

## **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 colours 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, colour, 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 [Honour]**

No one's honour 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 fulfilment 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.

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**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.