

Constitution of the Esthonian Republic (1920)

Constitutional Assembly of Estonia

(Passed by the Constituent Assembly on 15th June, 1920)

The Esthonian people with unshaken faith and the resolute will to create a State based on justice, law, and liberty, for the defence of internal and external peace, and as a pledge for the social progress and general welfare of present and future generations, has drawn up and accepted through the Constituent Assembly the Constitution as follows:

I. General Dispositions.

Par. 1. Esthonia is an independent autonomous Republic in which the power of the State is in the hands of the People.

Par. 2. To the territory of Esthonia belong Harjumaa, Läänemaa, Järvamaa, Wirumaa with the town of Narva and district, Tartumaa, Wiljandimaa, Pärnumaa, the town of Walk, Wõrumaa, Petserimaa and other border regions inhabited by Esthonians, the islands of Saaremaa (Oesel), Muhumaa (Moon), and Hiiumaa (Dago), and other islands and reefs situated in Esthonian waters.

The fixation of the Esthonian frontiers will be determined by International Treaties.

Par. 3. The Esthonian State Power cannot be exercised by anybody otherwise than on the basis of the Constitution and the laws passed in accordance with the Constitution.

Par. 4. The laws in force in Esthonia are those passed or recognized by her own institutions. The generally accepted precepts of International Law are valid in Esthonia as an inseparable part of her juridical order.

Ignorance of the law can in no case be pleaded as an excuse.

Par. 5. The State language of the Esthonian Republic is Esthonian.

II. On the Fundamental Rights of Esthonian Citizens.

Par. 6. All Esthonian citizens are equal in the eyes of law. There cannot be any public privileges or prejudices derived from birth, religion, sex, rank, or nationality. In Esthonia there are no legal class division or titles.

Par. 7. The Esthonian Republic confers no decorations or marks of distinction on its citizens, excepting members of the defence forces in time of war. Esthonian citizens have likewise no right to accept orders or distinctions from Foreign States.

Par. 8. Personal inviolability is guaranteed in Esthonia. No one can be prosecuted except in cases and ways foreseen by the law. Unless caught in the act no person can be arrested or the personal liberty be restricted otherwise than by decision of the judicial authorities, and this decision, with all grounds, must be communicated to the person arrested at the latest three days after arrest. Any citizen has the right to demand the communication of the above decision to the imprisoned, if this has not been done in the period mentioned.

It is impossible to transfer any citizen against his will for trial by any other court than the one designated by the law.

Par. 9. No punishment can be inflicted on anybody for a deed not acknowledged by the law as punishable before the crime was committed.

Par. 10. The homestead is inviolable. No forcible entrance of the home or search there is allowed except in cases and in execution of the requirements indicated by law.

Par. 11. In Esthonia there is freedom of religion and conscience. Nobody is obliged to perform ritualistic acts or to be a member of a religious body or undertake public obligations in the interests of same.

The practice of religious acts is not hindered, provided it does not interfere with public order and morals.

Creed and outlook cannot be made the excuse for any offence or for the avoiding of the duties of a citizen.

There is no State religion in Esthonia.

Par. 12. Science, art and the teaching of same are free in Esthonia. Education is compulsory for children arrived at the school age, and is gratuitous in elementary schools. The minority nationalities are guaranteed education in their mother tongue. Education is carried out under the control of Government.

Autonomy is guaranteed to high schools within the limits foreseen by the statutes of the institutions passed in legislative acts.

Par. 13. In Esthonia there is freedom for the expression of personal ideas in words, print, letters, pictures, and sculpture. This freedom can be restricted only in the defence of the State and morals.

There is no censorship in Esthonia.

Par. 14. In Esthonia is guaranteed the secrecy of messages and letters transmitted through the post, telegraph, telephone, and any other general means. Exception can only be made by the judicial authorities in cases foreseen by law.

Par. 15. The right to apply or address complaints to public departments is guaranteed in Esthonia. The applications or complaints must not be accompanied by coercive measures. The departments in question are bound to give the matter legal motion.

Par. 16. Previous permission need not be obtained for the arraignment of Government officials.

Par. 17. Removal and change of domicile are free in Esthonia. In this freedom nobody can be restricted or hindered otherwise than by the judicial authorities.

In the interests of public health such freedom can be restricted also by other authorities in cases and in ways foreseen in the corresponding laws.

Par. 18. All Esthonian citizens have the right to hold public meetings unarmed, provided they are not disturbing to the public peace.

The forming of associations and unions is free in Esthonia.

Freedom to strike is guaranteed in Esthonia.

The law can restrict these rights only in the interest in public safety.

Par. 19. Liberty in the choice of occupation, the opening of business concerns and exploitation of same, as well in agriculture, commerce and industry as in other economic branches, is guaranteed in Esthonia. Nobody can be restricted or hindered in this freedom otherwise than on the basis and within the limits of the laws.

Par. 20. Every Esthonian citizen is free to determine his or her nationality. In cases where individual choice is impossible, it will be done in the way foreseen by law.

Par. 21. The members of minority nationalities within the confines of Esthonia may form corresponding autonomous institutions for the promotion of the interests of their national culture and welfare in so far as these do not run contrary to the interests of the State.

Par. 22. In those parts where the majority of the inhabitants are not Esthonian but local minority nationals, the business language in the local self-government institutions can be in the language of these minority nationals, whilst everybody has the right to use the State language in such institutions. The local self-government institutions in which the language of the minority is used must in their intercourse with State institutions employ the State language, as also with other local self-government institutions where the language of this minority nationality is not used.

Par. 23. Citizens of German, Russian, and Swedish nationality have the right to address themselves to the State Central institutions in the writing of their own language. The use of the language of these nationals in Court, as also in the institution of self-government, will be decided in detail by special law.

Par. 24. The right of private property is guaranteed in Esthonia to every citizen. Without the owner's consent it can be expropriated only in the common interest in accordance with the corresponding laws and in the ways foreseen in the laws.

Par. 25. The organisation of the economic life in Esthonia must correspond with the principles of justice, the object of which is the securing of conditions of living worthy of human beings by corresponding laws relating to the acquiring of land for cultivation and a home, and the obtaining of employment, as well as the necessary support for the protection of maternity, labour, youth, old age, disability, and in cases of accident.

Par. 26. The rights and freedom of citizens referred to in paragraphs 6-24 do not exclude other rights emanating from the principles of this constitution or which are in agreement with it.

Extraordinary restrictions of the freedom and fundamental rights of the citizens come into force in the event of the proclamation of a State of Defence during a stated period, announced in the legal way on the basis and within the limits of the corresponding laws.

III. On the People.

Par. 27. The supreme executor of the State Power in Esthonia is the people itself, through the medium of the citizens having the right to vote. Every citizen arrived at the age of twenty and of Esthonian citizenship for a consecutive period of at least one year has the right to vote.

Par. 28. Citizens are not enfranchised:

- (a) Who in a legal way are pronounced to be idiots or lunatics; and
- (b) the blind, deaf-mutes, and persons considered as wasters when they have been placed under guardianship.

The vote will be withheld from certain categories of criminals according to the Electoral Law of the State Assembly.

Par. 29. The people exercises the State Power

- (a) by plebiscite;
- (b) by their initiative in legislation; and
- (c) by the election of the State Assembly.

Par. 30. Every law passed by the State Assembly remains unpromulgated for a period of two months dating from the day of its passing if one-third of the legal number of members of the State Assembly requires it. If during this period 25,000 enfranchised citizens demand that this law be submitted to a plebiscite for acceptance or rejection, the promulgation or non-promulgation of this particular law will depend on the results of this plebiscite.

Par. 31. The procedure followed in the legislative initiative of the people is that 25,000 of the enfranchised citizens have the right to require that a law shall be passed, changed or cancelled. The

respective request in the form of an elaborated draft will be submitted to the State Assembly. The State Assembly can either pass this draft as a law or reject it. In the latter case the draft will be submitted to the people in the form of a plebiscite for acceptance or rejection. If in the plebiscite the majority decide in the favour of the law in question, it acquires the force of a law.

Par. 32. If the people reject a law passed by the State Assembly or accept a law rejected by the Assembly new elections of the State Assembly will be proclaimed, these elections to take place not later than seventy-five days after the plebiscite.

Par. 33. Plebiscites must be conducted under the control of the Presidium of the State Assembly. The basis and procedure of the plebiscite are ordained by a special law.

Par. 34. The Budget, the raising of loans, income tax laws, declaration of war and the making of peace, declaration of a state of defence and termination of same, declaration of mobilisation and demobilisation, as well as treaties with foreign States, are not subject to a plebiscite and cannot be decided by a plebiscite.

IV. On the State Assembly.

Par. 35. As the representative of the people the State Assembly exercises the legislative power.

Par. 36. The State Assembly consists of 100 members elected by universal, equal, direct and secret suffrage on the principle of proportional representation. The State Assembly has the right to augment the number of its members. The law established in regard to this will come into force at the next elections of the State Assembly. The electoral law of the State Assembly will be passed as a special law.

Par. 37. Every enfranchised citizen has the right to participate in the election of the State Assembly or allow himself to be elected a member of the State Assembly.

Par. 38. The members of the State Assembly, with the exception of the deputies of members of the Republican Government, cannot be appointed to any office by the Republican Government or its institutions.

Par. 39. Every three years elections of the State Assembly are to take place. The beginning of the powers of the members of the State Assembly dates from the declaration of the results of the election.

Par. 40. In the event of a member of the State Assembly losing his vote or of his detention by consent of the State Assembly or his death or resignation, he will be replaced by a new member, according to the electoral law, until the term mentioned in the foregoing paragraph.

Par. 41. The State Assembly meets for ordinary sessions on the first Monday of October of each year.

Par. 42. The Presidium of the State Assembly can summon the State Assembly for extraordinary sittings when necessitated by circumstances. They are obliged to do this if it is demanded by the Republican Government or one-fourth of the legal number of members of the State Assembly.

Par. 43. The State Assembly elects the President and the other members of the Presidium at the first meeting after the elections. This meeting is presided over by the chairman of the previous State Assembly until the election of the President.

Par. 44. The State Assembly issues its standing order which shall be promulgated as law.

Par. 45. The members of the State Assembly are not bound by mandates.

Par. 46. The State Assembly can act when at least one-half of the legal number of members are present.

Par. 47. The meetings of the State Assembly are public. Only in extraordinary cases, if two-thirds of the members agree, the sitting of the State Assembly can be declared secret.

Par. 48. The members of the State Assembly have no responsibility for their political declarations in the State Assembly or in its committees, except that foreseen in the standing order.

Par. 49. Without the consent of the State Assembly its members cannot be arrested except in case they are detected *flagrante delicto*. In such cases the arrest, together with its reasons, must be communicated at the latest forty-eight hours after to the Presidium of the State Assembly, which will submit it to the decision of the State Assembly at its next meeting.

The State Assembly has the right to postpone the imprisonment or any other restriction of its members until the Assembly vacation or until the expiration of his membership.

Par. 50. Members of the State Assembly are exempted from defence service during the period of their membership.

Par. 51. Members of the State Assembly are in receipt of salaries and travelling expenses, the amount of which is fixed by law and can only be altered by the State Assembly for the subsequent Assemblies.

Par. 52. The State Assembly passes laws, fixes the budget, the State revenue and expenditure, and decides about loans and other matters on the basis of the Constitution.

Par. 53. The laws passed by the State Assembly are promulgated by the Presidium of the State Assembly.

Par. 54. If the way and date are not foreseen in the law itself, it becomes operative on the 10th day after its promulgation in the State journal "Riigi Teataja."

Par. 55. The State Assembly through its corresponding institutions controls the economic life of the State enterprises and institutions as well as the carrying out the State Budget.

Par. 56. Each member of the State Assembly has the right to put questions at the sittings of the Assembly to the Government. One-fourth of the legal number of members of the State Assembly has the right to interpellate, on which an explanation must be given.

V. On the Government.

Par. 57. The Republican Government executes the governing power in Estonia.

Par. 58. The Government consists of the State Head (Riigivanem) and Ministers. The number of the latter, their office, and detailed order of business are to be established by special law.

Par. 59. The State Assembly forms the Government and accepts its resignation. On the resignation of a Minister, his duties are to be performed by a member of the Government who is nominated by the latter, until a new Minister enters into office.

Par. 60. The Republican Government direct the home and foreign policy, attend to the internal and external security and the observance the laws. They

(1) Prepare the estimates of the expenditure and revenue of the State and submit them to the State Assembly for approbation.

(2) Appoint military and civil officials to posts and dismiss them, in so far as this duty is not confided by the laws to other institutions.

(3) Conclude treaties with other States on behalf of the Estonian Republic, and lay them before the State Assembly for ratification.

(4) Declare war and conclude peace on the basis of the corresponding decisions of the State Assembly.

(5) Proclaim a state of defence as well in single parts as in the whole of the State, which they submit to the State Assembly for approbation.

(6) Present the drafts of Bills to the State Assembly.

(7) Issue regulations and orders on the basis of the laws.

(8) Decide petitions for mercy.

Par. 61. The State Head represents the Estonian Republic, leads and unifies the activities of the Republican Government, presides over the meetings of the Government, and is authorised to interpellate any particular Minister.

Par. 62. The Republican Government appoints a member of the Government to deputise for the State Head.

Par. 63. The meetings of the Government are secret. Only on special solemn occasions can they be declared public.

Par. 64. The Republican Government must possess the confidence of the State Assembly. The Government or its members have to resign if the State Assembly express a direct declaration of absence of confidence in them.

Par. 65. The State Chancery is established by the Republican Government and superintended by the State Headman. The State Chancery is directed by the State Secretary, appointed by the Republican Government.

Par. 66. All acts of governing issued by the Government must bear the signatures of the State Head, the respective Minister, and the State Secretary.

Par. 67. The State Head and Ministers can be brought to trial for the usual delinquencies on the basis of the respective decisions of the State Assembly only. The examination is within the jurisdiction of the State Court.

VI. On Courts of Justice.

Par. 68. The administration of justice in Estonia is exercised in the Courts of Justice, which are independent in their activities.

Par. 69. The supreme judicial power in Estonia is exercised by the State Court of Justice, formed of State Judges elected by the State Assembly.

Par. 70. These judges, who, according to laws, are not elected, are appointed by the State Court.

Par. 71. Judges can be dismissed only by the Court. Judges can be replaced against their will only in cases depending on the execution of the law.

Par. 72. Judges cannot hold, except in cases foreseen in the law, any other paid engagement.

Par. 73. According to the basis and ways of the corresponding laws, certain categories of criminal acts come under the jurisdiction of the Assize Court. The previous paragraph is not binding on jurymen.

Par. 74. Extraordinary Courts are allowed within the limits of the corresponding laws only, in time of war, during a state of defence, and on men-of-war.

VII. On Self-Government.

Par. 75. Through the self-government bodies the State Power exercises the local governing so far as there is no special institution created by law.

Par. 76. The representative bodies of self-government units are elected by universal, equal, direct and secret suffrage on the principle of proportional representation.

Par. 77. The self-government units are entitled, for the accomplishment of their object, to levy rates and impose duties within the limits and ways fixed in the law.

VIII. On Defence of the State.

Par. 78. All Estonian citizens are obliged, on the basis and ways laid down in the law, to take part in the defence of the Republic.

Par. 79. For the defence of the Republic defence forces are formed, the organisation of which will be fixed by special law.

Par. 80. On the order of mobilisation, as also on the beginning of war, the command of the defence forces of the Republic goes from the Republican Government to the special commander-in-chief, the limit of whose power is fixed in a special law.

Par. 81. The Republican Government is entitled, on the basis and way foreseen in a special law, to pass regulations and instructions concerning the defence forces.

Par. 82. The State Assembly decides as to the order of mobilisation of the troops of the Republic.

The Republican Government is empowered to order mobilisation without awaiting the decision of the State Assembly if a foreign State has declared war, commenced war activities, or ordered mobilisation against the Republic.

IX. On the State Taxes and Budget.

Par. 83. No public tax or duty can be imposed on anybody unless on the basis of the law.

Par. 84. Out of the expenses of the State no pension, grant, or other remuneration can be allowed unless on the basis of the corresponding law.

Par. 85. For every year the general budget of income and expenditure will be composed for the State. Its validity can be partly prolonged in the legislative way until the passing of the new budget.

X. On the Power or Alteration of the Constitutional Law.

Par. 86. The Constitution is the unshaken rule for the actions of the State Assembly, Courts, and the Government institutions.

Par. 87. The initiative for the alteration of the Constitution belongs to the people in the way of the initiative of the people, as also to the State Assembly in the ordinary way.

Par. 88. The alteration of the Constitution whether initiated in the way of the people's initiative or by the State Assembly, is decided by the people by way of plebiscite.

Par. 89. The project of the alteration of the Constitution must be communicated to the people at least three months before the day of the plebiscite.