

# **WHAT YOU NEED TO KNOW IF YOU ARE APPLYING FOR ESTONIAN CITIZENSHIP**

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## **Introduction**

*Belonging somewhere is human nature – people want to be with someone. This is why we have families, colleagues, friends. Citizenship is what meets the need to belong on the level of state and society better than anything else. Similarly to your homes and families, being a full member of the state and society also means almost equal amounts of rights and obligations.*

*But even listing all of them does not outweigh the inner joy and security given by the opportunity to declare, loud and clear: Estonia is my country! My country that I make better, fairer and more beautiful with my work, my care, my commitment and, above all, my love.*

*Every state must look after its citizens. The interest of every country is to contribute to the increase of the number of its citizens. No state that truly respects its citizens will hand out citizenship randomly; it has not been done so far and it will not be done in the future. Every person has to express the will to become a citizen.*

*Your will shows that you trust and need the state of Estonia. I assure you that the state of Estonia also trusts and needs you. The state of Estonia recognises your will.*

*This means that the message of the state of Estonia can only be one: we support the will of every stateless person living here to become a citizen of Estonia and to become a full member of the Estonian society. It is a privilege that belongs only to citizens of the Republic of Estonia.*

*President Toomas Hendrik Ilves*

*Excerpts from a speech given at a citizenship ceremony held at the Kadriorg Art Museum on 30 September 2008*

## AN OVERVIEW OF ESTONIAN HISTORY

### *Key events in Estonian history up to the 20<sup>th</sup> century*

The oldest traces of human activity in Estonia date back to the end of the last glacial period, while the oldest archaeological finds are thought to date back to the 9<sup>th</sup> century B.C. The culture of this Middle Stone Age era is known as the **Kunda culture** based on the location of the earliest finds, near Kunda in northern Estonia. Recent discoveries by geneticists have confirmed that people have been living in Estonia consistently ever since.

By the second millennium A.D. Estonian society was already divided along lines of rich and poor, although a nation as such had yet to form: communities interacted at the parish and county level. Those who lived on the islands were sailors and would organise forays to other Baltic shores.

In the early 13<sup>th</sup> century Germans, Danes, Russians, Swedes and Lithuanians all attempted to conquer the territory that is now Estonia. The **campaign against the Estonians** of the Northern Crusades (1208–1227) saw Denmark take control of the north of the country, while the south of the country fell under the influence of the German order's knights and bishops. The inhabitants of Estonia were forced to adopt Christianity. Towns were founded and churches were built.

A key turning point came with the St George's Night Uprising of 1343–1345. The Estonians did not succeed in driving out their conquerors, but following the rebellion the Danish king sold his domain in the north of the country to the German order. Power was then held in the country by the order and Catholic bishoprics until the 16<sup>th</sup> century. City rights were granted to the largest settlements, which were then governed by councils. The biggest cities (with the exception of Narva) formed part of the Hanseatic League.

The Reformation reached Estonia in the early 16<sup>th</sup> century. The Lutheran faith spread throughout its towns and cities, although the order and the Catholic bishops retained power, at least at first. The **Livonian War** (1558–1583) saw Russia, Sweden, Denmark and Poland vie for territory in Estonia and Latvia. During the war Tallinn and the nobility of northern Estonia surrendered to Sweden. Poland took southern Estonia, while the island of Saaremaa was claimed by Denmark. The battle between Poland and Sweden for control of the Baltic States continued until the early 17<sup>th</sup> century, and by **1645 Sweden** had gained control of **all of Estonia**. However, following the **Great Northern War** (1700–1721) Estonia fell under the rule of the Russian empire and continued to be dominated by the Russian powers until World War I.

Over time, Estonia's indigenous population grew increasingly reliant on land owners, falling into serfdom. **Serfdom was only abolished** in Estonia **at the start of the 19<sup>th</sup> century**.

Most estate owners (the landed gentry) were the descendants of the knights, soldiers, officials and merchants, who had come from Germany. Along with the German burghers and clergymen they formed the upper class of local society, and were referred to as the Baltic Germans. They held authority in the area, and the official language was German.

Ruins of Varbola fortress and tower

Traditional Estonian bam-style dwelling

Palmse is one of the prettiest manor houses in Estonia

The **1890s** are known in Estonian history as the **period of Russification**. The Russian court system and city laws were established in the Baltic provinces. Although the Baltic German gentry maintained their authority in rural areas until World War I, the official language switched from German to Russian, as did the language of instruction in education from school to university.

In the mid-19<sup>th</sup> century Estonia's peasant population was granted municipal governments, and the purchasing of farms began. The self-awareness of the Estonians as a nation was boosted: Estonian newspapers began to be published, and in **1869** the first **national song festival** was held.

Song festival in Tartu in the 19th century

*Estonia has long been a home to many national minorities besides the Baltic Germans. The islands and coastal areas in the west of the country were settled by Swedes starting from the 13<sup>th</sup> century and lasting until 1944. Also, in the 17<sup>th</sup> century Russian Old Believers fled to Estonia as a result of the Nikon church reforms, and their descendants still live on the western shores of Lake Peipus today.*

## ***The Republic of Estonia from World War I to World War II***

Following the February revolution in 1917 the interim Russian government granted the Estonian province autonomy and a National Council was formed as a local legislative body. Estonian soldiers and officers, around 100,000 of whom were recruited into the Russian forces in World War I, returned to Estonia to form a national corps. In autumn 1917, when the Bolsheviks seized power in Russia, the National Council in the Estonian province was dissolved, but the members of the council continued to meet in secret.

In February 1918 Germany and Soviet Russia broke off peace talks in Brest-Litovsk.. Germany launched an assault along the entire eastern front, and the Red Army withdrew from Estonia. The senior figures on the National Council formed a three-member 'salvation committee' which, on **24 February 1918**, published Estonia's **declaration of independence**. Konstantin Päts was elected prime minister of the interim government.

German forces took Tallinn on 25 February 1918. They did not recognise Estonia's interim government, and the period of German occupation began. The country's army corps was dissolved.

The November Revolution erupted in Germany later in 1918, forcing the country to pull out of the war. Its occupying forces also withdrew from Estonia, at which power was once again assumed by the interim government. However, Soviet Russia did not recognise Estonia's independence either, and at the end of November the Red Army attacked the country. Thus began the Estonian War of Independence.

In the **War of Independence** (1918–1920) Estonia's soldiers faced not only the Red Army, but also German military forces operating in Latvia – the Landeswehr comprising the Iron Division and local Baltic Germans. The man in charge of Estonia's armed forces in the War of Independence was General Johan Laidoner, while the country was supported by the British naval fleet and volunteers from Finland, Denmark and Sweden. Fighting alongside the Estonians under the country's high command were Baltic German, Russian, Latvian and Ingrian battalions. By spring 1919 the Red Army had been driven back from Estonian soil, after which localised battles ensued on the Narva front and in the south-east of the country.

On **2 February 1920** the Republic of Estonia and Soviet Russia signed the **Tartu Peace Treaty**. Both nations recognised the sovereignty of the other.

On **22 September 1921** the Republic of Estonia was accepted as a member of the **League of Nations**, thereby achieving international recognition.

The **Constitution of 1920** established Estonia as republic with a parliamentary democracy. Its unicameral legislature would be elected for a period of three years. The leader of the government would simultaneously fulfil the role of head of state. The **Land Act of 1919** led to the nationalisation of large amounts of land, which were then distributed between farmers.

Armoured train from the period of the War of Independence

Peace negotiations in Tartu in 1920

The kroon was adopted as the unit of currency in 1928 in place of the mark. The Cultural Autonomy Act granted national minorities the right to form cultural governments, and this right was exercised by local Germans and Jews.

The economic crisis of 1929 hit Estonia hard, since its main exports at the time were agricultural products. Government crises also became more frequent. The national movement of War of Independence veterans demanded the institution of a strong presidential authority. They produced a draft constitution which won the support of the majority of the nation in a referendum in autumn 1933. Presidential elections were to have been held in April 1934, with the War of Independence veterans' candidate the likely winner.

However, in **March 1934** Prime Minister Konstantin Päts seized power for himself, halting the activities of political parties and the parliament and restricting democratic freedoms. **Thus began a period of authoritarian rule.**

A **new constitution** was passed in **1938** which established a presidency with sweeping powers. Political party activities were outlawed. Presidential and parliamentary elections were held later the same year, with **Konstantin Päts elected as president.** Despite this authoritarian form of governance and the restrictions imposed on democratic rights, there was no extensive political repression in Estonia.

Konstantin Päts

*In 1939 Estonia's population was 1.1 million. 90 percent of the population were Estonians, with around 8 percent Russians, slightly more than 1 percent Germans and around 0.5 percent Swedes and Jews, respectively.*

## ***World War II and the occupation of Estonia***

On **23 August 1939** the Soviet Union and Germany signed a **non-aggression pact.** The **secret protocol** of the pact, which flew in the face of international law, designated spheres of influence within Eastern Europe. Estonia fell within the sphere of influence of the Soviet Union. In September 1939, using the threat of military force, the Soviet Union coerced Estonia into an agreement establishing Soviet army bases on its soil. The Germans in Estonia began repatriating to Germany that autumn.

September 1939 saw the outbreak of World War II. Germany took France in June 1940, and at the same time the Soviet Union issued ultimatums to the Baltic States threatening military action and demands were made that additional Soviet forces be let into the countries and the governments be replaced. With no hope of receiving assistance from abroad, the Baltic States complied. **The Red Army occupied Estonia on 17 June 1940.** Soviet representatives appointed a new government and parliament, which then applied for Estonia's accession to the Soviet Union. The Supreme Soviet of the USSR **accepted Estonia into the Soviet Union on 6 August 1940.**

The Soviet authorities immediately began to implement the Soviet system and to rid themselves of political opponents in the occupied country. Soviet laws were enacted and the rouble was adopted as the local currency. The majority of privately owned property was confiscated. More than 7,000 people were arrested, and around 10,000 people were **deported on 14 June 1941.** Most of those imprisoned or deported were politicians, state officials, army officers and cultural figures. Their families were also deported – their wives, children and elderly family members.

**On 22 June 1941 war broke out between Germany and the Soviet Union.** The German army reached Estonia in early July. Their arrival was awaited by people in Estonia as a means of escaping Bolshevik terror. Many also hoped that Germany would support the restoration of Estonia's independence. Thousands of men fought to this end in bands of 'forest brothers' or joined the German military. However, the Germans failed to restore Estonia's independence, and Nazi repression ensued. Eight thousand people were killed, including around a thousand Estonian Jews and a thousand Estonian Russians. Several thousand people were sent to concentration camps. As many as 10,000 Jewish prisoners were brought to Estonia from other countries, and approximately 15,000 Soviet prisoners of war died in the country.

The exhibits in the Museum of Occupations of Estonia cover the period from 1940 to 1991, when the country was occupied by the Soviet Union and Germany

German forces entering Pärnu in 1941

The mobilisation of Estonians into the German army began in earnest in 1943. Approximately 70,000 Estonians served in the German armed forces, forming the **20<sup>th</sup> Estonian SS division and other divisions**. Men who had fled to Finland to avoid being conscripted into the German military fought the Red Army as part of the Estonian regiment alongside the Finnish forces.

By February 1944 the Red Army had reached Estonia's eastern border, but its islands in the west were not taken until the following November. The **Estonian sniper corps**, which fought as part of the Red Army, mainly comprised men who had been mobilised into the Russian forces in summer 1941. More than 30,000 Estonian citizens served in the corps.

Jüri Uluots

Otto Tief

As in February 1918, it was decided in autumn 1944 to seize the opportunity between the departure of the Germans and the assault of the Red Army to reinstate Estonia's independence. President Päts had been deported to the Soviet Union, and his role had been assumed by former prime minister Jüri Uluots. On **18 September 1944** Uluots formed a government led by Deputy Prime Minister Otto Tief. However, the Soviet Union did not recognise the **Uluots-Tief government** and sent its members to prison camps.

At the approach of the Red Army, 70,000 people fled Estonia, primarily to Sweden and Germany. They established a robust foreign Estonian community with key centres in Sweden, the United States and Canada.

*By 1945 Estonia's population had fallen to less than 900,000. In the war, the country had lost its Baltic German, Swedish and Jewish minorities. As a result, the proportion of Estonians in the population had risen to 95 percent.*

The United States and other western countries refused to recognise Estonia's occupation. Diplomatic representations operated in the United States and the United Kingdom, and an **Estonian government in exile** was established in Sweden in **1945**.

The **Sovietisation** of Estonia continued in 1944, as did Soviet repression. More than 30,000 people were sent to prison camps – those who had served in the German army as well as large numbers of 'anti-Soviet elements'.

**Deportations** also continued: several hundred Germans who had remained in Estonia were deported to Siberia in 1945, while more than 20,000 people (mainly farmers) were deported in 1949, and the country's Jehovah's Witnesses in early 1951.

Although the land had been declared the property of all of the people in 1940, farming continued in Estonia. The wealthiest farmers were subjected to high state standards and taxes. It was only the wave of deportations in 1949 that frightened most farmers into forming **collective farms**, which led to the downfall of the agricultural industry in Estonia. Rural life only began to recover around ten years later. Armed resistance persisted in Estonia even after World War II thanks to the country's bands of '**forest brothers**', which the Soviet authorities only managed to quash at the end of the 1940s when many of the bands' supporters had been deported. The people who had been arrested and deported began to return to Estonia following Stalin's death in 1953. Approximately 30,000 returned.

Resistance continued between the 1960s and 1980s, albeit mostly in the form of dissidence.

Widespread industrial development began in Estonia, especially in the oil shale region in the north-east of the country, and in Tallinn. The majority of the workforce for such industry was shipped in from elsewhere in the Soviet Union. Soviet military units were established in Estonia, and many soldiers and servicemen who had left the armed forces remained in Estonia with their families.

*The unprecedented wave of Soviet migration led to a radical shift in the makeup of Estonia's population at this time. The biggest rise was in the number of Russians living in the country: from 72,000 in December 1941 to 240,000 by 1959 with a further increase to 475,000 in the 1989 census. By this time the proportion of the indigenous population had shrunk to just 61.5 percent, which was a cause of great concern to the Estonians.*

The head of a collective farm speaking at a meeting

Forest Brothers in front of their bunker

## ***The collapse of the Soviet Union and the restoration of Estonia's independence***

In 1985, Mikhail Gorbachev was elected Secretary General of the central committee of the Communist Party of the Soviet Union, and it was under his leadership that the period of **perestroika** and **glasnost** began. One of the first events to occur in Estonia in response to this new era was the 'phosphorite war'. The Soviet ministry responsible for the fertiliser industry planned to establish a giant phosphorite mine in Lääne-Viru County which would have posed a major threat to the environment and led to even more labour being shipped into the country from elsewhere in the Soviet Union. However, public opposition to the plan forced the authorities to abandon it.

Spring 1988 was the **beginning of the end for the Soviet system of power** in Estonia. April of that year saw the formation of the People's Front, the rise of the nationalist-patriotic heritage conservation movement and the flying of the national colours – blue, black and white – which had been banned. The first political parties were also established, including the Estonian National Independence Party and the Estonian Green Movement.

On **16 November 1988** the Supreme Council of Estonia adopted a **declaration of independence** and on 24 February 1989 the country's blue, black and white flag was flown above Pikk Hermann tower on Toompea hill in Tallinn. On 23 August 1989 the **Baltic Way** – a line of two million people standing hand-in-hand – stretched from Tallinn to the Lithuanian capital Vilnius to remind the world of the secret protocol that Germany and the Soviet Union had signed as part of their non-aggression pact in 1939. The congress of people's deputies of the Soviet Union repealed both the non-aggression pact and the secret protocol that accompanied it on 24 December 1989.

A new independence-minded Supreme Council of Estonia was elected in 1990. On 30 March that year the council declared the state authority of the Soviet Union in Estonia to be illegal.

A meeting organised by the People's Front near Tallinn's Linnahall convention centre in 1988

The Baltic Way

By 1988 a movement of committees of Estonian citizens had been established. Citizens of the country registered by the committees elected the **Congress of Estonia**, which informed the Estonian people in a declaration dated 11 March 1990 of its application to restore the Republic of Estonia on a legally consistent basis. A **referendum on independence** was held on 3 March 1991 which was monitored by foreign observers. A total of 77.8 percent of the electorate voted for the restoration of Estonia's independence.

An attempted coup in Moscow in **August 1991** led to the **full restoration of independence**. Despite the presence of troops in Tallinn deployed from Pskov, the Supreme Council of Estonia and the Congress of Estonia voted to reinstate Estonia's independence on 20 August 1991. This decision was quickly recognised by both the West and Russia.

In September 1991 Estonia became a member of the United Nations.

Estonia's **independence** was restored on the **principle of legal continuity**. This means that the Republic of Estonia restored in August 1991 was the same one that had been declared in 1918 and occupied in 1940. The majority of countries recognise Estonia as a state founded in 1918. Russia recognises it as a new country formed upon the collapse of the Soviet Union in 1991.

Estonia also restored **civil society** on the principle of legal continuity. This means that those who were living in Estonia on 16 June 1940 and their direct descendants are considered to be Estonian citizens by birth. All others must apply for citizenship through naturalisation.

The continuity of **ownership** was likewise restored in Estonia. This means that the ownership status which existed in 1940 was reinstated: former owners or their descendants had property which belonged to them but which was confiscated by the Soviet authorities returned to them. The rapid resolution of ownership issues laid the foundations for rapid economic development.

A new constitution was enacted on 3 July 1992. The last Russian forces withdrew from Estonia in 1994. Estonia joined the **European Union and NATO in 2004**, and the Schengen zone on 21 December 2007.

*A Soviet Army tank sent to Estonia during the attempted coup in Moscow in 1991, near Kloostrimetsa in Tallinn*

# ESTONIA TODAY

## *State symbols*

### **The flag**

Estonia's flag is a tricolour – **blue, black and white**.

*Blue, black and white have remained Estonia's national colours through many trying times. The combination of the three dates back more than 120 years. That is why there is no definitive explanation as to why those colours in particular are used: everyone is free to interpret them in their own way. However, a common explanation is that the blue represents the Estonian sky, its lakes and the sea and that it is a symbol of freedom; that the black represents the Estonian soil and the colour of the men's national costume and that it is a symbol of the harsh fate of the Estonians and their lost independence; and that the white symbolises the nation striving for happiness and moving towards a brighter future.*

The state flag is flown above Pikk Hermann tower on Toompea hill in Tallinn every day. This is very meaningful to Estonians – the flag flying on this tower symbolises the survival of their country.

Everyone has the right to fly and use the Estonian flag. The flag must be flown on residential buildings on **three flag days**: Independence Day (24 February), Victory Day (23 June) and the Day of Restoration of Independence (20 August).

The Estonian flag is raised above Pikk Hermann tower in Tallinn every day at sunrise (but not earlier than 7.00 am) and taken down again at sunset

## The coat of arms

The Estonian **coat of arms** comes in two forms: large and small. Both feature three lions set against the backdrop of a golden shield. On the large coat of arms the shield is surrounded by oak branches. The large coat of arms is used on important state documents and as the symbol of the president. The small coat of arms is used on less important state documents and as the symbol of government agencies.

Large coat of arms

Small coat of arms

## The national anthem

Estonia's **national anthem** is entitled *Mu isamaa, mu õnn ja rõõm* ('My Native Land, My Happiness and Joy'). It was composed in 1848 by Fredrik Pacius and its lyrics were written by Johann Voldemar Jannsen. It grew in popularity after being performed by choirs at Estonia's first national song festival in 1869.

### **Mu isamaa, mu õnn ja rõõm**

Fredrik Pacius, Johann Voldemar Jannsen

*Mu isamaa, mu õnn ja rõõm,  
kui kaunis oled sa!  
Ei leia mina iial teal  
see suure, laia ilma peal,  
mis mul nii armas oleks ka,  
kui sa, mu isamaa!*

*Sa oled mind ju sünnitand  
ja üles kasvatand;  
sind tänan mina alati  
ja jään sull' truuks surmani,  
mul kõige armsam oled sa,  
mu kallis isamaa!*

*Su üle Jumal valvaku,  
mu armas isamaa!  
Ta olgu sinu kaitseja  
ja võtku rohkest õnnista,  
mis iial ette võtad sa,  
mu kallis isamaa!*

### **My Native Land, My Happiness and Joy**

*My native land, my joy and delight,  
How fair thou art and bright!  
And nowhere in the world all round  
Can ever such a place be found  
So well beloved as I love thee,  
My native country dear!*

*My little cradle stood on ground soil,  
Whose blessings ease my toil.  
With my last breath my thanks to thee,  
For true to death I'll ever be,  
O worthy, most beloved and fine,  
Thou, dearest country mine!*

*May God in Heaven watch over you,  
My best, my dearest land!  
May He be guard, may He be shield,  
For ever may He bless and wield  
O graciously all deeds of thine,  
Thou dearest country mine!*

## The official language

The **official language** of Estonia is Estonian. Just over a million people speak Estonian as their native language, approximately 922,000 of them in Estonia. This puts Estonia among the official languages with one of the smallest number of speakers.

Estonian is the language of administration in state agencies and local governments. Everyone has the right to address these agencies and the officials who work at them in Estonian and receive a response in Estonian.

In local governments in which at least half of the permanent residents represent a national minority, everyone has the right to address the local government and receive an official response in the language of that minority.

*According to the 2000 census, almost 60 percent of the residents of the town of Mustvee who had Estonian citizenship were Russian-speakers. The residents of Mustvee therefore have the right and opportunity to speak to social workers in the town in Russian, for instance. However, every official in Mustvee must be sufficiently fluent in Estonian to also be able to fulfil their duties in the official language.*

Estonian is also an official language of the European Union. Everyone therefore has the right to use Estonian in their dealings with European Union institutions.

## ***Population***

According to the most recent census carried out in Estonia (in 2000), the country had a population of 1,370,052, including 930,219 Estonians (67.9%), 351,178 Russians (25.6%), 29,012 Ukrainians (2.1%), 17,241 Belarusians (1.3%), 11,241 Finns (0.8%), 2,582 Tatars, 2,330 Latvians, 2,193 Poles, 2,145 Jews, 2,116 Lithuanians, 1,870 Germans and 9,410 representatives of other nationalities. Estonia is home to more than **120 different nationalities**.

The amicable and secure co-existence of so many different peoples requires mutual respect and a desire to contribute to the development of Estonia as their shared home.

Estonia is one of the smallest countries in the world by population.

An entry in the photographic competition "1 country, 121 nationalities"

## ***Territory***

In terms of size Estonia may be a **small country**, but it is still larger than quite a few others in the European Union: Belgium, Cyprus, Denmark, Luxembourg, Malta, the Netherlands and Slovenia are all smaller. Estonia covers a total of 45,227 km<sup>2</sup>.

Estonia is divided into **counties** as well as into cities and rural municipalities.

There are 15 counties. County governors are appointed by the government and represent the state's interests at the county level. These governors are responsible for the development of their counties and check to ensure that the legal acts of the cities and rural municipalities in the county conform to national laws.

As of 1 January 2009 there were 33 cities and 194 rural municipalities in Estonia. Although there are many more rural municipalities, two-thirds of the country's population live in cities, including 30 percent in Tallinn alone. After the capital Tallinn, the biggest cities in Estonia are Tartu, Narva and Pärnu.

Cities and rural municipalities are units of local government. Municipal councils decide local issues, and municipal governments implement the decisions.

### **Estonia's counties**

**Hiiu County**

**Saare County**

**Harju County**

**Lääne-Viru County**

**Ida-Viru County**

**Lääne County**

**Rapla County**

**Järva County**

**Jõgeva County**

**Pärnu County**

**Viljandi County**

**Tartu County**

**Valga County**

**Põlva County**

**Võru County**

## ***Religion***

There is **freedom of religion** in Estonia. Anyone can belong to a church or another religious organisation and perform religious customs. There is no state church in Estonia. The census conducted in 2000 showed that approximately one-third of the Estonian population subscribes to a particular faith.

More than 500 religious organisations are registered in Estonia. The biggest of these, with 180,000 members, is the Estonian Evangelical Lutheran Church. The Estonian Orthodox Church of the Patriarchate of Moscow has 170,000 members and the Estonian Apostolic-Orthodox Church has 25,000 members.

Alexander Nevsky Cathedral on Toompea hill

## ***Education***

Estonia boasts a strong and internationally recognised education system.

**Basic education** is mandatory and available to all free of charge. Children must attend school until they complete their basic education (in most cases graduating from the 9<sup>th</sup> grade) or turn 17. Schools are funded by state and local governments. There are also **private schools** in Estonia at which tutorial expenses are partly covered by parents.

After graduating from basic school, the majority of students continue their studies at **upper secondary school** or in **vocational education**.

Following secondary school, students can go on to study at **university**, institutions of applied higher education or vocational colleges. The best known university in Estonia is the University of Tartu, which was founded in 1632.

Main building of the University of Tartu

## ***Culture***

Estonia may be a small country, but there are surprising variations in its folk culture from one region to the next. One of the most unique cultures in the country today is that of Setoland in the south-east of the country, which is strongly influenced by Russia. The Seto people also speak their own language – a dialect which even sounds slightly foreign to those who speak Estonian.

### **Age Oks and Toomas Edur**

One of the best known cultural aspects of Estonia is its tradition of song festivals, which date back to Tartu in 1869. More than a hundred thousand people gather in Tallinn every five years to recall and affirm the need for Estonia and its people to stick together. The song festival tradition has been added by UNESCO to its list of oral and intellectual heritage.

In addition to the hundreds of years of folk culture Estonia boasts, contemporary, professional culture is also being developed in the country. Some of its most widely recognised representatives were or are opera singer Georg Ots, pop singer Jaak Joala, composer Arvo Pärt, ballet dancers Age Oks and Toomas Edur and Eurovision Song Contest winners Dave Benton and Tanel Padar.

The Cultural Endowment for Estonia was established in order to organise the funding of Estonian culture, art, physical culture and sport in the country.

## ***Sport***

Estonia's athletes have achieved outstanding results for such a small country: they have won 26 gold medals at the Olympic Games alone. The country's first gold medal was won by weightlifter Alfred Neuland at the Antwerp Olympics in 1920. Wrestler Kristjan Palusalu, cyclist Erika Salumäe and skiers Andrus Veerpalu and Kristina Šmigun are all two-time Olympic champions. Chess enthusiasts around the world also know the name Paul Keres, an international grandmaster, who was one of the main contenders for the title of world champion for many years running.

The state also shows widespread support for health lifestyles amongst its population. One of the most famous and popular sporting events held in the country is the Tartu Ski Marathon, which was first held in 1960.

Tartu Ski Marathon

## *The economy*

Estonia has its own currency – the **Estonian kroon** ('crown'). The exchange rate of the kroon is pegged to the euro. The state has set itself the goal of adopting the euro at the earliest opportunity. This would reinforce the Estonian economy and make it more stable, make it easier for people to travel and reduce the risk of devaluation and loss of savings.

Estonia's **natural resources** include its mineral resources, forests and pure water. They must all be used economically, even if land or forests are in private ownership. Prudent use means that there are sufficient resources for future generations. A good example of such economical use of the environment is the sorting of refuse. Anyone who causes damage to the environment is obliged to remedy the situation and provide compensation where required.

Estonia's most important natural resource is oil shale, which is principally mined in Ida-Viru County. Oil shale is used to produce the majority of the country's electricity. It is also used in the chemical industry and in the production of cement.

The European Union is the destination for more than 70% of Estonia's exports and is the source of almost 80% of the country's imports.

## ***Civil society***

A strong civil society is developing in Estonia. This means that more and more people with common interests are joining together in non-profit organisations. Apartment associations, professional unions and associations, societies, interest schools, cultural associations, choirs and sports groups are widespread in the country. People are finding an outlet for themselves by working together.

Civil society is strong if people are prepared to help others of their own accord or act in the public interest. It is said that one in four Estonians dedicate some of their free time to voluntary activities every now and then.

*A national clean-up day was held in Estonia in 2008. Entitled “Let’s Do It! 2008”, it was the brainchild of two friends who were sick of the sight of the rubbish clogging up the country’s forests. As a result, they decided to clean up Estonia. The idea quickly spread and on the big day, 3 May, more than 50,000 Estonians helped to clear away the rubbish. They were not paid for it – they did it entirely voluntarily.*

In a strong civil society the residents involve themselves in discussions and decision-making related to public matters. A website has been set up for this purpose in Estonia: [www.osale.ee](http://www.osale.ee). Through it, civic associations and residents can express their views on key social issues.

*The [www.osale.ee](http://www.osale.ee) website gives everyone the chance to submit proposals to the Government, collect signatures in support of civic initiatives and express their opinions on draft legislation.*

“Let’s Do It! 2008” clean-up day

People can communicate electronically with state agencies through the portal [www.eesti.ee](http://www.eesti.ee), a secure web environment which provides a variety of e-solutions. Through the portal Estonian residents are able to arrange online the kinds of things that they previously had to do on paper or in person, thus saving them much time.

*Via the [www.eesti.ee](http://www.eesti.ee) portal you can register births, check your pension details, and enrol for Estonian language exams and more.*

Estonia is well known around the world for its IT solutions. That is why it is sometimes referred to as Estonia.

*All Estonian residents must have an ID card, a personal identification document with which they can provide a digital signature. This signature is as valid as a hand-written signature. ID cards and the Internet make it easy for people to communicate with the state and local governments.*

## THE STATE AND THE PEOPLE

### *Estonia as an independent democratic republic*

Estonia's Constitution describes Estonia as an **independent democratic republic** in which the supreme power of the state is vested in **people**.

A country is independent if it makes its own decisions about how it is run. Such self-determination means that all decisions regarding national issues are made by the citizens of Estonia through their elected representatives or directly through referenda. No other country can impose its laws or decisions on Estonia.

According to the Constitution, Estonia can never become a part of another country. Nobody can strip it of its independence, and no single state agency or official can decide that it should be joined with another country. Its independence is perpetual – constitutionally, Estonia will last forever. This principle can only be changed by the people, in which case a referendum on amending the Constitution would need to be held.

A democratic country is one in which there are free and fair elections and where the views of the people are taken into account in making decisions at the national level. The supreme power of the state is held in Estonia by the people, which means that all key decisions regarding issues of national importance must be supported by the population. There are two ways in which Estonian citizens can exercise their state authority: by voting in parliamentary elections and referenda.

Estonian citizens who are at least 18 years of age have the **right to vote** in parliamentary elections and referenda in Estonia. People with restricted active legal capacity cannot vote, and neither can people who have been convicted of a crime and are serving a prison sentence. The people also elect Estonia's representatives to the European Parliament and the members of their municipal councils.

A republic is a country in which the head of state and the representatives of the people are elected for a specific period; power is not transferred within a given family .

*The Riigikogu – the Estonian parliament – is elected by the people for a term of four years. The president is elected by the parliament or an electoral body for a term of five years.*

In terms of its national organisation, Estonia is a **single or unitary state**, as opposed to a federation or federal state. This means that there are no independent parts within Estonia that can adopt their own laws. Rural municipalities and cities do make decisions regarding local matters, but only within the bounds of the law, and as such they do not violate the principle of the unitary state.

## ***The Constitution and laws***

**The most important legal document in Estonia is the Constitution.** The Constitution is passed in a referendum. All other laws and legal acts must be in conformity with the Constitution. The state may not enter into international agreements which are not in conformity with the Constitution.

**All laws must be published.** In order for people to be able to obey laws, the laws must be made public and available. That is why laws and other legal acts only enter force once they have been published in the *State Gazette*.

*The State Gazette is the official publication of the Estonian state. It publishes all Estonian legal acts: laws, regulations, Supreme Court rulings, etc. The State Gazette is available to all free of charge on the website [www.riigiteataja.ee](http://www.riigiteataja.ee). The State Gazette does not publish the legal acts of the European Union – these are published in EUR-Lex, the European Union gazette (<http://eur-lex.europa.eu>).*

Everyone in Estonia must obey the laws of the country.

The Constitution states that in addition to the Constitution all **generally recognised principles and norms of international law** are valid in Estonia. This means that the general principles of law and the norms of ordinary international law form part of the Estonian legal system. These include, for example, the principle in accordance with which international agreements must be fulfilled. Estonia is also obliged to fulfil the terms of any and all international agreements it has signed up to, such as the European Convention on Human Rights, which was adopted in the country in 1996.

### ***Separation of powers***

The activities of the Riigikogu (the Estonian parliament), the President of the Republic, the Government of the Republic and the courts are organised according to **the principle of the separation and balance of powers**. This means that the legislative power (the Riigikogu), the executive power (the government) and the judicial power (the courts) are separate from one another and each charged with specific functions under the Constitution. This means that there is no way that a single individual can be a legislator and executor of laws and a resolver of disputes arising in the fulfilment of laws at the same time.

The functions of state authorities are distributed in such a way that there is balance between them. This means that there is no way that a single state authority can dominate others.

*If the Riigikogu passes a law which is not in conformity with the Constitution, the president can refuse to proclaim it. The Supreme Court may also decide that a law is in contravention of the Constitution and render it invalid.*

## ESTONIA AND INTERNATIONAL ORGANISATIONS

### *Estonia and the European Union*

A referendum held in 2003 passed an addition to the Constitution stating that Estonia could become a member state of the European Union. The Constitution remains valid with Estonia now a member of the union, but the rights and responsibilities arising from its accession agreement must also be taken into account. This means that although European Union legal acts have a higher status than Estonian laws, they must still be in conformity with the fundamental principles of the Estonian Constitution.

Estonia has been a member of the European Union since **1 May 2004**.

The European Union is an organisation of economic and political cooperation with 27 member states as of 2009. It is the only union of its kind in the world. It arranges matters collectively in a number of fields, including trade and agriculture. Many member states also use the common currency, the euro, and plan monetary policy as one body.

## European Union institutions

The main institutions within the European Union or EU are the European Parliament, the Council of the European Union and the European Commission. EU institutions have the right to issue legal acts, which member states must implement. This is known as **European Union law**. The two main types of legal acts are regulations and directives. A European Union regulation states precisely how a particular issue should be resolved and is directly applicable, like a law. On the other hand, a European Union directive establishes an objective which the member states must then achieve via their own legal acts. The way countries are governed must be revised and developed through laws and amendments to laws based on European Union directives.

EU law is binding, but this does not mean that Estonia has less self-determination as a member state of the EU. Estonia participates in the work of the EU's institutions alongside other member states, as well as in taking important decisions.

The **European Parliament** consists of representatives elected from every member state based on the size of the population of each country. European Parliament elections are held every five years. The key role the parliament plays is in passing EU legal acts. In this it is guided by the proposals of the European Commission and fulfils the function in conjunction with the Council of the European Union. Together they are responsible for approving the EU budget. Six representatives are elected to the European Parliament from Estonia.

The **Council of the European Union**, also known as the Council of Ministers, is made up of ministers from the governments of its member states. Meetings of the council are attended by the ministers responsible for the particular area under discussion. For example, education ministers meet to determine issues related to education. The Council of Ministers is the primary decision-making body in the European Union.

The **European Commission** represents the interests of the European Union as a whole. Its main function is to implement the EU's policies. The commission develops new legal acts and submits them to the European Parliament and the Council of Ministers. Estonia's Siim Kallas has been a member of the European Commission since 2004.

[The European Parliament building in Strasbourg](#)

## ***The Council of Europe***

The Council of Europe building in Strasbourg

The **Council of Europe** is a political organisation of European countries whose primary objective is to defend human rights and democracy on the continent. It was founded in 1949 and has 47 member states. Estonia has been a member of the Council of Europe since 14 May 1993.

## ***The United Nations***

The **United Nations** or **UN** is a global organisation whose objective is to ensure peace and international cooperation all over the world. It was founded in 1945 and has 192 member states. Estonia was admitted into the United Nations on 17 September 1991.

## ***The North Atlantic Treaty Organization***

The **North Atlantic Treaty Organization** or **NATO** was founded in 1949. Its objective is cooperation between European member states, the United States of America and Canada in ensuring peace and stability around the world. The organisation has 26 member states.

Estonia joined NATO on 2 April 2004.

## ORGANISATION OF GOVERNANCE IN ESTONIA

### *The Riigikogu*

Estonia is a **parliamentary republic**.

Its 101-member parliament is known as the Riigikogu. Each elected Riigikogu is numbered: Estonia's first years of independence saw the election of the 1<sup>st</sup> to the 6<sup>th</sup> Riigikogu, while the years since independence was restored have seen the 7<sup>th</sup> to the 9<sup>th</sup> Riigikogu elected.

The **Riigikogu** is the most important representative body of the Estonian people.

The Riigikogu is elected by the people for a term of four years. A system of proportional representation is used in its elections in order for it to correspond to a cross-section of Estonian society.

In accordance with the principle of the separation and balance of powers, **legislative power** is vested in the Riigikogu. This means that it passes all laws and is responsible for all decisions of national importance.

### **The functions of the Riigikogu**

The most important function of the Riigikogu is to **pass laws**. This means that it decided what rules people and organisations must obey and what their rights and obligations are. For example, the Riigikogu decides what taxes must be paid, how the police operate and what benefits people have the right to obtain from the state. In drafting laws and making decisions it must find solutions that suit the majority of the population and do not violate the rights of minorities.

Laws can also be passed through a referendum. The Riigikogu alone decides whether to **hold a referendum**. The outcome of a referendum is binding for the Riigikogu, the government and other state bodies. The outcome is passed when more than 50 percent of electors vote in favour of it.

*On 14 September 2003 a referendum was held in Estonia in which the public voted in favour of Estonia joining the European Union, and 66.83% of voters were in favour of the Constitution being amended to allow this.*

The Riigikogu **passes state budgets**.

These budgets set out how the state's money is used. They determine how much funding will be allocated to education, the police, medical care and the provision of other public services. The state budget is therefore a key resource in the management of the state. The Riigikogu also makes decisions in regard to the state taking on loans and other financial obligations.

**The Riigikogu performs oversight over the activities of the government.**

It grants the prime minister appointed by the president the right to form a government. Every member of the Riigikogu also has the right to address questions to members of the government. Those to whom questions are addressed must appear before the Riigikogu and make a public response.

Governments stand on the confidence of the Riigikogu. This means that a government the parliament no longer supports must step down. The Riigikogu may instigate a vote of no confidence against the government, the prime minister or any other minister. A vote of no confidence means that in the view of the Riigikogu the minister in question, the prime minister or the government as a whole is not coping with the tasks they have been entrusted with and must step down. If a vote of no confidence is passed by the Riigikogu in regard to a particular minister, that minister must step down, although the other government members may remain in office. If a vote of no confidence is passed by the Riigikogu in regard to the prime minister or the government, the government as a whole must step down. At least 51 members of parliament must vote in favour of a vote of no confidence for it to be passed.

The Riigikogu **appoints the directors of a number of institutions.**

On the proposal of the president the Riigikogu appoints, for example, the Chief Justice of the Supreme Court, the Chairman of the Supervisory Board of the Bank of Estonia, the Auditor General, the Chancellor of Justice and the Commander of the Defence Forces. On the proposal of the Chief Justice of the Supreme Court it also appoints the justices of the Supreme Court. It is likewise responsible for appointing the members of the Supervisory Board of the Bank of Estonia.

The Riigikogu is charged with the function of **electing the Estonian president.**

At least 68 members of the Riigikogu must vote for a candidate. However, no parliament has exhibited such consensus to date: the last three presidents have been elected by an electoral body. Electoral bodies are convened solely for the purpose of electing the president. They comprise members of the Riigikogu and representatives of local government councils.

The Riigikogu **ratifies** and **denounces international agreements** related to, for example, Estonia's membership of international organisations and unions. It also approves or annuls parliamentary agreements whose implementation requires Estonian laws to be amended or repealed or new laws to be passed.

## Parliamentary elections

One hundred and one members are elected to the parliament.

Only Estonian citizens of at least 21 years of age **can run for election** to the Riigikogu.

The Riigikogu is elected for a term of four years. Parliamentary elections are **free, general, uniform and secret.**

Elections are free when every elector has the opportunity to decide for themselves whether or not to vote and who to vote for. This includes the freedom to nominate a candidate. Candidates have the right to freely run an election campaign.

Electors can only vote for candidates in their electoral district or constituency. There are 12 such constituencies in Estonia. Parliamentary seats are distributed among the constituencies on the basis of the number of people with voting rights in each constituency. This is designed to prevent situations in which all or the majority of the members of the Riigikogu are people known throughout the country who live in Tallinn.

The generality of elections means that everyone has the right to take part in elections regardless of their sex, nationality or other factors. All citizens who have voting rights are allowed to participate in elections on equal terms.

The uniformity of elections means that everyone has the same ability to influence the outcome of elections. Every elector has one vote.

Elections are secret when there is no way of determining who an elector voted for.

Parliamentary elections are always held on the **first Sunday in March**.

*The current parliament, the 11<sup>th</sup> Riigikogu, was elected on 4 March 2007. Elections to the next parliament, the 12<sup>th</sup> Riigikogu, will be held on 6 March 2011.*

Pre-poll voting is conducted in the week preceding an election. Pre-poll votes can be cast in the elector's registered polling division or through absentee voting outside of the polling division.

*Pille, a student from Võru County in the south of Estonia studying in Tallinn, does not need to go home in order to vote: pre-poll voting means she can vote in absentia in Tallinn for the candidates nominated for Võru County.*

Pre-poll voting is also available online on the [www.valimised.ee](http://www.valimised.ee) website. To vote online electors need their ID card and a computer with an Internet connection and an ID card reader. A vote submitted electronically can be amended online or replaced by a ballot vote during the pre-poll voting period.

Parliamentary elections

## How does the Riigikogu work?

After an election, the president convenes the new Riigikogu for its first session. At this session each member of the parliament swears the **oath of office**, promising to act in accordance with the Estonian Constitution.

The Riigikogu meets in Toompea castle in Tallinn. Its activities include plenary sessions, committee and faction sessions and work with electors. Laws are passed and decisions taken at **plenary sessions** of the Riigikogu.

*Sessions of parliament are open to the public. This means that anyone who wishes to can observe the sessions from the public gallery. Sessions are also broadcast live and can be viewed on the [www.riigikogu.ee](http://www.riigikogu.ee) website.*

The Riigikogu has two ordinary **session terms** each year: the spring term lasts from the second Monday in January to the third Thursday in June; and the autumn term lasts from the second Monday in September to the third Thursday in December. If decisions must be made on significant matters that fall between these two terms, an extraordinary term can be convened.

Members of parliament also arrange meetings with electors at which they listen to the problems the people in their constituencies are facing and are given proposals for the better running of the state.

All members of parliament belong to **committees**. The Riigikogu committee is a working group which discusses draft laws presented within a particular field. Standing committees include the Foreign Affairs Committee, the Cultural Affairs Committee, the Finance Committee and the Environment Committee. Each committee discusses problems and draft laws within its field. This way the members of parliament can share the workload, and it also allows them to examine certain issues in more depth.

Plenary session of parliament

Committee work accounts for the majority of the working time of the parliament. The Riigikogu as a whole only begins discussing a matter once the committee responsible for it has thoroughly examined it and formed an opinion on it.

Riigikogu **factions** comprise the members of parliament elected to the Riigikogu from the same political party. Factions agree on political decisions and these agreements then form the basis for the presentation of opinions and voting on committees and at Riigikogu sessions.

Some of the parties represented in the Riigikogu form the government. They are known as the governing or **coalition parties**. Those not forming part of the government are referred to as the **opposition parties**.

All members, factions and committees of the Riigikogu and the government have the right to **introduce draft legislation**. In practice, the majority of draft acts are submitted by the government. Discussions of draft acts in the Riigikogu are known as **readings**. As a rule, such acts are discussed over three readings. A simple majority of votes for a law will normally be enough for the law to pass. This means that a draft is passed if more members of parliament vote for it than against it. Section 104 of the Constitution sets out a list of particularly important laws which require a minimum of 51 votes in favour to be passed. These include the State Budget Act and the Citizenship Act. Amendments to national borders require at least 68 votes in favour.

Members of parliament are not limited by a particular mandate. This means that they are representatives of the people as a whole and must take their broader interests into account in what they do. Members of parliament are free to make their own decisions and to act as they see fit. However, this does not mean that they are not liable before electors: the voting public express their approval or dissatisfaction regarding the job each member of parliament has done at the next election.

Members of parliament are not permitted to serve in any other state agency. This means that they cannot be, for example, a minister, a judge or an employee of another national institution. If a member of parliament is appointed as a minister, their authority in the Riigikogu is terminated and a replacement assumes their position in the parliament.

*Everyone has the right to address members of parliament personally or publicly. The telephone numbers and e-mail addresses of all members of parliament are available on the Riigikogu website at [www.riigikogu.ee](http://www.riigikogu.ee).*

## The President of the Republic

The **President of the Republic** is Estonia's **head of state**. The president's role is primarily to balance interests and to represent the country ceremonially.

Lennart Meri  
Arnold Rüütel  
Toomas Hendrik Ilves

*Estonia has had three presidents since the restoration of its independence: Lennart Meri, from 1992 to 2001; Arnold Rüütel, from 2001 to 2006; and Toomas Hendrik Ilves, who was elected president in 2006.*

## Election of the president

The president is elected by the parliament or an electoral body. Presidential candidates must be at least 40 years of age and Estonian citizens by birth.

The term of office of the president is five years. No one may be president for more than two consecutive terms.

## The duties of the president

The president **represents Estonia at the international level**. The president appoints Estonia's diplomatic representatives to other countries (such as envoys and ambassadors) and accepts the credentials presented by diplomats sent to Estonia.

After being passed by the Riigikogu, a law is then sent to the President of the Republic. If the law is in conformity with the Constitution, the president **proclaims the law**. No law can take effect without it being proclaimed by the president and published in the *State Gazette*. This is designed as a check and balance on the activities of the Riigikogu.

The president's primary function is to examine whether a law passed by the Riigikogu is in conformity with the Constitution. The president can refuse to proclaim a law and send it back to the Riigikogu with an explanation for further discussion and for a new decision to be made in regard to it. If the Riigikogu passes the law again in the same form, the president is obliged either to proclaim it or to request that the Supreme Court declare the law in contravention of the Constitution. If the Supreme Court finds that the law is in conformity with the Constitution, the president proclaims it.

Another balancing option available to the president is the **right to dissolve parliament** and to announce extraordinary elections. For example, the president can announce new parliamentary elections if the Riigikogu passes a vote of no confidence in the government or prime minister.

The president **nominates the prime ministerial candidate** and **appoints the members of the government**.

The president nominates the prime ministerial candidate, whose role is to form the new government. The president must carefully consider who to make this proposal to, as the candidate must also be approved by the Riigikogu. The first person the president normally grants the right to form a government to is the leader of the party which won the parliamentary election. Once the candidate for prime minister receives the approval of the Riigikogu, they present the list of proposed government members to the president for appointment. The president also makes changes to the government on the proposal of the prime minister, appointing and recalling individual ministers.

The president submits proposals to the Riigikogu for the **appointment of high-ranking state officials**. These include candidates for the positions of Chief Justice of the Supreme Court, Chairman of the Supervisory Board of the Bank of Estonia, Auditor General and Chancellor of Justice. This means that the president must propose candidates which the majority of the parliament will feel are suitable for the positions. The president also appoints justices on the proposal of the Supreme Court.

The president **confers state awards**. The awarding of decorations as a token of the state's respect is the role of the head of state. Six different types of decorations are awarded in Estonia. The highest level of decoration awarded to Estonian citizens is the Order of the National Coat of Arms. The highest level of decoration awarded to foreign citizens for services rendered to the state of Estonia is the Order of the Cross of Terra Mariana.

## ***The Government of the Republic***

In accordance with the principle of the separation and balance of powers, **executive power** is vested in the government. This means that it is responsible for the fulfilment of all laws, such as the collection of taxes and maintenance of law and order.

### **The members of the government**

The government is made up of the prime minister and the other ministers. The **prime minister** leads government sessions and represents the government. **Ministers** lead ministries and represent Estonia within their field on the Council of the European Union. Members of the government are not permitted to serve in any other state agency. Nor can they belong to the management or supervisory boards of any enterprise (such as public limited companies).

*As of 1 January 2009 the Estonian government comprised the prime minister and 13 other ministers. There are 11 ministries in Estonia: the Ministry of Education and Research; the Ministry of Justice; the Ministry of the Interior; the Ministry of Defence; the Ministry of the Environment; the Ministry of Culture; the Ministry of Economic Affairs and Communications; the Ministry of Agriculture; the Ministry of Finance; the Ministry of Social Affairs; and the Ministry of Foreign Affairs. The Ministry of the Interior is led by two ministers: the Minister of the Interior and the Minister of Regional Affairs. The last member of the government is the Minister of Population Affairs, who mainly deals with issues related to integration and population policy.*

Each ministry has a specific **area of governance**. For example, the Ministry of Education and Research deals with education, science, youth and language issues, while the Ministry of Culture is responsible for such things as culture, sport and heritage. The areas of governance of ministries may also include other agencies exercising state authority – **boards** and **inspectors**. For example, the Language Inspectorate falls within the area of governance of the Ministry of Education and Research, while the National Heritage Board operates under the Ministry of Culture. The government, the prime minister and ministers without portfolio are served and supported by the **State Chancellery**.

### **The functions of the government**

The government's main function is to organise the fulfilment of laws. For the more detailed organisation of its work it has the right to issue legal acts – **regulations** and **orders**. Such legal acts may only be issued on the basis of law and for the fulfilment of the law. This means that the government can only pass a regulation or order if the law clearly states that it must do so.

*The Riigikogu has passed a Traffic Act which sets out the principal requirements in organising traffic and ensuring traffic safety on Estonia's roads. The Traffic Act states that specific road rules are implemented by the government. The government has passed a regulation entitled the "Traffic Code" which all road-users in Estonia must adhere to.*

The government produces the **draft state budget** and presents it to the Riigikogu for approval.

#### **Government session**

*The government institutions responsible for drafting the following year's state budget usually begin to do so in spring. In summer the Ministry of Finance collects the budgetary applications of each of the ministries and launches negotiations with them in terms of the amounts sought. By early October at the latest the government submits the draft State Budget Act to the Riigikogu.*

The Government also has the right to **instigate draft acts**. Draft acts are normally produced by the ministries and then submitted to the government by the minister responsible for the field in question. If the government approves the draft, it is sent to the Riigikogu for discussion. The members of the government have the right to take part in sessions of the Riigikogu and its committees and to speak at them.

The Government makes decisions at government sessions. Legal acts are also passed at these sessions. The prime minister leads the sessions, with decisions being made by a simple majority of votes among the members of the government attending the session.

*Unlike sessions of parliament, government sessions are not normally open to the public. Other parties may be invited to attend government sessions, but they do not have any voting rights. The majority of these sessions are held in Stenbock House on Toompea hill in Tallinn.*

Since 2000 the Estonian government has been using the **government session information system**. Comprising laptop computers, special software and other elements, the system enables preparations to be made for sessions, the sessions themselves to be conducted and minutes to be taken of them electronically, i.e. paper-free. In using such a system the Estonian government has set a leading example for other countries to follow.

## ***The courts***

In accordance with the principle of the separation and balance of powers, **judicial power** is vested in the courts. Everyone – whether they be Estonian citizens or non-citizens – has the right to appeal to the courts if their rights are violated or their freedoms are infringed or if they need to resolve a dispute with another individual. The courts alone have the right to sentence a person to imprisonment as punishment for a crime.

The courts represent the only body in Estonia which administers justice. This means that the courts make the final decisions on all points of dispute. Decisions made by officials can also be disputed in the courts. In all cases involving a violation of a person's rights, the courts make the final decisions.

*A driver fined by the police for violating the Traffic Code can appeal to the courts and demand that the fine be revoked if they feel that the fine was not issued in accordance with the law.*

The courts administer justice in conformity with the Estonian Constitution and other laws. This means that a judge cannot formulate rulings in accordance with people's wishes or based on what the judge personally feels is right. Rulings must be handed down in the manner prescribed by the law.

The courts are **independent**. This means that no other institution or state agency can or is permitted to influence court decisions.

*Liivalaia courthouse of Harju County Court*

## **The appointment of judges**

Candidates for judicial office are submitted by the Supreme Court and appointed by the president.

The Chief Justice and other justices of the Supreme Court are appointed by the Riigikogu. The proposal for the appointment of the Chief Justice of the Supreme Court is made by the president.

In order for the courts to remain independent, judges are appointed for life. Unlike other state officials, judges are subordinate to neither those who appoint them nor to courts of higher authority.

## The Estonian court system

The Estonian court system comprises county courts, administrative courts, circuit courts and the Supreme Court.

A **county court** is a court of first instance which resolves civil, misdemeanour and criminal matters. An **administrative court** is also a court of first instance, but one which resolves disputes between people and the state or people and local governments.

*For example, if someone feels that the refusal to grant them a building permit violates their rights, they have the right to appeal to an administrative court. However, a fine imposed for violating the Traffic Code would be contested in a county court. County courts also resolve disputes arising between individuals, such as in matters related to the fulfilment of contracts.*

If at least one of the parties involved in a case is not satisfied with the ruling of the court of first instance, it can be appealed in a circuit court. A **circuit court** is a court of appeal which re-examines cases already examined in a court of first instance. Circuit court rulings can also be appealed in the Supreme Court.

The **Supreme Court** is the highest court in the land and is not obliged to review all of the cases submitted to it. The Supreme Court only examines those cases which need to be resolved in order for Estonia's courts to comprehend and administer the law uniformly.

Where necessary, the Supreme Court will check whether a law is in conformity with the Constitution. The Supreme Court will annul any law, other legal act or part thereof which is in contravention of the Constitution.

*All decisions handed down by the Supreme Court are public. They are available on the website of the Supreme Court at [www.riigikohus.ee](http://www.riigikohus.ee).*

## The European Court of Justice

The European Court of Justice is responsible for ensuring that all member states interpret and administer the legal acts of the European Union uniformly. For example, the Estonian courts could approach the European Court of Justice for an explanation as to whether Estonia's laws are in conformity with European Union legal acts. Anyone can approach the European Court of Justice to check whether a member state has fulfilled the requirements of the legal acts of the European Union or to apply for the annulment of a legal act of a European Union institution.

The European Court of Justice is based in Luxembourg.

## The European Court of Human Rights

The European Court of Human Rights is the institution within the Council of the European Union which defends human rights. The court is guided in its activities by the European Convention on Human Rights. Appeals can only be filed with the court against countries which have acceded to the Convention.

Before being brought before the European Court of Human Rights, a case must have passed through every level of the Estonian court system and all opportunities for the protection of rights within Estonia must have been exhausted.

The European Court of Human Rights is based in Strasbourg.

## *Local government*

Local government units are rural municipalities and cities.

## The functions of local governments

The most important function of local governments is to **resolve** and **organise** all issues related to **local life**. The principle is that decisions should be made as close as possible to the residents they will affect. Cities and rural municipalities have a greater appreciation of local situations, which is why they are able to make more appropriate decisions in regard to the people who live there.

*Functions of cities and rural municipalities include arranging care for the elderly, water supply, waste disposal and maintenance of streets and roads. Local governments must also maintain nursery schools, schools, libraries and community centres.*

A city council or council of a rural municipality is elected within each local government in order to make decisions and represent the people of the area. These councils are elected for a term of four years. The council then elects a **mayor** and appoints a **municipal government**. This government then coordinates everyday municipal and civic issues based on the tasks it is assigned by the council.

Local governments must maintain nursery schools

Local governments have their own **budget** for the fulfilment of their functions. Budgetary funding is obtained through personal and land tax and also from the state budget. City and municipal councils can also establish **local taxes**.

*The Tallinn City Council has established a system of parking fees on streets in the capital.*

## **Election of city and municipal councils**

Unlike in parliamentary elections, the right to vote in **local government council elections** is extended to people who are not Estonian citizens. However, they must be permanent residents of the city or rural municipality in which they live and must be at least 18 years of age.

*Individuals without citizenship and citizens of other countries (such as Russia) who have a long-term residence permit for Estonia can vote in council elections in their city or rural municipality.*

Nominations in city and rural municipality council elections are open to Estonian citizens and citizens of other European Union member states who are at least 18 years of age and permanent residents of the city or rural municipality in question.

## RIGHTS, FREEDOMS AND RESPONSIBILITIES

Estonia is a democratic state based on the rule of law. The **rights and freedoms** of every person residing in Estonia are guaranteed. Rights and freedoms are generally divided into two categories: **the rights of all**, which apply to everyone, and **civil rights, i.e.** the political rights which only apply to citizens of the state.

### *Fundamental rights, freedoms and duties*

The rights, freedoms and duties described below apply to everyone residing in Estonia regardless of their citizenship status, race, sex, nationality or any other factors. They also apply to foreigners residing in Estonia and those temporarily visiting the country (such as tourists), who must obey Estonian law while in the country.

Everyone has the **right to life** in Estonia. Ensuring people's safety and security is one of the state's most important functions. Police officers and assistant police officers work to defend people's right to life. The death penalty has been abolished in Estonia: the sentence for homicide is long-term imprisonment. The courts may also hand down prison sentences to people who have caused traffic accidents which resulted in someone's death. The right to life does not begin at birth: the life of the unborn child, i.e. the foetus is also protected under Estonian law. Women have the right to terminate a pregnancy generally up to the 11<sup>th</sup> week of pregnancy.

Everyone has the **right to freedom and to the inviolability of the person**. The Constitution lists the cases in which it is permitted to restrict a person's freedom. These restrictions are connected to the need to defend other people's health and safety. For example, a person may be deprived of liberty upon conviction of a crime. Such a person is then sent to prison to serve punishment. A person with an infectious or contagious disease or a drug addiction may also be detained if they represent a danger to themselves or others.

If the state is obliged to deprive a person of liberty, the person in question is promptly informed of the reason for their detention in a language that is understandable to them. No one may be detained for more than 48 hours without the permission of a court. A detained person has the right to call their family and consult a lawyer.

**Everyone enjoys freedom of movement within Estonia**. This means the freedom to move about the country, change residential and work addresses and also leave the country. This is the right that is used by young people who go to study at foreign universities. People are also encouraged to look for work abroad by the fact that they have the right to return to their country at any time.

For the purposes of ensuring security, people under the age of 18 are not permitted to be outside of their homes unaccompanied by an adult after 11:00 pm.

People's freedom of movement may be restricted in the event of an outbreak of a contagious disease. In such a case, restricted movement is often recommended rather than enforced. For example, it is not advisable to organise large-scale children's events if there is an outbreak of flu.

**All people are equal under the law**. It is unlawful to discriminate against anyone on the basis of their nationality, race, skin colour, sex, language, origins, religious beliefs, political or other convictions, material or social status or other factors. It is unlawful for employers to dismiss workers on the basis of their sex or nationality. It is unlawful for a person's employment contract to be terminated or for a person to be disqualified from a position on the basis of their skin colour.

*A man who has studied to become a teacher has the right, if he so wishes, to obtain work in a school or nursery school. Women cannot be excluded from welding courses. For example, a number of women have become certified welders through the Tartu Vocational Education Centre, despite it being a field traditionally dominated by men. Women can serve in the Estonian defence forces if they so wish. Estonia has an appointed commissioner for gender equality and equal treatment whose responsibility it is to deal with any cases of inequality of treatment.*

#### Female taxi driver

Estonia is a **state based on the rule of law** in which the **presumption of innocence** applies. This means that no one can be deemed guilty of a crime unless they are so convicted by a court and this conviction enters force. Anyone who errs against this principle must themselves face court. For example, a media publication which declares a person's guilt before a court case will later have to publicly apologise or compensate the person for the moral damage caused to them. As such, the media must also respect the principle of the presumption of innocence. It is unlawful to officially name anyone as the perpetrator of a crime or condemn them for what they have done before the guilty sentence of a court enters force. No one may demand that an accused person prove their innocence.

**No one may be found guilty of or punished for an action which at the time of its occurrence was not considered a crime.** The only exceptions here are crimes against humanity, war crimes and genocide, to which no term is applied.

*A case reached the courts in August 2007 in which a then representative of state authority was accused of genocide. The individual in question was accused of taking part in the preparation and execution of the 1949 deportations.*

**A harsher sentence cannot be handed down than provided by the law at the time at which a crime was committed.** If an amendment to legislation reduces a sentence for a crime, it must be applied retrospectively to everyone previously found guilty of the same crime.

**No one can be tried or sentenced twice for a crime of which they have already been found guilty or of which they have been acquitted.** This ensures that the sentence handed down to a person who has been found guilty of a crime cannot later be extended, and that no new charges can be brought against a person completely acquitted of a crime. An extended sentence can only be handed down by a court if a ruling is appealed in a court of higher instance.

**It is unlawful to defame the honour or good name of another person.** People who have been defamed or whose name or honour has been defamed in the media, in a publication or in Internet commentary may seek to defend themselves by appealing to the courts. There have been such cases in Estonia and the defendants have been awarded compensation for the moral damage caused to them.

*A well-known journalist was taken to court in Estonia in 1997 for using insulting expressions in a newspaper in regard to a well known female politician. The case passed through all three levels of the courts. The Supreme Court ruled that there was no need to overturn the decision of the circuit court. The insulted politician was found to be in the right and the journalist was required to pay a fine. The journalist then took the case to the European Court of Human Rights, but was again found to be in the wrong.*

**It is unlawful to torture anyone or to treat or punish them in a way which is cruel or demeaning.** Among those who must adhere to this principle in their work are the police, for example in the detention of suspects. The amount of money spent on the upkeep of prisoners is a bone of contention amongst the public and the conditions in which prisoners are seen as luxurious. However, in a democratic state the human rights of all people are respected.

*A case that won the attention and earned the condemnation of the Estonian public in 2008 was the excessive punishment and poor living conditions of the students at Puiatu special school. This violation of the students' rights was highlighted by the Chancellor of Justice, whose constitutional function is to ensure that people's constitutional rights are not infringed.*

Everyone has the right to the **inviolability of family and personal life**. The definition of family life is an officially registered marriage, cohabitation and the relationships between a man and a woman and a child and its parents or guardians. Protected under family life are a wide range of relationships between family members, including the right to live together and the right of parents to interact with their children. The inviolability of private life means everyone's right to live in such a way that others intervene in their lives as little as possible, the right to access personal information and the right to a sexual life and to your own identity (name, appearance, thoughts, feelings and a personal past). State and local government employees may only intervene in someone's private life in cases and in accordance with the procedures set out in law.

*Teachers may only pay home visits to students with the permission of the students' parents. The E-School programme launched in Estonia (an Internet-based student diary) also defends the inviolability of family and private life. This diary does not include information about such things as the work places of a child's parents, but does allow the child's parents or guardians (and them alone) to view the child's grades.*

The principle of inviolability also extends to the home. It is unlawful to enter or search a person's home or work premises without a court warrant. It is likewise unlawful to read a person's correspondence, either on paper or on a computer, without a warrant, and this principle also applies to listening in on a person's telephone calls.

*Parents must bear in mind that all of these rights also apply to their children. No one has the right to open a letter addressed to a child, look through a child's e-mail inbox or listen in on a child's telephone conversations against their will.*

Rights are always accompanied by responsibilities. Thus **parents have the right and responsibility to raise and take care of their children**. Families are obliged to care for members who require their help, such as elderly grandparents. Adult children are obliged to take care of a parent who requires assistance and who is incapable of working. The only case in which maintenance obligations are waived is if parental rights have been withheld from a parent. The courts may require a person to make support payments in the event that they ignore their obligation of care.

**Spouses have equal rights and responsibilities**. Parents who have left a family remain responsible for the well-being of their children. They have the right to interact and spend time with their children, and they are obliged to contribute to their upkeep and to support their studies and involvement in hobbies.

Everyone enjoys **freedom of conscience, religion and thought**. This means that everyone has the right to belong to a church of their own choice and to participate in religious rites. There is no state church in Estonia. However, the state and churches do work together, primarily in exercising freedom of religion. For example, ministers of religion can marry people on the basis of a right issued by the Minister of the Interior, and such marriages are equal in terms of law to those registered with the Vital Statistics Office. The defence forces and prisons employ chaplains, whose duties include pastoral work, care and counselling. The state may also extend discounts and other benefits to religious organisations.

Freedom of expression – ideas, opinions, convictions and other information – is defended in Estonia regardless of the vehicle used, provided that such expression is informational in nature. Everyone has the **right to express their views and to be guided by their convictions**. People can promote their ideas in words, images or any other form.

Ideas can be expressed in a book, in an article or presented as commentary on the Internet. In so doing people must respect the rights and freedoms of others and maintain public order. The state is obliged to defend the rights and freedoms of all people and to protect against racial and political hatred.

Everyone has the right to express their views in Estonia

**There is no censorship in Estonia.** The activities of political parties, politicians and the government are open to criticism. All interest groups can express their stances and opinions. Everyone who speaks publicly must adhere to generally accepted moral standards and is not entitled to disparage the honour or dignity of another person. Although there is no state censorship in Estonia, the editorial boards of media publications and arts councils nevertheless have the right to restrict the exhibiting or publishing of certain texts and works of art if they go against their own principles. However, this is not regulated at the state level.

All people are entitled to **peacefully gather and hold meetings**. Permission must be sought from the local government if the gathering could disrupt traffic or otherwise affect the public order. In certain cases this right may be restricted, for example in order to prevent the spread of an infectious disease. The organisation of meetings and protests may also be restricted if they infringe public order or threaten the security of the state. For example, the Minister of the Interior banned meetings and protests on Tõnismägi in Tallinn in May 2006 at the site of a World War II monument.

**Everyone has the right to choose their own occupation and work place.** The only exception in the Constitution is with regard to working in state agencies and local governments. There are more and more opportunities for people to work part-time or from home via computer. If they so wish, people can take extended leave from work and stay at home with their children. People can also learn a new profession and begin a new career later in life, or choose for example to become a professional athlete and defer their studies until their 30s. People therefore have the freedom to apply themselves in the field of their choice, be it employment, sport or family.

All people residing in Estonia have the right to **belong to and establish non-profit organisations and unions**. The exception here is political parties, membership of which is restricted to Estonian citizens. Associations are normally formed by people with similar interests or concerns. For example, those interested in dancing may form a dance club; or mothers of infants, a baby school. Many Estonian households are members of apartment associations. These are non-profit organisations which aim to maintain apartment buildings and the land around them and to represent the interests of apartment owners.

People are also free to join employees' and employers' unions and associations. The interests of employees are most effectively represented and protected by trade unions and professional associations.

People must always bear in mind that **in exercising their rights they must not prevent other people from doing likewise**. For example, police officers and prison officials are not permitted to go on strike as this could endanger the safety and security of society as a whole.

Estonian citizens and the majority of foreign citizens and people with undetermined citizenship residing in Estonia have the **right to benefits for old-age, incapacity for work, loss of a provider and disability**.

*A person who is rendered partially or totally incapable of working due to an accident receives a monthly pension from the state. They also have the right to apply for medical rehabilitation services. Elderly people receive a monthly pension from the state, and they are also able to make use of day centre services or take up a place in a nursing home. The payment of pensions and benefits in Estonia is the responsibility of the Social Insurance Board, whose website is located at [www.ensib.ee](http://www.ensib.ee).*

*The state assists those in need in finding work. The Labour Market Board is designed to help job-seekers find work and to help employers recruit the workers they require. The Labour Market Board website is located at [www.tta.ee](http://www.tta.ee).*

Everyone in Estonia has the right and responsibility to obtain an **education**. Children are obliged to attend school until they complete their basic education or until they turn 17. Those who are 17 or older but whose education only extended to the 6th or 7th grade are able to continue their studies in classes at vocational schools.

In accordance with Section 50 of the Estonian Constitution, national minorities have the right to **cultural autonomy**, i.e. they have the right to form cultural governments. Historical tradition means that cultural governments can be established by the German, Russian, Swedish and Jewish minorities in Estonia, as well as any other minorities with more than 3,000 representatives in the country. To date the Finns and Swedes in Estonia are the only national minorities to have exercised their right to cultural autonomy. The Old Believers who live along Lake Peipus have also received support from the state. Sunday schools of 18 different nationalities operate in Estonia, and there are more than 200 cultural associations. The main aims of cultural governments include organising studies of national languages, arranging cultural events and forming national cultural institutions.

**Everyone has the right to obtain information designed for general use.** This means that all state agencies, local governments and their officials must provide information about their activities. The only data that may not be issued is that whose release is prohibited by law. Such data includes state secrets and information about the private lives of other people.

Everyone has the right to submit letters and applications to state agencies, local government institutions and their officials in order to obtain information. They are obliged to respond to written applications and correspondence, generally within 30 days. If a person requests information that is already publicly available (e.g. a document which is not confidential) it must be provided to the person within five working days.

*State agencies, local government institutions and other public authorities may also be contacted by telephone or e-mail.*

**Everyone has the right to appeal to a court if their rights and freedoms are infringed.** Everyone can demand that an individual or state agency compensate them for any damage caused. Attentive people can also approach the courts if they see that another person's rights or freedoms have been infringed. In this case they require the authority of the person in question. People must be particularly attentive and responsive to any infringement of the rights and freedoms of children. In such a case people should immediately contact their local child protection official.

A fair trial necessarily involves a person's **right to be present at a hearing of their case.** The defendant must be aware of the charges laid and evidence collected against them. Trials are normally public and anyone may attend them. Court rulings are generally handed down publicly.

### ***The rights of Estonian citizens***

In accordance with the Constitution, certain rights are reserved for citizens of Estonia. Many of these are political rights. Political rights are those which enable citizens to participate in the running of the state.

The **most important right granted to Estonian citizens is the right to vote** in parliamentary elections and referenda.

The right to **run for parliament** is also granted solely to Estonian citizens. This is because citizens are responsible for maintaining constitutional order and Estonia's sovereignty.

Estonian state policy is determined by its political parties. As such, the **right to belong to a political party** is also reserved for Estonian citizens. However, since Estonia joined the European Union this right has been extended to citizens of other member states. The objective of political parties is to exercise authority within the state; it is therefore logical that only those people who are bound to the state should exercise such power through the parliament and the government.

Estonian citizens enjoy the **right to live in Estonia** at any time. Many Estonians who fled the country during World War II have exercised this right and returned to their homeland.

Estonian citizens **cannot be deported.** In certain countries the government may extradite an Estonian citizen who is suspected of committing a crime to another country. This can only occur if the country in question has a bilateral agreement to this effect with Estonia.

Only Estonian citizens have the right to join the police force

Estonia **defends the rights of its citizens abroad**. Estonian embassies will assist citizens in returning to Estonia who have encountered difficulties while travelling or residing abroad. Where required, embassies will also provide assistance in such things as obtaining new travel documents, arranging tickets to return to Estonia and organising medical care.

*If an Estonian citizen encounters difficulties abroad, they have the right to obtain assistance from an Estonian representation, including a consulate or honorary consulate. It is therefore a good idea to look up the details of Estonian representations abroad before you begin your travels. Further information and contact details are available on the website of the Ministry of Foreign Affairs at [www.vm.ee](http://www.vm.ee).*

**The Constitution states that the right to work as state or local government officials is generally reserved for Estonian citizens.** However, such positions may also lawfully be filled by foreigners. For example, the Public Service Act allows citizens of other European Union member states to be employed as public servants. Positions which involve extensive responsibility and require strong ties and solidarity with Estonia are subject to a citizenship requirement set out in specific law. For example, judges, police officers, defence force officials and diplomats must be Estonian citizens. Other requirements may also be established for certain positions, such as relevant professional education.

It is the duty of all Estonian citizens to be **loyal to the constitutional order of Estonia and to defend Estonia's independence**. Male citizens are obliged to service in the defence forces by completing military service. Estonian citizens are liable to serve in the defence forces between the ages of 16 and 60.

## **CITIZENSHIP OF THE REPUBLIC OF ESTONIA**

Citizenship is a **bond between the state and its citizens**. It shows that someone is a member of a society, taking on responsibilities before the state and being granted rights in return.

For example, citizens are obliged to be loyal to their country, and in return the state grants its citizens the right to participate in making decisions with regard to matters of national importance.

There are two ways of obtaining Estonian citizenship: by birth or through naturalisation.

### ***Citizenship by birth***

Obtaining **Estonian citizenship by birth** is based on the widespread principle known in Latin as *jus sanguinis* (the 'right of blood'). By this right a child is granted the same citizenship as its parents regardless of the country it is born in. In order to obtain Estonian citizenship by birth, it is sufficient for one or both of the infant's parents to be Estonian citizens at the moment of the infant's birth.

Estonian citizenship is also connected to the principle of the continuity of Estonian statehood. This means that the Republic of Estonia that exists today is the legal successor of the republic founded in 1918, and the same principle applies to citizenship. As such, individuals who were Estonian citizens as of 16 June 1940 automatically have Estonian citizenship, as do their descendants.

*Current Estonian president Toomas Hendrik Ilves was born in Sweden and spent a large part of his life outside of Estonia, primarily in the United States and Canada. However, he was granted Estonian citizenship automatically by birth. That is why he was able to run for the presidency.*

## **Citizenship through naturalisation**

People can also become Estonian citizens through **naturalisation**. Naturalisation is the name for the legal process of granting citizenship.

*Almost 150,000 people have been granted Estonian citizenship through naturalisation since the restoration of the country's independence. The majority of these have been former citizens of the Soviet Union who had no citizenship until they were naturalised in Estonia (i.e. they had undetermined citizenship up to this point). The second largest group is former citizens of the Russian Federation. However, people from countries as far afield as Bangladesh, Indonesia and Uzbekistan have also applied for Estonian citizenship.*

The conditions for naturalisation are set out in the Citizenship Act and are largely similar to those in most other countries. These conditions were established so that new citizens can play as active a role in life in Estonia as possible, since it is difficult to get by in the country without an awareness of Estonian language, laws and customs.

People who wish to independently apply for Estonian citizenship must be **at least 15 years of age**. They must also have **lived in Estonia** on the basis of a residence permit or with residential rights **for at least eight years**, the last five of which permanently. At least 183 days per year is considered to be permanent residence in Estonia for the purposes of applying for citizenship.

Applicants for citizenship must also **be able to speak Estonian** to the level required in everyday life and have knowledge of the law so that they are aware of their rights and responsibilities as citizens. That is why applicants not only have to pass a language examination but also the **examination on the Constitution and Citizenship Act of the Republic of Estonia**.

Applicants' Estonian language skills and awareness of the law are tested in these two examinations. They are organised by the National Examination and Qualification Centre. Further information is available from the centre's website at [www.ekk.edu.ee](http://www.ekk.edu.ee).

The National Examination and Qualification Centre also offers pre-examination consultations. Attending these consultations and taking the examinations is free of charge.

School students can fulfil the language requirement of the citizenship application process through their final basic or secondary school examinations. Students who earn at least 60 points on their final or national examination in Estonian as a second language are issued not only a certificate for that examination but also one recognising their Estonian language skills. Students who have obtained basic, secondary or higher education in Estonian do not have to take the language examination in applying for citizenship.

People who are unable to take the examinations for health reasons are partially or fully exempted from having to do so. People born prior to 1 July 1930 only need to take the oral part of the language examination.

*Applicants for citizenship who pass both the language examination and the examination of their awareness of the law have the right to apply to the National Examination and Qualification Centre for the reimbursement of any tutorial costs they incurred in learning Estonian. Such applications must be lodged within three months of taking the final citizenship examination.*

Applicants for citizenship must have a **fixed, legal income** which provides for the upkeep of the applicant and any of their dependents. The state wants to be sure of the financial status of its future citizens. Applicants must therefore provide evidence of a fixed, legal income. This can be a salary, income from business operations, a pension, a grant or other form of support, as well as state assistance such as unemployment benefits or child allowance. Applicants must also have a **registered home address in Estonia** so that the state can contact its future citizens if required.

Applicants for citizenship must be **loyal to Estonia**.

There are no specific requirements with regard to loyalty. At its most general, loyalty means that a person recognises and respects the constitutional order of Estonia and obeys the laws of the country.

Course for citizenship applicants

For example, citizenship is not granted to people who conceal information about themselves or present false information when applying. Nor is citizenship granted to people who have received sentences of more than one year's imprisonment which have not yet expired or who have been repeatedly punished for intentionally committed criminal offences. Working for the espionage or security organisations of foreign states is also considered to be a breach of loyalty. The granting or restoration of citizenship may also be denied if the applicant has served in a foreign army.

In order to affirm their loyalty, applicants for citizenship must **swear the oath of allegiance**: "In applying for Estonian citizenship, I promise to be loyal to the constitutional order of Estonia."

Estonian citizens cannot simultaneously be citizens of any other country. This means that if an Estonian citizen wishes to obtain the citizenship of another country, they must first apply to rescind their Estonian citizenship. Similarly, Estonian citizenship cannot be granted through naturalisation until the applicant has rescinded their previous citizenship.

Sometimes infants can obtain dual citizenship through birth. For example, one parent may be an Estonian citizen and the other may be a Latvian citizen. In this case the child must decide within three years of turning 18 which citizenship to renounce: that of Estonia or the other country.

Nevertheless, many Estonian citizens have citizenship of several countries. This is not permitted by law but is still possible since **Estonian citizenship obtained through birth cannot be taken away from anyone**.

*Jaan Männik, the Chairman of the Supervisory Board of the Bank of Estonia, was born in Stockholm, but his parents were citizens of Estonia, and he was therefore born an Estonian citizen. He moved to Estonia after the country's independence was restored, in the meantime having obtained Swedish citizenship. He remains a citizen of both countries, since the Estonian citizenship he was granted by birth cannot be taken away from him.*

## ***Applying for citizenship***

Once all of the requirements for applying for citizenship have been met, applicants must go to an office of the Citizenship and Migration Board and complete an application setting out their wish to obtain citizenship. They must also complete a curriculum vitae, pay the state fee and submit all necessary documents. Citizenship and Migration Board staff can provide assistance in completing all documents, and information is also available on the board's website at [www.mig.ee](http://www.mig.ee).

The submission of this application is followed by a six-month naturalisation period. This is required to provide all applicants with sufficient time to consider their decision and, where required, to complete the documents and processes needed to renounce their former citizenship.

After this six-month period the applicant must again go to an office of the Citizenship and Migration Board and confirm their intention to obtain Estonian citizenship.

The documents are then sent to the Government, which decides whether citizenship will be granted. If the government approves the application, a certificate of citizenship is produced for the applicant which is then handed over at an official ceremony. After this the new citizen can apply for an Estonian citizen's passport and ID card.

*An official citizenship certification ceremony held at the Kadriorg Art Museum on 30 September 2008*

*Since 2008 all new citizens have been given the opportunity to receive their certificates of citizenship at official ceremonies. Once such ceremony was held in Kadriorg Art Museum on 30 September 2008, with president Toomas Hendrik Ilves handing over the certificates to the country's newest citizens.*

### ***Applying for citizenship for children***

A parent has the right to apply for citizenship for their child up to the age of 15. This can be done if the parent is already an Estonian citizen or if the parent is not a citizen of any country and the child was born in Estonia after 26 February 1992 and is not a citizen of any country. A parent also has the right to apply for citizenship for their child at the same time that they apply for citizenship for themselves.

In order to apply for Estonian citizenship for a child up to the age of 15 a declaration must be submitted to this effect to the Citizenship and Migration Board. Children do not need to take the language examination or the examination of awareness of the law in order to obtain citizenship.

### ***Citizenship for achievements of special merit***

Estonian citizenship may also be granted to a person for the services they have rendered to the state. Achievements in science, culture, sports and other areas are deemed to be achievements of special merit.

Proposals for the awarding of citizenship on this basis are made by the minister of the field in question, and the government then decides whether citizenship should be awarded. Citizenship on the basis of achievements of special merit cannot be awarded to more than ten people per year. This ensures that those who are granted it on such grounds truly stand out for their achievements.

*Citizenship for achievements of special merit was granted to businessman Rustam Aksenenko in 2007. His achievement comprised key investments as well as the archive of world-famous scientist Juri Lotman which he donated to Tallinn University in 2005 and which saw this unique cultural heritage remain in Estonia. Citizenship was also granted in the same year to Vjatšeslav Košelev, a recognised athlete who has successfully competed in international running events.*

## ***European Union citizenship***

Estonian citizens are also citizens of the European Union.

European citizenship comes in addition to national citizenship: it does not replace it. This means that European Union citizenship is not a form of citizenship in its own right, but an adjunct of citizenship of a specific member state. It is not possible to be a citizen of the European Union alone.

European Union citizenship grants people the **right to free movement**, i.e. the right to travel, live, work and study in any member state. Citizens of the European Union also have the right to stand and vote in elections for the European Parliament and in local elections in member states they are not citizens of but which they reside in on a permanent basis.

Citizens of the European Union have the right to obtain the protection of their state outside of Europe. This means that while travelling or living in a country in which Estonia has no diplomatic representation, citizens of the European Union can seek assistance from the diplomatic representation of any other member state of the union.

## **EXAMINATION ON THE CONSTITUTION AND CITIZENSHIP ACT OF THE REPUBLIC OF ESTONIA**

The Examination on the Constitution and Citizenship Act of the Republic of Estonia are organised by the National Examination and Qualification Centre. Taking the examination is free of charge.

You can register for the examination online via the state portal [www.eesti.ee](http://www.eesti.ee) or by sending an application on paper with a copy of your passport or ID card to the National Examination and Qualification Centre. Examinations are generally held once a month and are guaranteed to take place in Tallinn, Narva, Jõhvi and Tartu. (They may also be held in other towns and cities.) The examination is held at the same time and on the same day in all examination centres.

If you are unable to take the examination under normal circumstances due to health problems, you may take the examination to the extent and in the manner that your condition allows. To apply for special treatment or waiving of the examination requirement, submit the declaration form available online at [www.ekk.edu.ee](http://www.ekk.edu.ee) and a certificate from your attending doctor or specialist.

Prior to taking the examination on the Constitution and Citizenship Act of the Republic of Estonia, you can attend a **free consultation**. These consultations are public and may be attended by anyone who wishes to find out more about the content and format of the examination or to check whether they are ready to take it.

The examination is in written form and is composed of 24 multiple-choice questions. There is only one correct answer to each question, and this must be selected. The questions in the examination are given in Estonian.

The examination tests your knowledge of the following subjects:

- the general principles of public order in Estonia as set out in chapters I and III of the Constitution;
- the fundamental rights, freedoms and duties as set out in chapter II of the Constitution;
- the competence of the Riigikogu, the President of the Republic, the Government of the Republic and the courts according to the Constitution; and
- the conditions and procedure for the obtaining, restoration and loss of citizenship according to the Citizenship Act.

The examination includes questions on all four subjects. A new examination is produced every time an examination is taken. Sample questions can be found at the end of this booklet.

During the examination those taking it can refer to the Constitution and Citizenship Act in Estonian and use a dictionary. Legal texts and Estonian-English dictionaries are provided in the examination room by the National Examination and Qualification Centre. People taking the examination who require an Estonian-English dictionary should inform the National Examination and Qualification Centre of this in advance.

Forty-five minutes is provided to complete the examination. You pass the examination if you answer at least 18 out of the 24 questions correctly.

*If you pass the examination you are issued a certificate of completion of the examination on the Constitution and Citizenship Act of the Republic of Estonia.*

The National Examination and Qualification Centre will inform you of your result and how to collect your certificate in writing within 14 days of the date of the examination. Examination results can also be viewed on the state portal [www.eesti.ee](http://www.eesti.ee).

*To prepare for the examination you can view sample questions and other material on the National Examination and Qualification Centre website at [www.ekk.edu.ee](http://www.ekk.edu.ee). Further details about the examination are also available on this site.*

## SAMPLE QUESTIONS

1. **In whom is the supreme power of the state vested in the Republic of Estonia?**
  - The President of the Republic
  - The people\*
  - The Riigikogu
  - The prime minister
2. **At what age does a citizen become eligible to vote in parliamentary elections?**
  - 16
  - 18\*
  - 21
3. **How can Estonian citizens exercise the supreme power of the state?**
  - By introducing draft acts
  - By participating in protests and pickets
  - By voting in parliamentary elections and referenda\*
  - By running for parliament
4. **Who can stand for parliament?**
  - Only Estonian citizens\*
  - Citizens of Estonia and other member states of the European Union
  - All residents of Estonia
5. **When is a person deemed guilty of a crime?**
  - When the person is arrested
  - When the court case begins
  - When the guilty verdict of the court enters force\*
  - When the person fails to prove otherwise
6. **Who can appeal to the courts in Estonia if their rights are infringed?**
  - Generally only Estonian citizens
  - Generally only citizens of Estonia and other member states of the European Union
  - Everyone\*
7. **Who takes the decision to hold referenda on matters of national importance?**
  - The prime minister
  - The Supreme Court
  - The Riigikogu\*
  - The President of the Republic
8. **How often are ordinary parliamentary elections held?**
  - Every three years
  - Every four years\*
  - Every five years
  - This is not stated in the Constitution
9. **Who approves the state budget?**
  - The President of the Republic
  - The Government of the Republic
  - The Riigikogu\*
  - The people
10. **Who appoints the members of the Government of the Republic?**
  - The Riigikogu

- The President of the Republic\*
- The Chancellor of Justice
- The Supreme Court

**11. What term is the President of the Republic elected for?**

- Life
- 10 years
- 5 years\*
- 4 years

**12. How many members of parliament are there?**

- 101\*
- 100
- 51
- 50

**13. How does voting on draft legislation take place in the Riigikogu?**

- Publicly\*
- In secret
- This is not stated in the Constitution

**14. Who confers state awards and diplomatic ranks in Estonia?**

- The Riigikogu
- The President of the Republic\*
- The Prime Minister
- The Government of the Republic

**15. Who are the activities of a ministry led by?**

- The prime minister
- The President of the Republic
- The respective minister\*
- The State Secretary

**16. True or false? "A minister may be a member of parliament at the same time."**

- True
- False\*

**17. Who are the activities of the Government of the Republic led by and who represents the government?**

- The President of the Republic
- The Prime Minister\*
- A minister
- A chancellor

**18. What is the responsibility of the Riigikogu?**

- To prepare the draft state budget
- To approve the state budget\*
- To proclaim the state budget

**19. What is the function of the President of the Republic?**

- To proclaim laws\*
- To pass laws
- To administer justice

**20. What legal acts are issued by the Government of the Republic on the basis of legislation and for the fulfilment of legislation?**

- Directives

- Regulations and orders\*
- Legislation and directives

**21. Which is the highest court in Estonia?**

- The Supreme Court\*
- The County Court
- The Circuit Court

**22. Who decides whether to grant citizenship?**

- The Government of the Republic\*
- The Citizenship and Migration Board
- The President of the Republic

**23. Which of the following sentences is true?**

- Estonian citizenship may be granted to people for the services they have rendered to the state, but not to more than 10 such people per year.\*
- Estonian citizenship may not be granted to anyone on the basis of the services they render to the state.

**24. How old does a person have to be to independently apply for Estonian citizenship?**

- 15\*
- 16
- 18