant to §§ 109 and 110 of the Constitution;
- 8) initiates amendments of the Constitution;
- 9) nominates the Prime Minister candidate pursuant to § 89 of the Constitution;
- 10) appoints to and releases from office members of the Government of the Republic pursuant to §§ 89, 90, and 92 of the Constitution;
- 11) makes recommendations to the *Riigikogu* regarding appointments to the office of Chief Justice of the Supreme Court, Chairman of the Board of the Bank of Estonia, Auditor General and Chancellor of Justice;
- 12) on the recommendation of the Board of the Bank of Estonia, appoints the president of the Bank of Estonia;
- 13) on recommendations of the Supreme Court, appoints judges;
- 14) [repealed – RT I, 27.04.2011, 1 – entry into force 22.07.2011];
- 15) confers national awards and military and diplomatic ranks;
- 16) is the supreme commander of national defence of Estonia;

17) makes proposals to the *Riigikogu* to declare a state of war, to order mobilisation and demobilisation and, pursuant to § 129 of the Constitution, to declare a state of emergency;

18) in the case of aggression against Estonia, declares a state of war and orders mobilisation pursuant to § 128 of the Constitution;
[RT I, 27.04.2011, 1 – entry into force 22.07.2011]

19) by way of clemency, grants release or commutation of sentence to convicted offenders at their request;

20) initiates the bringing of criminal charges against the Chancellor of Justice pursuant to § 145 of the Constitution.

Chapter VII LEGISLATION

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

The procedure for holding a referendum is provided in the Referendum Act.

Chapter XI VLOCAL SELF-GOVERNMENT

§ 156. The representative body of a local authority is its council which is elected in a free election for a term of four years. The term of office of a council may be reduced by law due to a merger or division of local authorities or to inability of the council to act. Elections of local authority councils are general, uniform and direct. Voting is secret.

In elections to local authority councils, the right to vote is held, pursuant to conditions prescribed by law, by persons who reside permanently in the territory of the local authority and have attained eighteen years of age.

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