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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

THE CONSTITUTION OF UKRAINE

**Adopted at the Seventh (Special) Session
of the Supreme Rada of Ukraine
Ninth Convocation, on 20 April 1978**

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Adopted at the Seventh (Special) Session
of the Supreme Rada of Ukraine,
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[The Preamble to the Constitution is repealed].

I. Principles of the Social Order and Political System of Ukraine

Chapter 1

The Political System

Article 1

Ukraine is a state of all people, expressing the will and interests of the workers, peasants and intelligentsia: the working people of all nationalities of the Republic.

Article 2

All power in Ukraine belongs to the people.
The people exercise state power through Councils of People's Deputies, which constitute the political foundation of Ukraine.
All other state bodies are controlled by and are accountable to the Councils of People's Deputies.

Article 3

The State is organized and functions on the principles of the election of all bodies of state power, their accountability to the people, the responsibility of every state body and official for matters entrusted to them, and the duty of lower bodies to observe the decisions of higher ones in accordance with the division of their powers.

Article 4

The state of Ukraine and all its bodies function on the basis of rule of law, and ensure the defense of law and order, the interests of society and the rights and freedoms of citizens.
State and public organizations and officials shall obey the Constitution and laws of Ukraine.

Article 5

Major matters of state shall be submitted to nation-wide discussion and also shall be put to a nation-wide vote (referendum).

Article 6

Repealed.

Article 7

Political parties, public organizations, and movements, through their elected representatives to Councils of People's Deputies and through other forms, participate in the development and realization of the policy of the Republic and in the management of state and public matters on the basis of their programs and statutes and in accordance with the Constitution of Ukraine and active legislation.

The creation and activity of parties, other public organizations and movements which declare as their goal change of the constitutional order through force, change of the territorial integrity of the state through any illegal method, the undermining of the state's security, and the incitement of national and religious hostility, is not permitted.

Article 8

Worker collectives take part in discussing and deciding state and public affairs, in planning production and social development, in training and placement of personnel, and in discussing and deciding matters of management of enterprises and institutions, the improvement of working and living conditions, and the use of funds allocated both for the development of production and also for social and cultural purposes and financial incentives.

Article 9

The principle direction in the development of the political system of society is the further extension of democracy: ever broader participation of citizens in the management of the affairs of society and the state; improvement of the machinery of state; increasing the activity of public organizations; strengthening of the legal foundations of the State and of public life, affirmation of the freedom of speech and constant responsiveness to public opinion.

Chapter 2

The Economic System

[This Chapter is suspended as of October 24, 1990, by a law of Ukraine.]

Article 10

The foundation of the economic system of Ukraine is socialist ownership of the means of production in the form of state (common to all people), and collective farm-and-cooperative property .

Socialist ownership also embraces the property of trade unions and other public organizations required to carry out their tasks as defined by their statutes.

The state protects socialist property and provides conditions for its growth.

No one has the right to use socialist property for personal gain or other selfish ends.

Article 11

State property, i.e. the common property of the Soviet people, is the principal form of socialist property.

The land, its minerals, waters, and forests are the exclusive property of the state. The state owns the basic means of production in industry, construction, and agriculture; means of transport and communication; banks; the property of state-run trade, communal and other enterprises; most municipal housing; and other property necessary for realization of purposes.

Article 12

The property of collective farms and other cooperative organizations, and of their associations, are the means of production and other property necessary for realization of the tasks, defined in their statutes.

Land held by collective farms is secured to them for their free use in perpetuity.

The state promotes development of collective farm-and-cooperative property and its approximation to state property.

Collective farms, like other land users, must make effective and thrifty use of the land, take care of it, and increase its fertility.

Article 13

Earned income forms the basis of the personal property of citizens of Ukraine. The personal property of citizens may include articles of everyday use, personal consumption and convenience, and of personal domestic householding, a house, and earned savings. The personal property of citizens and the right to inherit it are protected by the state.

Citizens may be granted the use of plots of land, in the manner prescribed by law, to engage in subsistence householding (including the keeping of livestock and poultry), for orchards and gardens or for building an individual dwelling. Citizens

must make rational use of the plots of land allotted to them. The State, and collective farms provide assistance to citizens engaged in subsistence householding.

Property owned or used by citizens shall not serve to derive unearned income or be utilized to the detriment of the interests of society.

Article 14

The source of the growth of social wealth and prosperity of the people, and of each soviet individual, is the labour, free from exploitation, of Soviet people.

In accordance with the principle of socialism: "From each according to his ability, to each according to his work," the state exercises control over the measure of labour and of consumption. It fixes the rate of taxation of taxable income.

Socially useful work and its results determine a person's status in society. The state by combining material and moral incentives and encouraging innovation and a creative attitude to work, helps to transform labour into the prime vital need of every Soviet citizen.

Article 15

The supreme goal of social production under socialism is the fullest satisfaction of the people's growing material, and spiritual requirements.

Relying on the creative initiative of working people, socialist aspiration, and scientific and technological progress, and by improving the forms and methods of economic management, the state ensures growth of the productivity of labour, increases in the efficiency of production and of the quality of work, and dynamic, planned, proportionate development of the economy.

Article 16

The economy of Ukraine is an integral part of the national economic complex which embraces all elements of social production, distribution, and exchange on the territory of the USSR.

The economy is managed on the basis of state plans for economic and social development, taking into account the sectoral and territorial principles, and by combining centralized management with the economic independence and initiative of individual and amalgamated enterprises and other organizations, for which active use is made of economic accounting, profit, cost, value and other economic levers and incentives.

Article 17

In Ukraine, the law permits individual labour activity in the sphere of handicrafts, farming, daily public service, and other forms of activity based exclusively on the personal work of citizens and members of their families. The state regulates individual labour activity to ensure that it serves the interests of society.

Article 18

In the interests of present and future generations, necessary steps are taken in Ukraine to protect and make scientific, rational use of land and its mineral and water resources, and the plant and animal kingdoms, to preserve the purity of air and water, to ensure regeneration of natural riches, and the improvement of the human environment.

Chapter 3

Social Development and Culture

Article 19

repealed

Article 20

The state pursues goal of increasing real opportunities for citizens to apply their creative energies, abilities, and talents, and for the multi-dimensional development of the individual.

Article 21

The state is concerned with improving working conditions and labour protection; the scientific organization of work; and with reducing and ultimately eliminating all arduous physical labour through comprehensive mechanization and automation of production processes in all branches of the economy.

Article 22

A programme is being consistently implemented in Ukraine of conversion of agricultural work into a variety of industrial work, of extension of the network of public educational, cultural and medical institutions, and of trade, public daily food service,

and public utilities to rural localities, and transform villages into well-ordered villages.

Article 23

The state pursues a steady policy of raising pay levels and real incomes of workers based on increasing labour productivity.

In order to fully satisfy the needs of soviet people, social consumption funds are created. The state, with the broad participation of public organizations and worker collectives, ensures the growth and just distribution of these funds.

Article 24

Ukraine, state systems of health protection, social security, trade and public food services and public utilities, operate and are being extended.

The state encourages the activity of cooperatives and other public organizations to provide in all fields of services for the population. It encourages the development of mass physical education and sport.

Article 25

In Ukraine, there is a uniform system of public education, which is being constantly improved, that provides general education and vocational training for citizens, serves the spiritual physical development of the youth, and trains them for work and social activity.

Article 26

In accordance with the needs of society the state provides for planned development of science and the training of scientific personnel, and organizes introduction of the results of research into the national economy and other spheres of life.

Article 27

The state concerns itself with protecting, augmenting and making extensive use of society's cultural wealth for the moral and aesthetic education of citizens, for raising their cultural level.

In Ukraine development of the professional, and folk arts is encouraged in every way.

Chapter 4

Foreign Policy Activity of Ukraine Defence of the Homeland

Article 28

Ukraine in its foreign policy, is guided by foreign policy aims, tasks and principles defined in the Constitution of Ukraine.
In Ukraine war propaganda is banned.

Article 29

In accordance with the Constitution of Ukraine, defence of the homeland is one of the most important functions of the state, and is the concern of the whole people.
Procedures for citizens of Ukraine to take part in military service are defined by legislation of Ukraine.

Article 30

The duties of state bodies, public organizations, officials, and citizens in regard to safeguarding the country's security and strengthening its defence capability are defined by the legislation of Ukraine.

II

THE STATE AND THE INDIVIDUAL

Chapter 5

Citizenship of Ukraine Equal Rights of Citizens

Article 31

In Ukraine there exists a single citizenship - ukrainian.
The grounds and procedure for acquiring ukrainian citizenship are defined by the Law on Citizenship of Ukraine.

Dual citizenship shall be allowed on the basis of bilateral international treaties. When abroad, citizens of Ukraine enjoy the protection and assistance of the state.

Article 32

Citizens of Ukraine are equal before the law, regardless of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other conditions.

The equal rights of citizens of Ukraine are guaranteed in all fields of economic, political, social, and cultural life.

Article 33

Women and men have equal rights in Ukraine.

Exercise of these rights is ensured by granting women opportunities to equal with men education and vocational and professional training; employment, remuneration, and promotion; social, political, and cultural activity; and by special labour and health protection measures for women; by providing conditions enabling mothers to work; creation of opportunities which grant women the opportunity to combine work with motherhood; by legal protection, material, and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and mothers. The gradual reduction of working time for mothers with small children.

Article 34

Citizens of Ukraine of different races and nationalities have equal rights.

Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and any advocacy of racial or national exclusiveness, hostility or discrimination, are punishable by law.

Article 35

Foreign citizens and persons without citizenship in Ukraine are guaranteed those rights and freedoms provided by law, including the right to apply to a court or other state bodies for the protection of their personal, property, family, and other rights.

Foreign citizens and persons without citizenship, residing in Ukraine, must respect and abide by the Constitution and laws of Ukraine.

Article 36

Ukraine grants the right of asylum to foreigners persecuted for defending the interests of working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific or other creative activity.

Chapter 6

Fundamental Rights, Freedoms, and Duties of Citizens of Ukraine

Article 37

Citizens of Ukraine enjoy in full the social, economic, political and individual rights and freedoms proclaimed and guaranteed by the Constitution and laws of Ukraine.

Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.

Article 38

Citizens of Ukraine have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the state-established minimum), including the right to choose their profession, type of job and work in accordance with their inclinations, abilities, personal training and education, with due account of the needs of society.

This right is ensured by the economic system, steady growth of productive forces, free vocational and professional training, improvement of worker qualifications, training in new trades or professions, and development of the systems of vocational guidance and job placement.

Article 39 + [A]

Citizens of Ukraine have the right to rest and leisure.

This right is ensured by the establishment of a working week not exceeding 41 hours, for workers and other employees; a shorter working day in a number of trades and industries; shorter hours for night work; by granting paid annual holidays; weekly days of rest; extension of the network of cultural, educational and health-care institutions; and the development on a mass scale of sport, physical education, and camping and tourism; encouraging opportunities for rest and leisure based on residence, and of other opportunities for rational use of free time.

The length of collective farmers' working and leisure time is regulated by their collective farms.

Article 40

Citizens of Ukraine have the right to health care.

This right is ensured by free, qualified medical care provided by state health institutions; by extension of the network of therapeutic and health-improvement institutions; by the development and improvement of safety and hygiene in Industry; by carrying out broad prophylactic measures; by measures to improve the environment; by special care for the health of the young generation, including prohibition of child labour, as part of the school curriculum or vocational training; and by developing research to prevent and reduce the incidence of disease to ensure citizens a long and active life.

Article 41

Citizens of Ukraine have the right to material support in old age and in sickness, in the event of complete or partial disability or loss of a breadwinner.

This right is guaranteed by social insurance of workers, other employees and collective farmers; by aid for temporary disability; by the provision by the state or by collective farms of retirement pensions, disability pensions, and pensions for loss of the breadwinners; by providing employment for the partially disabled; by care for the elderly and the disabled; and by other forms of social security.

Article 42

Citizens of Ukraine have the right to housing.

This right is ensured by the development and support of state and public housing; by encouragement of cooperative and individual house construction; by fair distribution, under public control, of the living space that becomes available through fulfillment of the programme of building well-ordered dwellings, and by low rents and low charges for utility services. Citizens of Ukraine shall take good care of the housing allocated to them.

Article 43

Citizens of Ukraine have the right to education.

This right is ensured by free provision of all forms of education, by the institution of general, compulsory secondary education, and broad development of vocational, specialized secondary, and higher education based on practical activity and production; by the development of correspondence and evening courses; by granting of state stipends and grants and benefits for students; by the free issuance of

school textbooks; by the opportunity to attend native language schools; and by creation of conditions for self-education.

Article 44

Citizens of Ukraine have the right to enjoy cultural achievements.

This right is ensured by broad access to the cultural treasures of their native land and of the world that are in state and other public collections; by the development and fair distribution of cultural and educational institutions; by development of television and radio broadcasting, book publishing, newspapers and periodicals; and the free library service; and by expanding cultural exchanges with foreign countries.

Article 45

Citizens of Ukraine, are guaranteed freedom of scientific, technical, and artistic work. This freedom is ensured by the broad extension of scientific research, invention and innovation, and the development of literature and the arts.

The state provides the necessary material support and also supports voluntary societies and creative associations; organizes the introduction of inventions and innovations in the national economy and other spheres of life.

The rights of authors, inventors and innovators are protected by the state.

Article 46

Citizens of Ukraine have the right to participate in administration of state public affairs and in the discussion and adoption of laws and decisions of state-wide and local significance.

This right is ensured by the opportunity to vote and to be elected to councils of peoples' deputies and other elective state bodies, to participate in nationwide discussions and referendums, in public administration, in the work of state bodies, public organizations, and local community groups, and in assemblies of worker collectives or residential groups.

Article 47

Every citizen of Ukraine has the right to submit proposals to state bodies and public organizations for improving their activity, and to criticize shortcomings in their work.

Officials must, within established time-limits examine citizens' proposals and applications, reply to them, and take appropriate action.

Persecution for criticism is prohibited. Persons guilty of persecutions for criticism shall be called to accountability.

Article 48

In accordance with the interests of the people and in order to strengthen and develop the constitutional order, citizens of Ukraine are guaranteed freedom of speech, of the press, of assembly, political gatherings, street processions and demonstrations.

Exercise of these political freedoms is ensured by putting public buildings, streets and squares at the disposal of working people and their organizations; by broad dissemination of information, and by the opportunity to use the press, television, and radio.

Article 49

Citizens of Ukraine have the right to unite in public parties, other political organization, and to take part in movements that promote satisfaction of their legal interests.

Realization of this right is not subject to any restrictions, except those foreseen by law and necessity for the interests of state or social security, public order, or defense of the rights and freedoms of citizens.

Political parties and public organizations are guaranteed conditions for performing the functions defined in their statutes.

Article 50

Citizens of Ukraine are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, to conduct religious worship, and to profess religious or atheistic views. Incitement of hostility or hatred on religious grounds is prohibited.

In Ukraine, the church is separated from the state, and the school from the church.

Article 51

The family enjoys the protection of the state.

Marriage is based on the free consent of the woman and the man; spouses have completely equal rights in their family relations.

The state cares for the family by creation and development a broad system of child-care institutions; organization and improvement of public services and public food services, by providing financial assistance with the birth of a child, by providing

support and benefits to families with many children, and other forms of family assistance.

Article 52

Citizens of Ukraine are guaranteed inviolability of the person. No one may be arrested except on a basis of a court decision or warrant of a procurator.

Article 53

Citizens of Ukraine are guaranteed inviolability of the home. No one has the right without lawful grounds to enter a home against the will of those residing in it.

Article 54

The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law.

Article 55

Respect for the individual and protection of the rights and freedoms of citizens are the duty of all state bodies, public organizations, and officials.

Citizens of Ukraine have the right to judicial protection against encroachments on their honour and dignity, life and health, personal freedom and property.

Article 56

Citizens of Ukraine have the right to lodge complaints against the actions of officials, state bodies and public bodies.

Complaints shall be examined according to procedures within time-limits established by law.

Actions of officials that contravene the law or exceed their delegated authority, and infringe the rights of citizens, may be appealed to a court in the manner prescribed by law.

Citizens of Ukraine have the right to compensation for damage resulting from unlawful actions by state organizations and public organizations, or by officials in the performance of their duties.

Article 57

Citizens' exercise of their rights and freedoms is inseparable from the performance of their obligations.

Citizens of Ukraine must observe the Constitution and law of Ukraine.

Article 58

It is the duty of, and a matter of honour for, every able-bodied citizen of Ukraine to work conscientiously in his chosen field of social activity, and maintain labour discipline.

Article 59

repealed

Article 60

Citizens Ukraine must safeguard the interests of the state, and to enhance its prestige and authority.

Defence of the homeland is the sacred duty of every citizen of Ukraine.
Betrayal of the homeland is the gravest of crimes against the people.

Article 61

Military service in the ranks of the Armed Forces is an honourable duty of citizens of Ukraine.

Article 62

It is the duty of every citizen of Ukraine to respect the national dignity of other citizens, and to strengthen friendship of the nations and nationalities of Ukraine.

Article 63

A citizen of Ukraine must respect the rights and lawful interests of other persons, be uncompromising toward anti-societal behaviour, and always help maintain public order.

Article 64

Citizens of Ukraine must concern themselves with the upbringing of children, ready them for socially useful work, and raise them as worthy members of socialist society. Children must care for their parents and help them.

Article 65

Citizens of Ukraine are obliged to protect nature and conserve its riches.

Article 66

Concern for the preservation of historical monuments and other cultural riches is an obligation of citizens of Ukraine.

Article 67

It is the international duty of citizens of Ukraine to promote friendship and cooperation with peoples of other countries, and to promote maintenance and strengthening world peace.

III

THE STATE AND TERRITORIAL STRUCTURE OF UKRAINE

Chapter 7

UKRAINE--AN INDEPENDENT STATE

Article 68

Ukraine is an independent democratic, rule of law state.

Article 69

Repealed.

Article 70

The territory of Ukraine is unitary, indivisible, inviolable and whole. No changes whatsoever in the territory or state borders are prohibited without the consent of the Ukrainian people.

Article 71

The laws of the republic are supreme on the territory of Ukraine.

Article 72

Repealed.

Article 73

The state language of Ukraine is the Ukrainian language.

Ukraine secures the multi-faceted development and functioning of the Ukrainian language in all spheres of social life.

In the work of the state, party and public bodies, businesses, institutions, and organizations situated in areas where there reside a majority of citizens of other nationalities, other national languages may be used alongside the state language.

Ukraine declares as a concern of the state the free development and use of all national languages used by the population of the republic.

Procedures for application of the Ukrainian and of other languages in Ukraine is defined by law.

Article 74

Ukraine enters into relations with foreign states, concludes treaties with them, exchanges diplomatic and consular representatives, and takes part in the activity of international organizations.

Chapter 7-1

THE CRIMEAN A.S.S.R.

Article 75 - [A]

The Crimean Autonomous Soviet Socialist Republic is an integral part of Ukraine which independently decides those questions (reserved for its jurisdiction).

Chapter 8

ADMINISTRATIVE-TERRITORIAL STRUCTURE OF UKRAINE

Article 76

The Ukraine shall determine its division into oblasts (provinces) and districts, and shall decide other matters relating to its administrative and territorial structure.

Article 77 - [A]

In Ukraine there is the Crimean Autonomous Soviet Socialist Republic and the following oblasts (provinces): Vinnitsya, Volyn, Voroshilovgrad, Dnipropetrovsk,

Donetsk, Zhitomir, Transcarpathia, Zaporizhya, Ivano-Frankivsk, Kiev, Kirovograd, Luhansk, Lviv, Mykolayiv, Odessa, Poltava, Rivno, Sumy, Ternopil, Kharkiv, Kherson, Khmel'nitsky, Cherkasy, Chernivtsi and Chernihiv.

The cities under Republican jurisdiction in Ukraine are Kiev and Sevastopol.

IV

RADAS OF PEOPLE'S DEPUTIES OF UKRAINE AND PROCEDURES FOR THEIR ELECTION

Chapter 9

THE SYSTEM AND PRINCIPLES OF ACTIVITY OF RADAS OF PEOPLE'S DEPUTIES

Article 78

Radas of People's Deputies, i.e., the supreme Rada of Ukraine, the Supreme Rada of the Crimean ASSR, and local Radas of People's Deputies, i.e., oblast, rayon city, city rayon, village and town Radas, shall constitute the sole system of representative organs of state power in Ukraine.

Article 79

The term of office of Radas of People's Deputies is 5 years. Elections of people's deputies shall be called no later than 4 months before the expiration of the term of office of the appropriate Rada.

Article 80 - [A]

The most important republican and local matters shall be decided at sessions of the Supreme Rada of Ukraine, the Supreme Rada of the Crimean ASSR, local Radas of People's Deputies or are submitted by them for references.

The Supreme Rada of Ukraine, the Supreme Rada of the Crimean ASSR and local Radas of People's Deputies shall elect chairmen of the Radas, shall create permanent commissions, shall create appropriate state executive and management organs of state administration, and also other subordinate organs.

Officials, elected or appointed by Radas of People's Deputies, except judges and arbitrators of the arbitration courts, shall not serve more than two consecutive terms.

Article 81

Radas of People's Deputies shall create bodies of public control which shall combine state control with public control by workers at enterprises, institutions and organizations.

Bodies of public control shall supervise execution of Legislative requirements; shall wage combat against violence of state discipline, localistic tendencies, narrow departmental attitudes, mismanagement, waste, red tape, and bureaucracy; shall coordinate the work of other control bodies; and shall encourage improvement of the structures and the work of the state aparat.

Article 82

Radas of People's Deputies shall direct all fields of state, economic, social and cultural development, either directly or through bodies created by them; shall make decisions; ensure their execution; and shall verify implementation of those decisions.

Article 83

The activity of Radas of People's Deputies is launched on the basis of effective, free, and constructive discussion and resolution of issues; glasnost (openness); regular reports from executive and management bodies and other organs created by the Radas to the Radas themselves and to the people; and wide public participation in their work.

Radas of people's deputies and those bodies created by them take into account public opinion, submit for public discussion the most important issues of state and local significance and systematically inform the public about their work and of adopted decisions.

Chapter 10

The Election System

Article 84

Election of People's Deputies is conducted by single-mandate or multi-mandate electoral districts on the basis of universal, equal and direct suffrage by secret ballot.

Article 85

Election of People's Deputies is universal: citizens of Ukraine who have attained the age of 18 have the right to vote and to be elected.

Citizens of Ukraine may not be simultaneously People's Deputies in more than two Radas of People's Deputies.

Individuals who are members of the Cabinet of Ministers of Ukraine, the Executive Committees of local Radas of People's Deputies, with the exception of Chairmen of those organs, directors of offices, divisions, and agencies of

the Executive Committees of local Radas, judges and state arbitrators - all may not be Deputies in the Rada to which they have been appointed or elected.

Judges and arbitrators of the arbitration courts may not be People's Deputies.

Mentally-ill persons, those found incompetent by a court, incarcerated persons and those individuals committed to sanatoriums shall not participate in elections.

Article 86

Elections of People's Deputies is equal: each voter has one vote; voters participate in elections on an equal basis.

Article 87

Election of People's Deputies is direct: People's Deputies are elected directly by citizens.

Article 88

Voting at elections of People's Deputies is secret: control over the free exercise of the will of voters is prohibited.

Article 89

The following have the right to elect candidates for People's Deputies: worker collectives, public organizations, trade unions, middle-specialized [?] and higher educational institutions, voter assemblies at places of residence and assemblies of military servicemen by military unit.

Every participant in pre-election assemblies may propose for discussion any candidacy, including one's own.

Candidates for Deputies participate in election campaigns on an equal basis.

Expenses related to preparation and conduct of elections of People's Deputies are met by election commissions from a single centralized fund established at the expense of the government, enterprises, public and other organizations for the purpose of ensuring equal conditions for every candidate for People's Deputy.

Article 90

Preparation for elections of People's Deputies occurs openly and with glasnost.

The conduct of elections is organized by election commissions which are formed from representatives of worker collectives, public organizations, trade unions, specialized middle [?] and higher educational institutions, assemblies at places of residence and military servicemen by military unit.

Citizens of Ukraine, worker collectives and public organizations are guaranteed the opportunity to free and all-round discussion of the political, professional and personal qualities of candidates for People's Deputies and also the right to campaign for or against candidates at assemblies, in the press, on television and on radio.

Procedures for conducting elections of People's Deputies are determined by the laws of Ukraine.

Article 91

Voters give mandates to their Deputies.

The appropriate Radas of People's Deputies examine mandates, take them into account in the development of plans for economic and social development and formation of the budget, and also in the preparation of decisions regarding other issues, organize implementation of mandates and inform citizens of their implementation.

Chapter 11

People's Deputies

Article 92

Deputies are the authorized representatives of the people in Radas of People's Deputies.

While participating in the work of the Radas, Deputies resolve issues of state, business, and social cultural development, organize the bringing of the Radas' decisions into being, control the work of state organs, enterprises, establishments and organizations.

In one's activity, a deputy is guided by general state interests, takes into account questions raised by the population of the electoral district, and try to bring the mandates of the voters into being.

Article 93 - [A]

Deputies exercise their authority, generally, without engaging in manufacturing or official activity.

During sessions of the Supreme Rada of Ukraine, the Supreme Rada of the Crimean ASSR, local Radas of People's Deputies, and also for the exercise of Deputy powers in other cases foreseen by law, a Deputy is relieved from execution of manufacturing or official duties with compensation for expenses related to deputy activity at the expense of the appropriate republican or local budget.

Article 94

A Deputy has the right to address inquiries to the appropriate state organs and officials which then must provide answers to those inquiries at sessions of the Rada.

A Deputy has the right to approach all state and public organs, enterprises, institutions and organizations regarding issues of the activity of deputies and to participate in review of those issues. Directors of the appropriate state and public organs, enterprises, institutions or organizations must immediately receive a Deputy and review his or her proposals in the established time period.

Article 95

Deputies are ensured conditions for uninterrupted and effective realization of their rights and obligations.

Inviolability [immunity] of deputies as well as other guarantees of Deputy activity are established by Ukrainian legislation.

Article 96

Deputies must report on their work and the work of the Radas before the voters, collectives and public organizations which nominated them as candidates for deputies.

A Deputy who has not justified the confidence of voters may be recalled immediately at any time by decision of a majority of voters in accordance with procedures established by law.

Part V.

Organs of the Legislative Power of Ukraine

Chapter 12

The Supreme Rada of Ukraine

Article 97

The single organ of legislative power of Ukraine is the Supreme Rada of Ukraine.

The Supreme Rada of Ukraine is empowered to review and resolve any issue which is not reserved, in accordance with this Constitution, to the competence of organs of state executive or judicial power or is not such which is resolved exclusively through an All-Ukrainian referendum.

The following belong to the exclusive competency of the Supreme Rada of Ukraine:

- 1) adoption of the Constitution of Ukraine and of any amendments to it;
- 2) adoption of decisions regarding issues of the state structure of Ukraine;
- 3) resolution of issues relating to changes of the state borders of Ukraine;
- 4) determination of the fundamental directions of domestic and foreign policy of Ukraine;
- 5) repealed;
- 6) determination of methods of state regulation of the economic and social development of Ukraine; ratification of the most important state programs of economic, social and national-cultural development; protection of the environment; ratification of the state budget of Ukraine; control over the course of implementation of state programs and the budget and ratification of reports regarding their implementation; and amending the state budget of Ukraine;
- 7) calling elections of People's Deputies of Ukraine and confirmation of the membership of the Central Election Commission on Election of People's Deputies of Ukraine; calling of elections of Deputies to local Radas of People's Deputies of Ukraine;
- 8) election of the Chairman of the Supreme Rada of Ukraine, the First Deputy and the Deputy Chairman of the Supreme Rada of Ukraine;
- 9) confirmation, upon a proposal of the President of Ukraine, of the Prime-Minister of Ukraine;
- 9-1) creation of the Defense Rada of Ukraine and determination of the list of officials to be members of it;
- 10) election of the Supreme Court of Ukraine, oblast and Kiev city judges; appointment of arbitrators to the High Court of Arbitration of Ukraine, oblast and Kiev city arbitrators; the General Procurator of Ukraine; the Chairman of the National Security Service of Ukraine; the Chairman of the Administration of the National Bank of Ukraine; the Editor-in-Chief of the newspaper of the Supreme Rada of Ukraine [ie., Holos Ukrainy, trans.]; confirmation of the Presidium of the High Court of Arbitration of Ukraine and the Board of the General Procuracy of Ukraine;
- 10-1) confirmation of proposed candidates of the President of Ukraine for the offices of ministers of foreign affairs, defense, finance, justice, internal affairs and the chairmen of the State Committee for the Defense of State Borders and the State Customs Committee;
- 11) election of the Constitutional Court of Ukraine;
- 12) hearing of reports from organs created or elected by itself and from officials which it appoints, elects or whose candidacies it confirms;
- 13) legislative regulation of relations regarding ownership, entrepreneurial activity, social and cultural development, state customs policy, state scientific-technical policy, budgetary and financial-credit systems, taxation, environmental protection, use and renewal of natural resources of Ukraine and other relations requiring legislative regulation;

- 14) resolution of issues regarding use of the territory and natural resources of Ukraine; ensuring ecological safety; ratification of policies of environmental protection and national policies of liquidation of the after-effects of the Chornobyl catastrophe;
- 15) legislative regulation of relations among the citizenry of Ukraine;
- 16) legislative regulation and control over the securing of constitutional rights, freedoms and duties of citizens of Ukraine;
- 17) review of issues regarding ensuring the equality of citizens of all nationalities who reside on the territory of Ukraine;
- 18) adoption of decisions regarding conducting all-Ukrainian referendums;
- 19) interpretation of the Constitution and laws of Ukraine;
- 20) determination of procedures for resolving issues of the administrative-territorial structure of Ukraine; creation and liquidation of oblasts, rayons and city rayons; ratification of the boundaries of the Crimean ASSR; establishment and changes of boundaries of oblasts and cities (except cities of the Crimean ASSR); categorization of population centers as cities (except population centers of the Crimean ASSR); and naming and renaming of cities, rayons and city rayons (except cities, rayons and city rayons of the Crimean ASSR);
- 21) determination of procedures for the organization and activity of organs of state executive power, local self-governance, the judiciary, the arbitration courts and the procuracy; and determination of the general legal principles regarding establishment and the activity of public associations;
- 21-1) pre-term termination of the powers of local Radas of People's Deputies if they violate the Constitution and laws of Ukraine, and the calling of new elections of deputies to those Radas;
- 22) encouragement of activity of local Radas of People's Deputies;
- 23) determination of revenues which shall be applied to creation of the state budget of Ukraine;
- 24) resolution of issues regarding the opening of diplomatic missions, consulates, missions to international organizations, trade missions of Ukraine;
- 25) ratification and denunciation of international agreements of Ukraine;
- 26) control over the granting of loans by Ukraine, economic and other aid to foreign states and also over formation of agreements regarding state loans and credits obtained from foreign sources;
- 26-1) the declaration of a state of emergency on the territory of Ukraine in times of necessity;
- 27) creation of state awards and establishment of honorary titles of Ukraine;
- 27-1) establishment of military titles, diplomatic ranks and other special titles and class distinctions;
- 28) repealed;
- 29) placement of a veto over ukases [decrees] of the President of Ukraine and resolutions of the Cabinet of Ministers of Ukraine in cases of their incompatibility with the Constitution and laws of Ukraine; application to the Constitutional Court of

Ukraine with proposals for decisions on the constitutionality and legality of designated acts;

30) annulment the resolutions of the Presidium of the Supreme Rada of Ukraine and orders of the Chairman of the Supreme Rada of Ukraine;

31) suspension of legalistic acts of the Supreme Rada of the Crimean ASSR on cases of their incompatibility with the Constitution and laws of Ukraine; annulment the decisions of oblast, rayon, city, city rayon Radas of People's Deputies if their adoption violates the Constitution and laws of Ukraine;

32) repealed;

33) repealed;

34) ratification of ukases [decrees] of the President of Ukraine regarding declaration of war and declarations of martial law and states of emergency;

35) requesting the President of Ukraine to present a special speech at a plenary session of the Supreme Rada of Ukraine regarding the most important issues facing the society and the state; the Supreme Rada of Ukraine adopts laws of Ukraine, resolutions, declarations, applications and statements; laws come into force ten days after the moment of their publication unless otherwise specified by the laws themselves, but never before their publication.

Article 97-1

[A]

In extraordinary instances, by adoption a law by two-thirds vote of the absolute number of People's Deputies of Ukraine, the Supreme Rada of Ukraine may delegate to the Cabinet of Ministers of Ukraine for a designated term the authority to issue decrees in the sphere of legislative regulation of particular issues indicated in Article 97, pt. 13 of the Constitution of Ukraine.

The Cabinet of Ministers of Ukraine, to realize its delegated powers, adopts decrees which have the force of law. Decrees may suspend particular legislative acts or may introduce amendments or changes to them.

A decree, after being signed by the Prime-Minister of Ukraine, is submitted to the Supreme Rada of Ukraine and comes into force in accordance with the procedure established by Article 97, part 5, of the Constitution of Ukraine, if the Supreme Rada of Ukraine does not veto the decree within ten days of its submission.

During the period of the Cabinet of Ministers' delegated powers, the Supreme Rada of Ukraine may annul decrees or their particular articles by passing laws [to such effect] if such decrees are incompatible with the Constitution of Ukraine.

After the period of delegated powers of the Cabinet of Ministers expires, the Supreme Rada of Ukraine may annul or change the decrees by passing laws of Ukraine.

Article 98

The Supreme Rada of Ukraine is composed of 450 People' Deputies who are elected according to electoral districts with approximately equal numbers of voters.

Article 99

The Supreme Rada of Ukraine is called to its first session by the Presidium of the Supreme Rada of Ukraine no later than two months after elections.

The first session of the Supreme Rada of Ukraine after elections is opened by the Chairman of the Central Election Commission for Elections of People's Deputies of Ukraine; until election of a Chairman of the Supreme Rada of Ukraine and his or her Deputies, [the session] is conducted by a Presidium elected by the Supreme Rada. Later meetings of the Supreme Rada of Ukraine are conducted by the Chairman of the Supreme Rada of Ukraine or his or her Deputies.

Article 100

The Supreme Rada of Ukraine, upon application by the Mandate Commission which it [itself] elects, adopts decisions regarding recognition of the powers of People's Deputies of Ukraine and, in times of violation of election legislation, regarding declaration of elections of particular People's Deputies void.

Article 101

The Supreme Rada of Ukraine conducts its work through sessions.

Sessions of the Supreme Rada of Ukraine are comprised of plenary meetings of the Supreme Rada of Ukraine and also of meetings of permanent and other commissions of the Supreme Rada which take place between them [ie, plenary meetings].

Scheduled [ordinary] sessions are called by the Presidium of the Supreme Rada of Ukraine.

Special sessions are called by the Chairman of the Supreme Rada of Ukraine, the Presidium of the Supreme Rada upon its own initiative or by a proposal of no less than a third of the membership of the Supreme Rada of Ukraine or upon initiative of the President of Ukraine.

Article 102

The Supreme Rada of Ukraine preserves its powers until election of a new membership of the Supreme Rada of Ukraine.

Article 103

The right to initiate legislation in the Supreme Rada of Ukraine belongs to the People's Deputies of Ukraine, the Presidium of the Supreme Rada of Ukraine, the President of Ukraine, the Constitutional Court of Ukraine, the Cabinet of Ministers of Ukraine, the Supreme Court of Ukraine, the General Procurator of Ukraine, the Supreme Rada of the Crimean ASSR and the Academy of Sciences of Ukraine.

Article 104

Draft laws and other issues submitted for review of the Supreme Rada of Ukraine are discussed at its meetings.

The Supreme Rada of Ukraine is competent to adopt decisions if at its meeting are present at least two thirds of the simple number of People's Deputies of Ukraine whose powers are recognized and not suspended by procedures established by law, but more than half of its constitutional [absolute] membership.

A law of Ukraine and a resolution of the Supreme Rada of Ukraine are considered adopted if voted for by a simple majority of People's Deputies of Ukraine, whose powers are recognized and not suspended prior to expiration of their terms in accordance with procedures established by law.

A People's Deputy of Ukraine votes individually.

A law of Ukraine is signed by the Chairman of the Supreme Rada of Ukraine who submits it to the President of Ukraine.

The President of Ukraine signs laws of Ukraine within ten days of receiving such laws. Within this period the President of Ukraine may exercise the right of veto and return the law with comments to the Supreme Rada of Ukraine for a repeat [second] review.

If, during this repeat review, the law will be adopted by a simple majority of People's Deputies, whose powers are recognized and not suspended prior to expiration of their terms in accordance with procedures established by law, the President of Ukraine must sign it within seven days.

Draft laws and other very important issues of state may be submitted for public discussion by decision of the Supreme Rada of Ukraine.

Article 105

The Presidium of the Supreme Rada of Ukraine is a subordinate organ of the Supreme Rada of Ukraine which ensures the organization of the work of the Supreme Rada of Ukraine and exercises other powers within limits set by the Constitution of Ukraine and laws of Ukraine.

The Presidium of the Supreme Rada of Ukraine is composed of the Chairman of the Supreme Rada of Ukraine, the First Deputy and Deputy Chairman of the Supreme Rada of Ukraine, and the chairmen of the permanent commissions of the Supreme Rada of Ukraine.

The Presidium of the Supreme Rada of Ukraine is headed by the Chairman of the Supreme Rada of Ukraine.

Article 106

The Presidium of the Supreme Rada of Ukraine:

- 1) calls sessions of the Supreme Rada of Ukraine;
- 2) organizes preparation of sessions of the Supreme Rada of Ukraine;

2-1) ensures timely analysis of decrees of the Cabinet of Ministers of Ukraine and adopts decisions, upon its own initiative or upon recommendation by a commission of the Supreme Rada of Ukraine, regarding their submission for review by the Supreme Rada of Ukraine;

3) repealed;

4) coordinates the activity of permanent commissions of the Supreme Rada of Ukraine;

5) encourages People's Deputies of Ukraine to exercise their powers and ensures [that they are supplied] with necessary information;

6) exercises control over compliance with the Constitution of Ukraine;

7) organizes the preparation and the conduct of people's votes (referendums) and also public discussions of draft laws of Ukraine and other very important issues of the state life of the republic;

8) conducts the naming and renaming of large towns and villages;

9-16) repealed;

17) publicizes, in the Ukrainian and Russian languages, the laws of Ukraine and other acts adopted by the Supreme Rada of Ukraine, the Presidium of the Supreme Rada of Ukraine and the Chairman of the Supreme Rada of Ukraine; encourages the publication of designated acts translated into other languages spoken by a majority of the population of a particular locality of the republic.

The Presidium of Ukraine adopts resolutions.

Article 107

The Chairman of the Supreme Rada of Ukraine is elected by the Supreme Rada of Ukraine from among the [total] number of People's Deputies by secret ballot for a five-year term and for no more than two consecutive terms. He [or she] may be recalled at any time by the Supreme Rada of Ukraine by secret ballot.

The Chairman of the Supreme Rada of Ukraine is subordinate to the Supreme Rada of Ukraine.

Article 108

The Chairman of the Supreme Rada of Ukraine:

1) exercises general direction for the preparation of issues which require review of the Supreme Rada of Ukraine, signs acts adopted by the Supreme Rada of Ukraine and the Presidium of the Supreme Rada of Ukraine;

2) repealed;

3) presents to the Supreme Rada of Ukraine candidacies for election to the offices of First Deputy and Deputy of the Chairman of the Supreme Rada of Ukraine and also [presents] proposals for the membership of the Constitutional Court of Ukraine;

4) presents to the Supreme Rada of Ukraine candidacies for election or appointment to the offices of the Chairman of the Constitutional Court of Ukraine, the Chairman of the High Court of Arbitration of Ukraine, the General Procurator of Ukraine, the Chairman of the Administration of the National Bank of Ukraine, the Editor-in-Chief of the newspaper of the Supreme Rada of Ukraine [ie, Holos Ukrainy];

5) repealed;

6) suspends acts of the Cabinet of Ministers of Ukraine, ministries of Ukraine and other organs subordinate to the Cabinet of Ministers of Ukraine in cases of their incompatibility with the Constitution of Ukraine and laws of Ukraine while simultaneously submitting to the Supreme Rada of Ukraine or the Cabinet of Ministers of Ukraine resolutions regarding annulment of such acts.

The Chairman of the Supreme Rada of Ukraine issues orders.

The First Deputy of the Chairman of the Supreme Rada of Ukraine and the Deputy Chairman of the Supreme Rada of Ukraine, upon empowerment by the Chairman of the Supreme Rada of Ukraine, execute his or her functions and substitute for the Chairman in cases of his or her absence or inability to fulfill his or her duties.

Article 109

The Supreme Rada of Ukraine elects from among the [total] number of People's Deputies of Ukraine, permanent commissions to conduct the work of legislative drafting, preliminary review and preparation of issues which belong to the competency of the Supreme Rada of Ukraine and also to encourage the bringing into being of laws of Ukraine and other decisions adopted by the Supreme Rada of Ukraine and to control the activity of state organs and organizations.

The Supreme Rada of Ukraine creates, if it determines as necessary, investigative, auditing and other commissions regarding any issues.

Article 110

Laws and other decisions of the Supreme Rada of Ukraine are adopted typically after preliminary discussion of their drafts by the appropriate permanent commissions of the Supreme Rada of Ukraine.

Election and appointment of officials to the membership of the Constitutional Court of Ukraine, the Cabinet of Ministers of Ukraine, the Supreme Court of Ukraine, the High Court of Arbitration of Ukraine, judges of the oblast and Kiev city courts, arbitrators of the arbitration courts of the Crimean ASSR, the oblast, the city of Kiev, and also confirmation of the Presidium of the High Court of Arbitration of Ukraine and the Board of the General Procuracy of Ukraine are conducted upon the presentation of recommendations by the appropriate permanent commissions to the Supreme Rada of Ukraine.

All state and public organs, organizations and employees must execute the requirements of the commissions of the Supreme Rada of Ukraine and must submit to them necessary materials and documents.

Recommendations of commissions are subject to mandatory review by state and public organs, institutions and organizations. The commissions should be notified of the results of such review and those methods of review used within time periods determined by the commissions.

Article 111

A People's Deputy of Ukraine has the right, at sessions of the Supreme Rada of Ukraine, to submit questions to the President of Ukraine, to the Cabinet of Ministers of Ukraine, to the directors of other organs created or elected by the Supreme Rada of Ukraine and also to directors of enterprises, institutions and organizations located throughout the territory of Ukraine regardless of to whom they are subordinated.

People's Deputies of Ukraine are relieved from employee or manufacturing duties for a certain period necessary for execution of their Deputy activity in the Supreme Rada of Ukraine, its commissions and among the population. They may be relieved from employee or manufacturing duties for the entire period of their authority in the Supreme Rada of Ukraine.

A People's Deputy of Ukraine may not be subject to criminal accountability, arrest or subject to administrative penalties, which are imposed by judicial procedures, without the consent of the Supreme Rada of Ukraine and, in the periods in between its sessions, without the consent of the Presidium of the Supreme Rada of Ukraine.

Article 112

The Constitutional Court of Ukraine is elected by the Supreme Rada of Ukraine for ten years from among specialists in the field of law and shall be composed of a Chairman, two Deputy Chairmen and 12 other members of the Court.

Individuals elected to the Constitutional Court of Ukraine may not be simultaneously members of other state organs whose activity is supervised by the Constitutional Court or People's Deputies or belong to any political party or movement.

Individuals elected to the Constitutional Court of Ukraine, in the execution of their duties, are independent and are accountable only to the Constitution of Ukraine.

The organization and procedures of activity of the Constitutional Court of Ukraine are determined by the Law "On the Constitutional Court of Ukraine."

Article 113

The Supreme Rada of Ukraine exercises control over the activity of all of its subordinate state organs.

Article 114

Procedures of activity of the Supreme Court of Ukraine and its organs are determined by the Procedural Code [Rules of Order] of the Supreme Rada of Ukraine and other laws of Ukraine issued on the basis of the Constitution of Ukraine.

Chapter 12-1

The President of Ukraine

Article 114-1

The President of Ukraine is the head of state and the head of the executive power of Ukraine.

The powers of the President of Ukraine are determined by the Constitution of Ukraine.

Article 114-2

A citizen of Ukraine who is at least thirty-five years of age, may be elected President of Ukraine.

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

The President of Ukraine cannot be a People's Deputy, hold any other office in state bodies, public associations or other organizations, or engage in commercial activity.

Article 114-3

The President of Ukraine is elected for a five-year term by the citizens of Ukraine on the basis of general, equal and direct voting rights by secret ballot.

Procedures for conducting elections of the President of Ukraine are determined by the Law "On Elections of the President of Ukraine."

Article 114-4

The President of Ukraine upon assumption of office takes the oath of office during a plenary session of the Supreme Rada of Ukraine. The text of the oath and

procedures for its administration are determined by the Law "On the President of Ukraine.

Article 114-5 [A]

The President shall:

1) be the guarantor of the rights and freedoms of citizens, the state sovereignty of Ukraine and compliance with the Constitution and Laws of Ukraine;

1-1) bring the Constitution and laws of Ukraine into being through the system of state executive power bodies;

2) represent Ukraine in international affairs;

2-1) be the Commander-in-Chief of the Armed Forces of Ukraine;

3) shall employ methods to ensure the defense capability, national security and territorial integrity of Ukraine;

3-1) lead and direct the executive activity of the Cabinet of Ministers of Ukraine;

4) head the system of state executive power bodies and shall ensure their cooperation with the Supreme Rada of Ukraine;

4-1) submit for review by the Supreme Rada of Ukraine the draft of the State Budget of Ukraine and a report regarding its execution;

4-2) administrate state property in cases foreseen by law;

5) address the people of Ukraine and shall submit for review to the Supreme Rada of Ukraine annual reports on the execution of socio-economic and other programs adopted by the Supreme Rada of Ukraine, on the State of Ukraine, and on the domestic and foreign policy activities of the President and the Government of Ukraine. The Supreme Rada of Ukraine, upon an absolute majority vote of the People's Deputies of Ukraine whose powers are determined and not prematurely suspended in accordance with procedures established by law, has the right to request from the President of Ukraine additional reports on the most important issues of state and social life;

5-1) initiate the calling of extra [additional] sessions of the Supreme Rada of Ukraine;

6) propose for confirmation by the Supreme Rada of Ukraine the candidacy for the Prime-Minister of Ukraine and shall submit proposals to the Supreme Rada of Ukraine for the dismissal from office of the Prime-Minister of Ukraine;

7) propose for confirmation by the Supreme Rada of Ukraine the candidacies his appointments for the offices of ministers of foreign affairs, defense, finance, justice, internal affairs and the chairmen of the State Committee on Matters of Defense of State Borders and the State Customs Committee; removes such persons from office;

7-1) to ensure the execution of the Constitution and laws of Ukraine, shall create, reorganize and liquidate ministries, agencies and other organs of state executive power that fall within the bounds state budget funds approved by the

Supreme Rada of Ukraine and shall appoint and remove from office the directors of these organs;

7-2) annul acts of the Cabinet of Ministers of Ukraine, acts of the ministries and other central organs of state executive power in cases of their inconsistency with the Constitution and laws of Ukraine and the Decrees of the President of Ukraine;

7-3) establish additional methods of administrative responsibility for violation of a regime established in connection with natural disasters, epidemics and episodes;

7-4) until the adoption of the new Constitution of Ukraine, decrees on issues of economic reform which are not regulated by laws of Ukraine are subject to ratification by the Supreme Rada of Ukraine;

7-5) submit to the Supreme Rada of Ukraine proposals on the pre-term termination of the authority of particular local Radas of People's Deputies in cases of their violation of the Constitution and laws of Ukraine and shall submit proposals for designation of new elections of Deputies to these Radas;

7-6) employ methods to defend the interests of citizens of Ukraine beyond its borders;

7-7) encourage satisfaction of national-cultural, spiritual and linguistic needs of Ukrainians who reside in other states;

8) conduct negotiations and sign inter-state and international treaties of Ukraine, which come into effect after ratification by the Supreme Rada of Ukraine; shall appoint and dismiss diplomatic representatives of Ukraine to foreign states and to international organizations; and shall accept credentials and letters of recall of accreditation of diplomatic representatives of foreign states;

9) grant state awards and present honorary titles of Ukraine;

9-1) promote individuals to higher military and diplomatic ranks and other special ranks and positions;

9-2) establishes presidential medals and grants them;

10) decide questions regarding the granting of citizenship or loss of citizenship of Ukraine and the granting of asylum to foreign citizens and individuals without citizenship;

11) pardon individuals convicted by the courts of Ukraine;

11-1) issues decrees on amnesty;

12) make decisions regarding declaration of war, imposition of martial law on the entire territory of Ukraine or in its particular localities in cases of military attack on Ukraine. Procedures for imposition and the regime of martial law are determined by law;

12-1) make a decision in cases of martial law regarding general or partial mobilization on the territory of Ukraine;

12-2) impose, if necessary, a state of emergency on the territory of Ukraine in accordance with the Law "On a state of Emergency";

13) declare, if necessary, particular areas of Ukraine as ecological disaster zones; and

14) provide commentary on those Acts approved by him or her.

Article 114-6

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

If the Constitutional Court of Ukraine declares decrees or orders of the President to contradict the Constitution and laws of Ukraine, then they are void.

Article 114-7

Repealed.

Article 114-8

Repealed.

Article 114-9

The President of Ukraine enjoys the right of immunity.

In cases of violation of the Constitution and laws of Ukraine by the President, the President may be removed from office by the Supreme Rada of Ukraine upon recommendation of the Constitutional Court of Ukraine. Decisions on removal of the President from office in such cases are adopted by no less to two-thirds of the total number of People's Deputies of Ukraine whose powers have been recognized and have not been prematurely terminated in accordance with procedures established by law.

The Supreme Rada of Ukraine may declare an All-Ukrainian Referendum on the issue of pre-term termination of the powers of the President upon initiative of the people. Upon such pre-term termination of powers of the President of Ukraine due to referendum results, new elections shall be conducted in accordance with the Law "On Elections of the President of Ukraine."

Article 114-10

In the case of death, pre-term termination of the powers of the President or removal from offices in cases stipulated in Article 114-9 of the Constitution of Ukraine, execution of the President's duties for the period until election and assumption of office of a new President shall be delegated to the Chairman of the Supreme Rada of Ukraine upon decision of the Supreme Rada of Ukraine.

Chapter 13

The Cabinet of Ministers of Ukraine

Article 115

The Cabinet of Ministers (Government) of Ukraine shall be the organ of state executive power of Ukraine.

Article 116

The membership of the Cabinet of Ministers shall include the Prime-Minister of Ukraine, the First Vice Prime-Minister of Ukraine, the Vice Prime-Ministers of Ukraine, ministers of Ukraine, the Minister of the Cabinet of Ministers of Ukraine, and the chairmen of the Security Service of Ukraine, the administration of the National Bank of Ukraine, the Anti-Monopoly Committee of Ukraine, the State Committee for Matters of Defense of the State Borders of Ukraine and the State Customs Committee.

The President may appoint to membership to the Cabinet of Ministers of Ukraine other directors of central organs of the state executive power of Ukraine; the Chairman of the Government of the Crimean ASSR may participate with a right to vote in the work of the Cabinet of Ministers of Ukraine.

Article 117

The Cabinet of Ministers of Ukraine shall be subordinate to the President and shall be accountable and responsible to the Supreme Rada of Ukraine.

A newly-formed Cabinet of Ministers of Ukraine submits for review by the President of Ukraine and the Supreme Rada of Ukraine a program of activity for the coming term of its powers.

The Supreme Rada of Ukraine may express no-confidence in the Prime-Minister of Ukraine, individual members of the Cabinet of Ministers of Ukraine or in the Cabinet of Ministers of Ukraine as a whole; all of which carry the subsequent resignation of those individuals.

Article 118

The Cabinet of Ministers of Ukraine resolves issues of state administration on the basis of the Constitution and laws of Ukraine, decrees and orders of the President of Ukraine.

Article 119

The Cabinet of Ministers, within its authority, shall:

- 1) create conditions to secure state sovereignty and economic independence of Ukraine;
- 2) develop state programs for the socio-economic development of Ukraine;
- 3) effect state regulation of the economic and social development of Ukraine;
- 4) ensure the conduct of the financial policy of Ukraine, the state policy in the field of price-fixing and payment for work; draft and execute the state budget of Ukraine; create state and international economic programs; create state development funds and funds for elimination of the consequences of national disasters and catastrophes; conduct policy in the field of environmental protection and use of natural resources;
- 5) effect state programs for economic, social and cultural development;
- 6) employ measures to ensure the national security and defense readiness of Ukraine;
- 7) ensure the implementation of foreign political and foreign economic activities of Ukraine, and of the customs system;
- 8) effect methods to defend the interests of Ukraine, to secure the lawfulness, rights and freedoms of citizens, the protection of property and public order, and to wage the war against crime;
- 9) create, if necessary, state committees of Ukraine, main administrations, state inspections and other subordinate bodies; and
- 10) coordinate the activity of executive committees of local Radas of People's Deputies regarding execution of state programs.

Article 120

The Cabinet of Ministers of Ukraine issues resolutions, orders and, in cases stipulated in Article 97-1 of the Constitution of Ukraine, decrees; and organizes their execution.

Decrees, resolutions and orders of the Cabinet of Ministers of Ukraine are binding throughout the territory of Ukraine. (changed in accordance with Law N 2885-12)

Article 121

The Cabinet of Ministers of Ukraine has the right to annul the Acts of ministries of Ukraine and of other subordinate bodies.

Article 122

The Cabinet of Ministers of Ukraine unites and directs the work of the ministries of Ukraine and of other subordinate bodies.

Ministries and other central organs of state executive power in Ukraine direct those fields of administration delegated to them, are responsible for their development, issue Acts within the spheres of their competencies and organize and control their execution.

Article 123

The structure and competence of the Cabinet of Ministers of Ukraine are determined by the Constitution of Ukraine, the Law "On the Cabinet of Ministers of Ukraine," and by other laws of Ukraine.

The procedures for activity of the Cabinet of Ministers of Ukraine and its relationship with other state organs are determined by the Law "On the Cabinet of Ministers of Ukraine."

Part VI

Local Organs of State Power and Administration in Ukraine

Chapter 14

Local Councils of People's Deputies

Article 124

Organs of state power in the oblasts, rayons, cities, city rayons, towns and villages of Ukraine are the oblast, rayon, city, city rayon, town and village Radas of People's Deputies.

Article 125

Local Radas of People's Deputies, within the spheres of their competence, resolve all issues of local significance arising from the interests of citizens residing within the respective territories and from state interests; bring into being decisions of higher organs of state power; coordinate the activity of lower-level Radas of People's Deputies; ensure maintenance of legality and law and order; participate in discussion of issues of republican significance; and submit their own proposals regarding such issues.

Article 126

Local Radas of Peoples' Deputies ensure comprehensive socio-economic development within their territories and direct enterprises (associations), organizations and establishments which are communal [local government] property.

Relations between local Radas of People's Deputies and enterprises (associations), organizations and establishments, which are communal [local government] property are built on a tax and contract basis in the interest of satisfying the needs of the population and the socio-economic development of the territory.

Article 127

Local Radas of People's Deputies adopt decisions within the spheres of their competence as granted them by Ukrainian legislation.

Decisions of local Radas of People's Deputies are binding on all enterprises, establishments, organizations, officials and citizens found within the respective Rada's territory.

Article 128

The work of oblast, rayon, city, city rayon, town and village Radas of People's Deputies is organized by the Chairmen of those Radas, who likewise are Chairmen of the Radas Executive Committees.

Sessions of local Radas of People's Deputies are called by the Chairmen of those Radas when necessary, but no less than four times a year.

The sphere of issues resolved exclusively at plenary meetings of Radas is determined by the Law "On Local Radas of People's Deputies of Ukraine and Local Self-Governance."

Article 129

Repealed.

Article 130

Local Radas of People's Deputies are elected from among the number of deputies by the permanent commissions for initial review and preparation of issues delegated to local Radas and also for control over implementation of their decisions.

Appointment and election of officials to the membership of Executive Committees of local Radas and other organs established by them and also directors of divisions and agencies of the Executive Committees are conducted upon the conclusory recommendation of the appropriate permanent commissions of the Radas of People's Deputies.

Recommendations of the permanent commissions of the Radas of People's Deputies require mandatory review by the appropriate state and public organs, enterprises (associations) organizations and establishments. The commissions must be informed of the results of such reviews and the measures actually used within time periods set by them.

Article 131

Local Radas of People's Deputies conduct their activity in close contact with worker collectives and public organizations, submit the most important local issues for public discussion and present them for referendums, and use measures to broaden participation of citizens in the work of Radas and their subordinate organs.

Chapter 15

**EXECUTIVE COMMITTEES
OF LOCAL RADAS
OF PEOPLE'S DEPUTIES**

Article 132

The executive-administrative bodies of local Radas of People's Deputies shall be the Executive Committees elected by them.

Executive Committees shall report at least once a year to the Radas that elected them and to assemblies of worker collectives and of citizens at their places of residence.

Article 133

Executive Committees of local Radas of People's Deputies shall be directly accountable to the Radas that elected them.

Article 134

The competency of Executive Committees of local Radas of People's Deputies and the procedures of their activity are determined on the basis of the law, based on this Constitution, "On Local Councils of People's Deputies of Ukraine and Local Self-Governance."

Article 135

Executive Committees of local Radas of People's Deputies shall adopt decisions and issue regulations within the authority accorded them by the legislation of Ukraine.

Article 136

Repealed.

Article 137

Upon the expiration of the term of office of the local Radas of People's Deputies, their Executive Committees shall retain their powers until the Radas of People's Deputies of the new convocation shall elect Executive Committees.

Article 138

Departments and administrations of the Executive Committees shall be formed by the Radas of People's Deputies. Departments and administrations of the Executive Committees of Radas of People's Deputies shall direct those fields of administration delegated to them and are accountable in their activities to the appropriate Rada and its Executive Committee.

VII.

**THE STATE PLAN
FOR THE ECONOMIC
AND
SOCIAL DEVELOPMENT
OF UKRAINE
AND
BUDGET
OF UKRAINE**

Chapter 16

**STATE PLAN FOR THE ECONOMIC
AND SOCIAL DEVELOPMENT
OF UKRAINE**

Article 139

The state plan for the economic and social development of the Ukraine is a component part of the state plan for the economic and social development of the USSR.

Current and long-term state plans for the economic and social development of Ukraine shall be directed at ensuring comprehensive economic and social development on the territory of the Republic in accordance with the basic tasks and directions for economic and social development of the USSR.

Article 140

State plans for the economic and social development of Ukraine shall determine tasks of economic, social and cultural development; they shall contain comprehensive goal-oriented programs, plans for the development of branches of the national economy and the economic rayons of the territory of Ukraine and include plans for the economic and social development of oblasts and cities under Republican jurisdiction.

Article 141

The state plan for the economic and social development of Ukraine shall be developed by the Council of Ministers of Ukraine in accordance with the state plan for the economic and social development of the USSR and shall be based on draft plans of ministries, state committees and other bodies of state administration of Ukraine, and local Radas of People's Deputies.

The state plan for the economic and social development of Ukraine incorporates the main targets of the plans of enterprises, institutions and organizations under Union jurisdiction which are on the territory of Ukraine.

The drafting of plans for economic and social development shall take into account proposals from collectives of enterprises, institutions, and organizations, as well as from public organizations.

Article 142

The Council of Ministers of Ukraine shall submit the state plan for the economic and social development of Ukraine for review by the Supreme Rada of Ukraine.

The Supreme Rada of Ukraine, upon receiving the report of the Council of Ministers of Ukraine and the conclusions of the Planning and Budget Commission and other permanent commissions of the Supreme Rada of Ukraine, shall discuss and approve the state plan for the economic and social development of the Ukraine.

Article 143

The Council of Ministers of Ukraine shall organize the execution of the state plan for the economic and social development of Ukraine and shall take measures to consolidate planning discipline.

Article 144

Reports regarding the execution of state plans for the economic and social development of Ukraine shall be reviewed and approved by the Supreme Rada of Ukraine. General indicators of the execution of the plans shall be published for the general public.

Chapter 17

**STATE BUDGET
OF UKRAINE**

Article 145

The State Budget of Ukraine is a component part of the State Budget of the USSR.

Article 146

The State Budget of Ukraine shall combine the Republican budget of Ukraine and local budgets.

Distribution of revenues and allocations of the State Budget of Ukraine among Republican and local budgets shall be determined by the Law of the Ukraine on Budget Rights of Ukraine and of the local Radas of People's Deputies.

Article 147

The State Budget of Ukraine shall be developed by the Council of Ministers of Ukraine on the basis of state plans for the economic and social development of the Union of Soviet Socialist Republics and Ukraine, and the State Budget of the USSR. It shall be approved by the Supreme Rada of Ukraine upon receiving the report of the Council of Ministers of Ukraine and the conclusions of the Planning and Budget Commission and other permanent commissions of the Supreme Rada of Ukraine.

Article 148

The Report on the execution of the State Budget of Ukraine shall be approved by the Supreme Rada of Ukraine. General indicators on the execution of the Budget shall be published for the general public.

VIII.

JUSTICE,
ARBITRATION,
AND THE SUPERVISORY POWER
OF THE PROCURACY

Chapter 18

THE JUDICIARY AND THE ARBITRATION SYSTEM

Article 149 - [A]

In Ukraine there are the following courts: the Supreme Court of Ukraine, oblast courts, Kiev City Court, district (inter-rayon) courts, and city-rayon people's courts.

Article 150 [A]

The Supreme Court of Ukraine exercises the highest judicial control and supervision over the activities of the courts of the republic.

Organization and procedures of activity of the Courts of Ukraine is established by the laws of Ukraine.

Article 151

The Supreme Court of Ukraine shall consist of a Chairman, Vice-Chairman, members, and people's assessors.

Article 152

Review of civil and criminal cases in all courts is either by a board of judges or by a single judge. Joint responsibility for rendering justice is secured through review of cases by a board of judges composed of 2 judges and 3 people's assessors. In the administration of justice people's assessors have all the rights of a judge.

Article 153

Judges and people's assessors are independent and subject only to the law.

Judges and people's assessors are guaranteed conditions for uninterrupted and effective exercise of their rights and responsibilities. Any interference in the rendering of justice by judges and people's assessors is prohibited and carries with it accountability before the law.

Inviolability of judges and people's assessors (judicial immunity) and also other guarantees of their independence are established by Ukrainian legislation.

Article 154

Justice is administered in Ukraine on the principle of the equality of citizens before the law and the court.

Article 155

Proceedings in all courts shall be open to the public. Hearings in camera are only allowed in cases provided for by law, with observance of all rules of judicial procedure.

Article 156

A defendant in a criminal action is guaranteed the right to a defense.

Article 157

Judicial proceedings in Ukraine shall be conducted in the Ukrainian language, or in the language spoken by the majority of the people of a given locality. Persons participating in court proceedings, who do not know the language in which they are being conducted, shall be ensured the right to become fully acquainted with the materials in the case, participation in the proceedings through an interpreter, and the right to address the court in their own language.

Article 158

No one may be adjudged guilty of a crime and be subjected to criminal punishment except by sentence of a court and in accordance with the law.

Article 159

Colleges of advocates are available to give legal assistance to citizens and organizations. In cases provided for by legislation, citizens shall be given legal assistance free of charge.

The organization and procedures of activity of advocates are determined by legislation of Ukraine.

Article 160

Representatives of public organizations and of worker collectives may take part in civil and criminal proceedings.

Article 161

Economic disputes in Ukraine are resolved by the Supreme Arbitration Court of Ukraine, arbitration courts of the Crimean A.S.S.R., oblasts and the city of Kiev.

Interference by any organs, organizations or officials in the activity of arbitrators of arbitration courts in the resolution of disputes is prohibited.

Chapter 19

THE PROCURACY

Article 162

The General Procurator of Ukraine and his subordinate procurators exercise Supreme supervision over adherence and proper application of the laws by the Cabinet of Ministers of Ukraine; the ministries; the state committees; agencies; and other organs of state and economic administration and control; the government of the Crimean A.S.S.R.; local Radas of people's deputies; their executive and management bodies; military units; political parties; public organizations; mass movements; enterprises; institutions and organizations, regardless of their forms of ownership, subordination or affiliation; officials and citizens.

Article 163

The General Procurator of Ukraine is appointed by, accountable to, and subordinated only to the Supreme Rada of Ukraine. Procurators of the Crimean A.S.S.R., oblast, city of Kyiv, city, rayon, and inter-rayon procuracies are appointed by the General Procurator of Ukraine.

Article 164

Repealed.

Article 165

In the exercise of their powers, procurators are independent and are guided by the Constitution and laws of Ukraine.

The organization and procedures for activity of procurators on the territory of Ukraine is established by the Law of Ukraine "On the Procuracy."

IX. THE EMBLEM, FLAG, ANTHEM, AND CAPITAL OF UKRAINE

Article 166

Symbols of the independent state of Ukraine are its State Emblem, State Flag, and State Anthem.

The state Emblem of Ukraine, the State Flag of Ukraine, and the State Anthem of Ukraine are ratified by the Supreme Rada of Ukraine.

Article 167

Repealed.

Article 168

Repealed.

Article 169

The Capital of Ukraine is the city of Kyiv.

Article 170

All laws and other acts of state bodies of Ukraine shall be promulgated on the basis of and in conformity with this Constitution.

X. APPLICATION OF AND PROCEDURES FOR CHANGES TO THE CONSTITUTION OF UKRAINE

Article 171

Changes to the Constitution of Ukraine are made by a decision of the Supreme Rada of Ukraine adopted by a majority of no less than two-thirds of the total number of Peoples Deputies of Ukraine.

CONSTITUTIONAL AMENDMENTS IN 1993 AND 1994

- Article 39 (17/11/93) - Citizens of Ukraine have the right to rest and leisure. This right is ensured by the establishment of by the establishment of a working week not exceeding 40 hours, for workers and other employees...

- Article 75 (21/09/94) - The Autonomous Republic of Crimea is an integral part of Ukraine which independently decides questions reserved for its jurisdiction.

- Article 77 (21/09/94) - In Ukraine there is the Autonomous Republic of Crimea and the following oblasts (provinces)...

- Article 80 (21/09/94) - change of name of the Autonomous Republic of Crimea; last paragraph added: "Any official can be revoked from his office before the expiry of the term in case of improper execution of his or her official duties."

- Article 93 (21/09/94) - Deputies exercise their powers, as a rule, without terminating their work or service. ...

- Article 97 para. 21.1 (21/09/94) - Pre term termination of the powers of the Supreme Council (Soviet) of the Autonomous Republic of Crimea, of local Soviets (Radas) of People's Deputies...

- Article 114.5 para. 7.4 (21/05/93) - issues decrees on questions of economic reform not governed by the laws of Ukraine; such decrees remain in force until adoption of relevant laws;

- Article 149 - General courts in Ukraine are : the Supreme Court of Ukraine, the Supreme Court of the Autonomous Republic of Crimea, oblast courts, inter-oblast court, Kiev and Sevastopol City Courts, district courts, city-rayon courts, military courts of regions, of armed forces and navy as well as of garrisons.

The supreme judicial control as well as supervision of activities of general courts are executed by the Supreme Court of Ukraine.

Organization and procedures of activity of the courts of Ukraine are established by the laws of Ukraine.

- Article 150 - (24/02/94, 21/09/94) - All courts of Ukraine are established upon the principles of election of judges and of people's assessors.

Judges of city (rayon) courts are elected respectively by the Supreme Council of the Autonomous Republic of Crimea ... and by the respective Councils of National Deputies.

Judges of the Supreme Court of Ukraine, of the Supreme Court of the Autonomous Republic of Crimea, of oblast, interoblast, Kiev and Sevastopol City Courts, military courts of regions, armed forces and navy and of garrisons are elected by the Supreme Council of Ukraine.

People's assessors of the Supreme Court of Ukraine and of the interoblast court are elected by the Supreme Council of Ukraine, people's assessors of the Supreme Court of the Autonomous Republic of Crimea, oblast courts, Kiev and Sevastopol City Courts are elected respectively by the Supreme Council of the Autonomous Republic of Crimea, oblast, Kiev and Sevastopol city Councils of national deputies. People's assessors of military courts are elected among members of armed forces by public vote at meetings of military units .

Judges of all courts are elected for ten years period. People's assessors of all courts are elected for five years. Judges who have passed the competitive examination for the first time are elected for five years period.

People's assessors are responsible to organs or electors by whom they were elected and they can be revoked by them in the way defined by law.

The function of judges is incompatible with the function of people's deputies and for the period of their function judges cease to be members of any political party or movement.