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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**  
**ON AMENDING THE CONSTITUTION OF UKRAINE**

**Presented by the President of Ukraine**

I. To amend the Constitution of Ukraine (*Official Reports of the Verkhovna Rada of Ukraine*, 1996, No 30, p 141; 2005, No 2, p 44) to read as follows:

## **“CONSTITUTION OF UKRAINE**

The Ukrainian people - citizens of Ukraine of all nationalities,

expressing the sovereign will of the people,

based on the centuries-old history of Ukrainian state-building and on the right to self-determination realized by the Ukrainian nation, all the Ukrainian people,

caring for the strengthening of civil harmony and unity of Ukraine,

considering themselves as an integral part of the European community,

providing for the guarantee of human rights and freedoms and of the worthy conditions of human life, establishment of social justice,

striving to develop and strengthen a democratic, social, law-based state,

aware of responsibility before God, past, present and future generations,

adopts this Constitution – the Fundamental Law of Ukraine.

### **Section I**

#### **GENERAL PRINCIPLES**

##### **Article 1**

Ukraine is a sovereign, democratic, social, law-based state.

Ukraine is a republic.

##### **Article 2**

The sovereignty of Ukraine extends throughout its entire territory.

The territory of Ukraine within its present border is unified, indivisible and inviolable.

The territorial structure of Ukraine is based on the principles of the balanced socio-economic development of administrative-territorial entities, with their historical, geographical, economic, ecological and demographic characteristics, and ethnic and cultural traditions being taken into account.

##### **Article 3**

Ukraine is a unitary state.

The capital of Ukraine is the city of Kyiv.

The system of the administrative and territorial structure of Ukraine is composed of: communities – cities, towns, villages or associations of several settlements,

districts,

oblasts, the Autonomous Republic of Crimea, which are inalienable parts of Ukraine.

The cities with certain number of inhabitants defined by the law may have equal status as an oblast or a district.

Status of administrative and territorial entities, procedures of resolving issues of administrative and territorial structure are determined by law.

#### **Article 4**

The human being, his/her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value. To affirm and ensure human rights and freedoms is the main duty of the State.

Human rights and freedoms and their guarantees determine the essence and orientation of activities of the State.

The State is responsible to the individual for its activities.

#### **Article 5**

In Ukraine, the principle of the rule of law is recognised and effective.

#### **Article 6**

The people of Ukraine are the only source of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government.

The right to determine and change the constitutional order in Ukraine belongs exclusively to the people of Ukraine and shall not be usurped by the State, its bodies or officials.

No one shall usurp state power.

#### **Article 7**

State power in Ukraine is exercised on the principles of its division into legislative, executive and judicial power.

The limits of the authority of the bodies of legislative, executive and judicial power are established by the Constitution of Ukraine.

#### **Article 8**

In Ukraine, local self-government is recognised and guaranteed.

The local self-government is exercised by the communities' residents directly and through bodies of local self-government.

The State provides adherence to the Constitution of Ukraine and laws during exercising local self-government.

The rights of local self-government are protected by the court.

**Article 9**

The Constitution of Ukraine has the highest legal force.

The norms of the Constitution of Ukraine are norms of direct effect.

Laws are adopted on the basis of the Constitution of Ukraine and shall conform to it. Other regulatory legal acts are adopted on the basis of the Constitution of Ukraine and laws, and shall conform to them.

**Article 10**

International treaties that are in force, agreed to be binding by the law, are a part of the national legislation of Ukraine.

If an international treaty that is in force, agreed to be binding by the law, institutes other rules than those envisaged the law, the rules of the international treaty are used.

The conclusion of international treaties that contravene the Constitution of Ukraine is possible only after introducing relevant amendments to the Constitution of Ukraine.

**Article 11**

The legal order in Ukraine is based on the principles according to which no one shall be forced to do what is not envisaged by legislation.

Bodies of state power and bodies of local self-government and their officials are obliged to act only on the grounds, within the authority, and in the manner envisaged by the Constitution of Ukraine and the laws.

**Article 12**

The principle of single citizenship is recognized and is effective in Ukraine.

A citizen of Ukraine shall not be deprived of citizenship and of the right to change citizenship.

A citizen of Ukraine shall not be expelled from Ukraine or surrendered to another state.

Ukraine guarantees care and protection to its citizens who are beyond its borders.

**Article 13**

The state language of Ukraine is the Ukrainian language.

The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.

In Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine are guaranteed.

The State promotes the learning of languages of international communication.

The use of languages in Ukraine is guaranteed by the Constitution of Ukraine and is determined by law.

#### **Article 14**

The State promotes the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture as well as the development of the ethnic, cultural, language and religious identity of all indigenous peoples and national minorities of Ukraine.

Historical and cultural heritage is protected by the law.

The State provides for the satisfaction of national and cultural, and language needs of Ukrainians residing beyond the borders of Ukraine.

#### **Article 15**

Land is the fundamental national wealth that is under special protection of State.

The right of private property to land is guaranteed in accordance with the law.

Natural resources within the territory of Ukraine, the natural resources of its continental shelf, and the exclusive (maritime) economic zone are the State property.

Legal regime of the state and communal property for corresponding natural resources is determined by the law.

Everyone has the right to use the natural resources that are objects of the State and communal property in accordance with the law.

#### **Article 16**

Property entails responsibility. Property shall not be used to the detriment of the rights, freedoms and dignity of a person, interests of society, deteriorate ecological situation and natural qualities of land.

The State ensures the protection of rights of all subjects of the law of property and economic management, and the social orientation of the economy.

All subjects of the law of property are equal before the law.

#### **Article 17**

The State promotes consolidation and development of the civil society.

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

No ideology shall be recognized by the State as mandatory.

Censorship is prohibited.

The State encourages development of dialogue among social partners.

#### **Article 18**

The State guarantees freedom of political activities not prohibited by the Constitution of Ukraine.

Violence shall not be a mean to advocate political interests.

Political parties in Ukraine promote the formation and expression of the political will of citizens, participate in elections. Activities of political parties in Ukraine is based on free competition, respect to democratic values.

Ukraine recognizes the right to opposition activities.

#### **Article 19**

The ensuring of ecological safety and maintenance of ecological balance in the territory of Ukraine, preserving the gene pool of the Ukrainian people, is the duty of the State.

#### **Article 20**

The defence of Ukraine and the protection of its sovereignty, territorial indivisibility and inviolability are entrusted to the Armed Forces of Ukraine.

The Armed Forces of Ukraine and other military formations organized in accordance with the law shall not be used to restrict the rights and freedoms of citizens or with the intent to seize power and overthrow the constitutional order.

The creation and operation of any armed formations not envisaged by law are prohibited in the territory of Ukraine.

The deployment of foreign military bases shall not be permitted in the territory of Ukraine.

#### **Article 21**

The foreign policy activities of Ukraine are aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community in accordance with generally recognized principles and norms of international law.

Ukraine, independently, takes the decisions on joining or accession to international organizations, political and economic intergovernmental associations and on free withdrawal from them.

#### **Article 22**

The State Flag of Ukraine is a banner of two equally-sized horizontal bands of blue and yellow.

The State Coat of Arms of Ukraine is a golden trident on a blue shield.

The State Anthem of Ukraine is the national anthem "Ukraine's glory has not perished, neither her glory, nor freedom" set to the music of Mykhailo Verbytskyi, with words by Pavlo Chubynskyi in the version defined by the law.

The Spiritual Anthem of Ukraine is "Great and Single Lord! Protect our Ukraine!" set to music of Mykola Lysenko with words by Oleksandr Konyskyi in the version defined by the law.

The procedure to use the State symbols of Ukraine is established by the law.

#### **Article 23**

The national currency of Ukraine is hryvnia.

## **Section II**

### **HUMAN AND CITIZENS' RIGHTS, FREEDOMS AND DUTIES**

#### **Article 24**

All people are free and equal in their dignity and rights.

Human rights and freedoms are inalienable and inviolable.

#### **Article 25**

Human and citizens' rights and freedoms affirmed by the Constitution of Ukraine are not exhaustive.

Constitutional rights and freedoms are guaranteed and shall not be abolished.

The content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.

The protection of human and citizens' rights and freedoms directly on the grounds of the Constitution of Ukraine is guaranteed.

Human and citizen's rights and freedoms are protected by the court.

#### **Article 26**

Every person has the right to free development of his/her personality if the rights and freedoms of other persons are not violated thereby.

#### **Article 27**

Citizens have equal constitutional rights and freedoms.

All are equal before the law.

There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, gender, ethnic and social origin, minority affiliation, property status, place of birth, language or other characteristics.

Women and men are provided with equal possibilities to exercise their rights and freedoms.

#### **Article 28**

Every person has the inalienable right to life.

The duty of the State is to protect human life. No one may be condemned to death or executed.

Everyone has the right to protect his/her life and health, life and health of other people from illegal encroachment.

#### **Article 29**

Everyone has the right to human dignity respect.

No one may be subjected to torture, cruel, inhuman or degrading treatment or punishment that violates his/her dignity.

No human being may be exposed to any medical, scientific or other research without his/her consent.

### **Article 30**

Everyone has the right to family and respect of family life.

Marriage is based on the free consent of man and woman. Every spouse exercises equal rights and obligations in marriage and family.

Parents are obliged to support and bring up children till their legal age. Adult children are obliged to take care of their incapable parents.

Family, childhood, motherhood and fatherhood are protected by state.

### **Article 31**

Children are equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Child abuse and exploitation, involvement in activities harmful for their morality and normal development are prohibited.

Support and upbringing of orphans and children deprived of parental care is entrusted to state.

State encourages and supports philanthropic activities concerning children.

### **Article 32**

State creates conditions for effective exercise of the rights for independence, social integration and full-fledged participation in the social life by disabled people.

### **Article 33**

Foreigners and stateless persons that are in Ukraine on legal grounds enjoy the same rights and freedoms and bear the same obligations as citizens of Ukraine with the exceptions established by the Constitution of Ukraine, international treaties and laws of Ukraine.

Foreigners and stateless persons may be granted a refugee status or asylum in accordance with the procedure established by law.

### **Article 34**

Every person has the right to freedom and personal inviolability.

No one may be arrested or held in detention other than according to the motivated decision of court and only on the grounds and following the procedure established by law.

In an event of urgent necessity to prevent or terminate a crime the state bodies authorized by law may apply detention as a temporary preventive measure. Validity of such an action should be confirmed by the court within twenty-four hours. The detained person shall be released

immediately, if he/she has not been provided, within twenty-four hours from the moment of detention, with a substantiated court decision on detention.

Every person arrested or detained must be promptly informed about the grounds for arrest or detention, explained his/her rights and provided with the possibility to defend oneself personally and by means of legal defender since the moment of detention.

Every arrested person has the right to appeal to court against the detention.

Relatives or other persons, specified by an arrested or detained person shall be informed immediately of his/her arrest or detention.

### **Article 35**

Everyone is guaranteed the inviolability of his/her dwelling place.

Entry into a dwelling place or other possessions of a person, and the examination or search thereof, shall not be permitted, other than pursuant to a substantiated court decision.

In urgent cases related to the rescuing of human life and property or to the direct pursuit of persons suspected of committing a crime, another procedure established by law is possible for entry into a dwelling place or other possessions of a person, and for the examination and search thereof.

### **Article 36**

Everyone is guaranteed privacy of mail, telephone conversations, telegraph and other correspondence. Exceptions shall be established only by a court in cases envisaged by law, for the purpose of preventing crime or ascertaining the truth in the course of the investigation of a criminal case, if it is not possible to obtain information by other means.

### **Article 37**

No one shall be subject to interference in his/her personal life.

The collection, storage, use and dissemination of confidential information about a person without his/her consent shall not be permitted, except in cases determined by law, and only in the interests of national security, economic welfare and human rights.

Every citizen has the right to examine information about himself/herself, that is not a state secret or other secret protected by law, at the bodies of state power, bodies of local self-government, institutions and organisations.

Everyone is guaranteed judicial protection of the right to rectify incorrect information about himself/herself and members of his/her family, and of the right to demand that any type of information be expunged, and also the right to compensation for material and moral damages inflicted by the collection, storage, use and dissemination of such incorrect information.

### **Article 38**

Everyone who is legally present in the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions established by law in the interests of national security, public order, prevention or exposure of crime, health protection, people's morality or protection of rights and freedoms of other people.

Citizen of Ukraine may not be deprived of the right to enter Ukraine at any time.

### **Article 39**

Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his/her views and beliefs.

Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his/her choice.

The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, for the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

### **Article 40**

Everyone has the right to freedom of personal thought, conscience and religion. This right includes the freedom to profess or not to profess any religion, to perform alone or collectively and without constraint religious rites and ceremonial rituals, and to conduct religious activities.

The exercise of this right may be restricted by law only in the interests of protecting public order, the health and morality of the population, or protecting the rights and freedoms of other persons.

The Church and religious organisations in Ukraine are separated from the State, and the school – from the Church.

No religion shall be recognised by the State as mandatory.

No one shall be relieved of his/her duties before the State or refuse to perform the laws for reasons of religious beliefs.

### **Article 41**

Everyone has the right to freedom of association for the exercise and protection of their rights and freedoms and for the satisfaction of their political, economic, social, cultural and other interests, with the exception of restrictions established by law the Constitution and law in the interests of national security and public order, the protection of the health of population or the protection of rights and freedoms of other persons.

Establishment and activities of political parties and other organizations whose goals and actions are aimed at the elimination of Ukraine's independence, change of constitutional order by forcible means, violation of state sovereignty and territorial integrity, illegal seizure of state power, call for war, violence, fomentation of interethnic, racial, religious hostility, encroachment on people's rights, freedoms and health are prohibited.

Associations shall not have paramilitary formations.

Everyone who works has the right to take part in trade unions for the purpose of protecting his/her labour and socio-economic rights and interests. Trade unions are public organisations that unite citizens bound by common interests that accord with the nature of their professional

activities. All trade unions have equal rights. Restrictions on membership in trade unions are established exclusively by this Constitution and the laws of Ukraine.

Trade unions are formed without prior permission on the basis of the free choice of their members.

No one shall be forced to join any association of citizens or be restricted in his/her rights for belonging or not belonging to political parties or public organisations.

All associations of citizens are equal before the law.

The prohibition of the activities of associations of citizens is exercised only through judicial procedure

#### **Article 42**

Founders and members of political parties may only be the citizens on Ukraine. Restrictions of the political parties' membership are established by the Constitution and laws of Ukraine.

The foundation and activities of political parties' organizational units in executive and judiciary bodies, executive institutions of local government, military units as well as on state-run enterprises, educational institutions and other organizations are prohibited.

#### **Article 43**

Citizens have the right to participate in the administration of state and local affairs, in all-Ukrainian and local referendums, to freely elect and be elected to bodies of state power and bodies of local self-government as well as to exercise the right to implement national and local initiatives.

Citizens enjoy the equal right to access to the civil service and to service in bodies of local self-government.

Citizens have the right to participate in justice execution.

#### **Article 44**

Citizens have the right to assemble peacefully without arms and to hold meetings, rallies, processions and demonstrations, upon notifying in advance the bodies of executive power or bodies of local self-government.

Restrictions on the exercise of this right may be established by a court in accordance with the law and only in the interests of national security and public order, for the purpose of preventing disturbances or crimes, protecting the health of the population, or protecting the rights and freedoms of other persons.

#### **Article 45**

Everyone has the right to appeal to bodies of state power, bodies of local self-government, and to the officials and the right to obtain a substantiated reply within the term established by law.

**Article 46**

Everyone has the right to own, use and dispose of his/her property, and the results of his/her intellectual and creative activities.

The right of private property is acquired by the procedure determined by law.

In order to satisfy their needs, citizens may use the objects of the right of state and communal property in accordance with the law.

The right of private property is inviolable.

No one shall be unlawfully deprived of the right of property.

The expropriation of objects of the right of private property may be applied only as an exception for reasons of social necessity, on the grounds of and by the procedure established by law, and on the condition of advance and complete compensation of their value. The expropriation of such objects with subsequent complete compensation of their value is permitted only under conditions of martial law or a state of emergency.

Confiscation of property may be applied only pursuant to a court decision, in the cases, in the extent and by the procedure established by law.

**Article 47**

Everyone has the right to entrepreneurial activities that is not prohibited by law.

The entrepreneurial activities of citizens who hold deputy's mandate, officials and officers of bodies of state power and of bodies of local self-government are limited by law.

The State protects the rights of consumers, exercises control over the quality and safety of products and of all types of services and work, and promotes the activities of public consumer associations.

The State ensures the protection of competition in entrepreneurial activities. The abuse of a monopolistic position in the market, the unlawful restriction of competition, and unfair competition, is not be permitted. The types and limits of monopolies are determined by law.

**Article 48**

Everyone has the right to labour, including the possibility to earn one's living by labour that he/she freely chooses or to which he/she freely agrees.

The State creates conditions for full realization of the right to labour, guarantees equal opportunities in the choice of profession and types of labour activities, implements programmes of vocational education, training and retraining of personnel according to the needs of society.

The use of forced labour is prohibited, except for service carried out by a person in compliance with a verdict or other court decision, or in accordance with the laws on martial law or on a state of emergency.

Everyone has the right to proper, safe and healthy work conditions and to remuneration not less than the minimum wage as determined by law.

The employment of women and minors for work that is hazardous to their health is prohibited.

Protection from unlawful dismissal is guaranteed.

#### **Article 49**

Everyone who is employed has the right to rest.

According to the law this right is secured through providing weekly days off, paid annual vacation as well as compensation for work on holidays, festive days and non-business day by setting short working day for certain professions and manufacture, and short working time at night.

Minimum duration of rest and of paid annual vacation, days off and holidays as well as other conditions for exercising the right to rest, are determined by law.

The duration of the paid annual vacation may not be less than thirty days.

#### **Article 50**

Those who are employed have the right to strike for the protection of their economic and social interests.

The procedure for exercising the right to strike, restrictions on participation in the strike are established by law taking into account the necessity to ensure national security, health protection, and rights and freedoms of other persons.

None shall be forced to participate or not to participate in a strike.

The prohibition of a strike is possible only on the basis of the law.

#### **Article 51**

Citizens have the right to social protection that includes the right to provision in cases of complete, partial or temporary disability, the loss of the principal wage-earner, unemployment due to circumstances beyond their control and also in old age, and in other cases established by law.

This right is guaranteed by general mandatory state social insurance on account of the insurance payments of employees and employers, as well as from budgetary and other sources of social maintenance (security); by the establishment of a network of state, communal and private institutions to care for persons incapable of work.

Pensions, other types of social payments and assistance that are the principal sources of subsistence shall not be lower than the minimum living standard established by law.

#### **Article 52**

Everyone has the right to housing. The State creates conditions that enable everyone to build, purchase, or to rent housing or other use.

Citizens in need of social protection are provided with housing by the State and bodies of local self-government, free of charge or at a price affordable for them, in accordance with the law.

No one shall be forcibly deprived of housing other than on the basis of the law pursuant to a court decision.

**Article 53**

Everyone has the right to a standard of living sufficient for himself/herself and his/her family.

**Article 54**

Everyone has the right to health protection and medical care. The State creates conditions for effective medical service accessible to all citizens.

State and communal health protection institutions provide medical care free of charge and according to the procedure set forth by the law.

The State promotes the development of medical institutions of all forms of ownership.

Health protection is ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prophylactic programmes and medical insurance.

The State provides for the development of physical culture and sports, and ensures sanitary-epidemic welfare.

**Article 55**

Everyone has the right to an environment that is safe for life and health, and to compensation for damages inflicted through the violation of this right.

Everyone is guaranteed the right of free access to the information about the environmental situation, the quality of food, housing and consumer goods, and also the right to disseminate such information. This information is open.

**Article 56**

Everyone has the right to education.

Complete general secondary education is compulsory.

The State ensures accessible and free pre-school, complete general secondary, vocational and higher education in state and communal educational institution; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of instruction; the provision of state scholarships and privileges to pupils and students.

Citizens have the right to obtain free higher education in state and communal educational institutions on a competitive basis regarding their personal qualities.

Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational institutions and through national cultural societies.

**Article 57**

Everyone is guaranteed the freedom of literary, artistic, scientific and technical creativity, protection of intellectual property, copyrights, moral and material interests that arise with regard to various types of intellectual activities.

Everyone has the right to the results of his/her intellectual, creative activities; no one shall use or distribute them without his/her consent, with the exceptions established by law.

#### **Article 58**

Everyone has the right to protect his/her rights and freedoms against violations and infringements by any means not forbidden by the law.

#### **Article 59**

Everybody has the right to apply to a general jurisdiction court, the Constitutional Court of Ukraine.

Everyone is guaranteed the right to challenge in court the decisions, actions or omission of bodies of state power, bodies of local self-government, officials and officers.

Everyone has the right to fair and open consideration of his/her case during reasonable term by an independent and impartial court, created in accordance with the law.

After exhausting all domestic legal remedies, everyone has the right to appeal for the protection of his/her rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organizations of which Ukraine is a member or participant.

#### **Article 60**

In accordance with the law everyone has the right to compensation, at the expense of the State or bodies of local self-government, for material and moral damages inflicted by unconstitutional and unlawful decisions, actions or omission of bodies of state power, bodies of local self-government, their officials during the exercise of their authority.

#### **Article 61**

Everyone is guaranteed the right to know his/her rights and duties.

Laws and other regulatory legal acts that determine the rights and duties of humans and citizens shall be brought to the notice of the population by the procedure established by the Constitution and the law.

Laws and other regulatory legal acts that determine the rights and duties of humans and citizens, but that are not brought to the notice of the population by the procedure established by law, are not in force.

Ignorance of the law shall not exempt from legal liability.

#### **Article 62**

Laws and other regulatory legal acts have no retroactive force, except in cases where they mitigate or annul the responsibility of a person or improve in some other manner his/her condition.

No one shall bear responsibility for acts that, at the time they were committed, were not deemed by law to be an offence.

**Article 63**

Everyone has the right to legal assistance.

Everyone is free to choose the defender of his/her rights.

Legal assistance is provided free of charge in cases envisaged by law.

In Ukraine, the advocacy acts to ensure the right to a defence against accusation and to provide legal assistance in deciding cases in courts and other state bodies.

**Article 64**

No one is obliged to execute rulings or orders that are manifestly criminal.

For the issuance and execution of a manifestly criminal ruling or order, legal liability arises.

**Article 65**

For one and the same offence, no one shall be brought twice to legal liability of the same type.

The legal liability of a person is of an individual character.

**Article 66**

A person is presumed innocent of committing a crime and shall not be subjected to criminal punishment until his/her guilt is proved through legal procedure and established by a court verdict of guilty.

No one is obliged to prove his/her innocence of committing a crime.

An accusation shall not be based on illegally obtained evidence as well as on assumptions. All doubts in regard to the proof of guilt of a person are interpreted in his/her favour.

Convict enjoys all human and citizen rights and freedoms except for restrictions provided by the law and verdict of the court.

Every convict has the right to reconsideration of the court verdict according to the defined by the law procedure as well as the right to appeal for pardon or commutation.

In the event that a court verdict is revoked as unjust, the State compensates the material and moral damages inflicted by the groundless conviction.

**Article 67**

A person shall not bear responsibility for refusing to testify or to explain anything about himself/herself, members of his/her family or close relatives in the degree determined by law.

The rights of a victim, witness, suspect, accused, and defendant are protected by the law.

**Article 68**

Constitutional human and citizens' rights and freedoms shall not be restricted, except in cases envisaged by the Constitution of Ukraine. Such restrictions must be proportional to the aim set forth by the law and necessary in democratic society.

Under conditions of martial law or a state of emergency, specific restrictions on rights and freedoms may be established with the indication of the period of effectiveness of these restrictions. The rights and freedoms envisaged in Articles 27, 28, 29, 30, 31, 32, 34, 45, 52, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 of the Constitution of Ukraine shall not be restricted.

#### **Article 69**

Defence of Ukraine, its independence and territorial integrity is the duty of citizens of Ukraine.

Citizens perform military service in accordance with the law.

The State provides social care for Ukrainian citizens who serve in the Armed Forces of Ukraine and other military units created according to the law as well as for members of their families.

#### **Article 70**

Everyone is obliged to strictly abide by the Constitution of Ukraine and the laws of Ukraine, and not to encroach upon the rights and freedoms of other persons.

Everyone is obliged to honour state symbols of Ukraine.

#### **Article 71**

Everyone is obliged to pay taxes, levies and compulsory payments in accordance with the procedure and in amount established by law.

#### **Article 72**

Everyone is obliged not to harm nature, historic and cultural heritage and to compensate for any damage he/she inflicted.

#### **Article 73**

The provisions of this Section of the Constitution of Ukraine are also applicable to the legal entities registered in Ukraine in case the rights and freedoms and their legal guaranties by their nature and scope may be extended to include them.

### **Section III**

#### **PEOPLE'S WILL**

#### **Article 74**

The expression of people's will is exercised through elections, referendum, people and local initiatives and other forms of direct democracy.

#### **Article 75**

Citizens of Ukraine who have attained the age of eighteen on the day of elections and referendums are held, have the right to vote at the elections and referendums.

Citizens, deemed by a court to be incapable, do not have the right to vote.

People initiative is exercised by the citizens of Ukraine having the right to vote.

Citizens of Ukraine having the right to vote and belonging to respective local communities take part in local elections and referendums and exercise local initiative.

#### **Article 76**

Elections are held on the basis of universal, equal and direct suffrage, by secret ballot. All voters have equal amount of votes and vote in person.

Elections are free. Voters are free to decide upon the participating in the elections. Voters are guaranteed to have conditions to make their decision and express their will in the course of the elections.

Elections are held on the regular basis, in terms set by the Constitution of Ukraine and according to the law.

Elections of the deputies of the councils of communities, districts and oblasts, the chairman of the community councils, as well as the deputies of the Verkhovna Rada of the Autonomous Republic of Crimea shall not be held at the same time with the regular elections of the President of Ukraine, people's deputies.

#### **Article 77**

Those who are holding army posts or positions of judges, prosecutors, interrogation officer, as well as the Authorized Human Rights Representative of Ukraine in the National Assembly of Ukraine, the chairman or the member of Chamber of Accounts, the chairman or the member of Central election commission of Ukraine, the member of High Council of Justice of Ukraine and other positions designated by the law shall not run for the elections.

#### **Article 78**

The issues of amending the Constitution or adopting its new edition are subjected exclusively to the all-Ukrainian referendum which is designated by the President of Ukraine, in accordance with Article 168 of the Constitution of Ukraine.

The draft law on the consent to be bound by international treaties on territorial changes in Ukraine or treaties on the transfer of the part of Ukraine's rights to the international unions is subjected exclusively to the all-Ukrainian referendum designated by the Senate and adopted as the law introduced by the President of Ukraine and passed by the Chamber of Deputies and the Senate in accordance with Article 107 of the Constitution of Ukraine.

#### **Article 79**

The matter of introducing the draft law on cancelling the current law fully or partially is the subject to an all-Ukrainian referendum called on popular initiative on the request of not less than 1.5 million citizens of Ukraine who have the right to vote, on the condition that the signatures in favour of designating the referendum have been collected in not less than two-thirds of the administrative-territorial units listed in paragraph 4 of Article 3 of the Constitution of Ukraine with not less than 50,000 signatures in a separate unit.

The matters of cancelling fully or partially the laws on rights and obligations of the citizens and their guarantees, taxes, dues and fees, compulsory payments, budget, pardons, legal responsibility, consent to be bound by international treaties of Ukraine or the termination or the suspension of international treaties of Ukraine may not be a subject to an all-Ukrainian referendum called on popular initiative.

An all-Ukrainian referendum called on popular initiative is designated by the President of Ukraine.

An all-Ukrainian referendum called on popular initiative may not be held more than once a year.

#### **Article 80**

An all-Ukrainian referendum is considered to be accomplished only if majority of the citizens of Ukraine who have the right to vote turned out at the polls.

The solution is made by a majority of the votes of those who took part in the elections.

The law passed as a result of an all-Ukrainian referendum is immediately signed and officially published by the President of Ukraine after the results are officially announced.

The law passed as a result of an all-Ukrainian referendum is coming into force after ten days since it has been officially published if otherwise is not envisaged by the law itself, but no sooner than it is officially published.

The decision of an all-Ukrainian referendum is compulsory.

The procedure of conducting an all-Ukrainian referendum is established by the law.

#### **Article 81**

On popular initiative on the request of not less than 1.5 million citizens of Ukraine who have the right to vote, the draft law on amending the Constitution or adopting its new edition is introduced to the National Assembly of Ukraine.

On popular initiative on the request of not less than 100,000 citizens of Ukraine who have the right to vote the draft law on the issues related to the sphere of regulation by the law is introduced to the National Assembly of Ukraine.

The procedure of conducting a popular initiative is established by law.

#### **Article 82**

Local referenda are held within the communities in accordance with the Constitution of Ukraine and the law related to solving the issues at the local level.

The borders of the administrative-territorial units may be changed upon the solution of local referenda.

Local referendum is considered to be accomplished only if majority of the citizens of Ukraine who have the right to vote and belong to the respective community turned out at the polls.

The procedure of conducting a local referendum is established by law.

#### **Article 83**

Citizens of Ukraine who have the right to vote and belong to the respective community have right to initiate the consideration of the issues belonging to the field of competence of the local self-government of the community on the local referendum or by the bodies of local self-government in accordance with the law.

**Article 84**

In case of the war or the state of emergency expression of the peoples' will is not to be carried out.

**Section IV****NATIONAL ASSEMBLY OF UKRAINE****Article 85**

The National Assembly of Ukraine – the Ukrainian Parliament is the sole body of legislative power in Ukraine.

**Article 86**

The National Assembly of Ukraine is comprised of two chambers – the Chamber of Deputies and the Senate.

The composition of the Chamber of Deputies of Ukraine consists of 300 people's deputies of Ukraine who are elected for a four-year term.

The composition of the Senate consists each of 3 senators who are elected for a six-year term in the Autonomous Republic of Crimea, each oblast, the city of Kyiv and cities which bear the status equal to oblast. Every two years one-third of the composition of the Senate is renewed by electing one senator from the Autonomous Republic of Crimea, each oblast, the city of Kyiv and cities which bear the status equal to oblast. The constitutional composition of the Senate includes former Presidents of Ukraine, who become life-term senators upon their consent and with the exception of those who were impeached.

**Article 87**

A citizen of Ukraine who has the right to vote may be a people's deputy of Ukraine.

A citizen of Ukraine who has attained the age of thirty-five on the day of elections and has the right to vote may be a senator.

people's deputies of Ukraine and senators are elected on the basis of universal, equal and direct suffrage, by secret ballot.

A citizen who has a criminal record shall not be elected to be a people's deputy of Ukraine or a senator if the record is not cancelled and erased by the procedure established by law.

**Article 88**

Regular elections of people's deputies of Ukraine and senators take place no later than 90 days to the end of their term.

Special elections of people's deputies of Ukraine are designated by the President of Ukraine and are held within sixty days from the day of the publication of the decision on the pre-term termination of authority of the Chamber of Deputies.

In case of the pre-term termination of authority of the senator the elections are held within sixty days from the day of the termination of authority of the respective senator.

The procedure for conducting elections of people's deputies of Ukraine and senators is established by law.

#### **Article 89**

The authority of people's deputy of Ukraine and senator commences from the moment of the taking of the following oath before the National Assembly of Ukraine:

"I swear allegiance to Ukraine. I commit myself with all my deeds to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and for the welfare of the Ukrainian people. I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to carry out my duties in the interests of all compatriots."

The oath is taken by people's deputies of Ukraine before the opening of the first session of the newly-elected Chamber of Deputies.

The refusal to take the oath results in the loss of the mandate of the deputy of the senator.

#### **Article 90**

People's deputies of Ukraine, senators exercise their authority on a permanent basis.

People's deputies of Ukraine shall not have another representative mandate, hold the position of the judge or other position in the government (except for the position of the Prime Minister of Ukraine, the Vice-Prime Minister of Ukraine and Minister), be in the army, diplomatic or other civil service, be an employee or an active entrepreneur, be a member of the board of directors or trustees of an enterprise or a profit organization.

Senator shall not have another representative mandate, hold the position of the judge or other position in the government, be in the army, diplomatic or other civil service, be an employee or an active entrepreneur, be a member of the board of directors or trustees of an enterprise or a profit organization.

Requirements concerning the incompatibility of the mandate of the deputy, senator with other types of activities are established by law.

#### **Article 91**

People's deputies of Ukraine and senators are not legally liable for the results of voting or for statements made in National Assembly of Ukraine and in its bodies, with the exception of liability for insult or defamation.

People's deputies of Ukraine, senators shall not be held criminally liable, detained or arrested without the consent of the Chamber of Deputies or Senate respectively.

#### **Article 92**

The authority of people's deputies of Ukraine, senator is established by the Constitution of Ukraine and by law.

#### **Article 93**

The authority of people's deputies shall terminate simultaneously with termination of the authority or dissolution of the Chamber of Deputies.

The authority of a senator shall terminate on the day of the completion of the period he is elected for.

The authority of a people's deputy, senator terminates untimely in case of:

- 1) his/her resignation through a personal statement;
- 2) entering into legal force of a guilty verdict against him/her;
- 3) a court declaring him/her incompetent or missing;
- 4) termination of his/her citizenship or his/her departure from Ukraine for permanent residence abroad;
- 5) violation of the conditions of compatibility of the mandate of the deputy, senator with other types of activities established by the Constitution of Ukraine and by law;
- 6) his/her death.

In cases envisaged in clauses 1,2,3,4 and 6 of paragraph 3 of this Article, the decision about the pre-term termination of authority of a people's deputy of Ukraine is adopted by the Central Election Commission of Ukraine.

The decision about the pre-term termination of authority of a people's deputy of Ukraine upon the circumstances envisaged in clause 5 is adopted by the Central election commission of Ukraine according to its requirement concerning incompatibility of the mandate of the deputy, senator with other types of activities.

#### **Article 94**

The National Assembly of Ukraine is a permanent legislative body which works in sessions.

The Chamber of Deputies assembles for its first session on the third Tuesday after the official announcement of the election results. The Senate assembles for the session simultaneously with the Chamber of Deputies.

Regular sessions of the National Assembly of Ukraine commence on the first Tuesday of February and on the first Tuesday of September each year.

Special sessions of each chamber of the National Assembly of Ukraine, with the stipulation of their agenda, are convoked by the Chairman of the Chamber of Deputies, the Chairman of the Senate on the demand of no fewer than one-third of the constitutional composition of the respective chamber or on the demand of the President of Ukraine.

In case the President of Ukraine introduces martial law or a state of emergency in Ukraine or in its certain territories, calls for total or partial mobilization or announces a state of ecological emergency in the certain territory of Ukraine the Senate assembles within a period of two days without convocation.

In the event that the term of authority of the deputy, senator expires while martial law or a state of emergency in Ukraine is in effect, its authority is extended until the authority of the deputies, senators elected after the cancellation of martial law or of the state of emergency commences.

In the event that the term of authority of the senator expires while martial law or a state of emergency in a certain territory is in effect, its authority is extended until the authority of the senator elected after the cancellation of martial law or of the state of emergency commences.

The operational procedure of the National Assembly of Ukraine is established by the Constitution of Ukraine and the Rules of Procedure of the respective chambers of the National Assembly of Ukraine.

#### **Article 95**

Meetings of the National Assembly of Ukraine are conducted openly. A closed meeting is conducted on the decision of the two-thirds of the constitutional composition of the respective chamber.

The joint session of the two chambers of the National Assembly of Ukraine is convoked and presided by the Chairman of the Chamber of Deputies or in case of his absence by the Chairman of the Senate.

The joint session of the two chambers of the National Assembly of Ukraine is conducted under the Rules of Procedure of the Chamber of Deputies.

The joint session of the two chambers of the National Assembly of Ukraine is conducted if not lesser than the half of the constitutional composition of each chamber takes part in it.

Decisions of the two chambers of the National Assembly of Ukraine are adopted exclusively at its plenary meetings by voting.

Voting at the meetings of the National Assembly of Ukraine is performed by a deputy, senator in person.

#### **Article 96**

On its joint sessions the National Assembly of Ukraine shall:

- 1) hear annual and special messages of the President of Ukraine on the domestic and foreign situation of Ukraine;
- 2) hear the addresses by the leaders of foreign states and international organizations;
- 3) hear the annual and special messages of the Authorized Human Rights Representative in the National Assembly of Ukraine on the state of preservation and protection of human rights in Ukraine.

During the ceremonial joint session of the two chambers of the National Assembly of Ukraine the newly elected President of Ukraine is taking oath of allegiance to the people of Ukraine.

#### **Article 97**

Chamber of Deputies shall

- 1) adopt laws;
- 2) adopt decisions on approval of personal composition of the Cabinet of Ministers of Ukraine and the Action Programme of the Cabinet of Ministers of Ukraine in accordance with Article 128 of the Constitution of Ukraine;

- 3) consider issues of responsibility of the Cabinet of Ministers of Ukraine, adopt decisions of no confidence in the Cabinet of Ministers of Ukraine in accordance with Article 99 of the Constitution of Ukraine;
- 4) adopt decisions on the resignation of the Prime Minister of Ukraine in accordance with Article 129 of the Constitution of Ukraine; adopt decisions on the resignation of other members of the Cabinet of Ministers of Ukraine upon the submission by the Prime Minister of Ukraine;
- 5) exercise control over activities of the Cabinet of Ministers of Ukraine, in accordance with the Constitution of Ukraine;
- 6) approve State Budget of Ukraine, introduce amendments thereto;
- 7) exercise control over the implementation of the State Budget of Ukraine, adopt decision in regard to the report of the Cabinet of Ministers of Ukraine on its implementation;
- 8) confirm by the law decisions on loans and economic aid to be granted by Ukraine to foreign states and international organizations;
- 9) confirm by the law decisions on the receipt by Ukraine of loans not envisaged by the State Budget of Ukraine from foreign states, banks and international financial organizations, exercising control over the use of such funds;
- 10) appoint to office and dismiss from office one-half of the membership of the Chamber of Accounting, including Chairperson of the Chamber of Accounting;
- 11) appoint to office and dismiss from office the Authorized Human Rights Representative of the National Assembly of Ukraine, set up its territorial agencies;
- 12) adopt by the law decisions on establishing and altering the boundaries of administrative and territorial units, establish and abolish oblasts, districts;
- 13) grant by the law to the towns/cities the status of oblasts or districts;
- 14) assign inhabited localities to the category of towns/cities;
- 15) adopt by the law decisions on naming and renaming inhabited localities, districts, oblasts;
- 16) confirm by the law the list of objects owned by the State that are not subject to privatization, annual programmes of privatization of objects owned by the State;
- 17) establish by the law legal principles for the expropriation of objects of private ownership;
- 18) declaring amnesty by the law;
- 19) approve the budget of the Chamber of Deputies;
- 20) approve the structure of staff of the Chamber of Deputies, appoint to office and dismiss from office the Head of Staff of the Chamber of Deputies;  
The Chamber of Deputies shall also exercise any other powers as specified in the Constitution of Ukraine.

### **Article 98**

people's deputies of Ukraine, by not less than one-tenth of the composition of the Chamber of Deputies, have the right to present at a session an inquiry to the Cabinet of Ministers of Ukraine on issues of implementation of its Action Programme.

The Prime Minister of Ukraine or other authorized by him member of the Cabinet of Ministers of Ukraine is obliged, in the terms specified by law, to present the justified response to the inquiry of the people's deputies, considered at a session of the Chamber of Deputies .

People's deputy has the right to obtain information related to his parliamentary functions by appealing to the National Assembly of Ukraine, and to the Cabinet of Ministers of Ukraine.

### **Article 99**

The Chamber of Deputies, on the proposal by people's deputies by not less than one-third of the composition of the Chamber of Deputies, shall consider an issue of responsibility of the Cabinet of Ministers of Ukraine. The Chamber of Deputies considers an issue of responsibility of the Cabinet of Ministers of Ukraine no later than in three days after such proposal was introduced.

In accordance with the results of consideration an issue of responsibility of the Cabinet of Ministers of Ukraine the Chamber of Deputies may adopt - by the majority of votes of its membership - a decision of no confidence in the Cabinet of Ministers of Ukraine

The issue of responsibility of the Cabinet of Ministers of Ukraine may not be considered by the Chamber of Deputies more than once during one regular session or during the final session of the Chamber of Deputies of current convocation.

### **Article 100**

The Senate shall:

- 1) approve laws, adopted by the Chamber of Deputies;
- 2) designate an all-Ukrainian referendum in accordance with Article 78 of the Constitution of Ukraine;
- 3) designate elections of the President of Ukraine within the terms established by Article 114 of the Constitution of Ukraine;
- 4) designate elections of the deputies to community, district, region councils, of community leaders, deputies of the Supreme Council of the Autonomous Republic of Crimea in accordance with the Constitution of Ukraine and laws;
- 5) terminate, prior to the expiration date, upon the submission of the President of Ukraine the authorities of the Supreme Council of the Autonomous Republic of Crimea upon the opinion of the Constitution of Ukraine on violation by it the Constitution of Ukraine, as well as community councils, district and region councils, community leaders on the grounds, designated by the Constitution of Ukraine and law;
- 6) approve, upon the submission of the President of Ukraine, general composition and strength of the Armed Forces of Ukraine, Security Service of Ukraine, other armed units created in accordance with the law;

- 7) approve the decrees of the President of Ukraine on introducing time of war or state of emergency in Ukraine or its selected locations, on general or partial mobilization, on declaring certain locations the zones of ecological emergency;
- 8) approve the decrees of the President of Ukraine on providing military assistance to foreign states, on detaching the units of the Armed Forces of Ukraine, other military units to a foreign state or on granting permits of the units of armed forces of other states to enter the territory of Ukraine;
- 9) upon submission of the President of Ukraine declare state of war and makes peace;
- 10) appoint and dismiss the Head and other members of the Central Election Commission of Ukraine upon submission of the President of Ukraine;
- 11) give consent on appointment by the President of Ukraine of the Prosecutor General of Ukraine, as well as Head of the Security Service of Ukraine, the Head of the National Investigation Bureau of Ukraine, heads of other state authorities, responsible for pre-trial investigation, the Head of the Foreign Intelligence Service of Ukraine;
- 12) appoint and dismiss upon submission of the President of Ukraine the Head of the National Bank of Ukraine, the Head and state representatives of the Antimonopoly Committee of Ukraine, leaders and members of other state regulatory authorities;
- 13) appoint and dismisses half of the staff of the Accounts Chamber;
- 14) appoint and dismisses half of the staff of the National Bank of Ukraine;
- 15) appoint and dismiss half of the staff of the National Television and Radio Broadcasting Council of Ukraine;
- 16) appoint and dismiss upon submission of the President of Ukraine the Head of the National Committee of the State Service of Ukraine;
- 17) approve the budget of the Senate;
- 18) approve the structure of apparatus of the Senate, designate and discharge from the post the head of apparatus of the Senate.  
The Senate shall execute other powers, provided for by the Constitution of Ukraine.

#### **Article 101**

Every chamber of the National Assembly of Ukraine elects its Head from its members, his deputy and discharges them from these posts.

The Head of the chamber organizes the preparation of issues for consideration at the meetings of the chamber, signs acts adopted by the chamber, coordinates activities of its organs, represents the chamber in relations with other state authorities, parliaments of foreign states, controls works of apparatus of the Chamber.

The Head of the Chamber executes duties provided for by the Constitution of Ukraine in an order determined by the operation procedures of a respective chamber.

### **Article 102**

Each Chamber of the National Assembly of Ukraine, for preparation and preliminary consideration of the issues within their authority, elect from their members committees and temporary special committees of the relevant Chamber.

The Deputies Chamber, in order to investigate the issues within its authority and responsibilities and which are of present public interest, creates temporary investigation commissions, if the relevant decision has been approved by at least one third of its general composition. The conclusions and proposals on the temporary investigation commissions will not be decisive for the pre-court trial and the court.

Rules and procedures of the committees, temporary special commissions of the Deputies Chamber and the Senate, as well as of the temporary special commissions of the Deputies Chamber are stipulated by the law.

### **Article 103**

The authorities of the Deputies Chamber expire on the day of inauguration of the first meeting of the newly elected Deputies Chamber.

The authorities of the Deputies Chamber expire in advance on the day of issuing the decree of the President of Ukraine on its dissolution.

The Deputies Chamber may be dissolved by the President of Ukraine.

To approve the decision on the dissolution of the Deputies Chamber the President declares consultations with the heads of both Chambers of the National Assembly, the Prime-Minister of Ukraine and heads of fractions of the Deputies Chamber.

The Chamber of Deputies shall not be dissolved while martial law or of a state of emergency in Ukraine is in effect.

The Chamber of Deputies, elected at special elections, shall not be dissolved within one year from the day of its election, as well as within the final six months of the term of authority of the President of Ukraine, except the case provided for by paragraph five Article 128 of the Constitution of Ukraine.

### **Article 104**

The Chamber of Deputies adopts laws, resolutions by the majority of the general composition of the Chamber, except in cases envisaged by the Constitution of Ukraine.

The Senate adopts laws, resolutions by the majority of the general composition of the Chamber, except in cases envisaged by the Constitution of Ukraine.

### **Article 105**

Laws have higher legal force with respect to regulatory legal acts and regulate the most important social relations.

Laws exclusively define rights and obligations of citizens, guaranties of these rights; acts that are considered as violation of law, and responsibility for it; legal regime of property and foundations of civil responsibility; organization and order of the exercise of state power and local self-government.

**Article 106**

The right of legislative initiative in the National Assembly belongs to the people's deputies of Ukraine, senators, the Cabinet of Ministers of Ukraine, the President of Ukraine, to not less than one thousand of citizens of Ukraine that have the right of vote.

Draft laws introduced through people`s initiative on demand of not less that hundred thousand of citizens of Ukraine, that have the right of vote, as well as draft laws defined by the President of Ukraine as urgent, are considered out-of-order by the Chamber of Deputies.

**Article 107**

Draft laws are introduced for consideration to the Chamber of Deputies.

Consideration of a draft of law by the Chamber of Deputies provides for adoption of its general provisions article by article and adoption of a law in whole.

A law adopted by the Chamber of Deputies is submitted within five days to the Senate by the Head of the Chamber of Deputies.

Upon the receipt of the law the Senate within fifteen days of the session adopts the law or rejects it. If the Senate does not take a decision within the given period of time, the law shall be considered as adopted by the Senate.

In the event the Senate adopts a resolution on the rejection of a law, the Chamber of Deputies may readopt the law by the majority of its general composition.

**Article 108**

The Head of the Chamber of Deputies signs without delay and submits to the President of Ukraine the law, which was adopted by the Senate or readopted by the Chamber of Deputies.

Within fifteen days from the receipt of a law, the President of Ukraine signs it or vetoes it and returns it with his proposals to the Chamber of Deputies for repeat consideration.

In the event that the President of Ukraine has not returned a law within the established term to the Chamber of Deputies, the law is deemed to be signed approved by the President of Ukraine.

If a law, returned by the President of Ukraine with proposals for its repeat consideration by the Chamber of Deputies, is adopted again by the Chamber of Deputies by not less than two-thirds of its general composition, the President of Ukraine signs this law within ten days.

The law signed by the President of Ukraine shall be officially published without delay.

The law enters into force in ten days from the day of its official publication, unless otherwise envisaged by the law itself, but not prior to the day of its publication.

**Article 109**

The State Budget of Ukraine is annually approved by law for the period from 1 January to 31 December, and under special circumstances - for a different period.

Any state expenditures for the needs of the entire society, the extent and purposes of these expenditures, are determined exclusively by the law on the State Budget of Ukraine.

The Cabinet of Ministers of Ukraine submits the draft law on the State Budget of Ukraine for the following year and the report on the course of the implementation of the State Budget of Ukraine in the current year to the Chamber of Deputies of Ukraine no later than on 15 September each year.

In the event that the Chamber of Deputies is dissolved, the draft law on the State Budget of Ukraine is submitted by the Cabinet of Ministers of Ukraine to the Senate which adopts the law on the State Budget of Ukraine by not less than two-thirds of its general composition. In this case the Head of the Senate signs the law on the State Budget of Ukraine the without delay and submits it to the President of Ukraine for signing.

The Chamber of Accounting exercises parliamentary control over the income to and use of finances of the State Budget of Ukraine.

#### **Article 110**

To ensure the stability of hryvnia is the major function of the central bank of the State – the National Bank of Ukraine.

The emission of hryvnia is controlled by the National Bank of Ukraine only.

The Council of the National Bank of Ukraine elaborates the basic principles of monetary and credit policy and exercises control over its execution.

#### **Article 111**

The Authorized Human Rights Representative of the National Assembly of Ukraine exercises parliamentary control over the observance of constitutional human and citizens' rights and freedoms.

The Authorized Human Rights Representative of the National Assembly of Ukraine without the approval of the Chamber of Deputies may not be detained or arrested until the verdict of guilty against him comes into force.

### **Section V**

#### **PRESIDENT OF UKRAINE**

#### **Article 112**

The President of Ukraine is the Head of State. The President of Ukraine represents the State and ensures its law of succession.

The President of Ukraine is the guarantor of sovereignty, territorial indivisibility and security of the state, the observance of the Constitution of Ukraine, human and citizens' rights and freedoms.

The President of Ukraine contributes to the coordination of the state bodies, organs of local self-government.

**Article 113**

The President of Ukraine is elected by direct vote of citizens of Ukraine, who have the right to vote, on the basis of universal, equal and direct suffrage and by secret ballot for a five-year term.

A citizen of Ukraine who has attained the age of thirty-five, has the right to vote, has resided in Ukraine for the past ten years prior to the day of elections, and has command of the state language, may be elected as the President of Ukraine.

The citizen of the State who has been previously convicted for the perpetration of crime may not be elected as the President of Ukraine unless this conviction is cleared off or cancelled by the established law order.

One and the same person shall not be the President of Ukraine for more than two consecutive terms.

**Article 114**

The next elections of the President of Ukraine are held within ninety days before the end of the term the President was elected for.

The early elections of the President of Ukraine are held within sixty days after the authority of the President of Ukraine is prematurely ceased.

The procedure for conducting elections of the President of Ukraine is established by law.

**Article 115**

The newly-elected President of Ukraine assumes office no later than in thirty days after the official announcement of the election results and from the moment of taking the oath to the people of Ukraine at a ceremonial joint meeting of the Chambers of National Assembly of Ukraine:

“I, (name and surname), elected by the will of the people as the President of Ukraine do solemnly swear allegiance to Ukraine. I pledge with all my undertakings to protect the sovereignty and independence of Ukraine, to provide for the good of the Motherland and the welfare of the Ukrainian people, to protect the rights and freedoms of citizens, to abide by the Constitution of Ukraine and the laws of Ukraine, to exercise my duties in the interests of all compatriots, and to enhance the prestige of Ukraine in the world.”

The President of Ukraine, elected at the early elections, comes into the office in five days after taking the oath and official results of the elections are announced.

**Article 116**

The President of Ukraine shall not have another representative mandate, hold other office in bodies of state power or in associations of citizens, be part of a military, diplomatic or other state service, perform any other paid or entrepreneurial activities, be a member of an administrative body or supervisory board of a profitable enterprise.

**Article 117**

The President of Ukraine enjoys the right of immunity during the term of authority.

The President of Ukraine preserves the right to reserve the title of the President for life, unless the President of Ukraine has been removed from office by the procedure of impeachment.

The honour and dignity of the President of Ukraine are protected by law.

### **Article 118**

The President of Ukraine:

- 1) exercises leadership in the spheres of foreign policy, defence and national security;
- 2) adopts decisions on the recognition of foreign states; concludes international treaties of Ukraine; gives the authority to conclude the international treaties in the name of Ukraine;
- 3) appoints and dismisses heads of diplomatic missions of Ukraine; accepts credentials and letters of recall of diplomatic representatives of foreign states;
- 4) is the Commander-in-Chief of the Armed Forces of Ukraine; appoints to the office and dismisses from the office the high command of the Armed Forces of Ukraine and other military formations;
- 5) adopts the decision on introducing the state of emergency in Ukraine or its particular territories, declaring general or partial mobilization, announcing certain areas of Ukraine to be zones of ecological catastrophe, rendering military assistance to foreign states, sending Armed Forces of Ukraine and other military units to the foreign state, allowing entry of the military formations of the Armed Forces of other states to the territory of Ukraine with the following approval of the corresponding decrees by the Senate; authorizes the use of the Armed Forces of Ukraine and other military formations, organized according to the corresponding law, in case of armed aggression against Ukraine;
- 6) proclaims all-Ukrainian referendum in accordance with Articles 78, 79 of the Constitution of Ukraine;
- 7) announces the elections of the people's deputies, senators within the terms specified in Article 88 of the Constitution of Ukraine;
- 8) approves the decision on the dismissal of the Chamber of Deputies according to Article 103, dismisses the Chamber of Deputies in consonance with Article 128 of the Constitution of Ukraine;
- 9) addresses the people of Ukraine and the National Assembly of Ukraine with annual and out of turn messages on domestic and foreign policy of Ukraine;
- 10) abrogates the Resolutions of the Cabinet of Ministers of Ukraine on foreign policy, defence and national security issues after consultations with the Prime-Minister of Ukraine
- 11) establishes courts according to the procedure determined by law and defines court constituencies;
- 12) appoints with the consent of the Senate and dismisses from the occupied positions the Attorney General of Ukraine, Head of the Security Service of Ukraine, Head of the National Bureau of Investigation of Ukraine, chiefs of other state bodies that exercise pre-court inquest, Head of the Intelligence Service of Ukraine;
- 13) appoints and dismisses half of the personnel of the National Bank of Ukraine;

14) appoints and dismisses half of the personnel of the National Council of Ukraine on Television and Radio Broadcasting;

15) grants the national status to the institutions in the spheres of education, science and culture; appoints and dismisses the heads of these national establishments;

16) approves the decision on granting, ceasing the citizenship of Ukraine status and granting Ukraine's asylum status to the person;

17) awards highest military titles, diplomatic, and state service ranks as well as other highest titles or class ranks;

18) grants highest state awards;

19) grants pardons;

20) signs laws and guaranties their official publication;

21) has the right to veto laws (with the exception of the laws adopted at the all-Ukrainian referendum) and return them for the new and consequent reading by the National Assembly of Ukraine;

22) establishes within the funds envisaged in the State Budget of Ukraine consultative, advisory and other subsidiary bodies and services necessary to implement the power of the President;

The President of Ukraine exercises other types of authority specified by the Constitution of Ukraine.

The President of Ukraine shall not delegate his power to other state bodies or state officials.

#### **Article 119**

On the basis of the Constitution of Ukraine and laws, the President of Ukraine issues decrees and directives that are mandatory for execution.

#### **Article 120**

The Council of National Security of Ukraine is the coordinative organ on the issues of foreign policy, defence and national security.

The Council of National Security of Ukraine coordinates and controls the activities of the executive organs in the spheres of foreign policy, defence and national security.

The Head of the Council of National Security of Ukraine is the President of Ukraine.

The Council of National Security of Ukraine is composed of the Prime Minister of Ukraine the Minister for Foreign Affairs of Ukraine, the Minister of Defence of Ukraine, the Minister of Interior of Ukraine, the Minister of Justice of Ukraine, the Head of the Security Service of Ukraine, the Head of the Intelligence Service of Ukraine and other state officials defined by the President of Ukraine.

The Heads of the Chambers of National Assembly may participate in meetings of the Council of National Security of Ukraine.

Decisions of the Council of National Security and Defence of Ukraine are put into effect by decrees of the President of Ukraine.

The procedure of the implementation of the authority of the Council of National Security of Ukraine shall be regulated by law.

#### **Article 121**

The President of Ukraine exercises his/her powers until the assumption of office by the newly-elected President of Ukraine.

The powers of the President of Ukraine terminate prior to the expiration of term in cases of:

- 1) resignation;
- 2) inability to exercise his/her powers for reasons of health;
- 3) removal from office by the procedure of impeachment;
- 4) death.

#### **Article 122**

The resignation of the President of Ukraine enters into force from the moment he/she personally announces the statement of resignation at the seating of the Senate.

#### **Article 123**

The decision on the pre-term cessation of power of the President of Ukraine on condition of his/her inability to exercise the authority due to the health reasons shall be approved by the Senate majority votes.

The President of Ukraine inability to exercise his/her power due to the health reasons is determined by the Supreme Court of Ukraine after the appropriate address of the Chamber of Deputies confirmed by the conclusion of the state medical commission established according to the law.

#### **Article 124**

The President of Ukraine may be removed from office by the procedure of impeachment in the event that he/she commits intentional crime.

The issue of the removal of the President of Ukraine from office by the procedure of impeachment is initiated by the majority of the general composition of the Chamber of Deputies.

To conduct the investigation, the Chamber of Deputies establishes a special temporary investigation commission that is composed of special prosecutor and special investigators.

The conclusions and proposals of the temporary investigation commission are considered at the session of the Chamber of Deputies within the two-month period from the day the temporary investigation commission was established.

The Chamber of Deputies under the existing evidences, with not less than two-thirds of its general composition, adopts the decision on the conviction of the President of Ukraine.

The decision on the removal of the President of Ukraine from office by the procedure of impeachment is adopted by the Senate within a month period from the day the charges were imposed on the President. This decision shall be exercised on the basis of the conclusion of the Constitutional Court of Ukraine on abiding the investigation procedure and consideration of the impeachment of the President of Ukraine case according to the provisions of this Article.

The decision on the removal of the President of Ukraine from office by the procedure of impeachment is adopted by not less than the two-thirds of the Senate votes.

#### **Article 125**

In the event of the pre-term termination of authority of the President of Ukraine in accordance with Articles 121-124 of the Constitution of Ukraine, the execution of duties of the President of Ukraine, for the period pending the elections and the assumption of office of a new President of Ukraine, is vested in the Head of the Senate. The Head of the Senate shall not execute the duties of the President of Ukraine under conditions envisaged by paragraphs 2, 3, 7-10, 13, 14, 17 of part one, Article 118 and Section X of the Constitution of Ukraine.

### **Section VI**

#### **CABINET OF MINISTERS OF UKRAINE**

#### **Article 126**

The Cabinet of Ministers – the Government of Ukraine is the highest body within the executive power system.

The Cabinet of Ministers ensures, and is responsible for, the implementation of domestic and foreign policy of the State, the execution of the Constitution and laws of Ukraine, acts of the President of Ukraine.

#### **Article 127**

The Cabinet of Ministers of Ukraine is composed of the Prime Minister of Ukraine, the Vice-Prime Minister of Ukraine, the Ministers.

The Prime Minister of Ukraine manages the work of the Cabinet of Ministers of Ukraine, directs it for the implementation of the Programme of Activities of the Cabinet of Ministers of Ukraine adopted by the Chamber of Deputies, signs acts of the Cabinet of Ministers of Ukraine.

The Minister ensures the implementation of the Programme of Activities of the Cabinet of Ministers of Ukraine, the formation and implementation of state policy in the respective field.

#### **Article 128**

For the establishment of the personal composition of the Cabinet of Ministers of Ukraine, the President of Ukraine entrusts the candidate for the post of the Prime Minister, authorized by the political party which has received the largest number of seats as a result of elections to the Chamber of Deputies, to elaborate and to submit to the Chamber of Deputies in twenty days period proposals for personal composition of the Cabinet of Ministers of Ukraine together with the Programme of Activities of the Cabinet of Ministers.

The Chamber of Deputies within ten days after receiving proposals on the personal composition of the Cabinet of Ministers and the Programme of Activities of the Cabinet of

Ministers decides on approval of the personal composition of the Cabinet of Ministers of Ukraine and the Programme of Activities of the Cabinet of Ministers of Ukraine.

If within the determined period the Chamber of Deputies does not approve the personal composition of the Cabinet of Ministers and the Programme of Activities of the Cabinet of Ministers, the President of Ukraine within three days entrusts the candidate for the post of the Prime Minister, authorized by the political party which received the second largest number of seats as a result of elections to the Chamber of Deputies, to elaborate and to submit to the Chamber of Deputies in twenty days period proposals for personal composition of the Cabinet of Ministers of Ukraine together with the Programme of Activities of the Cabinet of Ministers.

If within ten days after the submission in accordance with the third paragraph of this Article the Chamber of Deputies did not approve the personal composition of the Cabinet of Ministers and the Programme of Activities of the Cabinet of Ministers, the President determines a candidate for the post of the Prime Minister and entrusts him to submit to the Chamber of Deputies in thirty days period proposals for personal composition of the Cabinet of Ministers of Ukraine and the Programme of Activities of the Cabinet of Ministers.

If in ten days after submission in accordance with the fourth paragraph of this Article the Chamber of Deputies did not approve the personal composition of the Cabinet of Ministers and the Programme of Activities of the Cabinet of Ministers, the President dismisses the Chamber of Deputies and designates special election of people's deputies.

#### **Article 129**

The Cabinet of Ministers of Ukraine tenders its resignation to the newly-elected Chamber of Deputies at its first meeting.

The adoption of a resolution of non-confidence in the Cabinet of Ministers of Ukraine by the Chamber of Deputies results in the resignation of the Cabinet of Ministers of Ukraine.

The Prime Minister has the right to declare the Chamber of Deputies about his resignation. In this case the decision on the resignation of the Prime Minister of Ukraine is adopted by the Chamber of Deputies.

The adoption, by the Chamber of Deputies, of a decision to dismiss the Prime Minister results in the resignation of the whole staff of the Cabinet of Ministers of Ukraine.

The Vice-Prime Minister, the Minister has the right to declare the Prime Minister of Ukraine about his resignation.

In the case of the resignation of the Cabinet of Ministers the formation of a new Cabinet is done in accordance with the procedure and within the period defined in Article 128 of the Constitution of Ukraine.

The Cabinet Ministers in case of its resignation continues to exercise its authority until adoption by the Chamber of Deputies of decision on personal composition of the Cabinet of Ministers of Ukraine.

#### **Article 130**

The Prime Minister of Ukraine, the Vice-Prime Minister of Ukraine, the Minister may not be a senator, take up a post of a judge, other state post as well as perform any other paid or entrepreneurial activities, to be a member of an administrative body or board of supervisors of an enterprise that is aimed at making profit.

**Article 131**

The Cabinet of Ministers:

- 1) Establishes, reorganizes and liquidates in accordance with the law ministries, other central bodies of executive power, acting within the funds provided for the maintenance of executive power;
- 2) Appoints to and dismisses from posts, on the bases of the Prime Minister's submission, heads of central bodies of executive power, who are not members of the Cabinet of Ministers of Ukraine;
- 3) Repeals the acts of ministries and other central bodies of executive power;
- 4) Performs other functions determined by the Constitution and laws of Ukraine.

**Article 132**

The Cabinet of Ministers takes decisions through the vote during meetings by majority of personal composition.

The Cabinet of Ministers of Ukraine, within its competence, issues resolutions and orders that are mandatory for execution.

Regulatory legal acts of ministries and other central bodies of executive power are subject to registration through the procedure established by law.

**Article 133**

The organization, authority and operational procedure of the Cabinet of Ministers of Ukraine, ministries and other bodies of executive power, are determined by the Constitution and laws of Ukraine.

**Section VII****COURTS AND JUSTICE****Article 134**

Justice in Ukraine is administered by courts exclusively.

The delegation of the functions of justice, the appropriation of these functions by other bodies or officials, shall not be permitted.

The creation of extraordinary or special courts shall not be permitted.

The people participate in the administration of justice through elected the magistrates and jurors.

**Article 135**

Judgments shall be approved in the name of Ukraine and shall be binding in the whole territory of Ukraine.

Courts have jurisdiction over all legal relations arising in Ukraine. Courts shall not decide on the execution of powers of other bodies or officials, except in cases defined by law.

In order to protect the rights and freedoms in the sphere of the private law relations arbitration courts and other bodies of the voluntary settlement of disputes may be established.

### **Article 136**

The system of courts of general jurisdiction in Ukraine is formed in accordance with the principle of specialization, territorial principle and the principle of instances.

The Supreme Court is the highest judicial body, which ensures the equal application of laws by all courts of general jurisdiction.

Courts of cassation, in the courts of general jurisdiction, are high specialized courts.

According to the law appeal and local courts are operating.

Court shall not perform the duties of different instances in one case.

Principles, procedure of the courts establishing and designation of the judicial districts shall be established according to law.

In certain cases and order defined by law justice is administrated by the elected magistrates. Requirements concerning the magistrate, election, dismissal, conditions of activities are established by law.

### **Article 137**

Judicial proceedings are conducted by a single judge, by a panel of judges, or by court of the jury.

The main principles of Judicial proceedings are:

- 1) rule of law;
- 2) legality;
- 3) equality before the law and court of all participants in a trial;
- 4) adversarial procedure and freedom of the parties to present their evidence to the court and to prove their validity;
- 5) openness and transparency of a trial;
- 6) a reasonable time for the considering of cases;
- 7) the right to appellate review of judicial decisions, as well as the cassation appeal of court decision, except in cases established by law;
- 8) the mandatory nature of court decisions.

The law may also determine additional judicial proceedings for the some jurisdictions.

**Article 138**

In the administration of justice judges are independent.

Exercising influence on judges in any manner is prohibited.

Independence of judges is guaranteed by the Constitution and laws.

The State ensures funding and proper conditions for the operation of judges. Expenditures for the maintenance of the courts are allocated separately in the State budget of Ukraine for each trial.

Persons guilty of contempt of court have to be brought to the legal liability.

**Article 139**

The immunity of judges are guaranteed – the judge shall not be detained or arrested without the consent of the Senate.

The judge of the court of general jurisdiction may be held to the disciplinary liability.

The State ensures the personal security of judges and their families.

**Article 140**

Judges have the right to the judge governments that are conducted in accordance with the law.

Protection of the professional interests of judges is exercised by the procedure established by law.

**Article 141**

A judge shall be appointed for the permanent terms.

A citizen of Ukraine, not younger than the age of twenty-seven, who has a higher legal education, has command of the state language was trained as a judge in the special for the judges training and passed a qualifying examination may be appointed as a judge.

Additional requirements for certain categories of judges in terms of experience and their professional level are determined by law.

Judges shall not belong to political parties, trade unions, take part in any political activities, hold a representative mandate, occupy any other government post, occupy any other paid or entrepreneurial activities, be a member of the governing body or supervisory board of the company or organization that aims to obtain profit.

**Article 142**

Judges of the Supreme Court and judges of high specialized courts are appointed or dismissed by the Senate within the recommends made by the High Council of Justice, judges of other courts to appoint and dismiss the post of President of Ukraine by the Supreme Council of Justice in accordance with law.

The Assembly of the judges of the appropriate court makes an appointment of Chairman of

the courts and their deputies to the office or on their dismissal from the office by the by the secret ballot.

### **Article 143**

A Judge is dismissed from office if:

- 1) the impossibility to exercise his/her authority for reasons of health;
- 2) the violation by the judge of requirements concerning incompatibility;
- 3) breach of oath by the judge;
- 4) the entry into legal force of a verdict of guilty against him/her;
- 5) the termination of his/her citizenship;
- 6) the submission by the judge of a statement of resignation or of voluntary dismissal from office.

The authority of the judge terminates if:

- 1) the judge attainment of the age of sixty five;
- 2) in the event of his/her death, the entry into legal force of the court decision that he/she is missing, or the pronouncement that he/she is dead.

The authority of judges may be terminated by the High Council of Justice of Ukraine in the case of the prosecution of a crime or to correct violations of the requirements for incompatibility.

### **Article 144**

The High Council of Justice of Ukraine:

- 1) forwarding submission on the appointment of judges to the office;
- 2) forwarding submission on the dismissal of judges from the office in the cases stipulated by the part one of Article 143 of the Constitution;
- 3) terminate the authority of judges in the cases stipulated by the part two of Article 143 of the Constitution;
- 4) takes a decision on suspension of the judges in the cases stipulated by part three of Article 143 the Constitution;
- 5) decides to bring the judges to disciplinary liability.

The High Council of Justice of Ukraine consists of sixteen members. Congress of Judges appoints eight members of the Supreme Council of Justice of Ukraine, the President and the Senate appoints four members of the High Council of Justice of Ukraine.

Members of the High Council of Justice of Ukraine exercise their authority on a regular basis and may not hold the post of judge, prosecutor or advocacy.

Matters relating to the competence of the High Council of Justice of Ukraine shall be

considered at its plenary meetings, meetings of the qualification commission of judges and judicial disciplinary commission, created in the High Council of Justice of Ukraine from among its members.

The Chairman of the Supreme Court, the Minister of Justice, and the Prosecutor General of Ukraine may participate in the plenary of the High Council of Justice of Ukraine, at the meetings of the qualification commission of judges and the disciplinary committee of judges.

Organization and the activities of the High Council of Justice of Ukraine are determined by law.

#### **Article 145**

Maintenance of prosecution in the court on behalf of the state is entrusted to the Prosecutor's Office of Ukraine.

The Prosecutor's Office of Ukraine also provides:

- 1) representation of the interests of a citizens or of the state in court in cases determined by law;
- 2) supervision of the observance of laws by bodies that conduct detective and search activities, inquiry and pre-trial investigation;
- 3) supervision of the observance of laws in the execution of judicial decisions in criminal cases, and in the application of other measures coercive related to the restraint liberty of citizens.

The Prosecutor's Office of Ukraine is headed by the Prosecutor General of Ukraine, who is appointed to office by the President with the consent of the Senate.

The Prosecutor General of Ukraine is dismissed from the office by the President on the basis determined by law.

The Organization and the operational procedure activities of the Prosecutor's Office of Ukraine are determined by law.

### **Section VIII**

#### **CONSTITUTIONAL COURT OF UKRAINE**

#### **Article 146**

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction in Ukraine.

Organization and the activities of the Constitutional Court of Ukraine, the procedure of consideration of cases defined by the Constitution of Ukraine and law.

#### **Article 147**

The Constitutional Court of Ukraine is composed of eighteen judges of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine is appointed on the submission of the President of Ukraine by the decision of the Senate, adopted by not less than two-thirds of its total composition, for nine years without the right of reappointment.

A citizen of Ukraine who has reached the age of forty on the day of appointment, has a higher legal education and practical experience, scientific or educational work in the field of law not less than fifteen years, and has command of the state language, may be a judge of the Constitutional Court of Ukraine.

The Chairman of the Constitutional Court of Ukraine and his deputy are elected at the plenum of the Constitutional Court of Ukraine from the composition of judges of the Constitutional Court of Ukraine by secret ballot for a three-year term without the right to be re-elected.

#### **Article 148**

A judge of the Constitutional Court of Ukraine acquires authority from the day of taking his oath at the plenum of the Constitutional Court of Ukraine. Judge of the Constitutional Court of Ukraine should terminate membership in political parties, other associations of citizens before taking the oath.

Judge of the Constitutional Court of Ukraine takes the following oath:

“I solemnly swear to perform honestly and faithfully the authority of a judge of the Constitutional Court of Ukraine, to provide the legal protection of the Constitution of Ukraine, to ensure its supremacy, respect and to protect the rights and freedoms of person and citizen, to make decisions independently and impartially.”

#### **Article 149**

Judges of the Constitutional Court of Ukraine in performing their duties are independent and obey only the Constitution of Ukraine. Judges of the Constitutional Court of Ukraine are subject to the guarantees of independence and immunities, requirements concerning incompatibility, grounds for dismissal from office, termination of authority, envisaged by Articles 138, 139, 141, 143 of the Constitution of Ukraine.

Judge of the Constitutional Court of Ukraine is dismissed by the Senate, on the submission of the President of Ukraine, in case of expiration of the term for which he was appointed, and with reasons, determined in the first paragraph of Article 143 of the Constitution of Ukraine. The decision on dismissal of the judges of the Constitutional Court of Ukraine on the grounds specified by paragraphs 2, 3 of the first paragraph of Article 143 of the Constitution of Ukraine, adopted by the Senate at least by two-thirds of its total composition.

In cases envisaged by paragraph two of Article 143 of the Constitution of Ukraine, the authorities of judge of the Constitutional Court of Ukraine are terminated from the day following the day of the relevant circumstances.

#### **Article 150**

The Constitutional Court of Ukraine on the submission of the President of Ukraine, the Cabinet of Ministers, by not less than thirty deputies or ten senators, the Supreme Court of Ukraine decides on:

- 1) the official interpretation of the Constitution of Ukraine;
- 2) conformity with the Constitution of Ukraine (constitutionality) of laws of Ukraine and acts of the chambers of the National Assembly of Ukraine; acts of the President of Ukraine; acts of the Cabinet of Ministers of Ukraine.

The Constitutional Court of Ukraine for constitutional complaint of a person decides on the conformity of the Constitution (constitutionality) of law, on the bases of which the court of general jurisdiction adopted the final decision concerning the constitutional rights and freedoms of the person, if it considers that the law applied in solving this case is contrary to the Constitution of Ukraine.

#### **Article 151**

Laws and other legal acts, by the decision of the Constitutional Court of Ukraine, are deemed to be unconstitutional, in whole or in part, if they do not conform to the Constitution of Ukraine, or if there was a violation of the procedure established by the Constitution of Ukraine for their review, adoption or their entry into force.

Laws and other legal acts, or their separate provisions, that are deemed to be unconstitutional, lose legal force from the day the Constitutional Court of Ukraine adopts the decision on their unconstitutionality.

#### **Article 152**

The Constitutional Court of Ukraine on the submission of the President of Ukraine, the Cabinet of Ministers of Ukraine, the Chamber of Deputies or Senate provides opinions on the conformity with the Constitution of Ukraine (constitutionality) of international treaties submitted to the National Assembly of Ukraine for granting agreement regarding their obligation.

The Constitutional Court of Ukraine on the submission of the President of Ukraine, the Chamber of Deputies or the Senate provides opinions on the conformity with the Constitution of Ukraine (constitutionality) of the issues submitted for consideration on a nationwide referendum.

The Constitutional Court of Ukraine on the submission of the Senate provides opinion on compliance with Article 124 of the Constitution of Ukraine the procedure of investigation and consideration of the case of removing the President of Ukraine from office by the procedure of impeachment.

The Constitutional Court of Ukraine on the submission of the President of Ukraine provides opinion on violation of the Constitution of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea.

#### **Article 153**

Issues related to jurisdiction of the Constitutional Court of Ukraine are considered by the plenum of the Constitutional Court of Ukraine at the meetings of its chambers. Both chambers of the Constitutional Court of Ukraine composed of nine judges of the Constitutional Court of Ukraine each, formed by the plenum of the Constitutional Court of Ukraine.

The constitutional complaints of people are considered at meetings of chambers of the Constitutional Court of Ukraine.

#### **Article 154**

Decisions and opinions of the Constitutional Court of Ukraine are mandatory, final and shall not be appealed.

## **Section IX**

### **LOCAL SELF-GOVERNMENT AND TERRITORIAL STRUCTURE OF STATE POWER**

#### **Article 155**

Local self-government is the right and ability of the community residents to regulate and manage the social affairs of local significance in the interests of local citizens within the limits envisaged by the Constitution of Ukraine and laws.

A community is the administrative-territorial unit, specified in the second paragraph of the third part of Article 3 of the Constitution of Ukraine, and the group of citizens of Ukraine living within its territory.

Other communities may not be a part of the above community.

Local self-government is exercised within the administrative and territorial units.

Local self-government is exercised by the community residents as directly and through bodies of self-government – their own representative bodies of self-government, heads of community, representative bodies of self-government, which represent common interests of communities, as well as their executive bodies.

#### **Article 156**

The community council is the representative body of community self-government.

Deputies of the community council are elected for a four-year term by community residents, who have the right to vote, on the basis of universal, equal and direct suffrage, by secret ballot. A citizen of community who has the right to vote may be a deputy of the community council.

The head of community presides at the meetings of the community council and leads its executive body, which is formed by the community council upon the submission of the head of community.

The head of community is elected for the term of the community council office by community residents, who have the right to vote, on the basis of universal and equal suffrage, by secret ballot. A citizen of the community who has the right to vote may be a deputy of this community council.

The procedure for the formation and the authority of the community council and its executive bodies, the status of heads of community and deputies of the community council are determined by the Constitution of Ukraine and laws of Ukraine.

#### **Article 157**

Communities directly or through the created by them bodies of local self-government, in accordance with laws of Ukraine, approve the community charter, manage communal property, approve programmes for socio-economic and cultural development and monitor their implementation; approve local budgets and monitor their implementation; establish local taxes, levies, compulsory fees; provide for the local referendum and implementation their results; establish, reorganize and liquidate communal enterprises, organisations and establishments as well as monitor their activities; decide on within laws of Ukraine other

issues which are not excluded from their competence and whose settlement is not imposed on another body.

Communities directly or through the councils established by them may adopt within their competence mutual decisions for more effective implementation.

The community council decides on the issues of managing city districts.

The community council has the right by the procedure established by law to delegate on the basis of agreement their certain powers to other councils.

### **Article 158**

The material and financial basis for local self-government is movable and immovable property, revenues of local budgets, other funds, land, natural resources owned on the basis of communal property.

On the basis of agreement, communities may join objects of communal property as well as budget funds, to implement joint projects or to jointly finance (maintain) communal enterprises, organisations and establishments, which are owned on the basis of communal property, and create appropriate bodies and services for this purpose.

The State participates in the formation of revenues of the budget of local self-government and financially supports local self-government. Expenditures of bodies of local self-government, that arise from the decisions of bodies of state power, are compensated by the state.

### **Article 159**

District and oblast councils, their executive bodies, are bodies of local self-government that represent the common interests of communities.

Deputies of district and oblast councils are elected for a four-year term by residents of community, who have the right to vote, within the borders of district and oblast correspondingly on the basis of universal, equal and direct suffrage, by secret ballot.

A citizen of community who has the right to vote and elected within the borders of district and oblast may be a deputy of district and oblast councils correspondingly.

District and oblast councils approve correspondingly district and oblast budgets, programmes for socio-economic, cultural development of the respective oblasts and districts, rational management of nature, environmental protection, and control their implementation; administrate in accordance with law management of community common property objects; decide in accordance with law on issues of local nature management; adopt decisions on state-protected local natural territories and objects and other territories which are subjects of special preservation of nature; decides on issues of development of educational, cultural, health care establishments; decides on issues of the promotion of the protection of legal order and public security; initiate the introduction of a state of emergency and the establishment of zones of an ecological emergency situation in their particular areas; resolve other issues ascribed to their competence by law.

District and oblast councils exercise their authority transferred them by the community council on the basis of agreement by the procedure established by law.

District, oblast council elects from among its members the chairman of the relevant council, form the executive body of the council which is led by the head of executive body, appointed by the council.

The procedure for the formation and the authority of the district and oblast councils and its executive bodies are determined by the Constitution of Ukraine and laws of Ukraine.

#### **Article 160**

Local self-government bodies have the right to cooperate during exercising their authorities, establish, with the status determine by law, a voluntary association of local self-government bodies to resolve common issues.

Local self-government bodies have the right to exercise transborder co-operation with local self-government bodies of other countries on the terms determined by law.

#### **Article 161**

Certain powers of bodies of executive power may be delegated by law to bodies of local self-government. The State finances the exercise of these delegated powers from the State Budget of Ukraine in full or through the allocation of certain national taxes, fees, mandatory payments to the local budget, by the procedure established by law, transfers for this purpose the objects of state property to bodies of local self-government.

Bodies of local self-government, on issues of their exercise of powers of bodies of executive power, are under the control of the respective bodies of executive power.

#### **Article 162**

Local authorities accept acts that are required to perform within the relevant administrative-territorial units.

For reasons of nonconformity to the Constitution of Ukraine and to laws, acts of local self-government bodies may be suspended by the Head of state administration with a simultaneous appeal to the court.

#### **Article 163**

The competence of the Autonomous Republic of Crimea comprises:

- 1) the conduct of elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, approving the composition of the electoral commission of the Autonomous Republic of Crimea;
- 2) management of state property, common property of communities within the limits set by law;
- 3) elaborating, approving and implementing the budget of the Autonomous Republic of Crimea on the basis of the uniform tax and budget policy of Ukraine;
- 4) elaborating, approving and implementation programmes of the Autonomous Republic of Crimea for socio-economic and cultural development, the rational utilisation of nature, and environmental protection in accordance with national programmes;

- 5) recognising the status of localities as resorts; establishing zones for the sanitary protection of resorts;
- 6) participating in ensuring the rights of citizens, national harmony, the promotion of the protection of legal order and public security;
- 7) ensuring the operation and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protection and use of historical monuments;
- 8) participating in the development and realisation of state programmes for the return of deported peoples;
- 9) initiating the introduction of a state of emergency and the establishment of zones of an ecological emergency situation in the Autonomous Republic of Crimea or in its particular areas.

The competence of the Autonomous Republic of Crimea may include other matters by laws.

The Autonomous Republic of Crimea has the Constitution of the Autonomous Republic of Crimea that is adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by law.

#### **Article 164**

The Verkhovna Rada of the Autonomous Republic of Crimea is the representative body of the Autonomous Republic of Crimea.

The Verkhovna Rada of the Autonomous Republic of Crimea adopts decisions and resolutions that are mandatory for execution in the Autonomous Republic of Crimea.

Deputies of the Verkhovna Rada of the Autonomous Republic of Crime shall be elected for a four-year term by direct elections of residents of communities within the Autonomous Republic of Crimea, who have the right to vote, on the basis of universal and equal suffrage by secret ballot. A resident of the respective community within the Autonomous Republic of Crimea, who has the right to vote, may be elected as deputy of the Verkhovna Rada of the Autonomous Republic of Crimea.

The Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, within its authority, exercises regulation on the following issues:

- 1) agriculture and forestry;
- 2) land reclamation and mining;
- 3) public works, crafts and trades; charity;
- 4) city construction and housing management;
- 5) public transportation, roadways, water supply;
- 6) museums, libraries, theatres, other cultural establishments, historical and cultural preserves;

- 7) tourism, hotel business, fairs;
- 8) hunting and fishing;
- 9) sanitary and hospital services;
- 10) other issues stipulated by laws.

The Council of Ministers of the Autonomous Republic of Crimea is the government of the Autonomous Republic of Crimea. The Head of the Council of Ministers of the Autonomous Republic of Crimea is appointed to office and dismissed from office by the Verkhovna Rada of the Autonomous Republic of Crimea.

The procedure for the formation and operation, authority of the Verkhovna Rada of the Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea, are determined by the Constitution of Ukraine and laws, and by decisions of the Verkhovna Rada of the Autonomous Republic of Crimea on issues ascribed to its authority.

#### **Article 165**

Acts of the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea shall be adopted pursuant to the Constitution of Ukraine, laws, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine for their implementation.

Action of the acts of the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea, for reasons of nonconformity with the Constitution of Ukraine, laws, shall be suspended by the head of the state administration in the Autonomous Republic of Crimea, with a simultaneous judicial recourse.

#### **Article 166**

Heads of state administrations who act in the Autonomous Republic of Crimea, regions, the city of Kyiv, cities that equated by the status to the region are appointed to office and dismissed from office by the President.

Head of State Administration in the respective administrative-territorial units:

- 1) exercises control over the observance of the Constitution, laws, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine by territorial offices of ministries, other central executive authorities and local governments as well as their officials;
- 2) provides interaction between territorial departments of ministries, other central executive authorities and local governments;
- 3) perform other powers determined by the Constitution and laws.

Head of State Administration in the Autonomous Republic of Crimea exercises the powers provided in part two of this Article, also for the Verkhovna Rada of the Autonomous Republic of Crimea, the Council of Ministers of the Autonomous Republic of Crimea and their acts.

In order to ensure implementation of its authority, the Heads of state administrations may establish offices in the districts and cities.

The procedure of activities of heads of state administrations is determined by the Constitution of Ukraine and by laws.

## **Section X**

### **INTRODUCING AMENDMENTS TO THE CONSTITUTION OF UKRAINE**

#### **Article 167**

A draft law on introducing amendments to the Constitution of Ukraine or on the new edition of the Constitution of Ukraine may be submitted to the Ukrainian National Assembly in a joint submission by people's deputies and senators which are not less than one-third of overall composition of each chamber, or on popular initiative on the request of not less than half million citizens of Ukraine who have the right to vote.

#### **Article 168**

A draft law on introducing amendments to the Constitution of Ukraine or on the new edition of the Constitution of Ukraine considered by the Chamber of Deputies and previously accepted by not less than two-thirds of its overall composition.

In case the adoption by article and in general by not less than two-third of overall composition of the Chamber of Deputies a draft law transmitted to the Senate.

In case the adoption of the draft law within ninety days of the Senate by not less than two-thirds of its overall composition, an all-Ukrainian referendum designated by the President of Ukraine. Such Referendum shall be held no sooner than ninety days and no later than one year from the adoption of the draft law by the Senate.

#### **Article 169**

The President of Ukraine signs and officially promulgates the Constitutional law within three days after adoption by the procedure established by Article 168 of Constitution of Ukraine

The Constitutional law enters into force in fifteen days after its official promulgation, unless otherwise envisaged by the law itself, but not prior to the day of its publication.

#### **Article 170**

The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizens' constitutional rights and freedoms.

## **Section XI**

### **FINAL PROVISIONS**

#### **Article 171**

28 June is the national holiday – the Day of the Constitution of Ukraine.

## Section XII

### TRANSITIONAL PROVISIONS

1. Laws and other regulatory legal acts, adopted prior to the Constitution of Ukraine in this wording (hereinafter referred to as "this Constitution") entering into force, are in force in the part that does not contradict this Constitution.

2. The Verkhovna Rada of Ukraine, elected in 2007, after this Constitution enters into force exercises the authority of the Chamber of Deputies and the Senate.

The first election of people's deputies and senators shall be held not later than six months from the date of entering into force of this Constitution.

The Authorised Human Rights Representative of the Verkhovna Rada of Ukraine continue to exercise its authority from entering into force of this Constitution and acquires the status the Authorised Human Rights Representative of the Ukrainian National Assembly from the date of opening the first session of the Chamber of Deputies, elected for the first election of people's deputies, and to exercise their authority until the expiration of the term for which he/she was elected, otherwise the termination of his/her authority or dismissing.

3. During the first election of senators three single-member territorial constituencies are formed with approximately equal numbers of voters in the Autonomous Republic of Crimea, oblasts, the city of Kyiv.

Among selected senators from the Autonomous Republic of Crimea, oblasts, the city of Kyiv draw is conducted, the results of which determines the priority of their rotation.

4. The President of Ukraine since the entry into force of this Constitution has the authority defined by this Constitution.

Regular election of the President of Ukraine is held on 17 January 2010.

5. The Cabinet of Ministers of Ukraine tenders its resignation to the Chamber of Deputies elected during the first election of people's deputies.

New personal composition of the Cabinet of Ministers of Ukraine is formed in accordance with this Constitution.

6. Judges of the Constitutional Court of Ukraine continue their duties till dismissal, termination of authority under this Constitution.

The Constitutional Court of Ukraine since the entry into force of this Constitution continues to exercise authority in matters of compliance with the Constitution (constitutionality) of acts of the Verkhovna Rada adopted before the entry into force of this Constitution.

7. The Higher Civil Court of Ukraine, the Supreme Criminal Court of Ukraine are formed within six months from the date of entering into force of this Constitution.

8. Judges of courts of general jurisdiction, appointed to the position of professional judge appointed for the first time prior to the day of entry of this Constitution into force, continue to exercise their authority until the expiration of the term for which they were appointed. The further appointment of them without limit in time as judges is performed under this Constitution, the requirements, established by the second part of Article 131 of this Constitution with respect

to training for work as a judge at the establishment of special training of judges and passing a qualifying exam are not applied to them.

9. Heads of state administrations in the Autonomous Republic of Crimea, oblasts, the city of Kyiv are appointed under this Constitution.

10. For five years after entry into force of this Constitution the following oblasts may not be eliminated: Vinnytsia Oblast, Volyn Oblast, Dnipropetrovsk Oblast, Donetsk Oblast, Zhytomyr Oblast, Zakarpattia Oblast, Zaporizhia Oblast, Ivano-Frankivsk Oblast, Kyiv Oblast, Kirovograd Oblast, Lugansk Oblast, Lviv Oblast, Mykolaiv Oblast, Odesa Oblast, Poltava Oblast, Rivne Oblast, Sumy Oblast, Ternopil Oblast, Kharkiv Oblast, Kherson Oblast, Khmelnytskyi Oblast, Cherkasy Oblast, Chernivtsi Oblast and Chernigiv Oblast.

Villages on the day of entry into force of this Constitution are towns.

During ten years from the date of entering into force of this Constitution to designate the respective communities of residence, place of those addresses may be used as the notion of "town," and as well as the notion of "village."

11. Village, settlement and city councils and village, settlement and city mayors, district and oblasts councils, the Verkhovna Rada of the Autonomous Republic of Crimea after the entry into force of this Constitution, make it certain powers to elect deputies of village, town, city, district, oblast councils and heads of communities, members of the Verkhovna Rada of the Autonomous Republic of Crimea during elections, held within nine month period from the date of entering into force of this Constitution.

Formation of executive committees of district, oblast, Kyiv and Sevastopol city councils and elimination of local state administrations are made by newly elected district, oblast, the Cities of Kyiv and Sevastopol councils.

District and oblast, the Cities of Kyiv and Sevastopol, district in the Cities of Kyiv and Sevastopol state administrations continues to exercise its powers till formation of executive committees of the relevant district, oblast, the Cities of Kyiv and Sevastopol councils.

On the day of the formation of executive committees of district, oblast, the Cities of Kyiv and Sevastopol council's heads of the relevant district, oblast, the Cities of Kyiv and Sevastopol, district in the cities of Kyiv and Sevastopol state administrations abdicate to the President of Ukraine and dismissed by him from posts.

The permanent representative of the President of Ukraine in the Autonomous Republic of Crimea shall divest himself of authority before the President of Ukraine on the day of the appointment to office of the head of the state administration in the Autonomous Republic of Crimea.

The Representative Office of the President of Ukraine in the Autonomous Republic of Crimea shall be dissolved by the head of the administration in the Autonomous Republic of Crimea.

12. The Prosecutor's Office of Ukraine shall continue to exercise the function of supervision over the observance of human and citizens' rights and freedoms, the observance of laws concerning these issues until the appointment to office of the heads of state administration as well as the function of preliminary investigation until the formation of the pre-trial investigation system, but not longer than for one year.

13. The High Council of Justice shall continue to exercise its powers until the formation of the High Council of Justice of Ukraine's staff pursuant to this Constitution of Ukraine, but not longer than nine months.

14. The use of existing military basis in the territory of Ukraine for the temporary stationing of foreign military formations shall be possible on the terms of lease, by the procedure determined by the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

II. The present Law, approved by an all-Ukrainian referendum, shall enter into force on the day of the announcement of the all-Ukrainian referendum results and be subject to the immediate official publication over the signature of the President of Ukraine.

Chairman  
Verkhovna Rada of Ukraine”