

Today, President Toomas Hendrik Ilves signed the resolution not to promulgate Gender Equality Act, Equal Treatment Act, Republic of Estonia Employment Contracts Act, Local Government Organisation Act and Local Government Council Act Amendment Act passed by the Riigikogu on 19 February 2009.

The Head of State notes in his resolution that the Riigikogu Rules of Procedure Act and the Riigikogu Internal Rules Act were breached when said act was passed. This breach is not insignificant or purely formal, but the majority of the parliament failed to adhere to democratic rules of decision-making and good parliamentary practice.

“Therefore, subsection 1(1), section 102 and subsection 104(1) of the Constitution were breached when said Act was passed,” concludes President Ilves.

The Head of State says that the Government of the Republic initiated the draft of the Gender Equality Act, Public Service Act and Republic of Estonia Employment Contracts Act Amendment Act on 10 September 2008 and the draft contained no provisions about local government council elections. The Constitutional Committee added the relevant provision to the draft only before its second reading in the Riigikogu. This basically constituted the initiation of a new draft, because the objective of the added provisions is to regulate issues relating to the election of local government councils – issues that are in no manner associated with the objective of the draft submitted to the Riigikogu for processing.

President Ilves adds that the Constitutional Committee has failed to adhere to the rules prescribed with the Riigikogu Rules of Procedure Act and the Riigikogu Internal Rules Act that stipulate how drafts must be initiated and how they should thereafter be processed, and unfortunately most of the Riigikogu agreed with that. This means that at least some members of the Riigikogu have been deprived of the right to make proposals for amendments, the right to have their proposals for amendments discussed and put up for voting in the leading committee and the plenary assembly of the parliament.

“If the Riigikogu makes amendments to acts that concern the right to vote, the election system and the election procedure, then depriving some of the Riigikogu members of the important rights prescribed for them in the Riigikogu Rules of Procedure Act and the Riigikogu Internal Rules Act for taking part in the parliamentary legislative proceedings is particularly

condemnable in the context of the principle of democracy stipulated in the Constitution,” emphasises the Head of State. “The Constitution does grant the Riigikogu the right to regulate the issues associated with local government council elections, but it must be done in a manner that complies with the Constitution.”

President Ilves believes it is necessary for the Riigikogu to discuss the disputed Act again and to make it comply with the Constitution of the Republic of Estonia.

The resolution of the President of the Republic can be found [here](#) (in Estonian).

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