

President Toomas Hendrik Ilves, decided not to promulgate the law amending the Defence Forces Services Act and related acts, which was passed by the *Riigikogu* on 21st October 2009.

“According to the Constitution of the Republic of Estonia, any restrictions on fundamental rights must be specified by law. This requirement is also applicable to the regulation of the services in the Defence Forces. Therefore, any restrictions on fundamental rights required for the purposes of the Defence Forces and the terms and conditions for the implementation thereof must be established by law,” states President Ilves in his decision. “The planned amendments to the Defence Forces Services Act do not identify the restriction on fundamental rights; the general provisions, which are suggested instead of specific restrictions, represent a breach of the constitution.”

The purpose of the contested law was to give the defence forces a general right to restrict the rights of the conscripts instead of establishing specific restrictions.

According to the head of state, consenting with such a provision would mean waiving the constitution, therefore giving rise to a precedent, meaning that specific restrictions on fundamental rights would not have to be specified in any other law, as “an abstract provision, allowing any representatives of state authority to restrict the fundamental rights of individuals, if deemed necessary, would be sufficient in all the other spheres, too.”

“The principles of a state based on the rule of law do not allow for consent even with temporary resolutions, which may seem expedient and relatively harmless at the time they are adopted, yet conflict with the constitution,” President Ilves emphasised.

The President of the Republic considers it necessary for the *Riigikogu* to discuss again the law amending the Defence Forces Services Act and related acts, which were passed by the *Riigikogu* on 21st October 2009, and to bring them into conformity with the Constitution of the Republic of Estonia.

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