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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**



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**DRAFT CONSTITUTION OF UKRAINE<sup>1</sup>**

(Submitted by the Constitutional Commission of the  
Parliament of Ukraine after additional consideration  
as a result of public discussion)

27.05.1993

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<sup>1</sup> *Translation submitted by the Ukrainian authorities.*

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One House National Council (Vsenarodna Rada) (Option)

THE UKRAINIAN PEOPLE

- EXPRESSING their sovereign will,
- RELYING on the centuries of the history of Ukrainian national state building
- VALUING the insurance of the freedom and the natural rights of the individual dignity of life,
- STRIVING for the preservation and strengthening of social harmony
- FOSTERING the growth and development of civic society,
- DESIRING to live freely in a democratic, rule of law state,
- GUIDED by the Act of the Declaration of Independence of Ukraine of 24 August 1991, confirmed by the nation-wide referendum of 1 December 1991,
- CONSCIOUS of the responsibility before present and future generations
- ADOPT this Constitution and declare it to be the

**Fundamental Law of Ukraine.**

## PART I.

### GENERAL PRINCIPLES OF THE CONSTITUTIONAL ORDER

Article 1. The Constitutional order of Ukraine is based on the recognition of the individual, one's life and health, honor and dignity, inviolability and safety as the highest social value, and the priorities of one's rights and liberties.

The establishment and insurance of the rights and freedoms of the individual is the principle responsibility of the state.

The state is responsible to the individual and society for its actions.

Article 2. Ukraine is a democratic, rule of law and social state.

Article 3. Ukraine is a republic. All power in Ukraine belongs to the people.

The Ukrainian people, who consist of the citizens of Ukraine of all nationalities, is the only source of power and self-governance.

The power of the people (the sovereignty of the people) is exercised on the basis of the Constitution of Ukraine directly and through the system of state organs and the bodies of local self-governance.

State power is exercised under the principle of its division into legislative, executive, and judicial powers.

The unity of state power is guaranteed by the coordinated action of all powers.

Each power, in fulfilling its functions, acts within the set framework of the Constitution.

The National Council (Vsenarodna Rada) of Ukraine, within the framework of the Constitution of Ukraine, has the exclusive right to speak on behalf of the people of Ukraine.

No segment of the people, no political party, civic organization, any other grouping or individual person can appropriate the right to exercise state power.

Article 4. The Constitution recognizes and guarantees local self-governance. The relations between the bodies of state power and local self-governance are regulated by law.

Article 5. Election to state organs and the bodies of local self-governance, provided by the Constitution of Ukraine, are free, held regularly and on the basis of universal, equal and direct election rights by a secret ballot.

Voters shall be guaranteed the right to freely express their will.

Article 6. Ukraine adheres to the principle of the supremacy of law on which this Constitution is based.

The Constitution has the supreme judicial power. Norms of the Constitution are the norms of direct actions. Laws and other legal acts should not contradict the Constitution and constitutional laws of Ukraine.

The citizens of Ukraine exercise their rights in accordance with the principle "everything, that is not prohibited, is permitted."

The state bodies, bodies of local self-government, officials exercise their powers in accordance with the principle "only that, which is stipulated by law, is permitted."

Article 7. The state language of Ukraine is the Ukrainian language.

In areas of dense concentration of one or several national groups, along with the state language, one may also use, as an official language in state bodies, organizations and institutions, the accepted language of the majority of the population of the particular area.

Article 8. The state encourages the consolidation and development of the Ukrainian nation, its historic consciousness, traditions and cultures, the development of ethnic, cultural, language and religious identities of all the national minorities.

Ukraine fosters the satisfaction of the national-cultural, spiritual, and linguistic needs of Ukrainians, who are living beyond the borders of the state.

Article 9. Social life in Ukraine is based on the principles of political, economic, and ideological pluralism.

Equal right of citizens and public associations to participate in the affairs of the state and politics shall be guaranteed in Ukraine.

The law shall guarantee to all the equality of various forms of ownership, forms of entrepreneurship, and social orientation of the economy.

No ideology shall limit the freedom of convictions, opinions, and thoughts or be recognized as the official state ideology.

Article 10. The territory of Ukraine is one, inviolable, and indivisible.

Article 11. Ukraine recognizes the primacy of universal human values and respects universally accepted principles of international law.

The foreign policy of Ukraine is aimed at ensuring its national interests and security through the maintenance of peaceful and mutually beneficial cooperation with the members of the international community on the basis of strict adherence to the principles of respect for state sovereignty and sovereign equality; non-use of force or threat of force; inviolability of state borders and territorial integrity of the state; non-interference in internal affairs; respect for human rights and fundamental freedoms; cooperation between states; diligent fulfillment of international obligations; and peaceful settlement of disputes.

Duly ratified or adopted and officially published international treaties entered into by Ukraine shall comprise part of its legislation and are binding on all governmental organs, legal and physical persons.

Article 12. The citizens of Ukraine shall have the right to resist and oppose all who attempt to forcibly destroy Ukrainian statehood, the democratic constitutional order established by this Constitution, violate the territorial integrity of Ukraine or attempt actions aimed at seizing state power.

## PART II.

### RIGHTS, FREEDOMS AND DUTIES OF INDIVIDUALS AND CITIZENS

#### CHAPTER 1. GENERAL PRINCIPLES

Article 13. All people are born free and equal in their dignity and rights. Natural rights and freedoms of the individual are inalienable.

Article 14. The rights and freedoms of the individual and citizen, confirmed under this Constitution, are not exhaustive and constitute the basis for any other individual rights and freedoms.

Constitutional rights and freedoms cannot be revoked.

Article 15. The citizens of Ukraine have equal constitutional rights and freedoms and are equal before the law regardless of their origin, social and economic status, office, sex, race, nationality, language, religion, political and other convictions, occupation, or place of residence, participation in citizens' affiliations and other circumstances.

No one shall use benefits and privileges not established by law.

The exercise by an individual of one's rights and freedoms shall not violate the rights and freedoms of other persons.

Article 16. Everyone shall have the right to preserve and defend their national heritage.

#### CHAPTER 2. CITIZENSHIP

Article 17. A single citizenship is established in Ukraine.

A citizen of Ukraine may not be stripped of citizenship or of the right to renounce Ukrainian citizenship.

The grounds for acquiring and losing Ukrainian citizenship are defined by the constitutional law on citizenship of Ukraine.

Article 18. A citizen of Ukraine may not be expelled from its borders or extradited to a foreign state.

Article 19. Ukraine guarantees to its citizens care and protection beyond its borders.

Article 20. The legal status of foreign citizens and persons without citizenship, within the territory of Ukraine, shall be defined by law.

Foreign citizens and persons without citizenship may be granted political asylum.

### CHAPTER 3. CIVIC AND POLITICAL RIGHTS

Article 21. Every individual has an inalienable right to life and cannot be arbitrarily deprived of it.

The law shall protect the life of the individual from any illegal encroachments.

Each individual has the right to defend his or her life and the life of other persons by all legal means from any illegal encroachments.

Capital punishment, until its complete abolition, may be used in accordance with the law as an exceptional method of punishment for intentional murders and only by a verdict of the court.

Article 22. Every individual has the right to freedom, inviolability of person and respect for his or her dignity.

Arrest, detainment in custody, or any other restriction of personal freedom in any form whatsoever shall not be permissible except on the basis of a motivated decision of the court or procurator's sanction, which can be appealed to the court, and only in cases foreseen by law.

In urgent cases, conditioned by the necessity to prevent or stop criminal acts, authorized bodies may detain suspects and, within 24 hours, must notify a justice of the peace.

If the justice of the peace, within the next 24 hours, does not make a motivated decision to detain in custody, the detainee shall be immediately released.

Every detained or arrested individual must be informed immediately of the reasons for his or her detention or arrest and be advised of his or her rights.

Article 23. No one may be subjected to torture or cruel, inhuman or degrading treatment or punishment.

No individual may, without his or her free consent, be subjected to medical, scientific, or other experiments.

Article 24. Each individual is guaranteed the inviolability of dwelling. Invasion of the dwelling or other premises of an individual, and conducting of search and examination of it, is not permitted except by a motivated decision of the court.

In urgent cases, involving the direct pursuit of persons suspected of commission of a crime, or involving the rescue of life and property, other procedures may be established by law for the invasion of a dwelling or other premises of the individual or the search and examination of them.

Article 25. Every individual shall be guaranteed privacy of written correspondence, telephone conversations, telegram and other correspondence. Exceptions may be allowed only by decision of the court or by procurator's sanction in the attempt to prevent crimes or to determine the truth during investigation and review of criminal cases.

Article 26. Citizens of Ukraine are guaranteed freedom of movement and free choice of residency, except for limitations set by law in the interests of the protection of health, control of epidemics, natural disasters, and crime prevention.



Every citizen has the right to freely leave the territory of Ukraine and to return to it upon compliance with duties stipulated by law.

Article 27. No one shall be subjected to arbitrary intrusion into his or her private and family life.

It is not permissible to gather, keep, use or disseminate confidential information about any person without his or her consent.

Each individual shall be guaranteed judicial protection of his or her rights to disprove non-credible information and to seek compensation for material and moral damage caused by the publicizing or use of such information.

Article 28. Each individual has the right to freedom of thought, conscience and religion. This right includes the freedom to confess a religion, to change one's religion, and to exercise, individually or collectively, without any interference, religious cults and rites, and to conduct religious or atheistic activity.

It is unlawful to demand from the clergy disclosure of information obtained through the confessional.

No one shall be exempt from discharging one's duties to the state or shall refuse to obey laws on the basis of religious beliefs, except in performing military duty. In cases where the performance of military duty contradicts the religious beliefs of a citizen, this duty shall be replaced with alternative (non-military) service.

Article 29. Each individual has the right to freedom of speech, and free expression of views and convictions in any form.

Each individual has the right freely, regardless of state borders, to seek, obtain, record, preserve, use, and disseminate information in oral, written, printed or any other form of his or her choice.

Abridgement of this right shall be stipulated only by law and shall be only for the purpose of protecting state or other legally protected secrets as well as the rights and freedoms of other individuals.

Article 30. Every citizen has the right, in accordance with procedures established by law, to access information about oneself and to access any information in state organs and institutions, and local self-governance bodies, pertaining to one's rights and interests and which is not a state or other legally protected secret.

Article 31. Citizens of Ukraine have the right to freedom of association, for the realization and protection of their rights and freedoms, and the satisfaction of their economic, political, social, cultural, or other interests.

No one may be forced to join an association or have his or her rights abridged or gain privileges because of an affiliation or non-affiliation.

Citizens do not have the right to form associations in cases stipulated by Article 86 of this Constitution.

Article 32. Citizens have the right to freely elect and to be elected to appropriate state organs or local self-governance bodies on the basis of universal, equal, direct election rights by secret ballot.

Article 33. Each citizen has the right to participate in the consideration of social and state matters either directly or through his or her representatives elected to governing bodies. Direct participation of citizens in the administration of social and state affairs is realized by referendums, general discussions of draft legislation and of important questions of state and local affairs, participation in the work of local self-governance bodies, and by other methods stipulated by law.

Article 34. The right of the citizens of Ukraine to assemble peacefully without weapons and to conduct assemblies, rallies, marches and demonstrations is recognized.

State organs or local self-governance bodies shall be notified about the conduct of assemblies, rallies, and demonstrations held in public places.

The law establishes requirements for procedures for the realization of this right in order to ensure public order, security, rights and freedoms of other individuals.

Article 35. Every citizen of Ukraine, who has the right to vote, may exercise an equal right to hold state office and also offices in bodies of self-governance.

Qualifications and other requirements of candidates to the respective positions are established by law. Filling of these positions, as a rule, is carried out on a competitive basis.

Article 36. All have the right to send individual and collective written petitions to state organs, local self-governance bodies and to their officials, regarding proposals for improvement of their activity, and criticisms of shortcomings in their work.

State agencies, local self-governance bodies, and their officials, must review the petitions of citizens, give judicially motivated replies within periods prescribed by law, and take necessary measures regarding same.

Prosecution for criticism is punishable by law.

#### CHAPTER 4. ECONOMIC, SOCIAL, ECOLOGICAL AND CULTURAL RIGHTS

Article 37. Citizens of Ukraine have the right to private property, that is, right to own, use, and manage their property, means of production, natural resources, which belong to them pursuant to laws in effect, and the results of their intellectual work.

No one under any circumstances may be illegally deprived of his or her property.

The exercise of the right of ownership by citizens must not violate the rights of other individuals.

The inviolability of private property and the right of inheritance shall be guaranteed by law and secured by judicial protection.

Every individual has the right to protect his or her property by all legal means.

Article 38. Citizens of Ukraine have the right to use publicly-owned natural and other objects to meet their needs in accordance with the laws of Ukraine.

Article 39. Citizens of Ukraine have the right to entrepreneurial activity, not banned by law, and directed at obtaining profits.

The conduct of entrepreneurial activity is prohibited for deputies of the National Council (Vsenarodna Rada) of Ukraine, deputies of the Verkhovna Rada of the Republic of Crimea, oblast (land) radas, officials of state executive organs, local self-governance bodies, the judiciary, the procuracy, investigation service, security service, internal affairs, and military personnel.

Article 40. Citizens of Ukraine have the right to the work which they freely chose or agree to.

The state shall create conditions for the full employment of the able-bodied population and for equal opportunities for citizens to choose trades and occupations and shall realize programs of vocational training and re-training of workers.

Every employer shall secure working conditions which meet safety and hygiene requirements and are not harmful. Appropriate working standards are established by law.

The use of forced labor is prohibited. Military service, alternate non-military service, as well as work or service performed by an individual according to a court verdict, or in accordance to laws regarding a state of emergency or of war, is not considered to be forced labor.

Remuneration shall not be lower than the minimum level set by the state in consultation with trade unions and shall ensure a minimum living standard for an employee and his family which corresponds to the scientifically based physiological and social-cultural needs of the human being.

Each individual is guaranteed protection from unlawful dismissal from work and to material support not below the minimum living standard in case of unemployment caused by reasons beyond one's control.

Article 41. Citizens of Ukraine shall have the right to rest and leisure.

The maximum number of work hours and minimum time of rest as well as annual paid leave and also other basic provisions for realization of this right shall be stipulated by law.

Article 42. The right of employees to strike is recognized for the purposes of defending collective economic and social rights and interests of the citizens of Ukraine.

Strikes shall not be permitted if they directly endanger human lives and public health.

No one shall be forced to participate in a strike.

Any restriction of the rights, any persecution of an employee or any dismissal for the participation in a strike, held in conformity with the law, shall be prohibited.

Judges, personnel of the state administration, the procuracy, the preliminary investigation services, communication and transportation services, security services, internal affairs and military servicemen are prohibited from striking.

Article 43. Citizens of Ukraine shall have the right to social security in old age, in case of disease, full or partial disability, handicap, accident, loss of principle

wage earner, unemployment for reasons beyond their control and in other cases stipulated by law.

This right shall be guaranteed by mandatory state social insurance through insurance contributions by state and private institutions, budget or other sources of social security.

Pensions and other forms of social assistance, which are primary sources of existence, shall ensure living standards of individuals not lower than the minimum living standard established by law.

Article 44. Citizens of Ukraine have the right to housing.

The state and local self-governance bodies shall provide housing construction, encourage and support private housing construction, and create other conditions for the realization of the right to housing.

Individuals requiring social protection shall be provided with a dwelling free of charge or at rates affordable to them through government, municipal, or other housing funds in accordance with the norms set by law.

No one shall be deprived of housing illegally and only by court decision.

Article 45. Citizens of Ukraine have the right to health protection.

Health protection shall be provided by the governmental financing of the specific socio-economic, medical-sanitary and recuperative prophylactic programs, and the broadening of the network of state and municipal medical institutions and enterprises.

Private medical institutions are permitted to be formed in accordance with law.

In state and municipal health protection institutions, medical care is provided free of charge through budgetary allocations, insurance contributions and other sources.

Article 46. Citizens of Ukraine shall have the right to education.

General and free access to elementary, general secondary, and vocational secondary education in state and municipal educational institutions is guaranteed.

The level of compulsory education shall be set by law.

The state shall provide free of charge higher education for children from lower income families and orphans, and shall provide them with state scholarships.

Article 47. Every individual has the right to an environment, food supplies and household items which are ecologically safe for life and health.

The law guarantees each individual the right to free access to reliable information about the environment, living and working conditions, quality of food supplies and household items, as well as the right to dissemination of such information.

Concealment or intentional fabrication of information by officials regarding facts that may cause harm to human health is punishable by law.

Article 48. Citizens of Ukraine shall be guaranteed freedom of scientific, artistic, technological, lecturing or other creative activities and research, and general

access to reserves of national and world science and culture which are maintained by public funds.

## CHAPTER 5. GUARANTEES OF RIGHTS AND FREEDOMS

Article 49. Citizens of Ukraine shall be guaranteed equal protection under the law.

All rights and freedoms of persons and citizens are protected by the judiciary. Every individual has the right to respond by lawful means to violations of his or her rights and freedoms.

Article 50. The right of every individual to know his or her rights and duties is guaranteed. For this purpose, the state, in a term established by law, shall publish and make accessible all laws and normative acts.

Laws and other normative acts, which have not been publicized in due course, are deemed invalid and shall not be implemented or enforced.

Article 51. No one shall be forced to obey clearly criminal instructions or orders even under conditions of martial or emergency law.

The issuance or execution of obviously criminal instructions or orders shall carry legal accountability.

Article 52. Legal accountability of the individual has an individual basis. No one shall be prosecuted twice for the same offense.

Article 53. The principle of the presumption of innocence is guaranteed.

The individual shall be presumed innocent until his or her guilt is established through a legal procedure and is confirmed by a guilty sentence by the court which has the force of law.

No one must prove his or her innocence.

An accusation may not be grounded on illegally acquired evidence or suspicious. All doubts are interpreted in favor of the suspected, arrested or accused person.

No one may be subjected to criminal punishment by any means other than a court verdict.

If a court verdict is vacated as unlawful, the state must compensate those affected by the decision for material and moral damages.

Article 54. An individual bears no responsibility for refusal to testify or give a statement against himself or herself, or against a family member, or close relative, whose degree of relation is set by law.

A suspect accused or indicted, has the right: to a defense; an attorney or other qualified legal assistance; to become acquainted with those documents regarding his or her indictment and/or investigation; to confront those witnesses testifying against him or her; to subpoena witnesses, to call expert testimony; to become acquainted

with questions put to expert witnesses; to question expert witnesses; and to acquire written conclusions regarding them.

A suspect, accused or indicted, has also other guarantees set by law.

Article 55. An individual found guilty by a court is entitled to all rights of the individual and citizen, with the exception of those restrictions resulting from the sentence of the court and the laws which regulate its execution.

The state guarantees humane treatment of incarcerated individuals in places of detention and is responsible for their security.

Article 56. Law cannot be retroactive, except when it improves the situation or reduces or revokes the accountability of the individual.

No one may be prosecuted for actions which, at the time of their commission, were not recognized as offenses. If, after an unlawful act was committed, the penalty for it is repealed or mitigated by a new law, the new law applies.

Article 57. Every individual is guaranteed the right to appeal to a court those actions of state organs and local self-governance bodies, public associations and any officials, who violate or abridge his or her rights and freedoms.

Every individual shall have the right to compensation by the state or local self-governance bodies for material and moral damages caused by unlawful actions of state organs and local self-governance bodies or their officials in the course of their duties.

Damages, caused as a result of criminal attempts, are subject to compensation at the expense of the state in cases where the criminal is unidentified or insolvent.

Article 58. Everyone has the right to legal assistance. In cases set by law, this assistance is provided free of charge.

Every detained, taken into custody, or indicted individual has the right to use the services of a legal counsel from the moment of his or her detention, taking into custody, or indictment.

Article 59. Constitutional rights and freedoms shall not be restricted, except in cases stipulated by this Constitution and in laws adopted on its basis, with the aim of defending the rights and freedoms of other individuals, protecting health, and ensuring public security and social morality.

Such restrictions must be minimal and must correspond with the principles of a democratic society.

In cases of martial law or states of emergency, the rights stipulated by articles 24, 25, 26, 29, 34, 37, 38, 39, 40, 41 and 42 of the Constitution can be limited and restricted only for the time period and to the degree which is necessitated by the severity of the given situation.

## CHAPTER 6. PRINCIPAL DUTIES [OF THE INDIVIDUAL]

Article 60. Every individual must fully comply with the Constitution and laws of Ukraine and not make attempts upon the rights and freedoms, honor and dignity of other individuals.

Ignorance of the law does not exempt an individual from legal responsibility for his or her actions.

Article 61. The defense of the motherland is a duty of every citizen of Ukraine.

Citizens of Ukraine shall perform military service in accordance with the law.

Article 62. Every individual must pay taxes and duties according to procedures and amounts set by law.

Article 63. Every individual must not damage nature, historic and cultural heritage, historic and cultural monuments and must pay compensation for any damage to said.

### PART III.

## CIVIC SOCIETY AND THE STATE

### CHAPTER 7. GENERAL PRINCIPLES

Article 64. Civic society shall be based on the principles of freedom and equality of individuals, self-organization and self-regulation.

Article 65. The state shall be subordinated to serve civil society and will direct its activity to secure equal possibilities for all as a basis of social justice. The state shall serve civil society.

Legal regulation in civil society shall be achieved within the framework established by this Constitution and shall be directed to the insurance of interests of the individual.

### CHAPTER 8. OWNERSHIP

Article 66. Ownership in Ukraine shall be private and public.

Private ownership is held by individual citizens, their associations, and worker collectives.

Public ownership shall be state and municipal.

The law guarantees the social function of ownership.

For the purpose of ensuring universal state interests, the law shall establish the complete list of objects of ownership which may be the exclusive property of the state.

Article 67. In Ukraine, in accordance with the law, there may be ownership of objects by foreign states, their citizens and international organizations.  
The right of private ownership of land is granted only to citizens of Ukraine on grounds and within limits stipulated by law.

Article 68. The expropriation of private property can occur only as an exception in cases of social necessity and only by the state with prior and full reimbursement of the market value of the property.

The expropriation of private property, with subsequent full reimbursement of its market value, shall be allowed only under conditions of martial law or a state of emergency.

Confiscation of property may take place only in the case, scope, and manner specified by law and only in connection with the transgression of the law.

## CHAPTER 9. ENTREPRENEURSHIP

Article 69. The law guarantees freedom of entrepreneurship, agreements, and fair and non-excessive competition.

State organs shall not interfere in the direct economic activity of enterprises except in cases of martial law or state of emergency.

Article 70. The law shall guarantee the right of worker collectives to participate in the management of state and municipal enterprises, and shall create for such purpose necessary regulatory and other public (except political) organs and organizations.

Article 71. Monopolistic activity, directed at or resulting in the limitation or elimination of free competition and constitutes an abuse of a dominant market position, shall be prohibited.

Limits and forms of state monopoly shall be set by law.

Article 72. The state shall: protect the interests of consumers; support public methods of their protection; assert control over the quality and safety of products, and all types of services.

## CHAPTER 10. ECOLOGICAL SAFETY

Article 73. In Ukraine, the priority of ecology over economy is recognized. The state shall pursue an ecological policy aimed at ensuring ecological safety through reasonable use of nature, preservation of the environment and the genetic stock of the animal world and the promotion of ecological education of the population.

Article 74. In Ukraine, state ecological expertise shall occur and public and other types of ecological expertise shall be encouraged.



Consultation with ecological experts shall be mandatory in law making, drafting, entrepreneurial and other activities affecting the state of the environment.

Article 75. Any violation of ecological standards, concealment or distortion of ecological information shall be regarded as socially dangerous and shall be punishable.

## CHAPTER 11. THE FAMILY

Article 76. The law recognizes the family as the natural and principle social center of civic society.

Article 77. Marriage shall be based upon free consent of man and woman. Husband and wife have equal rights and obligations in family relations.

Article 78. The family, motherhood, fatherhood, and childhood shall be protected by law.

Article 79. Children are equal before the law regardless of their background, public status of their parents, as well as whether they were born in or out of wedlock.

Parents must support, raise, and ensure development of their children until the age of majority and in other cases stipulated by law.

Any force directed against a child and his or her exploitation is punishable by law.

Adult able-bodied children must take care of their disabled parents and provide for their material support.

All troubles, associated with the support, education, and development of orphans and children deprived of parental care shall be the obligation of the state. The state shall encourage and support civic charitable activities regarding those children.

## CHAPTER 12. EDUCATION, SCIENCE, AND CULTURE

Article 80. The state shall insure conditions for free, universal multi-faceted development of education, science and culture, familiarization with the spiritual heritage of the Ukrainian people, world culture and its development.

The law guarantees to all national minorities the right to: use and to study in their native language or to study their native language in state educational institutions or through national cultural societies; develop national cultural traditions; celebrate national holidays; profess their faith; create national cultural and educational institutions; and perform any other activities, in the national and cultural sphere, which do not contradict the law.

Article 81. State and municipal educational, scientific, and cultural institutions shall be independent of political parties, and other public associations, and shall have a global character.

Article 82. The state shall realize the necessary development of all forms of education and upbringing through the system of state and municipal and private educational and upbringing institutions.

The law shall stipulate the universal norms pertaining to the education and shall provide standardized certificates of education. The state shall implement control over adherence to these norms.

Article 83. The state shall ensure conditions for the development of fundamental scientific research and the development of academic personnel.

Article 84. The law shall protect historic and cultural monuments, regardless of who is their owner.

### CHAPTER 13. PUBLIC ASSOCIATIONS

Article 85. Public associations include: political parties, mass movements, labor unions, religious organizations, voluntary associations, foundations, associations and other non-profit public associations.

The activity of public associations is based on democratic principles, respect for constitutional rights and freedoms of their members and other individuals, and must satisfy the demands of openness and glasnost.

All public associations are equal under the law. No public associations shall have benefits and privileges which are not established by law.

Article 86. Creation and activity of public associations that pursue the goals of changing the constitutional order through force; establishment of a totalitarian regime and the dictatorship of any class or party; seizure of state power; violation of the territorial integrity of Ukraine; undermining its security; creation of illegal military formations; warmongering; violence; and incitement of national, racial, or religious hatred; encroachments upon individual rights and freedoms, health and social morality shall be prohibited.

Public associations may be banned and dissolved only through judicial procedure.

Article 87. Parties and other political associations of citizens shall facilitate the expression of the political will of the people, and shall participate in elections.

The creation and activity of any structural subdivisions of political parties in state organs and local self-governance bodies (with the exception of political factions in the National Council (Vsenarodna Rada) of Ukraine and in local self-governance bodies), military formations, as well as in enterprises, institutions, organizations and educational establishments shall be prohibited.

The decisions of public associations are not mandatory for the population, state organs and local self-governance bodies.

Article 88. Labor unions shall be formed to defend the economic and social rights and interests of workers.

Labor unions carry out their activity at enterprises and institutions regardless of the form of ownership.

Article 89. The law shall defend the right and interests of religious organizations.

All beliefs, religious organizations and confessions, are equal under the law. Establishment of any privileges or restrictions upon any particular religion, belief, religious organization or other confession is not permitted.

## CHAPTER 14. FREEDOM OF INFORMATION

Article 90. Freedom of information is guaranteed in Ukraine. The law guarantees equal rights and opportunities to access information.

Article 91. Means of information are independent. Censorship of information is not permitted.

Founders of means of information may be individuals and legal entities. Monopolization of any form of information is not allowed.

Article 92. The information media shall have the rights to obtain any news from state organs, public associations, local self-governance bodies, enterprises, institutions, and organizations, and officials as well as accurate information on their activities.

The information media should truly and realistically present events and fairly reflect diverse points of view about the events.

The use of the mass information media for: dissemination of information, which constitutes state or other legally protected secrets; for appeals for the overthrow of the constitutional order or the seizure of power; violation of the territorial integrity of Ukraine; warmongering; violence; incitement national, racial, or religious hatred, encroachment upon human rights and freedoms and social morality shall be prohibited.

Article 93. Any obstacles to legal professional activities of journalists and other workers of the information media shall be prohibited.

Forcible suspension of the activity or liquidation of the mass information media shall occur only by a court procedure.

PART IV.

DIRECT EXERCISE OF THE POWER OF THE PEOPLE

Article 94. The basis of the power of the people in Ukraine shall be the sovereign will of its people, which is freely expressed through referendums, elections, exercise of the people's legislative initiative and other forms of direct democracy.

Article 95. The right to participate in referendums and elections belongs to citizens of Ukraine who have reached the age of 18 years at the time of the holding of the referendum or election.

Citizens, declared incompetent by a court, shall not have the right to vote.

Article 96. Referendums and elections shall be called by the National Council (Vsenarodna Rada) of Ukraine, the Verkhovna Rada of the Republic of Crimea, Oblast (land) Rada and local self-governance bodies on their own or on the people's initiative in accordance with the constitutional laws on referendums and elections.

An All-Ukrainian referendum shall be called upon the demand of no less than two million citizens of Ukraine who are eligible to vote or by no less than half of the deputies of each chamber of the National Council (Vsenarodna Rada).

In the case stipulated by Article 146 of this Constitution, the referendum is called by the President of Ukraine.

Oblast and regional referendums shall be called upon demand of no less than one-tenth of the citizens of Ukraine, who are eligible to vote and who permanently reside in the particular territory and have the right to vote, or upon demand of no less than half the deputies of the oblast rada or of council members of local self-governance bodies.

Article 97. Questions regarding territorial changes of Ukraine and joining international unions shall be decided exclusively by an all-Ukrainian referendum.

Oblast (land) and local referendums shall be mandatory to resolve questions regarding changes in administrative and territorial composition and to rename administrative units.

Organization of referendums on the questions of establishment of prices, taxation, governmental budget expenditures, appointments and dismissals of government officials, declaration or suspension of a state of emergency or of martial law, as well as

issues regarding judicial power shall not be allowed.

Article 98. The electoral process is realized on the principles of:

1. free and equal nominations of applicants and candidates;
2. glasnost and openness;
3. absence of prejudice to the candidates by the state organs, institutions and organizations, local self-governance bodies;

4. equal opportunities for all candidates to conduct elections campaigns;
5. freedom of campaigning
6. control over sources of financing and over expenditures of the election campaign.

Article 99. The people shall exercise legislative initiative by the submission to the National Council (Vsenarodna Rada) of draft legislation.

Draft legislation is submitted on behalf of no less than three hundred thousand citizens with the right to vote.

Draft legislation concerning changes and amendments to the Constitution shall be submitted on behalf of no less than one million citizens with the right to vote.

## PART V.

### THE NATIONAL COUNCIL (VSENARODNA RADA) OF UKRAINE

Article 100. The body of legislative power in Ukraine is the National Council (Vsenarodna Rada) of Ukraine.

Article 101. The National Council (Vsenarodna Rada) is authorized to decide any matters of state of Ukraine, except those which are decided exclusively by an All-Ukrainian referendum or which are mandated by this Constitution to the authority of the President of Ukraine, Government of Ukraine, other state bodies, the Republic of Crimea, or local self-governance bodies.

### CHAPTER 15. COMPOSITION AND FORMATION OF THE NATIONAL COUNCIL (VSENARODNA RADA)

Article 102. The National Council (Vsenarodna Rada) is comprised of two chambers<sup>1</sup>: the State Rada and the Rada of Territories, which are permanent acting bodies.

Article 103. The State Rada, consisting of two hundred deputies, shall be elected for a term of five years from constituencies of approximately equal size.

Any citizen of Ukraine who has the right to vote, has attained the age of twenty-five years at the date of the polling, and permanently resides on the territory of Ukraine may become a deputy of the State Rada.

Article 104. The Rada of Territories shall consist of deputies who are elected from constituencies for a term of five years on the basis of equal representation -

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<sup>1</sup> (See the option of a one-chamber National Assembly in the annex)

three deputies from each oblast (land), Republic of Crimea, city of Kiev (*option: and city of Sevastopol*).

Any citizen of Ukraine who has the right to vote, has attained the age of twenty-five years at the date of the polling, and has resided in the territory of the constituency for at least 5 years may become a deputy of the Rada of Territories.

Article 105. The Deputies of the National Council (Vsenarodna Rada), represent the people of Ukraine, and are accountable to the voters.

No one may simultaneously be a deputy of both chambers of the National Council (Vsenarodna Rada) or have any other representative mandate.

Article 106. Deputies of the National Council (Vsenarodna Rada) shall perform their functions on a permanent basis. They must resign from their previous place of work for the duration of their deputy's mandate.

Deputies of the National Council (Vsenarodna Rada) are prohibited from conducting entrepreneurial activity or performing any other activity for remuneration except for scientific or lecturing activities and other creative activity.

Other disputes regarding deputy mandates are determined by the Constitutional law "On the status of a deputy of the National Council (Vsenarodna Rada)".

Article 107. The deputies of the National Council (Vsenarodna Rada) enjoy parliamentary immunity.

They shall bear no legal responsibility for their votes and statements in the National Council (Vsenarodna Rada) and its bodies except in cases of accusations of slander and insult.

Deputies have the right not to bear witness against persons who entrusted them, as a deputies, with any facts, and also not to reveal these facts.

The powers of the deputies of the National Council (Vsenarodna Rada) may not be abridged even by the introduction of martial law or state of emergency.

Deputies of the National Council (Vsenarodna Rada) may not be indicted, arrest, or subjected to administrative sanctions imposed by courts without prior consent of the respective chamber.

Appeals for stripping a deputy of the National Council (Vsenarodna Rada) of his or her parliamentary immunity shall be made to the respective chamber by the Procurator General of Ukraine or the Chairman of the Supreme Court of Ukraine.

Article 108. The mandate of a deputy of the National Council (Vsenarodna Rada) may be terminated simultaneously with the expiration of the mandate of the chamber to which he or she is elected, or in case of his or her death.

Premature termination of the mandate of a deputy of the National Council (Vsenarodna Rada) according to the decision of the corresponding chamber may be ordered in the following cases:

1. resignation by issuance of one's personal statement;
2. non-performance of a deputy's mandate duties, for over two months, without valid excuses;

3. conviction by a court sentence directed against one which has come into force;
4. declaration by a court of incompetence or status as a missing person;
5. one's loss of Ukrainian citizenship or permanent change of one's residence outside the borders of Ukraine;
6. one's recall by the electorate.

A decision of the chamber on the pre-term termination of the mandate of a deputy of the National Council (Vsenarodna Rada) may be appealed to the Constitutional Court of Ukraine.

## CHAPTER 16. POWERS AND ORGANIZATION OF THE WORK OF THE NATIONAL COUNCIL (VSENARODNA RADA)

Article 109. The National Council (Vsenarodna Rada) shall introduce changes and amendments to the Constitution of Ukraine subject to their approval by an All-Ukrainian referendum.

The National Council (Vsenarodna Rada) of Ukraine shall enact constitutional laws of Ukraine, which are foreseen by Articles 17, 97, 106, 141, 157, 169, 183, 184, 194 of this Constitution as well as other laws of Ukraine, shall introduce changes and amendments to them, and shall officially interpret them.

Article 110. The Constitution and laws of Ukraine have exclusivity over the following matters:

1. the rights and freedoms of individuals and citizens, guarantees of these rights and freedoms;
2. citizenship, legal rights of citizens, status of foreigners and persons without citizenship;
3. the principle duties of individuals and citizens;
4. rights of national minorities;
5. status of languages;
6. demographics, migration (including immigration and emigration) policies;
7. principles of budgetary, financial, price, credit, tax and investment policies; principles for establishing a taxation system; types of taxes, duties and mandatory payments; taxpayers and objects of taxation; currency, assaying, value and denomination of national coins, order and sanctioning of issuance of bank notes;
8. units of weight, size, and time;
9. principles and fundamental directions of foreign policy;
10. principles of the organization of defense, state security and provision of civil order;
11. principles of external economic and customs policy;
12. legal status of state borders;
13. principles of the Ukrainian state-territorial structure and basis of regional policy;
14. principles of the organization of local self-government;
15. establishment of free economic zones;

16. principles of the use of natural resources, exploration of space, organization and use of energy systems; air, maritime, river, rail, auto and pipeline transportation and communications;

17. legal status of ownership and protection of property rights;

18. general provisions and guarantees of entrepreneurship;

19. ecological policy and ecological standards;

20. principles of social policy, social security of citizens, marriage, family, protection of health, upbringing, education and culture; principles of scientific and technical policies;

21. principles of formation and activity of public associations and functioning of the mass media;

22. organization and procedure of elections and referendums;

23. organization and activities of the National Council (Vsenarodna Rada), legal status of the deputies of the National Council (Vsenarodna Rada);

24. principles of the organization and activities of the state executive bodies, general provisions of the civil service, and the collection of state statistics and information;

25. definition of crimes and administrative violations, determination of punishment for them and amnesty;

26. judicial system, court procedures, court expertise, procuracy, investigation and notary public; penal bodies and institutions; principles of the organization and activity of the advocacy;

27. methods of use and protection of the state flag, emblem and anthem; legal status of the capital;

28. legal regimes of martial law and state of emergency;

29. establishment of state awards and special titles.

Exclusive prerogatives of the National Council (Vsenarodna Rada) include the approval of first principles, codes and other codifying acts in all spheres of legislation, including corrections and additions.

The National Council (Vsenarodna Rada) may approve laws involving other issues within its jurisdiction.

Article 111. The National Council (Vsenarodna Rada) shall:

1. approve the state budget and report on its execution;

2. elect, appoint, and approve state officials in cases stipulated by this Constitution and the laws of Ukraine.

3. implement parliamentary control over executive power and local self-governance bodies by methods and within the scope stipulated by this Constitution.

4. ratify, adopt, approve, denounce or suspend international, intergovernmental treaties or decide Ukraine's adherence to them;

The National Council (Vsenarodna Rada) may carry out investigations and hold hearings on any matters relevant to state and public interests.

Article 112. The sessions of the National Council (Vsenarodna Rada) shall be organized in the form of joint and separate meetings of the State Council (Rada) and the Rada of Territories, their standing and ad hoc commissions.



Article 113. Joint sessions of the State Council (Rada) and the Rada of Territories shall be called for the following purposes:

1. the commencement and recessing of the National Council (Vsenarodna Rada);

2. to make changes and amendments to the Constitution and the constitutional laws of Ukraine;

3. to announce the decisions of the All-Ukrainian referendums;

4. ratification, adoption, approval, denunciation or suspension of international, inter-governmental treaties, or adoption of decisions regarding Ukraine's participation in such treaties;

5. to set the date of the election for the President of Ukraine, declaration of the act of election of the President and to administer the Presidential oath; or to recognize or reject the resignation of the President of Ukraine;

6. to announce the dissolution of the National Council (Vsenarodna Rada) or separate chambers and to set the date of regular or extraordinary elections to the National Council (Vsenarodna Rada) or its chambers;

7. approval of decisions regarding holding an All-Ukrainian referendum on the pre-term termination of powers of the President of Ukraine upon the demand of no less than two million voters or upon the initiative of National Council (Vsenarodna Rada) itself;

8. approval of the membership of the Cabinet of Ministers of Ukraine;

9. to hear the President's reports on the domestic and foreign state of Ukraine;

10. to appoint the Chairman, and 7 judges of the Constitutional Court of Ukraine; to administer oaths of the Chairman and the judges of the Constitutional Court of Ukraine; and to accept or reject the resignation of the Chairman, and judges of the Constitutional Court of Ukraine who are appointed by the National Council (Vsenarodna Rada); to appoint the Chairman and members of the Supreme Court, the Supreme Economic Court and the Procurator General of Ukraine;

11. to determine the structure, size, and procedure of use of the Armed Forces of Ukraine, National Guard of Ukraine, Security Service of Ukraine, and Border Guards of Ukraine;

12. proclamation of a state of war on the recommendation of the President and approval of the President's decision to use the Armed Forces of Ukraine and other types of military formations in case of armed attack;

13. approval of Presidential decrees which impose martial law and states of emergency in Ukraine or in specific localities, or impose total or partial mobilization;

14. to hold a second hearing of legislation vetoed by the President and to impose a parliamentary veto on Presidential decrees which contradict the laws of Ukraine;

15. to review the reports and proposals of joint ad hoc investigative commissions and chambers, and to discuss and adopt appropriate decisions;

16. to remove from office through the procedure of impeachment the President, Prime Minister, and officials who have been appointed, or approved by the Chambers of the National Council (Vsenarodna Rada) in cases of their criminal violation of this Constitution and laws of Ukraine;

17. adoption of resolutions, statements, declarations, and appeals;
18. to hear the answers and to adopt the decisions presented upon the request of the deputies of the National Council (Vsenarodna Rada) regarding issues which are being discussed at joint sessions of their chambers;
19. to hear the second reading of draft legislation, submitted by the arbitration commission of the chambers;
20. to pardon individuals sentenced by the courts of Ukraine in relation to the application of impeachment.

All other questions, pertaining to the authority of the National Council (Vsenarodna Rada), shall be decided, as a rule, at the separate sessions of the chambers.

Article 114. The State Council (Rada) and the Rada of Territories shall exercise legislative authority on the principle of equality; and authority over the issue of organizational and control activities based on the principle of division of such powers.

Each chamber can take into consideration any questions pertaining to the authority of the National Council (Vsenarodna Rada) except those which, according to Articles 115 and 116 of this Constitution, pertain to exclusive prerogatives of another chamber.

Article 115. The exclusive prerogatives of the State Council (Rada) shall be:

1. control in the sphere of the protection of human rights;
2. control over the implementation of the state budget and the activities of the National Bank and State Auditing Committee;
3. appointment and dismissal as well as acceptance of the resignation of the Chairman of the National Bank, the Chairman of the State Auditing Committee and State Comptrollers;
4. granting of preliminary consent to the appointment by the President of Ukraine of the Chiefs of diplomatic missions of Ukraine abroad and Chiefs of the missions of Ukraine to international organizations;
5. raising cases for the removal of the President of Ukraine from office according to the procedure of impeachment of the President, Prime-Minister and other officials appointed or approved by the National Council (Vsenarodna Rada).

Article 116. The exclusive prerogatives of the Rada of the Territories shall be:

1. adoption of the final decisions on questions of changes in the legal status of the oblasts (land) and the Republic of Crimea and of changes to their territories (enlargement, liquidation, etc.);
2. granting of consent for the change of borders between the oblasts (lands), and between the oblasts (lands) and the Republic of Crimea;
3. appointment of judges of oblast (land) courts and economic courts; removal of them from their positions, according to procedures of impeachment;
4. pre-term termination of the authority of particular oblast (land) Councils, bodies of local self-government on the recommendation of the President of Ukraine in cases of their violation of the Constitution, laws of Ukraine and Decrees of the

President and regulations of the Cabinet of Ministers of Ukraine; and the scheduling of new elections to them;

Article 117. Each chamber of the National Council (Vsenarodna Rada) shall meet for its first session no later than the thirtieth day after the elections.

The chamber is empowered if no less than four-fifths of the total number of its members have been elected as specified by this Constitution.

The chambers shall assemble for their regular sessions on the first Tuesday of February and the first Tuesday of September every year.

Extraordinary sessions or meetings of the chambers shall be convened by the Chairmen of the respective chambers on their own initiative or at the request of no less than one-third of the Constitutional membership of each chamber, or on a proposal of the President of Ukraine. Such sessions or meetings conclude their work after the agenda has been exhausted.

In the case of the introduction of martial law or a state of emergency in Ukraine or in certain areas of Ukraine, the chambers shall assemble within two days without formal convocation.

Article 118. Sessions of the chambers shall be lawful when no less than two-thirds of their Constitutional membership are in attendance.

The procedure for separate sessions of the chambers is established in accordance with the Rules of Procedure approved by the chambers; and joint sessions of the chambers are conducted in accordance with the Rules of Procedure of the National Council (Vsenarodna Rada).

Article 119. At its first session, each chamber shall elect a Mandate and Tallying Commission.

On the proposal of the Credentials Commission, each chamber shall adopt a decision on the recognition of credentials of the deputies or, in the case of violations of the laws on elections, a decision declaring the elections of the particular deputies void.

Disputes regarding the validity of deputies' mandates are resolved by the Constitutional Court of Ukraine.

Article 120. Joint and separate sessions of the chambers shall be held publicly and openly. For the conduct of a closed session, the decision of the chambers shall be required.

Voting at the sessions of the chambers shall be personal and shall be conducted openly if other procedures are not stipulated by the Constitution and Rules of Procedure.

Article 121. The State Council (Rada) and the Rada of Territories at their sessions shall adopt acts by majority vote of their respective Constitutional membership, except in cases stipulated by Articles 133, 152, 153, 229, 231 of the Constitution.

At joint sessions of the chambers, acts shall be adopted separately by each chamber.

Article 122. Each chamber shall elect from among its members a Chairman, Deputy Chairman, as well as Heads of the standing commissions of the chambers.

The Chairmen of the chambers shall:

1. assume general leadership in the preparation of the issues which are subject to consideration at the joint and separate sessions of the chambers, and sign acts approved by the chambers;

2. represent the chambers in relations with bodies and organizations within the state and abroad;

3. establish the secretariats of the chambers and organize their work;

4. administer budget allocations which are appropriated for the maintenance of the chambers;

5. conduct sessions of the chambers; joint sessions of the chambers are alternately headed by the Chairman of the State Council (Rada) and the Chairman of the Rada of Territories.

6. perform other functions stipulated by the Constitution and Rules of Procedure of the chambers and the National Council (Vsenarodna Rada).

Deputy Chairmen of the chambers perform functions stipulated by the Rules of Procedures of the chambers and their Chairmen.

Article 123. Each chamber shall create its own Presidium composed of the Chairman of the Chamber, who shall be the Chairman of the Presidium, Deputy Chairmen of the Chamber, Heads of the standing commissions and the Secretary of the Chamber. The Secretary of the Chamber is not appointed from the corps of Deputies.

The Presidium of the Chamber shall be the working body which reports to the chamber and ensures the co-operation between the chambers; organizes the work of the chamber and its bodies; and performs other duties stipulated by the Rules of Procedure of the chambers.

The function of the Chairman of the National Council (Vsenarodna Rada) shall be performed by the Chairman of the State Council (Rada) ex officio. He or she represents the National Council (Vsenarodna Rada) externally and performs other functions stipulated by this Constitution, and the Rules of Procedure of the National Council (Vsenarodna Rada).

Article 124. The Chambers shall create standing commissions from their membership and, if they deem necessary, ad hoc special commissions for the preparation and preliminary review of the questions within their competence.

The chambers may elect from their memberships joint or separate ad hoc investigative commissions for the conduct of investigations on any specified issues which are of social interest, if no less than one-third of the Constitutional membership of the chamber votes for their establishment.

Decisions and recommendations of the ad hoc investigative commissions shall not be binding on a court.

Article 125. Deputies of the National Council (Vsenarodna Rada) have the right to establish parliamentary groups in the chambers to facilitate the execution of their powers and to co-ordinate their positions on issues which are considered by the respective chambers and their bodies.

Article 126. The mandates of the National Council (Vsenarodna Rada) and of its chambers terminate on the day of the convening of the first session of the newly elected National Council (Vsenarodna Rada).

The mandate of the National Council (Vsenarodna Rada) or either of its chambers may be terminated before the expiration of its term in cases of:

1. self-dissolution;
2. the decision of an All-Ukrainian referendum on a no confidence vote in the National Council (Vsenarodna Rada) or one of its chambers;
3. the dissolution of the National Council (Vsenarodna Rada) by the President as stipulated by Article 152 of this Constitution.

Self-dissolution of the National Council (Vsenarodna Rada) or one of its chambers shall be conducted by a decision of the National Council (Vsenarodna Rada) or by the chamber concerned, if this decision is made with a vote of no less than two-thirds of the Constitutional membership of the National Council (Vsenarodna Rada) or the chamber seeking to dissolve itself.

An All-Ukrainian referendum on a no confidence vote in the National Council (Vsenarodna Rada) or one of its chambers shall be conducted in accordance with Article 96 of this Constitution.

If the All-Ukrainian referendum expresses no confidence in the National Council (Vsenarodna Rada) or one of its chambers, the National Council (Vsenarodna Rada) shall declare its self-dissolution or the dissolution of the respective chamber and shall schedule the date of election of the new National Council (Vsenarodna Rada) or chamber. The newly elected chambers shall have the mandate for the whole term stipulated respectively in Articles 102 and 103 of the Constitution.

In cases of dissolution of the National Council (Vsenarodna Rada) by the President, the date of the election of the new National Council (Vsenarodna Rada) shall be set by the President no later than two months after the dissolution of the National Council (Vsenarodna Rada).

## CHAPTER 17. LEGISLATIVE PROCESS

Article 127. The right to initiate legislation in the National Council (Vsenarodna Rada) shall be vested in the people, deputies, standing commissions, the President of Ukraine, the Cabinet of Ministers of Ukraine, and the Verkhovna Rada of the Republic of Crimea.

Draft legislation, submitted to the National Council (Vsenarodna Rada) of Ukraine at the initiative of the people, shall have priority for consideration.

The legislative initiative is exercised by introduction to the appropriate chamber a motivated proposal regarding the preparation of the draft legislation or the text of the draft legislation as well as the changes and amendments to them.

Article 128. Draft legislation submitted to the chambers shall be first reviewed by the appropriate standing or ad hoc special commission and then shall be submitted for consideration by the chamber. Consideration of the issue shall be organized in a manner to precisely determine the real will of the majority of its members.

Consideration and adoption of draft legislation by a chamber shall follow the procedure of:

- general enactment of the principal provisions; and
- enactment by article and in its entirety.

Article 129. A draft law, which requires a financial expenditure, shall be submitted to sessions of the chambers with the condition that it is accompanied with the necessary estimates by the State Auditing Committee and a study from the relevant standing commissions specifying the means of financing it.

Adopted legislation which requires new or additional funding shall include the means of financing it.

Article 130. A law, after it is discussed and voted on article-by-article and its entirety, is approved by the number of votes designated by Article 121 of this Constitution.

Article 131. After approval of draft legislation in its entirety by one chamber, it shall immediately be submitted to the other chamber for consideration. If the draft legislation is approved in its entirety by that chamber, or in the absence of a negative vote (veto) within a month, the legislation is considered adopted by the National Council (Vsenarodna Rada).

A veto by the chamber of a draft law requires the same number of votes required for the adoption of the respective draft law in its entirety.

In the case that draft legislation is adopted in its entirety by a chamber, but with changes or amendments to it, it shall immediately be returned to the chamber which adopted it initially. Acceptance of the changes or amendments, by the chamber which adopted the legislation initially, shall result in the enactment of the legislation by the National Council (Vsenarodna Rada).

To resolve the differences which result from the consideration of the draft law by the chambers, an arbitration commission of the chambers is established on the basis of parity. A draft law submitted to the arbitration commission shall be reviewed by a joint session of the chambers. If, during a joint session of the chambers, a draft law is not approved, it is considered rejected by the National Council (Vsenarodna Rada).

In the case of disagreement between the chambers, final decision regarding budgetary and financial matters is determined by a second round of votes by the State Council (Rada), and issues pertaining to a change of the legal status or the territories of the oblasts (lands) and the Republic of Crimea, are resolved by a second round of votes by the Rada of Territories.

Article 132. Ratification, approval, and confirmation of international, intergovernmental treaties or Ukraine's participation in them, and also the denunciation or suspension of them is accomplished by the adoption of the relevant resolution if no other procedure is specified by the treaty itself.

The draft resolution for ratification, approval, confirmation, denunciation, or suspension of international, intergovernmental treaties shall be prepared by the Rada of the Territories, having been duly discussed and approved in a general procedure.

Article 133. Legislation shall be signed by the Chairmen of the chambers of the National Council (Vsenarodna Rada) and shall be immediately sent to the President.

The President shall, accept it for implementation, endorse it with his or her signature and officially publish it within fifteen days from the date of reception. During this term, the President may exercise his or her right to veto the legislation and return it, with his or her proposals to the National Council (Vsenarodna Rada) for its second consideration.

If during the second consideration of the legislation, two-thirds of the Constitutional membership of each chamber votes on the legislation, the President must sign and publish it within ten days.

In the case when the President does not return the legislation for second consideration within the required time frame, the legislation shall be considered endorsed by the President.

In the case when the President exercises his or her right of veto after the recess of the session of the National Council (Vsenarodna Rada), an extraordinary session for second consideration of the legislation shall be immediately convened.

Legislation shall come into force ten days from its publication, unless the law itself contains a different provision, but nevertheless no earlier than that date.

## CHAPTER 18. BUDGET. FINANCIAL CONTROL

Article 134. The budgetary system of Ukraine shall comprise the state budget, the budgets of the oblasts (lands) and the Republic of Crimea, as well as the budgets of municipalities.

Article 135. The state budget of Ukraine shall be comprised of the revenues and expenditures of the state which shall be realistic, concretely itemized and balanced.

Expenditures of the state, their volume and their direction, shall be determined exclusively by the Law on the State Budget of Ukraine.

Legislation establishes the ceiling of the budget deficit. The absorption of the budget deficit at the expense of the issuance of money shall be considered as an exception and executed only on the approval of the National Council (Vsenarodna Rada).

The National Council (Vsenarodna Rada) may implement a new accounting of state revenues, may change previous revenues and may select new appropriations for the current budgetary year through a supplemental budget.

If the National Council (Vsenarodna Rada) adopts a budget in which expenditures exceed revenues, the Law on the State Budget shall specify sources and means of covering the deficit. The Law on the State Budget may not establish new taxes, fines or other payments not authorized by a special law.

The general principles of the formation and implementation of the budget of the oblasts (lands) and the Republic of Crimea as well as the budgets of municipalities are defined by the Law on the Budget System of Ukraine.

Article 136. The state budget of Ukraine shall be adopted annually for the term of 1 January to 31 December or, under special circumstances, for other terms.

The President, within the first fifteen days of the fall session, presents to the National Council (Vsenarodna Rada) a draft Law on the State Budget for the following year.

The draft budget shall be reviewed by the State Auditing Committee as well as the appropriate commissions of the chambers.

The Law on the State Budget, approved in accordance with the procedure provided for by Article 131 of the Constitution, shall enter into force on the first of January of the following year and shall not be subject to endorsement by the President.

The procedure of formation and adoption of the state budget shall be determined by law.

Article 137. The President shall submit to the State Council (Rada) an itemized report on the implementation of the state budget no later than three months after the conclusion of the reported year.

The submitted report shall be first considered by the State Auditing Committee and the appropriate commissions of the chambers of the National Council (Vsenarodna Rada). The report shall be adopted, having taken into consideration their conclusions, and must be published.

Article 138. Money circulation and settlement procedure shall be determined by the National Bank, which possesses the exclusive right to issue money.

The National Bank shall report to the State Council (Rada).

Article 139. Financial control of the implementation of the state budget is under the jurisdiction of the State Council (Rada).

The State Council (Rada) shall implement financial control directly as well as through the State Auditing Committee.

Article 140. The State Auditing Committee shall be a body of parliamentary control over the financial operations of the state and local self-governance bodies, the use of real and movable property, and other valuables of public ownership.

The State Auditing Committee shall be subordinate and accountable to the State Council (Rada).

Article 141. The State Auditing Committee shall be composed of State Comptrollers, appointed by the State Council (Rada), who shall be from among



specialists in the fields of finance and law; selected for a term of five years. The State Controllers shall comply with the conflict of interest rules as provided by Article 169 of this Constitution.

The State Auditing Committee shall be headed by the Chairman of the State Auditing Committee. The Chairman of the State Auditing Committee, his deputy ~~and the State Comptrollers~~ shall be appointed upon the nomination by the Chairman of the State Council (Rada) at a session of the State Council (Rada).

The State Auditing Committee shall be empowered, within the sphere of its competence, to carry out investigations with the same powers as the ad hoc investigating commissions of the chambers.

The organization, competence and rules of procedure of the State Auditing Committee shall be defined by constitutional law.

## PART VI.

### PRESIDENT OF UKRAINE

Article 142. The President of Ukraine is the head of state and acts on its behalf.

The President of Ukraine is elected by citizens of Ukraine on the basis of universal, equal and direct suffrage by secret ballot for a term of five years.

~~The procedure of elections of the President of Ukraine is established by the Law "On Election of the President of Ukraine".~~

A citizen of Ukraine, who has right to vote, is at least thirty-five years of age, has lived on the territory of Ukraine no less than 10 years, speaks the state language and is in good health, enabling him or her to fulfil presidential responsibilities, may be President.

The same person cannot be President for more than two consecutive terms.

The President cannot be a deputy of the National Council (Vsenarodna Rada), have other representative duties, hold any other post in state bodies, public associations or engage in other remunerative or entrepreneurial activity.

Article 143. The President assumes office from the moment he or she takes the oath of office during a joint session of both Chambers of the National Council (Vsenarodna Rada) no later than fifteen days after the official announcement of the results of elections.

The oath is administered by the Chairman of the National Council (Vsenarodna Rada).

The President shall take the following oath:

"I solemnly swear to the Ukrainian people to faithfully serve Ukraine, adhere strictly to the Constitution and laws of Ukraine, respect and defend the rights and freedoms of individuals and citizens, protect the independence of Ukraine, and conscientiously perform the important duties entrusted to me."

The President shall have parliamentary immunity as defined by Article 107 of the Constitution.

Article 144. The President:

1. shall be the guarantor of state unity and the independence of Ukraine; shall take steps to ensure defense readiness, national security and territorial integrity of Ukraine;

2. shall represent Ukraine in international affairs;

3. shall address the people and submit for review to the National Council (Vsenarodna Rada) annual reports on the domestic and foreign policies of Ukraine and the implementation of state programs;

4. shall have the right to veto laws approved by the National Council (Vsenarodna Rada) and return them for second review by the National Council (Vsenarodna Rada);

5. shall carry out the general leadership of the Cabinet of Ministers of Ukraine and shall direct its executive activities;

6. shall nominate the Prime-Minister of Ukraine and according to his or her request shall form the Cabinet of Ministers of Ukraine; shall submit for the approval of the National Council (Vsenarodna Rada) of Ukraine the membership of the Cabinet of Ministers of Ukraine; may dismiss Ministers and Heads of other bodies of state executive power from their positions;

7. shall appoint and dismiss, with the prior approval of the People's Council, Heads of diplomatic representations of Ukraine in other states, Chiefs of missions of Ukraine to international organizations and other appointed individuals specified by the Constitution;

8. shall direct the implementation of foreign policy, conduct negotiations and sign international treaties of Ukraine, accept credentials and letters of recall of accreditation of diplomatic representatives of foreign states;

9. shall be the Commander-in-Chief of the Armed Forces of Ukraine, shall preside over the National Security Council of Ukraine, shall appoint and dismiss the high command of the Armed Forces of Ukraine;

10. shall promote individuals to higher military and diplomatic ranks and other special ranks and positions;

11. in the event of a threat of attack on Ukraine or a threat to state independence of Ukraine shall make a decision on general or partial mobilization or imposition of martial law in Ukraine or in its separate areas; subject to confirmation by the National Council (Vsenarodna Rada) within two days;

12. shall make decisions, subject to confirmation by the National Council (Vsenarodna Rada) within two days of such decisions, regarding declaration of war and deployment of the Armed Forces of Ukraine in cases of military attack on Ukraine;

13. shall declare, if necessary, particular areas of Ukraine as ecological disaster zones, subject to confirmation by the National Council (Vsenarodna Rada) within two days of this decision;

14. shall declare, if necessary, a state of emergency in Ukraine or in its particular areas, subject to confirmation by the National Council (Vsenarodna Rada) within two days of this decision;

15. shall annul acts of ministers, directors of other central organs of the executive power and the Government of the Republic of Crimea in cases of their

inconsistency with the Constitution and the laws of Ukraine and the decrees of the President;

16. shall decide questions regarding the granting of citizenship or loss of citizenship of Ukraine, granting of asylum, deportation of foreign citizens and individuals without citizenship;

17. shall submit for review to the Rada of Territories, proposals on the pre-term termination of the authority of Oblast (land) Radas and individual organs of local self-governance, and the scheduling of new elections to them in accordance with Articles 201 and 212 of this Constitution;

18. may pardon individuals convicted by the courts of Ukraine, with the exception of individuals who were impeached;

19. shall grant state awards and present honorary titles of Ukraine; and

20. shall exercise other powers stipulated by this Constitution and laws of Ukraine.

Article 145. The President may not delegate his or her authority to other individuals or bodies.

For performing his or her duties, the President shall establish all necessary administrative, controlling, and consultative bodies within expenditure limits stipulated for the staff and maintenance of the state executive power.

Article 146. The President shall have the right to schedule an All-Ukrainian referendum regarding no confidence in the National Council (Vsenarodna Rada).

If in the referendum the people of Ukraine do not vote for no confidence in the National Council (Vsenarodna Rada), the National Council (Vsenarodna Rada) at a joint session can make a decision regarding the removal of the President of Ukraine from office within a two-week period after the official results of the referendum have been announced.

Article 147. The President, on the basis of the Constitution and laws of Ukraine and for their execution, within the limits of his or her powers, shall issue decrees and orders.

Article 148. The President of Ukraine shall perform his or her duties until a newly elected President assumes office.

The powers of the President shall be terminated before the expiration of his or her term of office in the following cases:

1) in case of violation of rules regarding conflict of interest between the role of President and other forms of activity, as stipulated by paragraph 6 of Article 142 of the Constitution;

2) acceptance of his or her resignation;

3) inability to perform his or her duties for reasons of health;

4) recall from office by the people through a no confidence vote expressed through an All-Ukrainian referendum;

5) removal from office through an impeachment procedure;

6) loss of Ukrainian citizenship or change of permanent residency to outside the borders of Ukraine;

7) a decision made by the National Council (Vsenarodna Rada) in accordance with paragraph 2 of Article 146 of this Constitution.

Article 149. The President's resignation shall be accepted and shall take effect on the condition that his or her resignation statement has been announced by him or her, has been considered at a plenary session of the National Council (Vsenarodna Rada), and has been accepted by a simple majority of votes of the constitutional membership of each chamber.

Article 150. The inability of the President to perform his or her duties for reasons of health shall be determined at sessions of the National Council (Vsenarodna Rada) on the basis of a written request of the Supreme Court of Ukraine, which is based on a medical diagnosis and a conclusion of a specially formed ad hoc parliamentary commission, and approved by a majority of votes of the constitutional membership of each chamber.

Article 151. A decision regarding the date of an All-Ukrainian referendum to recall the President, if demanded by at least two million voters, shall be adopted by the National Council (Vsenarodna Rada) by a majority of votes of the constitutional membership of each chamber.

Article 152. A decision to hold an All-Ukrainian referendum on the suspension of the powers of the President before the expiration of his or her term of office on the initiative of the National Council (Vsenarodna Rada) shall be adopted by a majority vote of no less than two-thirds of the constitutional membership of each chamber.

If, in the course of the referendum on the initiative of the National Council (Vsenarodna Rada), the people of Ukraine do not vote to recall the President, the National Council (Vsenarodna Rada) may be dissolved by the President within two weeks after the results of the referendum have been officially announced.

Article 153. In the event that the President of Ukraine criminally violates the Constitution or the laws of Ukraine in the performance of his or her duties, the case of his or her removal from office through an impeachment procedure shall be initiated by the State Council (Rada). The National Council (Vsenarodna Rada), at a joint session, shall adopt the decision to remove the President from office through an impeachment procedure by no less than a two-thirds vote of its membership as stipulated by the Constitution.

Article 154. In the event of death, suspension of the President's powers before the expiration of his or her term of office, or his or her removal from office in cases stipulated by Articles 148 or 153 of this Constitution, the Prime-Minister of Ukraine, by a decision of the National Council (Vsenarodna Rada), shall be authorized to perform the duties of the President pending the election and assumption of office by

a new President. The election of a new President shall be held no later than ninety days after the day the office becomes vacant. The newly-elected President has authority for the term stipulated by Article 142 of this Constitution.

## PART VII.

### CABINET OF MINISTERS

Article 155. The Cabinet of Ministers (Government) of Ukraine shall be the highest body of executive power of Ukraine.

The Cabinet of Ministers of Ukraine shall be subordinate to the President and shall be guided in its activities by his or her program and decisions.

The Cabinet of Ministers reports to the National Council (Vsenarodna Rada).

Article 156. The membership of the Cabinet of Ministers shall include the Prime-Minister, the deputy Prime-Ministers, ministers, and also the administrators of other bodies of executive power appointed by the President.

The President of Ukraine shall nominate the Prime-Minister and according to his recommendation shall form the Cabinet of Ministers of Ukraine.

The specific composition of the Cabinet of Ministers shall be approved during a joint session of the National Council (Vsenarodna Rada).

The newly-created Cabinet of Ministers shall submit for review, to the President and to the National Council (Vsenarodna Rada), its program of activity for its term of office.

The National Council (Vsenarodna Rada) may express no confidence in the Prime-Minister, individual members of the Cabinet of Ministers, or in the Cabinet of Ministers as a whole, which requires their resignation.

The decision of no confidence in the Prime-Minister, the Cabinet of Ministers as a whole or in individual members of the Cabinet of Ministers shall be adopted by a majority of votes of the Constitutional membership of each chamber.

The President of Ukraine, by his or her own initiative, may raise before the National Council (Vsenarodna Rada) the issue of confidence in the Government of Ukraine. If the Cabinet of Ministers does not obtain a confidence vote from the National Council (Vsenarodna Rada), it shall resign.

Article 157. The Cabinet of Ministers, within its competence, shall:

1. secure state sovereignty and economic independence of Ukraine;
2. develop and implement state programs of economic, social, and cultural development of Ukraine, as well as regional policy on these issues;
3. ensure the conduct of the financial, monetary, price, credit, and taxation policies of Ukraine; draft and execute the state budget of Ukraine; create state and other development funds, funds for elimination of the consequences of national disasters and catastrophes; conduct policy in the sphere of education, science and culture environmental protection, ecological safety, and use of natural resources;

4. implement necessary measures for ensuring the national security and defense readiness of Ukraine;

5. organize and ensure the implementation of foreign political and foreign economic activities of Ukraine, and of the customs system;

6. provide programs for the defense of the state interests of Ukraine, the security of the rights and freedoms of citizens, the protection of property and public order, and the war against crime;

7. unify and direct the work of the ministries, the Government of the Republic of Crimea, oblast (lands) state administrations, and other subordinate central and local bodies of state executive power;

8. shall execute other powers stipulated by the Constitutional law on the Cabinet of Ministers of Ukraine.

Article 158. The Cabinet of Ministers shall issue resolutions and orders. Acts of the Cabinet of Ministers shall be binding throughout the entire territory of Ukraine.

Article 159. The Prime-Minister shall directly administer the Cabinet of Ministers and its staff and shall control and co-ordinate the activities of the ministries and other bodies of state executive power.

Article 160. The Prime-Minister shall be directly answerable to the President, subordinate to him, and accountable before the National Council (Vsenarodna Rada).

The suspension of the President's authority shall result in the resignation of the Prime-Minister and the full membership of the Government.

The Government, which shall resign, shall continue to carry out its duties until the new Government is formed.

Article 161. The ministers and directors of other central bodies of executive power shall ensure development of their respective spheres of administration.

The ministers and directors of other central bodies of executive power shall issue orders and other acts, within the limits of their powers, on the basis and in pursuance of the Constitution and the laws of Ukraine, Presidential decrees, and acts of the Cabinet of Ministers.

A minister or director of other central bodies of executive power, whose activity has been declared unsatisfactory by the National Council (Vsenarodna Rada) or by either of its chambers, shall be subject to dismissal by Presidential decree.

Members of the Government have the right to participate in the sessions of the National Council (Vsenarodna Rada), its chambers, and its commissions.

Officials of the executive power shall answer, within twenty days, at sessions of the National Council (Vsenarodna Rada) or its chambers, the questions addressed to them by the deputies of the National Council (Vsenarodna Rada).

Article 162. Conflict of interest requirements established by Article 169 of this Constitution, shall apply to officials of the Cabinet of Ministers and to other bodies of state executive power.

## PART VIII.

### THE JUDICIARY

#### A. BODIES OF JUDICIARY

Article 163. Judicial power shall be exercised exclusively by the courts in the form of constitutional, civil, criminal and administrative judicial procedures. The seizure of judicial powers by any other body as well as the delegation of those powers shall not be permitted.

Judicial power is exercised on behalf of Ukraine.

Article 164. The judicial system of Ukraine shall consist of the Constitutional Court of Ukraine, general and economic courts.

The creation of extraordinary or special courts as well as special extra-judicial bodies empowered with judicial authority, shall be prohibited.

The organization, authority and the procedures of the courts shall be determined by constitutional laws.

Article 165. The Constitutional Court of Ukraine shall exercise judicial powers in the framework stipulated by this Constitution.

Article 166. The judicial power concerning civil, administrative, and criminal cases shall be administered by the general courts: justice of the peace; rayon (district), city, oblast (land) courts; the Supreme Court of the Republic of Crimea; and the Supreme Court of Ukraine.

Judicial review of the activities of the general courts shall be exercised by the Supreme Court of Ukraine.

Article 167. The settlement of economic disputes shall be administered by the courts of oblasts (lands), economic courts, the Kiev city economic court, the Economic Court of the Republic of Crimea, and the Supreme Economic Court of Ukraine.

Judicial review of the activities of the economic courts shall be exercised by the Supreme Economic Court of Ukraine.

Article 168. During the review of cases and the decision making process, judges shall be independent and shall be subordinate only to the Constitution and the law.

Judicial immunity shall be guaranteed by law.

Judges are irreplaceable. A judge, without his consent, can be dismissed from his position only on those grounds and according to those procedures stipulated by law.

The state shall provide the necessary conditions for the work of the courts and judges.

In the state budget it is mandatory that expenses for the support of judicial bodies are identified, which secure the material independence of judges and appropriate level of social protection of judges. The amounts of support expenses of judges can not be

changed without consent of the Constitutional Court of Ukraine, the Supreme Court of Ukraine and the Supreme Economic Court of Ukraine.

Article 169. Judges may not be members of political parties, movements, trade unions; may not participate in political activities; carry any kind of representational duties; or engage in any other remunerative activities, except scientific or lecturing activities.

The status of judges is determined by constitutional law.

Article 170. Justices of the peace, judges of rayon, district and city courts are elected by the people on the basis of direct, universal and equal suffrage by secret ballot for a term of 5 years.

Judges of the Supreme Court and Supreme Economic Court are appointed at the joint session of the Chambers of the National Council (Vsenarodna Rada).

Judges of oblast (land) and economic courts are appointed for life at the session of the Rada of Territories of the National Council (Vsenarodna Rada).

Judges of the Constitutional Court are appointed in accordance with Article 215 of the Constitution.

Article 171. Certification and Examination Commissions are established for the review of issues on the conduct of court hearings, imposition of disciplinary measures upon judges and termination of their powers.

The procedures for the formation of these Commissions shall be stipulated by law.

Article 172. Judicial power shall be executed by a judge individually, by a collegium of judges and by a jury.

A court's jurisdiction of cases and the procedures for the selection of jurors and their participation in execution of the judicial power shall be established by law.

Article 173. Review of cases in all courts shall be oral and open [public]. Review of cases in closed sessions shall be permitted only with compliance to all judicial procedures and only in cases where a court decides that open review can lead to disclosure of state or any other legally protected secrets or facts of private or family life of citizens. A decision of the court shall be made public.

Legal proceedings shall be adversarial and based on equality of parties.

Article 174. Legal proceedings are conducted in the state language. In places of dense concentration of one or several national groups, legal proceedings may be conducted in the language, spoken by the majority of the population of the particular locality.

Individuals, who participate in the case and who are not fluent in the language of the judicial proceedings, are guaranteed the right of full access to the materials of the case, participation in the court proceedings through an interpreter and the right to speak before the court in one's native language.



No one can be deprived of the right of review of a case by an [appropriate] court as stipulated by law.

Article 175. A court decision shall be motivated, unprejudicial, and based on thoroughly reviewed and objectively proven facts.

A court decision can be appealed through cassation [abrogation] and appellate procedures.

Court decisions, which have entered into force, shall be mandatory for all state bodies, enterprises, institutions, and organizations, local self-governance bodies, citizens and their associations, officials and other individuals and shall be enforceable throughout the territory of Ukraine.

Article 176. Material and moral damages caused by judicial error or by illegal actions of court bodies, the procuracy, or investigative and examination services, shall be reimbursed in full by the state in accordance with the law.

## B. THE PROCURACY

Article 177. The Procurator General of Ukraine and the procurators subordinate to him or her shall be responsible for:

1. the supervision of adherence to the Constitution and the laws of Ukraine of the legal acts and actions by bodies of state executive power and local self-governance;

2. the supervision of maintenance and securing of the rights and freedoms of citizens;

3. the supervision of adherence to laws by those bodies which carry out operational investigations, examinations and preliminary investigations;

4. the investigation of crimes relating to cases which fall within the competence of the organs of the procuracy;

5. the prosecution of state cases in the court;

6. the supervision of adherence to laws in places of execution of punishments as well as application of other methods of force; and

7. the defense of property and other interests of the state.

Article 178. The Procurator General of Ukraine shall be appointed at a joint session of the Chambers of the National Council (Vsenarodna Rada) of Ukraine on the nomination of the Chairman of the Rada of Territories for a term of ten years. The Procurators of the oblasts (lands), rayons (districts), and cities shall be appointed by the Procurator General of Ukraine for terms of ten years.

The Procurator of the Republic of Crimea shall be appointed by the Procurator General of Ukraine on the nomination of the Rada of the Republic of Crimea. Disagreements, lasting for more than three months, between the Procurator General of Ukraine and the Rada of the Republic of Crimea regarding issues about the appointment of the Procurator of the Republic of Crimea, shall be decided by the Rada of Territories of the National Council (Vsenarodna Rada) of Ukraine on the

nomination of alternative candidacies by the Rada of the Republic of Crimea and the Procurator General of Ukraine.

Article 179. The procurator, in the exercise of his or her powers, has the right to demand and obtain from any bodies, organizations and officials necessary documents and information.

Article 180. The Procurators and other officials of the procuracies are subject to the conflict of interest requirements stipulated by Article 169 of the Constitution.

The organization, authority, and procedures of the Procuracy of Ukraine shall be set by law.

## IX.

### TERRITORIAL STRUCTURE AND TERRITORIAL GOVERNANCE OF UKRAINE

#### CHAPTER 19. THE PRINCIPLES AND THE SYSTEM OF TERRITORIAL STRUCTURE

Article 181. Ukraine is a unified and unitary state. The territorial structure of Ukraine is based upon the principles of integrity of state territory, integrated socio-economic development and administration of its parts taking into account their economic, historic, geographic, and demographic peculiarities, ethnic and cultural traditions.

Article 182. The territorial organization of Ukraine shall be directed at securing the unification of state, regional and local interests.

Article 183. The system of territorial structure of Ukraine is comprised of the oblasts, (lands), the Republic of Crimea, cities, rayons, towns, and villages.

The status of cities, rayons, towns and villages in the Republic of Crimea is determined by constitutional law.

#### CHAPTER 20. THE REPUBLIC OF CRIMEA

Article 184. The Republic of Crimea has a special, legal status, which is stipulated by this Constitution, by the constitutional law of Ukraine and the Constitution of the Republic of Crimea.

The Constitution of the Republic of Crimea shall correspond to the Constitution and the laws of Ukraine.

Change of the legal status of the Republic of Crimea as well as of its territories is possible only with the consent of the Supreme Rada of the Republic of Crimea, if the majority of the population of the Republic of Crimea have voted in favor of such a decision through a consultative referendum.

The final decision on this issue shall be made by the Rada of the Territories of the National Council (Vsenarodna Rada).

Article 185. The Republic of Crimea, within its jurisdiction as stipulated by this Constitution and the constitutional law of Ukraine, independently decides issues regarding its authority, creates and determines procedures of action for its legislative and executive, as well as local self-governance bodies.

Article 186. Organs of state power of the Republic of Crimea shall function on the basis of the Constitution and the laws of Ukraine, Decrees of the President, decrees and resolutions of the Cabinet of Ministers, as well as their own authority.

Article 187. The Republic of Crimea, motivated by the socio-economic interests of developing its territory, upholding the fundamental legislation of Ukraine, state interests, as well as the interests of other oblasts (lands), shall have normative authority over following issues:

1. agriculture and forestry;
2. elementary education, crafts, and vocational training;
3. quarries and peat mines;
4. reclamation;
5. public works, public charity and charitable institutions, folk arts and crafts;
6. city construction and municipal housing;
7. tourism, hotel business, trade fairs and bazaars;
8. museums and local libraries;
9. local municipal and village militia;
10. public transportation, auto roads in the Republic of Crimea - republican), lake transportation and water supply;
11. hunting in the forests and fishing in the waters of the oblasts or Republic;
12. sanitary and medical service.

Article 188. The Republic of Crimea shall have administrative authority and control over the following issues:

1. property rights over objects which belong to the Republic of Crimea;
2. adoption of decisions regarding issues of territorial structure of the Republic of Crimea (establishment and changes of the borders among rayons, population centers, relationship of population centers to city categorizations, naming and renaming of cities, rayons, towns, villages) subject to prior approval by the Rada of the Territories;
3. organization and conduct in the Republic of Crimea, of republican elections and referendums;
4. granting approval of appointments of officials of those organizations and institutions directly subordinate to the central organs;

5. composition and adoption of the budget on the basis of a uniform tax policy of Ukraine and establishment of revenues which comprise the revenue aspect of the budget of the Republic of Crimea;

6. development and realization, in accordance with state programs, of programs for development of the economy of the Republic of Crimea; scientific-technical progress, programs of social and cultural development; environmental protection and reasonable use of the environment; and creation and functioning of free economic zones in accordance with the legislation of Ukraine;

7. designation of localities as resort areas, establishment of zones of sanitary protection of the resort areas and their legal status;

8. declaration of quarantines and natural disasters zones;

9. realization of state policies in the field of culture, development of language and national traditions, health protection, physical culture and sports, as well as use and preservation of historic and cultural monuments; participation in the development and realization of the programs of Ukraine in the sphere of demographic and migration policy;

10. maintenance of public order and public security;

11. participation (within its jurisdiction) in the relations of Ukraine with other states and international organizations;

12. establishment and formation of bodies of judicial power in compliance with the judicial system of Ukraine;

13. establishment of honorary titles of the Republic of Crimea and the implementation of other awards;

The President of Ukraine has representation in the Republic of Crimea.

The Representation of the President maintains control over compliance with the Constitution and laws of Ukraine, decrees of the President of Ukraine, resolutions and decrees of the Cabinet of Ministers of Ukraine.

The government of the Republic of Crimea has permanent representation in the capital of Ukraine.

Article 189. Constitutional law of Ukraine can provide delegation of additional powers to the Republic of Crimea.

The Republic of Crimea have full authority, except on the issues which are delegated to local self-governance bodies by the laws of Ukraine.

Article 190. The Republic of Crimea shall enjoy financial independence within limits stipulated by the laws of Ukraine.

The Republic of Crimea shall manage local taxes and collections, as well as allocations from state taxes, the amounts of which are determined in accordance with the needs of the Republic of Crimea.

The Republic of Crimea shall own property in compliance with the legislation of Ukraine.

Article 191. The Republic of Crimea have no right to establish custom duties for import or transit of goods. Any other measures which interfere with the free movement of individuals and property on its territory can not be introduced.

Article 192. The Republic of Crimea may conclude mutual agreements with oblasts (lands), barring political ones, on the condition of compliance with the laws of Ukraine.

Article 193. The legislative power in the Republic of Crimea belongs to the Verkhovna Rada of the Republic of Crimea.

The executive power in the Republic of Crimea belongs to the Government of the Republic of Crimea.

The powers, procedures of formation and activities of the Verkhovna Rada and the Government of the Republic of Crimea shall be stipulated by a constitutional law of Ukraine and by the Constitution of the Republic of Crimea.

In the sphere of its jurisdiction, the Verkhovna Rada of the Republic of Crimea shall adopt legislation, and the Government of the Republic of Crimea shall adopt resolutions and regulations, which require mandatory implementation on the territory of the Republic of Crimea.

## CHAPTER 21. OBLASTS (LANDS)

Article 194. Oblasts (lands) shall independently resolve issues within their jurisdiction as granted to them by the Constitution and laws of Ukraine.

The legal status of oblasts (lands) is stipulated by this Constitution and the constitutional law of Ukraine.

A change in the legal status of oblasts (lands), as well as their territories, is only possible upon the request of the oblast (land) Councils, if the majority of the voting population of the respective oblast (land) have voted in favor of such a decision through a consultative referendum.

The final decision on this issue shall be made by the Rada of Territories of the National Council (Vsenarodna Rada).

Borders between oblasts (lands) and the Republic of Crimea can be changed by agreements between them, with the consent of the Rada of Territories.

Article 195. Oblasts (lands) implement normative regulations, as well as administrative and controlling powers within the limits and on conditions specified for the Republic of Crimea in Articles 187 and 188, with the exception of points 11-13 of Article 188 of this Constitution and issues delegated to the local self-governance bodies by the laws of Ukraine.

In addition, other powers can be granted to oblasts (lands) by the constitutional law of Ukraine.

The rights and duties stipulated by Articles 190-192 of this Constitution also pertain to oblasts (lands).

Article 196. Oblast (land) bodies of state power shall act in accordance with principles of the Constitution and laws of Ukraine, presidential decrees, resolutions and decrees of the Cabinet of Ministers, as well as within their own powers.

Article 197. Oblasts (lands) to resolve issues granted by the Constitution and constitutional laws of Ukraine to their jurisdiction, shall create oblast (land) Radas and oblast (land) state administrations, which shall act on the principle of division of powers.

Article 198. Oblast (land) Radas shall be comprised of deputies who are elected for four year terms from electoral districts of approximately equal numbers of voters.

The numerical composition of oblast (land) Radas shall be designated by the Radas themselves, but shall not exceed fifty deputies.

Article 199. An oblast (land) Rada shall elect, from among its deputies, the Chairman of the oblast (land) Rada.

The Chairman of an oblast Rada organizes the work of the Rada and its bodies; ensures the execution of its adopted decisions; represents the Rada in relations with state organs, public associations, local self-governance bodies, enterprises, institutions, organizations, and citizens as well as with other oblasts and the Republic of Crimea.

Article 200. An oblast (land) Rada executes normative, organizational and control functions within the limits and procedures stipulated by the constitutional law of Ukraine.

Within the sphere of its competence, an oblast (land) Rada shall adopt decisions which are binding for implementation throughout the territory of the oblast (land).

Article 201. The authority of an oblast (land) Rada may be suspended prior to expiration of its term in cases of:

- adoption of a decision directed at violation of the territorial integrity of Ukraine or arbitrary change of its state territorial structure;
- flagrant violations of the Constitution and the laws of Ukraine and failure to bring its decision in accordance with them;
- failure to adopt decisions due to the inability, over the course of two months to form a majority among its deputy membership.

A decision on the pre-term termination of the authority [of the oblast Rada] and the designation of new elections for the oblast (land) Rada shall be adopted by the Rada of the Territories on the submission of the President.

Article 202. The oblast (land) state administration is the body of executive power.

The oblast (land) state administration is headed by the Head of the oblast (land) state administration, who is elected by the population of the oblast (land) on the basis of universal, equal, and direct suffrage by secret ballot, and approved by a decree of the President of Ukraine.

The composition of the oblast (land) state administration is approved by the oblast (land) Rada upon the request of the Head of oblast (land) state administration.

\_\_\_\_\_ The oblast (land) administration shall be under the control and shall be subordinated to the oblast (land) Rada, the Cabinet of Ministers, and the President of Ukraine.

Article 203. The Head of the oblast (land) state administration exercises executive power in the oblast (land), controls compliance with the Constitution and the laws of Ukraine, decrees and resolutions of the President of Ukraine, regulations and resolutions of the Cabinet of Ministers of Ukraine, as well as co-ordinates and controls the activities of the appropriate bodies of internal affairs, national security, defense and other bodies, which are subordinate to the central organs of state executive power.

Article 204. The Heads of rayon (city) state administrations are appointed by the President of Ukraine in cities of national importance, and by the Heads of the oblast (land) state administrations, with the approval of the appropriate Rada, in rayons.

The Head of the rayon (town) state administration maintains control over compliance with the Constitution and laws of Ukraine, decrees and resolutions of the President of Ukraine, resolutions and regulations of the Cabinet of Ministers of Ukraine, acts of the oblast (land) Rada and the oblast (land) state administration, as well as coordinates and maintains control over the activities of appropriate state bodies.

Article 205. The oblast (land) Rada may express no confidence in the Head of the oblast (land) state administration with a two thirds vote of the total number of deputies, which shall result in resignation of the full membership of the administration.

In cases of severe violation of the Constitution, laws of Ukraine, decrees and resolutions of the President, regulations or resolutions of the Cabinet of Ministers of Ukraine, the Head of oblast (land) state administration can be dismissed from his or her position by a decree of the President of Ukraine.

## CHAPTER 21. LOCAL SELF-GOVERNANCE

Article 206. Local self-governance shall be executed by the territorial collectives of citizens of villages, towns, cities, and rayons directly and through their elected bodies.

Local self-governance bodies shall be village, town, rayon, and city Radas.

The system of local self-governance includes local referendums and other forms of territorial self-organization of citizens.

Article 207. Local self-governance bodies have rights as legal entities and are granted their own sphere of competence which cannot be changed except by law or agreement. In the sphere of their competence, these bodies shall act separately and independently. Interference by state organs and their officials with the legal activities of local self-governance bodies shall not be allowed.

Local self-governance bodies of different levels, by mutual agreement and on the basis of agreements, may restructure amongst themselves certain powers, taking into account local demographic, territorial, economic conditions, and peculiarities of nationalities.

Local self-governance bodies may delegate part of their authority to residential self-governance bodies (building, street, block, sub-rayon, neighborhood, etc. bodies), allocate certain funds to them, as well as material, technical, and other resources, necessary for implementation of those powers.

Article 208. Rayon, city (cities of oblast and national importance) Radas shall coordinate the work of village, town, city (rayon cities) Radas in their exercise inter-territorial activities, ensure balancing of village, town, and city budgets.

City Radas of cities of oblast and national importance have the right to resolve the issues regarding liquidation of existing or creation of new rayons within cities or division of cities into other units for the purpose of creation of new territorial administrative bodies.

Article 209. Village, town, rayon, and city Radas shall be composed of council persons who are elected by voters for 2.5 year terms.

Option: Rayon Radas shall be composed of council persons who are elected within certain quotas by the Radas of villages, towns and cities (rayon cities).

The numerical composition of Radas shall be determined by the Radas themselves, but shall not exceed thirty council persons.

The Radas of villages, towns, rayons, and cities shall be headed by the Chairman of the Rada who shall be elected through universal, equal and direct suffrage by secret ballot.

Chairman of the Rada simultaneously shall be the Chairman of the executive body of the village, town, rayon, and city Rada.

Article 210. Local self-governance bodies, in the sphere of their competence, shall resolve economic, social, cultural and environmental protection issues; shall develop, adopt and implement the budgets of their appropriate administrative-territorial units; establish local taxes and collections stipulated by law; shall manage municipal property; and shall resolve other issues pertaining to the needs of the relevant territorial collective of citizens.

Property, revenues and municipal enterprises shall be the exclusive property of the territorial collectives and shall be covered by the same guarantees stipulated by this Constitution for other forms of property.

The relationship of local self-governance bodies with enterprises, institutions, and organizations as well as individuals, whose property of which is not municipal property, shall be on the basis of taxes and agreements.

Within the scope and procedures, stipulated by law, local self-governance bodies exercise those powers delegated to them by organs of the state executive power.

Article 211. Local self-governance shall approve decisions.



Decisions of local self-governance bodies shall be addressed to all persons concerned, and require mandatory implementation on the appropriate territory. They shall not contravene the Constitution, laws of Ukraine or other legal acts.

Decisions of local self-governance bodies, if inconsistent with the Constitution, laws of Ukraine or other legal acts, shall be suspended by the oblast (land) Rada or by the oblast (land) executive committee pending a decision by the appropriate court, under whose competency it lies.

Article 212. The authority of local self-governance bodies may be terminated prior to the expiration of their term by the Rada of Territories on the recommendation of the President if these bodies violate the Constitution, laws of Ukraine or Decrees of the President of Ukraine.

The Rada of Territories can temporarily impose direct rule on the territory of self-governance in cases and according to the procedures established by law.

Article 213. The powers of local self-governance bodies shall be stipulated by the Law of Ukraine "On local self-governance."

The powers of local self-governance bodies of the City of Kyiv shall be stipulated by the Law on the Capital of Ukraine - the City of Kyiv.

## PART X.

### CONSTITUTIONAL COURT

Article 214. The Constitutional Court of Ukraine shall decide on the conformity (constitutionality) of laws and other legal acts of the Constitution of Ukraine and constitutional laws of Ukraine.

Article 215. The Constitutional Court of Ukraine shall consist of 15 judges, including the Chairman of the Constitutional Court.

A citizen of Ukraine can be elected a judge of the Constitutional Court if he or she has the right to vote, has reached a minimum age of 35 years on the day of his or her selection, and has had practical, scientific or pedagogical experience in the area of law for no less than 10 years.

The Chairman of the Constitutional Court is appointed by secret ballot at a joint session of the State Rada and the Rada of Territories of the National Council (Vsenarodna Rada).

The candidacy for the position of Chairman of the Constitutional Court is nominated in the National Council (Vsenarodna Rada) jointly by the Chairman of the National Council (Vsenarodna Rada) and the President. In the case where the Chairman of the National Council (Vsenarodna Rada) and the President cannot reach an agreement regarding a candidacy for the position of Chairman of the Constitutional Court, the proposed candidacies shall be nominated in the National Council (Vsenarodna Rada) as alternatives.

The judges of the Constitutional Court are selected in equal number - 7 judges of the Constitutional Court are nominated by the President of Ukraine and an equal number by the National Council (Vsenarodna Rada). The candidates for the positions of judges of the Constitutional Court are nominated by the Chairmen of the chambers of the National Council (Vsenarodna Rada). The National Council decides on every candidacy individually by secret ballot at a joint session of the State Rada and the Rada of Territories.

The Head and judges of the Constitutional Court of Ukraine shall be appointed for a term of 10 years. Their term can not be renewed.

Article 216. The judges of the Constitutional Court, in executing their duties, shall be independent and are subjected only to the Constitution of Ukraine, laws of Ukraine on the Constitutional Court and constitutional legal proceedings.

The judges of the Constitutional Court shall comply with the conflict of interest rules as stipulated by Article 169 of this Constitution.

The judges of the Constitutional Court shall enjoy parliamentary immunity as stipulated by Article 107 of this Constitution.

Assuming office, a judge of the Constitutional Court shall take the following oath before the National Council (Vsenarodna Rada): "I solemnly swear to honestly and conscientiously fulfil the high duty of a judge of the Constitutional Court of Ukraine, to protect the Constitution of Ukraine, to guarantee its supremacy, to respect and protect the rights and freedoms of individuals and citizens, and the interests of society and state."

Article 217. The authority of a judge of the Constitutional Court shall be terminated before the end of his or her term under the following conditions:

1. his or her resignation;
2. loss of Ukrainian citizenship or permanent relocation to outside of the borders of Ukraine;
3. inability to perform his or her duties on the basis of health;
4. reaching the mandatory retirement age stipulated by law;
5. violation of conflict of interest rules as stipulated by Article 169 of the Constitution;
6. violation of his or her oath; and
7. removal from the office by the process of impeachment.

A decision on the suspension of the authority of a judge of the Constitutional Court before the end of his or her term shall be approved by the National Council (Vsenarodna Rada).

A judge of the Constitutional Court shall continue to perform his or her duties until the appointment of a new judge, but not longer than four months.

Article 218. The Constitutional Court shall review compliance with the Constitution and constitutional laws (constitutionality) of:

1. current laws and other acts of the National Council (Vsenarodna Rada) and their chambers;
2. the Constitution and laws of the Republic of Crimea;

3. decrees of the President and acts of the Cabinet of Ministers;
4. acts of the Ministers and other executives of the central organs of executive power of Ukraine;
5. acts of the oblast (land) radas and oblast (land) state administrations;
6. acts of local self-government.

These cases shall be reviewed on the recommendation of the President, the Chairman of State Rada, the Chairman of the Rada of Territories, by no less than one-fifth of the membership of the State Rada or Rada of the Territories, the Chairman of the Supreme Court (the Chairman of the Supreme Economic Court), Procurator General, the Verkhovna Rada of the Republic of Crimea and oblast (land) Radas.

The Constitutional Court shall review the constitutionality of laws and other legal acts on a citizen's complaint if the case has been reviewed by a general court, the Supreme Court has made final decision and the citizen believes that the law or other legal act, applied in deciding this case, contradicts the Constitution. The Constitutional Court shall adopt, on questions stipulated by this article, a decision which is binding throughout the whole territory of Ukraine for legislative, executive, and judicial organs, local self-governance bodies, enterprises, institutions, and organizations, executives, citizens and their unions.

Article 219. On the request of the National Council (Vsenarodna Rada) and its chambers, the Constitutional Court shall submit conclusions on:

1. the compliance with the Constitution of international, inter-governmental treaties of Ukraine submitted to the National Council (Vsenarodna Rada) for ratification;
2. the spheres of competence of the organs of legislative and executive power of Ukraine, state organs of Ukraine and the Republic of Crimea, bodies of state power, and local and regional self-governance, in case of disputes between them;
3. adherence to the Constitution of Ukraine by the President;
4. adherence to the Constitution of Ukraine by the Prime-Minister, other officials who are elected, nominated or confirmed by the National Council (Vsenarodna Rada) and its chambers (excluding judges of the Constitutional Court);
5. the validity of deputies' mandates in the case of a deputy's disagreement with the decision of the National Council (Vsenarodna Rada).

The Constitutional Court shall also submit conclusions on the other issues stipulated by this Constitution. On those issues stipulated by this article, the Constitutional Court has the right to adopt a decision on its own initiative.

Article 220. The decisions and conclusions adopted by the plenary session of the Constitutional Court shall be final.

The decisions and conclusions adopted by the session of the collegium on the recommendation of the Chairman of the Constitutional Court may be reviewed at the plenary session of the Constitutional Court.

Article 221. Laws and other legislative acts may be held unconstitutional fully or in part by the Constitutional Court, if they do not comply with the Constitution.

or if, during their consideration, adoption, or enactment, procedures stipulated by the Constitution has been violated.

Decisions of the Constitutional Court regarding inconsistency of laws, other normative acts or particular provisions of the Constitution with laws or duly approved and ratified international treaties of Ukraine, shall suspend the validity of those acts from the moment of their enactment if they have been enacted after the date of the beginning of sitting by the Constitutional Court and, for those that have been enacted prior to the date of the beginning of the sitting by the Constitutional Court, from the date of the adoption of a decision by the Constitutional Court.

Legal consequences, that result from an illegal act, shall be regulated by the body which adopted it and, in case of failure to settle, on its request, by a superior competent body.

Material and moral damage inflicted on physical and legal individuals by unconstitutional acts and actions, shall be reimbursed by the state.

Article 222. The competence of the Constitutional Court, concerning specific cases, shall not extend to court decisions and to acts of examining bodies; preliminary investigations and the procuracy.

## PART XI.

### STATE SYMBOLS

Article 223. The symbols of statehood of Ukraine shall be the state emblem, flag, and anthem.

Article 224. The state emblem of Ukraine shall be a gold colored trident on a blue shield.

Article 225. The state flag of Ukraine shall be a rectangular cloth, which is composed of two horizontal stripes of equal width: the upper of a blue color, the lower of a yellow color with a gold colored trident in the upper part of the flag positioned one-third the distance from the pole.

The ratio of the width of the flag to the length shall be two to three.

Article 226. The state anthem of Ukraine shall be the national anthem: "Shche ne Vmerla Ukraina."

Article 227. The capital of Ukraine shall be the City of Kyiv.

Article 228. The national holiday of Ukraine shall be the Day of Independence - the 1st of December.

## PART XII.

### PROCEDURES FOR INTRODUCING CHANGES AND AMENDMENTS TO THE CONSTITUTION AND TO CONSTITUTIONAL LAWS

Article 229. Changes and amendments to the Constitution may be introduced on the initiative of no less than one-third of the membership of each chamber of the National Council (Vsenarodna Rada) or through a people's initiative procedure supported by the signatures of no less than one million voters.

A law on the introduction of changes and amendments to the Constitution, based upon the people's initiative procedure, shall be adopted by an All-Ukrainian referendum.

A law on the introduction of changes and amendments to the Constitution, based on a parliamentary initiative procedure, shall be adopted by the National Council (Vsenarodna Rada) by no less than two-thirds of the votes of the constitutional membership of each chamber and then shall be confirmed by an All-Ukrainian referendum.

Article 230. No changes or amendments to the Constitution may be introduced if they are directed against the national independence and territorial integrity of Ukraine or if their purpose is to change the constitutional order, restrict constitutionally defined forms of property, or to annul human rights. No amendments to the Constitution shall be allowed under a state of emergency.

A law on the introduction of changes and amendments to the Constitution shall not be subject to approval by the President.

Article 231. Laws, which in the Constitution are described as constitutional, shall be adopted, changed and amended by no less than a two-thirds vote of the constitutional membership of each chamber of the National Council (Vsenarodna Rada).

Constitutional laws may be adopted, changed or amended upon a decision of the Constitutional Court on the constitutionality of the drafts of those laws, changes or amendments.

Constitutional laws, changes or amendments to them shall not require the approval of the President.

#### One House National Council (Vsenarodna Rada) (Option)

#### PART 5.\* National Council (Vsenarodna Rada)

Article 1.\* The body of legislative power in Ukraine is the National Council (Vsenarodna Rada) of Ukraine.

Article 2.\* The National Council (Vsenarodna Rada) is authorized to decide any matters of state of Ukraine, except those which are decided exclusively by an All-Ukrainian referendum or which are mandated by this Constitution to the authority of the President of Ukraine, Government of Ukraine, other state bodies, oblasts (lands), the Republic of Crimea, or local self-governance bodies.

#### CHAPTER 15.\* COMPOSITION AND FORMATION OF THE National Council (Vsenarodna Rada)

Article 3.\* The National Council (Vsenarodna Rada) is comprised of 350 deputies of Ukraine, who are elected directly by the people through a one mandate constituency for the term of five years.

Any citizen of Ukraine who has the right to vote, has attained the age of twenty-five years of age at the date of the polling, and permanently resides on the territory of Ukraine, may be elected as a Deputy.

Article 4.\* Deputies represent the people of Ukraine and are accountable to the voters.

Disputes as to the validity of the mandates of the deputies shall be adjudicated by the Constitutional Court of Ukraine.

Article 5.\* The state shall provide the conditions for the uninterrupted and effective execution of authority by the deputies of Ukraine.

Deputies perform their functions on a permanent basis. They must resign from their previous place of work for the duration of their deputy mandates.

Deputies of Ukraine are prohibited from conducting entrepreneurial activities or performing any other activity for remuneration, except for scientific or lecturing activities.

Disputes over the validity of mandates of the deputies of Ukraine are determined by the Constitutional law on the status of the deputy of Ukraine.

Article 6.\* Deputies of Ukraine enjoy parliamentary immunity.

They shall bear no legal responsibility for their votes and statements in the National Council (Vsenarodna Rada) and its organs except for the cases of accusations of slander and insult.

Deputies of Ukraine shall have the right not to testify against those individuals who entrusted them, as deputies, with information about facts and trusted them not to reveal those facts.

The powers of the deputies of Ukraine may not be abridged even by the introduction of martial law or a state of emergency.

Deputies of Ukraine may not be indicted, arrested, or subjected to any other treatment limiting their freedom and rights, or subjected to any administrative sanctions imposed by courts without prior consent of the National Council (Vsenarodna Rada).

The appeals for stripping a deputy of Ukraine of his or her parliamentary immunity shall be made to the National Council (Vsenarodna Rada) by the

Procurator General of Ukraine or by the Chairman of the Supreme Court of Ukraine.

Article 7.\* The mandate of a deputy of Ukraine may be terminated simultaneously with the expiration of the mandate of the National Council (Vsenarodna Rada) or in case of his or her death.

Pre-term termination of the mandate of a deputy of Ukraine, according to a decision of the National Council (Vsenarodna Rada), may be ordered in the following cases:

1. non-performance of deputy's duties for two months, without valid excuses;
2. resignation by his or her personal application;
3. conviction by court sentence directed at one which has come into force;
4. declaration by a court of one's incompetence or status as a missing person;
5. loss of one's Ukrainian citizenship or permanent change of residence outside the borders of Ukraine;
6. one's recall by the electorate.

A decision of the National Council (Vsenarodna Rada) on the pre-term termination of the mandate of a Deputy of Ukraine may be appealed to the Constitutional Court of Ukraine.

#### CHAPTER 16.\* POWERS AND ORGANIZATION OF THE WORK OF THE National Council (Vsenarodna Rada)

Article 8.\* The National Council (Vsenarodna Rada) shall introduce changes and amendments to the Constitution of Ukraine with further approval by an All-Ukrainian referendum.

The National Council (Vsenarodna Rada) shall enact constitutional laws of Ukraine, which are foreseen by Articles 17, 97, 106, 5\*, 38\*, 157, 169, 183, 184 and 194 of this Constitution.

Article 9.\* The National Council (Vsenarodna Rada) enacts the laws of Ukraine.

The Constitution and laws of Ukraine have exclusivity over the following matters:

1. the rights and freedoms of individuals and citizens and guarantees of these rights and freedoms;
2. citizenship, legal rights of citizens and the status of foreigners and persons without citizenship;
3. the principle duties of individuals and citizens;
4. rights of national minorities;
5. status of languages;
6. demographics, migration (including immigration and emigration) policies;
7. principles of budgetary, financial, price, credit, tax and investment policies; principles for establishing a taxation system; types of taxes, duties and mandatory

payments; taxpayers and objects of taxation; currency, assaying, value and denomination of national coins, order and sanctioning of issuance of bank notes;

8. units of weight, size, and time;
9. principles and fundamental directions of foreign policy;
10. principles of the organization of defense, state security and provision of civil order;
11. principles of external economic and customs policy;
12. legal status of state borders;
13. principles of the Ukrainian state-territorial structure and the principles of a balanced policy;
14. principles of the organization of local self-government;
15. establishment of free economic zones;
16. principles of the use of natural resources, exploration of space, organization and use of energy systems; air, maritime, river, rail, auto and pipeline transportation and communications;
17. legal status of ownership and protection of property rights;
18. general provisions and guarantees of entrepreneurship;
19. ecological policy and ecological standards;
20. principles of social policy, social security of citizens, marriage, family, protection of health, upbringing, education and culture and principles of scientific and technical policies;
21. principles of formation and activity of public associations and functioning of the mass media;
22. organization and procedure of elections and referendums;
23. organization and activities of the National Council (Vsenarodna Rada) and legal status of the deputies of Ukraine;
24. principles of the organization and activities of state executive bodies, general provisions of the civil service, and the collection of state statistics and information;
25. definition of crimes and administrative violations, determination of punishment for them and amnesty;
26. judicial system, court procedures, court expertise, the procuracy, the investigation service and notary public; penal bodies and institutions; principles of the organization and activities of the advocacy;
27. methods of use and protection of the state flag, emblem and anthem and legal status of the capital;
28. legal regimes of martial law and state of emergency; and
29. establishment of state awards and special titles.

Exclusive prerogatives of the National Council (Vsenarodna Rada) include the approval of first principles, codes and other codifying acts from all spheres of legislation, including all corrections and additions.

The National Council (Vsenarodna Rada) shall approve laws involving other issues within its competency.

Article 10.\* The powers of the National Council (Vsenarodna Rada) shall include:



1. introduction of amendments and additions to the Constitution and Constitutional laws of Ukraine;
2. announcement of the decisions of the All-Ukrainian referendums;
3. approval of the state budget and reports on its execution;
4. implementation of parliamentary control over executive and judicial power by methods and within the scope stipulated by this Constitution; and
5. ratification, adoption, and approval of international, inter-governmental treaties, or Ukraine's adherence to them, as well as denunciation or suspension of such treaties.

Article 11.\* The National Council (Vsenarodna Rada) shall be convened in order to decide the following issues:

1. setting the date of the election of the President of Ukraine, declaring the act of election of the President and administering the Presidential oath and recognition or rejection of the resignation of the President of Ukraine;
2. announcing the dissolution of the National Council (Vsenarodna Rada), setting the date of regular or extraordinary elections to the National Council (Vsenarodna Rada);
3. approving decision about holding an All-Ukrainian referendum on the pre-term termination of powers of the President of Ukraine on the demand of no less than two million voters or on the initiative of National Council (Vsenarodna Rada) itself;
4. approving the membership of the Cabinet of Ministers of Ukraine;
5. hearing the President's reports on the domestic and foreign state of Ukraine;
6. appointing the Chairman, and 7 judges of the Constitutional Court of Ukraine; administering the oaths to the judges of the Constitutional Court of Ukraine; accepting or rejecting the resignation of the Chairman and judges of the Constitutional Court of Ukraine appointed by the National Council of Ukraine; appointing of the head and members of the Supreme Court, the Highest Economic Court and the Procurator General of Ukraine;
7. determining the structure, size, and procedures of use of the Armed Forces of Ukraine, National Guard of Ukraine, Security Service of Ukraine, and Border Guards of Ukraine;
8. proclaiming a state of war on the recommendation of the President and approving the President's decision to use the Armed Forces of Ukraine or other military formations in case of armed attack;
9. approving the President's decrees which impose martial law or states of emergency in Ukraine or in particular areas or total or partial mobilization;
10. holding of a second hearing of legislation vetoed by the President, imposing a parliamentary veto on Presidential decrees, which contradict the laws of Ukraine;
11. reviewing the reports and proposals of ad hoc investigative commissions created by the National Council (Vsenarodna Rada) and discussing and adopting appropriate decisions;

12. removing from office through the procedure of impeachment the President, Prime Minister, and officials who have been elected, appointed, or approved by the National Council (Vsenarodna Rada) in cases of their criminal violation of the Constitution and laws of Ukraine;

13. adopting resolutions, statements, declarations, and appeals;

14. hearing the answers and adopting the decisions presented upon the request of the deputies of Ukraine;

15. supervising the defense of rights and freedoms of individuals and citizens in Ukraine;

16. controlling the implementation of the state budget, activities of the National bank and the State Auditing Committee;

17. appointing and dismissing as well as accepting of the resignation of the Chairman of the National bank, Chairman of the State Auditing Committee and the State Comptrollers; reviewing their reports; and electing, appointing, or approving other state officials in cases foreseen by this Constitution;

18. granting preliminary consent to the appointment by the President of Ukraine of the Heads of diplomatic representations of Ukraine abroad and Chiefs of missions of Ukraine to international organizations;

19. adopting the final decisions on the issues of changes in the legal status of the oblasts (lands) and the Republic of Crimea and of their territories (enlargement, liquidation, etc.), and granting consent to change borders among the oblasts (lands) and between the oblasts (lands) and the Republic of Crimea;

20. appointing judges of oblast (land) economic courts, their removal from office through the procedure of impeachment;

21. upon the request of the President of Ukraine, premature termination of authorities of separate oblast (land) Radas and self-governance bodies for their violation of the Constitution, laws of Ukraine, decrees of the President and resolutions of the Cabinet of Ministers; and calling of their new elections.

The National Council (Vsenarodna Rada) may conduct investigations and hearings on any specified questions which are of the state and society interest.

Article 12.\* The National Council (Vsenarodna Rada) shall work in sessions.

The sessions of the National Council (Vsenarodna Rada) shall be organized in the form of meetings of the National Council (Vsenarodna Rada), standing and ad hoc commissions.

Article 13.\* The National Council (Vsenarodna Rada) shall meet for its first session no later than the thirtieth day after elections.

The National Council (Vsenarodna Rada) is empowered if no less than four-fifths of the total number of the Deputies of Ukraine have been elected as specified by this Constitution.

The National Council (Vsenarodna Rada) shall convene its regular sessions on the first Tuesday of February and the first Tuesday of September of every year.

Extraordinary sessions or meetings of the National Council (Vsenarodna Rada) shall be convened with a specified agenda by the Chairman of the National Council (Vsenarodna Rada) on his or her initiative or at the request of no less than one-third

of the Constitutional membership of the National Council (Vsenarodna Rada), or on a proposal of the President. Such sessions or meetings conclude their work after the agenda has been exhausted.

In the case of the introduction of martial law or a state of emergency in Ukraine or in certain areas, the National Council (Vsenarodna Rada) shall assemble within two days without convocation.

Article 14.\* A session of the National Council (Vsenarodna Rada) shall be lawful when no less than two-thirds of their Constitutional membership are in attendance and the session is conducted in accordance with the Rules of Procedure of the National Council (Vsenarodna Rada).

Article 15.\* The session of the National Council (Vsenarodna Rada) shall be presided over by its Chairman or, in cases stipulated by the Rules of Procedure, other persons specified by them.

The first session of the National Council (Vsenarodna Rada) shall be convened by the Chairman of the National Council (Vsenarodna Rada) of the previous convocation. Prior to the election of the Chairman of the National Council (Vsenarodna Rada) of the new convocation, its session shall be chaired by the Presidium of the session elected by the National Council (Vsenarodna Rada).

Article 16.\* At its first session, the National Council (Vsenarodna Rada) shall elect a Mandate and Tallying Commission.

On the proposal of the Mandate Commission, the National Council (Vsenarodna Rada) shall adopt a decision on the recognition of mandates of the deputies of Ukraine or, in the case of violations of the law on elections, a decision declaring the elections of the particular deputies void.

Article 17.\* The sessions of the National Council (Vsenarodna Rada) shall be held publicly and openly. For the conduct of a closed session, the decision of no less than two-thirds of the constitutional membership of the National Council (Vsenarodna Rada) shall be required.

Voting at the sessions of the National Council (Vsenarodna Rada) shall be personal and shall be conducted openly if other procedures are not stipulated by the Constitution and Rules of Procedure.

Article 18.\* The National Council (Vsenarodna Rada) shall adopt acts at its sessions, after discussions, by a majority vote of their Constitutional membership, except in cases stipulated by Articles 24\*, 30\*, 153, 229, 231 of this Constitution.

Article 19.\* The National Council (Vsenarodna Rada) shall elect from among its members a Chairman, Deputy Chairmen, as well as chairmen of the standing commissions of the National Council (Vsenarodna Rada). They may be removed from their positions by the decision of the National Council (Vsenarodna Rada).

The Chairman of the National Council (Vsenarodna Rada) shall:

1. implement general leadership in the preparation of the issues which are subject to consideration at the sessions of the National Council (Vsenarodna Rada) and its Presidium and sign acts approved by the National Council (Vsenarodna Rada) and its Presidium;
2. represent the National Council (Vsenarodna Rada) in relations with bodies and organizations within the state and abroad;
3. establish the secretariat of the National Council (Vsenarodna Rada) and organize its work;
4. administer budget allocations which are appropriated for the maintenance of the National Council (Vsenarodna Rada) and its operation; and
5. perform other functions stipulated by the Constitution.

The Deputy Chairmen of the National Council (Vsenarodna Rada), perform functions which are determined by the Chairman of the National Council (Vsenarodna Rada).

Article 20.\* The National Council (Vsenarodna Rada) shall create its Presidium, composed of the Chairman of the National Council (Vsenarodna Rada), who shall be the Head of the Presidium, Deputy Chairmen of the National Council (Vsenarodna Rada), chairmen of the standing commissions of the National Council (Vsenarodna Rada) and the Secretary of the National Council (Vsenarodna Rada). The Secretary of the National Council (Vsenarodna Rada) shall not be appointed from the corps of deputies.

The Presidium of the National Council (Vsenarodna Rada) is the body subordinate to it, organizes the work of the National Council (Vsenarodna Rada) and its bodies and performs other duties.

Article 21.\* The National Council (Vsenarodna Rada) shall create standing commissions from its membership.

The standing commissions shall draft legislation, prepare and conduct a preliminary review of the issues pertaining to the authority of the National Council (Vsenarodna Rada), execute control over the implementation of the laws and other acts of the National Council (Vsenarodna Rada) and its organs.

The standing commissions shall adopt resolutions on issues within their competence. Resolutions of the commissions shall be subject to immediate review by the bodies, organizations, and executives concerned, followed by a report on the results of the review.

The National Council (Vsenarodna Rada), if it deems necessary, may create ad hoc special commissions for the preparation and preliminary review of those issues within its competence.

Article 22.\* The National Council (Vsenarodna Rada) may elect from its membership ad hoc investigative commissions for the conduct of investigations on any specified issues which are of social interest, if no less than one-third of the Constitutional membership of the National Council (Vsenarodna Rada) votes for their establishment.

Decisions of the National Council (Vsenarodna Rada) on the creation of the ad hoc investigative commissions and specification of their mandates shall be considered adopted if no less than two-thirds of the Constitutional membership of the National Council (Vsenarodna Rada) have voted in favor of them.

Recommendations of the ad hoc investigative commissions do not bind the courts.

Article 23.\* Deputies of Ukraine have the right to establish parliamentary groups to assist in the organization of work of the National Council (Vsenarodna Rada), facilitating for the deputies of Ukraine the execution of their powers and coordinating their positions on issues which are considered by the National Council (Vsenarodna Rada) and its organs.

Article 24.\* The mandate of the National Council (Vsenarodna Rada) terminates on the day of the convening of the first session of the newly elected National Council (Vsenarodna Rada).

The mandate of the National Council (Vsenarodna Rada) may be terminated before the expiration of its term in cases of:

1. self-dissolution;
2. a decision of the All-Ukrainian referendum on a no confidence vote in the National Council (Vsenarodna Rada); and
3. its dissolution by the President as stipulated by Article 152 of this Constitution.

Self-dissolution of the National Council (Vsenarodna Rada) shall be conducted by decision of the National Council (Vsenarodna Rada) if, in favor of this decision, there is a vote of no less than two-thirds of the Constitutional membership of the National Council (Vsenarodna Rada).

An All-Ukrainian referendum on a no confidence vote in the National Council (Vsenarodna Rada) shall be conducted in accordance with the procedures established by Article 96 of this Constitution.

If an All-Ukrainian referendum expresses no confidence in the National Council (Vsenarodna Rada), the National Council (Vsenarodna Rada) shall declare its self-dissolution and shall schedule the date of the election of a new National Council (Vsenarodna Rada). The newly elected National Council (Vsenarodna Rada) shall have the mandate for the whole term stipulated in Article 3\* of the Constitution.

In cases of dissolution of the National Council (Vsenarodna Rada) by the President, the date of the election of the new National Council (Vsenarodna Rada) shall be set by the President no later than two months after the dissolution of the National Council (Vsenarodna Rada).

## CHAPTER 17.\* THE LEGISLATIVE PROCESS

Article 26.\* The right to initiate legislation in the National Council (Vsenarodna Rada) shall belong to the people, deputies, permanent commissions, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Verkhovna Rada of the Republic of Crimea.

Draft legislation, submitted to the National Council (Vsenarodna Rada) of Ukraine through a people's initiative procedure, shall have priority for consideration.

The legislative initiative is exercised by introduction to the National Council (Vsenarodna Rada) of a motivated proposal on preparation of draft legislation or texts of the draft legislation as well as the changes and amendments to them.

Article 26.\* Draft legislation shall be submitted to the Presidium of the National Council (Vsenarodna Rada), shall be distributed among the deputies of Ukraine, shall be reviewed first by the appropriate permanent or ad hoc special commission, and shall subsequently be submitted for review by the National Council (Vsenarodna Rada).

The review of the draft legislation at the session of the National Council (Vsenarodna Rada) shall be organized in a manner which shall clearly express the actual will of the majority of the deputies.

Consideration and adoption of draft legislation by the National Council (Vsenarodna Rada) foresees:

- adoption in principle of the principal provisions;
- adoption article-by-article and in its entirety.

Article 27.\* A law, after it is discussed and voted on article-by-article and in its entirety, is considered approved by the number of votes stipulated by Article 18\* of this Constitution.

Article 28.\* Draft legislation, which requires a financial expenditure, shall be submitted to a session of the National Council (Vsenarodna Rada) with the condition that it is accompanied with necessary estimates by the State Auditing Committee and a study by the relevant standing commission regarding ways to finance it.

In adopted legislation, which requires new or additional expenditures, there shall be stipulated the means to finance it.

Article 29.\* Ratification, approval, confirmation, denunciation, suspension or joining of international treaties, shall be accomplished through adoption of an appropriate resolution, unless specified within the treaty.

Article 30.\* A law shall be signed by the Chairman of the National Council (Vsenarodna Rada) and shall be immediately sent to the President.

The President shall review the law, accept it for implementation, endorse it with his signature and officially publish it within fifteen days from the day he or she received the law. Until such time, the President may exercise his rights to veto law and to return it, with his or her comments, to the National Council (Vsenarodna Rada) for its second review. If, during the second review, the law is adopted by two-thirds of the Constitutional membership of the National Council (Vsenarodna Rada), the President must sign and publish it within ten days.

If the President does not return the legislation for second review within the required time frame, the legislation shall be considered endorsed by the President.

If the President presents a law, unsigned due to its unconstitutionality, to the Constitutional Court, then the designated period for signature of said law remains.

If the President exercises his or her right of veto after recess of a session of the National Council (Vsenarodna Rada), an extraordinary session shall be immediately convened for the second review of the legislation.

A law shall come into force ten days from the moment of publication, unless otherwise stipulated by the law itself, but nevertheless not before the day of publication.

## CHAPTER 18.\* BUDGET. FINANCIAL CONTROL

Article 31.\* The budgetary system of Ukraine shall be comprised of the state budget, the budgets of the oblasts (lands) and the Republic of Crimea, as well as the budgets of municipalities.

Article 32.\* The state budget of Ukraine shall be comprised of revenues and expenditures of the state which shall be realistic, specifically itemized, and balanced.

Expenditures of the state, their size and their purposes, shall be determined exclusively by the Law on the State Budget of Ukraine.

Law establishes the ceiling of the budget deficit. The absorption of the budget deficit at the expense of the emissions of money shall be considered only as an exception and is possible only with the approval of the National Council (Vsenarodna Rada).

The National Council (Vsenarodna Rada) may implement a new accounting of state revenues and may change previous revenues and select new appropriations for the current budgetary year through a supplemental budget.

If the National Council (Vsenarodna Rada) adopts a state budget in which expenditures exceed revenues, the Law on the State Budget shall specify the sources and means for absorbing the deficit. The Law on the State Budget may not establish new taxes, fines or other payments not authorized by specific legislation.

The general principles of the formation and implementation of the budget of the oblasts (lands) and the Republic of Crimea as well as the budgets of municipalities are defined by the Law on the Budgetary System of Ukraine.

Article 33.\* The state budget of Ukraine shall be adopted annually for the period of 1 January to 31 December or, under special circumstances, for other periods.

The President, no later than first fifteen days of the fall session, presents to the State Council (Rada) a draft Law on the State Budget for the following year.

The draft budget shall be reviewed by the State Auditing Committee and by the appropriate commissions of the National Council (Vsenarodna Rada).

The Law on the state budget approved in accordance with the procedure provided by Article 27\* of the Constitution, shall enter into force on the first of January of the following year and shall not be subject to endorsement by the President.

The procedure of formation and adoption of the state budget shall be established by law.

Article 34.\* The President shall submit to the National Council (Vsenarodna Rada) an itemized report on the implementation of the state budget no later than three months after the conclusion of the budgetary year under report.

The submitted report first shall be considered by the State Auditing Committee and the appropriate commissions of the National Council (Vsenarodna Rada). The report shall be adopted taking into consideration their conclusions and must be published.

Article 35.\* Monetary circulation and account settlement procedures shall be established by the National Bank of Ukraine, which possesses the exclusive right to issue money.

The National Bank of Ukraine shall report to the National Council (Vsenarodna Rada) of Ukraine.

Article 36.\* Financial control over the implementation of the state budget shall be granted to the National Council (Vsenarodna Rada) of Ukraine, which shall implement financial control directly as well as through the State Auditing Committee.

Article 37.\* The State Auditing Committee shall be a body of parliamentary control over the financial activity of the state, local and regional self-governance bodies and the use of real estate and movable property under public ownership.

The State Auditing Committee is subordinate and accountable to the National Council (Vsenarodna Rada) of Ukraine.

Article 38.\* The State Auditing Committee shall be composed of State Comptrollers, appointed by the National Council (Vsenarodna Rada), from specialists in the fields of finance and law and shall serve for terms of five years. The State Comptrollers shall comply with conflict of interest rules stipulated by Article 169 of this Constitution.

The State Auditing Committee shall be headed by the Chairman of the State Auditing Committee. The Chairman of the State Auditing Committee, his deputy and the State Comptrollers shall be appointed upon nomination by the Chairman of the National Council (Vsenarodna Rada) at its session.

The State Auditing Committee, within the sphere of its competence, shall conduct investigations, having the same powers as the ad hoc investigative commissions of the National Council (Vsenarodna Rada).

The organization, competence and rules of procedure of the State Auditing Committee shall be defined by constitutional law.

Translated by Olga Koulyk with further translation by the translators at the Council of Advisors to the Parliament of Ukraine.

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