



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 4 August 2008

**Study no. 469 / 2008**

**CDL(2008)086add**  
Engl. only

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

**CONSTITUTIONAL PROVISIONS  
FOR AMENDING THE CONSTITUTION**

**LIMITS TO CONSTITUTIONAL AMENDMENTS**

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## **A. General provisions**

### **1. The Constitution of Albania**

“Article 177

2. No amendment to the Constitution may take place when extraordinary measures are in effect. ...”

### **2. The Constitution of the Republic of Azerbaijan**

“Article 156

...

V. Constitutional laws on amendments are integral part of Constitution of the Azerbaijan Republic and should not contradict main text of Constitution of the Azerbaijan Republic.”

### **3. The Belgian Constitution**

“Article 196

No constitutional revision may be undertaken or pursued during times of war or when the Houses are prevented from meeting freely on Federal territory.”

### **4. The Constitution of the Czech Republic**

“Article 9

(1) This Constitution may be supplemented or amended only by constitutional acts.

(2) Any changes in the essential requirements for a democratic state governed by the rule of law are impermissible.

(3) Legal norms may not be interpreted so as to authorize anyone to do away with or jeopardize the democratic foundations of the state.”

### **5. The Constitution of Georgia**

“Article 103

The announcement of a state of emergency or martial law shall lead to the suspension of the revision of the Constitution until the cancellation of the state of emergency or martial law.”

### **6. The Constitution of Greece**

“Article 110

...

6. Revision of the Constitution is not permitted before the lapse of five years from the completion of a previous revision.”

### **7. Israel: Basic Law**

“41. Inapplicability of emergency laws

Notwithstanding the provisions of any law, emergency regulations cannot change this Basic Law, temporarily suspend it, or make it subject to conditions.”

**8. The Constitution of the Republic of Lithuania**

“Article 147

...

During a state of emergency or martial law, amendments to the Constitution may not be made.“

**9. The Constitution of the Republic of Moldova**

“Article 142

...

(3) The Constitution may not be revised under a state of national emergency, martial law or war. ...”

**10. The Constitution of Montenegro**

“Act on the change of the constitution  
Article 156

...

Change of the Constitution shall not take place during the state of war and the state of emergency.”

**11. The Constitution of the Kingdom of Norway**

“Article 112

If experience shows that any part of this Constitution of the Kingdom of Norway ought to be amended, the proposal to this effect shall be submitted to the first, second or third Storting after a new General Election and be publicly announced in print. But it shall be left to the first, second or third Storting after the following General Election to decide whether or not the proposed amendment shall be adopted.

Such amendment must never, however, contradict the principles embodied in this Constitution, but solely relate to modifications of particular provisions which do not alter the spirit of the Constitution, and such amendment requires that two thirds of the Storting agree thereto....”

**12. The Constitution of the Portuguese Republic**

”Article 284

Competence and time of revision

1. The Assembly of the Republic may revise this Constitution after 5 years have elapsed since the last occasion on which an ordinary law revising the Constitution was published.

2. However, the Assembly of the Republic may, by a majority of four-fifths of the Deputies entitled to vote, assume special powers to revise this Constitution at some other time.

Article 289

Limits on time of revision

No action may be taken to revise this Constitution during a state of siege or a state of emergency.”

**13. The Constitution of Romania**

“Article 152 – Limits of Revision

...

(3) The Constitution shall not be revised during a state of siege or emergency, or at wartime.”

**14. The Constitution of Serbia**

“Article 204 – Prohibition to amend the Constitution

The Constitution shall not be amended in the time of the state of war or emergency.”

**15. The Federal Constitution of the Swiss Confederation**

“Art. 193 Total Revision

1 A total revision of the Federal Constitution may be proposed by the People or by one of the Chambers, or may be decreed by the Federal Parliament.

2 If the initiative emanates from the People or if the Chambers disagree, the People shall decide whether a total revision shall be undertaken.

3 Should the People accept a total revision, both Chambers shall be newly elected.

4 The mandatory provisions of international law may not be violated.

Art. 194 Partial Revision

1 A partial revision of the Federal Constitution may be requested by the People, or be decreed by the Federal Parliament.

2 A partial revision must respect the principle of the unity of subject matter; it may not violate the mandatory provisions of international law.

3 A popular initiative for partial revision must, moreover, respect the principle of the unity of form.”

**16. The Constitution of Ukraine**

“Article 157

...The Constitution of Ukraine shall not be amended in conditions of martial law or a state of emergency.”

**B. Amendments to the provisions for amending the constitution****1. The Constitution of the Republic of Latvia**

“Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.”

## **2. The Constitution of the Republic of Lithuania**

“Article 148

...  
The provisions of Chapter 1 ("The State of Lithuania") and Chapter 14 ("Amending the Constitution") may be amended only by referendum. ...”

## **3. The Constitution of the Republic of Poland**

“Chapter XII

Article 235

...  
6. If a bill to amend the Constitution relates to the provisions of Chapters I, II or XII, the subjects specified in para. 1 above may require, within 45 days of the adoption of the bill by the Senate, the holding of a confirmatory referendum. Such subjects shall make application in the matter to the Marshal of the Sejm, who shall order the holding of a referendum within 60 days of the day of receipt of the application. The amendment to the Constitution shall be deemed accepted if the majority of those voting express support for such amendment. ...”

## **4. The Constitution of the Russian Federation**

“Chapter 9

Article 135

1. Provisions of Chapters I, 2 and 9 of the Constitution of the Russian Federation shall be not subject to revision by the Federal Assembly.  
2. In case a proposal to change provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation has been supported by three fifth of votes of the total number of deputies of the chambers of the Federal Assembly, in conformity with federal constitutional law the Constitutional Assembly shall be convened.  
3. The Constitutional Assembly shall either confirm the immutability of the Constitution of the Russian Federation or elaborate a draft of a new Constitution of the Russian Federation which is adopted by the Constitutional Assembly by a vote of two thirds of the total number of its members or is submitted to a nation-wide vote. In case of a nation-wide vote the Constitution of the Russian Federation shall be considered adopted when approved by a majority of voters casting their votes, provided that more than one half of voters have cast their votes.”

## **5. The Constitution of the Republic of South Africa**

“74. Bills amending the Constitution

(1) Section 1 and this subsection may be amended by a Bill passed by-  
(a) the National Assembly, with a supporting vote of at least 75 per cent of its members; and  
(b) the National Council of Provinces, with a supporting vote of at least six provinces. ...”

## **6. The Constitution of Ukraine**

### “Article 156

A draft law on introducing amendments to Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine.

The repeat submission of a draft law on introducing amendments to Chapters I, III and XIII of this Constitution on one and the same issue is possible only to the Verkhovna Rada of Ukraine of the next convocation.”

## **C. Territorial integrity**

### **I. Substance**

## **7. The Constitution of the Republic of Azerbaijan**

### “Chapter I

...

### Article 5

I. The people of Azerbaijan are united.

II. Unity of the Azerbaijanian people constitutes the basis of the Azerbaijanian state. Azerbaijan Republic is mutual and indivisible motherland for all citizens of the Azerbaijan Republic.”

### “Article 11

I. The territory of the Azerbaijan Republic is sole, inviolable and indivisible.

II. Internal waters of the Azerbaijan Republic, sector of the Caspian Sea (lake) belonging to the Azerbaijan Republic, air space over the Azerbaijan Republic are integral parts of the territory of the Azerbaijan Republic.

II. No part of territory of the Azerbaijan Republic may be estranged. The Azerbaijan Republic will not give any part of its territory to anybody; state borders of the Azerbaijan Republic might be changed only by free decision of its peoples made by way of referendum declared by Milli Majlis of the Azerbaijan Republic.”

### “Article 158

There cannot be proposed the introduction of additions to the Constitution of Azerbaijan Republic with respect to provisions envisaged in Chapter I of the present Constitution.”

## **8. The Constitution of the Republic of Bulgaria**

### “Article 2

...

(2) The territorial integrity of the Republic of Bulgaria shall be inviolable. “



## **9. The Constitution of France**

### “Article 3

National sovereignty shall vest in the people, who shall exercise it through their representatives and by means of referendum.

No section of the people nor any individual may arrogate to itself, or to himself, the exercise thereof.

Suffrage may be direct or indirect as provided for by the Constitution. It shall always be universal, equal and secret.

All French citizens of either sex who have reached their majority and are in possession of their civil and political rights may vote as provided for by statute.”

### “Article 89

...

No amendment procedure shall be commenced or continued where the integrity of national territory is placed in jeopardy. ...”

## **10. The Constitution of Kazakhstan**

### “Article 91

...

2. The unitary status and territorial integrity of the Republic, the forms of government may not be changed.

## **II. Re-enforced procedure**

### **1. The Constitution of the Republic of Latvia**

#### ”Article 3

The territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale.”

#### “Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.”

### **2. The Constitution of the Republic of Lithuania**

#### “Article 10

The territory of the State of Lithuania shall be integral and shall not be divided into any state derivatives.

The State borders may only be realigned by an international treaty of the Republic of Lithuania which has been ratified by four-fifths of all the Seimas members.”

#### “Article 148

...

The provisions of Chapter 1 ("The State of Lithuania") and Chapter 14 ("Amending the Constitution") may be amended only by referendum.”

### **3. The Constitution of Montenegro**

“Article 3

The territory of Montenegro is unified and inalienable.”

“Article 157

Change of Articles 1, 2, 3, 4, 12, 13, 15, 45 and 157 shall be final if minimum three fifths of all the voters support the change in the national referendum.”

### **4. The Constitution of Romania**

“Article 152 – Limits of Revision

(1) The provisions of this Constitution with regard to the national, independent, unitary and indivisible character of the Romanian State, the Republican form of government, territorial integrity, independence of the judiciary, political pluralism and official language shall not be subject to revision.

...”

### **5. The Constitution of the Russian Federation**

“Chapter I

...

Article 4

...

3. The Russian Federation shall guarantee the unity and the inviolability of its territory.”

“Article 135

1. Provisions of Chapters I, 2 and 9 of the Constitution of the Russian Federation shall be not subject to revision by the Federal Assembly.

2. In case a proposal to change provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation has been supported by three fifth of votes of the total number of deputies of the chambers of the Federal Assembly, in conformity with federal constitutional law the Constitutional Assembly shall be convened.

3. The Constitutional Assembly shall either confirm the immutability of the Constitution of the Russian Federation or elaborate a draft of a new Constitution of the Russian Federation which is adopted by the Constitutional Assembly by a vote of two thirds of the total number of its members or is submitted to a nation-wide vote. In case of a nation-wide vote the Constitution of the Russian Federation shall be considered adopted when approved by a majority of voters casting their votes, provided that more than one half of voters have cast their votes.”

### **6. The Constitution of Serbia**

“Preamble

Considering the state tradition of the Serbian people and equality of all citizens and ethnic communities in Serbia,

Considering also that the Province of Kosovo and Metohija is an integral part of the territory of Serbia, that it has the status of a substantial autonomy within the sovereign state of Serbia and that from such status of the Province of Kosovo and Metohija follow constitutional obligations of all state bodies to uphold and protect the state interests of Serbia in Kosovo and Metohija in all internal and foreign political relations, ...”

“Article 203 – of the amendment to the Constitution

...

The National Assembly shall be obliged to put forward the act on amending the Constitution in the republic referendum to have it endorsed, in cases when the amendment of the Constitution pertains to the preamble of the Constitution, principles of the Constitution, human and minority rights and freedoms, the system of authority, proclamation the state of war and emergency, derogation from human and minority rights in the state of emergency or war or the proceedings of amending the Constitution.”

#### **D. Restriction of Human Rights**

##### **I. Substance**

##### **11. The Constitution of the Republic of Azerbaijan**

“Article 155

Limitations on initiative on introduction of changes into  
Constitution of the Azerbaijan Republic

Proposals about changes or abolition in Articles 1, 2, 6, 7, 8 and 21, about restriction or abolition of human and citizen's rights and freedoms envisaged in Chapter III of the present Constitution or to higher degree than it is specified in international treaties Azerbaijan Republic is a party too.”

##### **12. The Constitution of Bosnia and Herzegovina**

“Article X

...

#### **2. Human Rights and fundamental Freedoms**

No amendment to this Constitution may eliminate or diminish any of the rights and freedoms referred to in Article II of this Constitution or alter the present paragraph.”

##### **13. The Basic Law of the Federal Republic of Germany**

“Article 79

...

(3) Amendments to this Basic Law affecting the division of the Federation into Länder, their participation in the legislative process, or the principles laid down in Articles 1 and 20 shall be prohibited.”

“Article 1

(1) The dignity of man is inviolable. To respect and protect it shall be the duty of all public authority.

(2) The German people therefore uphold human rights as inviolable and inalienable and as the basis of every community, of peace and justice in the world.

(3) The following basic rights shall bind the legislature, the executive and the judiciary as directly enforceable law.”

## “Article 20

- (1) The Federal Republic of Germany shall be a democratic and social federal state.
- (2) All public authority emanates from the people. It shall be exercised by the people through elections and referendums and by specific legislative, executive and judicial bodies.
- (3) The legislature shall be bound by the constitutional order, the executive and the judiciary by law and justice.
- (4) All Germans have the right to resist anybody attempting to do away with this constitutional order, should no other remedy be possible.”

**14. The Constitution of Greece**

## “Article 110

1. The provisions of the Constitution shall be subject to revision with the exception of those which determine the form of government as a Parliamentary Republic and those of articles 2 paragraph 1, 4 paragraphs 1, 4 and 7, 5 paragraphs 1 and 3, 13 paragraph 1, and 26.”

## “Article 2

1. Respect and protection of the value of the human being constitute the primary obligations of the State....”

## “Article 4

1. All Greeks are equal before the law....
- ...

## Article 5

1. All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe the rights of others or violate the Constitution and the good usages....

...

3. Personal liberty is inviolable. No one shall be prosecuted, arrested, imprisoned or otherwise confined except when and as the law provides.”

## “Article 13

1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs. ...”

**15. The Constitution of the Republic of Moldova**“Article 142  
Limits of Revision

...

(2) No revision shall be allowed if it results in the suppression of the fundamental rights and freedoms of citizens, or of the guarantees of those rights and freedoms.”

**16. The Constitution of Romania**

## “Article 152 – Limits of Revision

...

(2) Likewise, no revision shall be made if it results in the suppression of the citizens' fundamental rights and freedoms, or the safeguards thereof. ...”

## **17. The Constitution of Ukraine**

### “Article 157

The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizens' rights and freedoms, or if they are oriented toward the liquidation of the independence or violation of the territorial indivisibility of Ukraine.

The Constitution of Ukraine shall not be amended in conditions of martial law or a state of emergency.”

## **II. Re-enforced procedure**

### **1. The Constitution of the Republic of Poland**

#### “Chapter XII

#### Article 235

...

6. If a bill to amend the Constitution relates to the provisions of Chapters I, II [“The Freedoms, Rights and Obligations of Persons and Citizens”] or XII, the subjects specified in para. 1 above may require, within 45 days of the adoption of the bill by the Senate, the holding of a confirmatory referendum. Such subjects shall make application in the matter to the Marshal of the Sejm, who shall order the holding of a referendum within 60 days of the day of receipt of the application. The amendment to the Constitution shall be deemed accepted if the majority of those voting express support for such amendment. ...”

### **2. The Constitution of Serbia**

#### “Article 203 – of the amendment to the Constitution

...

The National Assembly shall be obliged to put forward the act on amending the Constitution in the republic referendum to have it endorsed, in cases when the amendment of the Constitution pertains to the preamble of the Constitution, principles of the Constitution, human and minority rights and freedoms, the system of authority, proclamation the state of war and emergency, derogation from human and minority rights in the state of emergency or war or the proceedings of amending the Constitution.

...”

### **3. The Constitution of Spain**

#### “Article 168

1. If a total revision of the Constitution is proposed, or a partial revision thereof, affecting the Preliminary Title, Chapter Two, Section 1 of Title 1 [“Concerning Fundamental Rights and Public Liberties”], or Title 11, the principle shall be approved by a two-thirds majority of the members of each House, and the Cortes shall immediately be dissolved.

2. The Houses elected must ratify the decision and proceed to examine the new Constitutional text, which must be approved by a two-thirds majority of the members of both Houses.

3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum.”

#### **4. The Constitution of the Republic of South Africa**

“74 Bills amending the Constitution

...

(2) Chapter 2 [Bill of Rights] may be amended by a Bill passed by-

(a) the National Assembly, with a supporting vote of at least two thirds of its members; and

(b) the National Council of Provinces, with a supporting vote of at least six provinces.”

#### **E. National language and protection of other languages**

##### **III. Substance**

##### **The Constitution of the Republic of Azerbaijan**

“Article 21

I. Azerbaijani language is official language of the Azerbaijan Republic. Azerbaijan Republic provides development of the Azerbaijani language.

II. Azerbaijan Republic ensures free use and development of other languages spoken by the people.”

“Article 155

Limitations on initiative on introduction of changes into  
Constitution of the Azerbaijan Republic

Proposals about changes or abolition in Articles 1, 2, 6, 7, 8 and 21, about restriction or abolition of human and citizen's rights and freedoms envisaged in Chapter III of the present Constitution or to higher degree than it is specified in international treaties Azerbaijan Republic is a party too.”

##### **IV. Re-enforced Procedure**

#### **18. The Constitution of Canada**

“41. Amendment by unanimous consent

An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

...

(c) subject to section 43, the use of the English or the French language;

...

(e) an amendment to this Part.”

“43. Amendment of provisions relating to some but not all provinces

An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including

(a)

any alteration to boundaries between provinces, and

(b)

any amendment to any provision that relates to the use of the English or the French language within a province,

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.”

**19. The Constitution of the Republic of Latvia**

“Article 4

The Latvian language is the official language in the Republic of Latvia. The national flag of Latvia shall be red with a band of white.”

“Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.”

**20. The Constitution of the Republic of Lithuania**

“Article 14

Lithuanian shall be the State language.”

“Article 148

The provision of Article 1 of the Constitution that the State of Lithuania is an independent democratic republic may only be amended by a referendum in which at least three- fourths of the electorate of Lithuania vote in favour thereof.”

The provisions of Chapter 1 ("The State of Lithuania") and Chapter 14 ("Amending the Constitution") may be amended only by referendum.”

**21. The Constitution of the Republic of Poland**

“Article 27

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements.”

“Article 235

...

6. If a bill to amend the Constitution relates to the provisions of Chapters I, II [“The Freedoms, Rights and Obligations of Persons and Citizens”] or XII, the subjects specified in para. 1 above may require, within 45 days of the adoption of the bill by the Senate, the holding of a confirmatory referendum. Such subjects shall make application in the matter to the Marshal of the Sejm, who shall order the holding of a referendum within 60 days of the

day of receipt of the application. The amendment to the Constitution shall be deemed accepted if the majority of those voting express support for such amendment. ...”

## **22. The Constitution of Serbia**

“Article 10 – Language and script

Serbian language and Cyrillic script shall be in official use in the Republic of Serbia.”

“Article 203 – of the amendment to the Constitution

...

The National Assembly shall be obliged to put forward the act on amending the Constitution in the republic referendum to have it endorsed, in cases when the amendment of the Constitution pertains to the preamble of the Constitution, principles of the Constitution, human and minority rights and freedoms, the system of authority, proclamation the state of war and emergency, derogation from human and minority rights in the state of emergency or war or the proceedings of amending the Constitution.”

## **23. The Constitution of Spain**

“Article 3

1. Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it.
2. The other Spanish languages shall also be official in the respective Autonomous Communities in accordance with their Statutes.
3. The wealth of the different language variations of Spain is a cultural heritage which shall be the object of special respect and protection.”

”Article 168

1. If a total revision of the Constitution is proposed, or a partial revision thereof, affecting the Preliminary Title, Chapter Two, Section 1 of Title 1, or Title 11, the principle shall be approved by a two-thirds majority of the members of each House, and the Cortes shall immediately be dissolved.
2. The Houses elected must ratify the decision and proceed to examine the new Constitutional text, which must be approved by a two-thirds majority of the members of both Houses.
3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum.”

## **24. The Constitution of Ukraine**

“Article 10

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, is 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 155

A draft law on introducing amendments to the Constitution of Ukraine, with the exception of Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," previously adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine, is deemed to be adopted, if at the next regular session of the Verkhovna Rada of Ukraine, no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine have voted in favour thereof.”

Article 156

A draft law on introducing amendments to Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine.”

**25. The Constitution of Montenegro**

“Article 13

The official language in Montenegro shall be Montenegrin.  
Cyrillic and Latin alphabet shall be equal.  
Serbian, Bosniac, Albanian and Croatian shall also be in the official use.”

“Article 157

Change of Articles 1, 2, 3, 4, 12, 13, 15, 45 and 157 shall be final if minimum three fifths of all the voters support the change in the national referendum.”

**26. The Constitution of “the former Yugoslav Republic of Macedonia”**

“Article 7

The Macedonian language, written using its Cyrillic alphabet, is the official language throughout the Republic of Macedonia and in the international relations of the Republic of Macedonia.

(2) Any other language spoken by at least 20 percent of the population is also an official language, written using its alphabet, as specified below.

(3) Any official personal documents of citizens speaking an official language other than Macedonian shall also be issued in that language, in addition to the Macedonian language, in accordance with the law.

(4) Any person living in a unit of local self-government in which at least 20 percent of the population speaks an official language other than Macedonian may use any official language to communicate with the regional office of the central government with responsibility for that municipality; such an office shall reply in that language in addition to Macedonian. Any person may use any official language to communicate with a main office of the central government, which shall reply in that language in addition to Macedonian.

(5) In the organs of the Republic of Macedonia, any official language other than Macedonian may be used in accordance with the law.

(6) In the units of local self-government where at least 20 percent of the population speaks a particular language, that language and its alphabet shall be used as an official language in addition to the Macedonian language and the Cyrillic alphabet. With respect to languages spoken by less than 20 percent of the population of a unit of local self-government, the local authorities shall decide on their use in public bodies.”

“Article 131

(1) The decision to initiate a change in the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

(2) The draft amendment to the Constitution is confirmed by the Assembly by a majority vote of the total number of Representatives and then submitted to public debate.

(3) The decision to change the Constitution is made by the Assembly by a two-thirds majority vote of the total number of Representatives.

(4) A decision to amend the Preamble, the articles on local self-government, Article 131, any provision relating to the rights of members of communities, including in particular Articles 7, 8, 9, 19, 48, 56, 69, 77, 78, 86, 104 and 109, as well as a decision to add any new provision relating to the subject matter of such provisions and articles, shall require a two-thirds majority vote of the total number of Representatives, within which there must be a majority of the votes of the total number of Representatives claiming to belong to the communities not in the majority in the population of Macedonia.

...”

## **F. Sovereignty of the People**

### **V. Substance**

#### **The Constitution of the Republic of Azerbaijan**

“Chapter I  
Article 2

I. Sovereign right of the Azerbaijanian people is the right of free and independent determination of their destiny and establishment of their own form of governance.

II. The people of Azerbaijan exercise their sovereign right directly—by way of nation-wide voting—referendum, and through their representatives elected based on universal, equal and direct suffrage by way of free, secret and personal ballot.”

“Article 158

There cannot be proposed the introduction of additions to the Constitution of Azerbaijan Republic with respect to provisions envisaged in Chapter I of the present Constitution.”

### **VI. Re-enforced procedure**

#### **27. The Constitution of the Republic of Estonia**

“Article 1

Estonia is an independent and sovereign democratic republic wherein the supreme power of the state is vested in the people.

The independence and sovereignty of Estonia are timeless and inalienable.”

“Article 162

Chapter I 'General Provisions' and Chapter XV 'Amendments to the Constitution' of the Constitution may be amended only by referendum.”

**28. The Constitution of the Republic of Latvia**

“Article 2

The sovereign power of the State of Latvia is vested in the people of Latvia.”

“Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum. “

**29. The Constitution of the Republic of Lithuania**

“Chapter 1

...

Article 2

The State of Lithuania shall be created by the People. Sovereignty shall be vested in the People.

Article 3

No one may limit or restrict the sovereignty of the People or make claims to the sovereign powers of the People.

The People and each citizen shall have the right to oppose anyone who encroaches on the independence, territorial integrity, or constitutional order of the State of Lithuania by force.

Article 4

The People shall exercise the supreme sovereign power vested in them either directly or through their democratically elected representatives.”

“Article 148

...

The provisions of Chapter 1 ("The State of Lithuania") and Chapter 14 ("Amending the Constitution") may be amended only by referendum. ...”

**30. The Constitution of the Republic of Moldova**

“Article 142

Limits of Revision

(1) The provisions regarding the sovereignty, independence and unity of the state, as well as those regarding the permanent neutrality of the State may be revised only by referendum based on a majority vote of registered voting citizens. ...”

### **31. The Constitution of the Russian Federation**

“Chapter I

...

Article 3

1. The multinational people of the Russian Federation shall be a bearer of its sovereignty and the only source of power. ...”

“Article 135

1. Provisions of Chapters I, 2 and 9 of the Constitution of the Russian Federation shall be not subject to revision by the Federal Assembly.

2. In case a proposal to change provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation has been supported by three fifth of votes of the total number of deputies of the chambers of the Federal Assembly, in conformity with federal constitutional law the Constitutional Assembly shall be convened.

3. The Constitutional Assembly shall either confirm the immutability of the Constitution of the Russian Federation or elaborate a draft of a new Constitution of the Russian Federation which is adopted by the Constitutional Assembly by a vote of two thirds of the total number of its members or is submitted to a nation-wide vote. In case of a nation-wide vote the Constitution of the Russian Federation shall be considered adopted when approved by a majority of voters casting their votes, provided that more than one half of voters have cast their votes.”

### **32. The Constitution of Serbia**

“Article 2 – Sovereignty holders

Sovereignty is vested in citizens who exercise it through referendums, people’s initiative and freely elected representatives.

No state body, political organization, group or individual may usurp the sovereignty from the citizens, nor establish government against freely expressed will of the citizens.”

“Article 203 – of the amendment to the Constitution

...

The National Assembly shall be obliged to put forward the act on amending the Constitution in the republic referendum to have it endorsed, in cases when the amendment of the Constitution pertains to the preamble of the Constitution, principles of the Constitution, human and minority rights and freedoms, the system of authority, proclamation the state of war and emergency, derogation from human and minority rights in the state of emergency or war or the proceedings of amending the Constitution.”

### **33. The Constitution of Spain**

“Preliminary Title  
Article 1

...

2. National sovereignty is vested in the Spanish people, from whom emanate the powers of the State.

...”

Article 168

1. If a total revision of the Constitution is proposed, or a partial revision thereof, affecting the Preliminary Title, Chapter Two, Section 1 of Title 1, or Title 11, the principle shall be approved by a two-thirds majority of the members of each House, and the Cortes shall immediately be dissolved.
2. The Houses elected must ratify the decision and proceed to examine the new Constitutional text, which must be approved by a two-thirds majority of the members of both Houses.
3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum."

**34. The Constitution of Ukraine**

"Chapter 1

...

Article 5

Ukraine is a republic.

The people are the bearers of sovereignty and 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 and shall not be usurped by the State, its bodies or officials.

No one shall usurp state power."

"Article 155

A draft law on introducing amendments to the Constitution of Ukraine, with the exception of Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," previously adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine, is deemed to be adopted, if at the next regular session of the Verkhovna Rada of Ukraine, no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine have voted in favour thereof.

Article 156

A draft law on introducing amendments to Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine."

**35. The Constitution of Montenegro**

"Article 2

Bearer of sovereignty is the citizen with Montenegrin citizenship.

The citizen shall exercise power directly and through the freely elected representatives.

..."

“Article 157

Change of Articles 1, 2, 3, 4, 12, 13, 15, 45 and 157 shall be final if minimum three fifths of all the voters support the change in the national referendum.”

**G. The form of Government**

**VII. Substance**

**36. The Belgian Constitution**

“Article 197

During a regency, no changes may be brought to the Constitution regarding the constitutional powers of the King and articles 85 to 88, 91 to 95, 106 and 197 of the Constitution.”

**37. The French Constitution**

“Article 89

...

The republican form of government shall not be the object of any amendment.”

**38. The Constitution of Greece**

“Article 110

1. The provisions of the Constitution shall be subject to revision with the exception of those which determine the form of government as a Parliamentary Republic and those of articles 2 paragraph 1, 4 paragraphs 1, 4 and 7 , 5 paragraphs 1 and 3, 13 paragraph 1, and 26.”

**39. The Constitution of the Italian Republic**

“Article 139

The form of Republic shall not be a matter for constitutional amendment.”

**40. The Constitution of Kazakhstan**

“Article 91

...

2. The unitary status and territorial integrity of the Republic, the forms of government may not be changed.”

**41. The Constitution of Romania**

“Article 152 – Limits of Revision

(1) The provisions of this Constitution with regard to the national, independent, unitary and indivisible character of the Romanian State, the Republican form of government, territorial integrity, independence of the judiciary, political pluralism and official language shall not be subject to revision.

...”

## **VIII. Re-enforced procedure**

### **42. The Constitution of the Republic of Latvia**

“Article 1

Latvia is an independent democratic republic.”

“Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.”

### **43. The Constitution of the Republic of Lithuania**

“Article 148

The provision of Article 1 of the Constitution that the State of Lithuania is an independent democratic republic may only be amended by a referendum in which at least three- fourths of the electorate of Lithuania vote in favour thereof. ...”

### **44. The Constitution of the Russian Federation**

“Chapter I

Article 1

1. The Russian Federation - Russia shall be a democratic federal law-governed State with a republican form of government. ...”

“Article 135

1. Provisions of Chapters I, 2 and 9 of the Constitution of the Russian Federation shall be not subject to revision by the Federal Assembly.
2. In case a proposal to change provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation has been supported by three fifth of votes of the total number of deputies of the chambers of the Federal Assembly, in conformity with federal constitutional law the Constitutional Assembly shall be convened.
3. The Constitutional Assembly shall either confirm the immutability of the Constitution of the Russian Federation or elaborate a draft of a new Constitution of the Russian Federation which is adopted by the Constitutional Assembly by a vote of two thirds of the total number of its members or is submitted to a nation-wide vote. In case of a nation-wide vote the Constitution of the Russian Federation shall be considered adopted when approved by a majority of voters casting their votes, provided that more than one half of voters have cast their votes.”

### **45. The Constitution of Spain**

“Article 1

...  
...

3. The Political form of the Spanish State is that of a Parliamentary Monarchy.”

## "Article 168

1. If a total revision of the Constitution is proposed, or a partial revision thereof, affecting the Preliminary Title, Chapter Two, Section 1 of Title 1, or Title 11, the principle shall be approved by a two-thirds majority of the members of each House, and the Cortes shall immediately be dissolved.
2. The Houses elected must ratify the decision and proceed to examine the new Constitutional text, which must be approved by a two-thirds majority of the members of both Houses.
3. Once the amendment has been passed by the Cortes Generales, it shall be submitted to ratification by referendum."

**46. The Constitution of Ukraine**"Chapter 1  
Article 5

Ukraine is a republic."  
..."

## "Article 155

A draft law on introducing amendments to the Constitution of Ukraine, with the exception of Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," previously adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine, is deemed to be adopted, if at the next regular session of the Verkhovna Rada of Ukraine, no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine have voted in favour thereof.

## "Article 156

A draft law on introducing amendments to Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine."

**47. The Constitution of Montenegro**

## "Article 1

Montenegro is an independent and sovereign state, with the republican form of government.

Montenegro is a civil, democratic, ecological and the state of social justice, based on the rule of law."

## "Article 157

Change of Articles 1, 2, 3, 4, 12, 13, 15, 45 and 157 shall be final if minimum three fifths of all the voters support the change in the national referendum."



## **H. Restriction of federalism**

### **The Basic Law of the Federal Republic of Germany**

“Article 79

...

(3) Amendments to this Basic Law affecting the division of the Federation into Länder, their participation in the legislative process, or the principles laid down in Articles 1 and 20 shall be prohibited.”

## **I. Changes to the legislature**

### **The Austrian Federal Constitutional Law**

“Article 35

...

(4) The provisions of Arts. 34 and 35 can only be amended - apart from the majority of votes requisite in general to the adoption of a resolution there - if in the Federal Council the majority of the representatives from at least four Laender has approved the amendment.”

“Article 34

(1) Pursuant to the following provisions, the Laender are represented in the Federal Council in proportion to the number of nationals in each Land.

(2) The Land with the largest number of citizens delegates twelve members, every other Land as many as the ratio in which its nationals stand to those in the first-mentioned Land, with remainders which exceed half the coefficient counting as full. Every Land is however entitled to a representation of at least three members. A substitute will be appointed for each member.

(3) The number of members to be delegated by each Land accordingly will be laid down after every general census by the Federal President.

Article 35

(1) The members of the Federal Council and their substitutes are elected by the Diets for the duration of their respective legislative periods in accordance with the principle of proportional representation but at least one seat must fall to the party having the second largest number of seats in a Diet or, should several parties have the same number of seats, the second highest number of votes at the last election to the Diet. When the claims of several parties are equal, the issue shall be decided by lot.

(2) The members of the Federal Council need not belong to the Diet which delegates them; they must however be eligible for that Diet.

(3) After expiry of the legislative period of a Diet or after its dissolution the members delegated by it to the Federal Council remain in office until such time as the new Diet has held the election to the Federal Council. ...”

## **J. Changes to the election system**

### **48. The Constitution of the Republic of Latvia**

“Article 77

If the Saeima has amended the first, second, third, fourth, sixth or seventy-seventh Article of the Constitution, such amendments, in order to come into force as law, shall be submitted to a national referendum.”

## “Article 6

The Saeima shall be elected in general, equal and direct elections, and by secret ballot based on proportional representation.”

**49. The Constitution of Montenegro**

## “Article 45

The right to elect and stand for elections shall be granted to every citizen of Montenegro of 18 years of age and above with at least a two-year residence in Montenegro.

The electoral right shall be exercised in elections.

The electoral right shall be general and equal.”

## “Article 157

Change of Articles 1, 2, 3, 4, 12, 13, 15, 45 and 157 shall be final if minimum three fifths of all the voters support the change in the national referendum.”

**K. Balance of Powers****The Constitution of the Republic of Lithuania**

## “Article 5

In Lithuania, the powers of the State shall be exercised by the Seimas, the President of the Republic and Government, and the Judiciary.

The scope of powers shall be defined by the Constitution.

Institutions of power shall serve the people.”

## “Article 148

...

The provisions of Chapter 1 ("The State of Lithuania") and Chapter 14 ("Amending the Constitution") may be amended only by referendum. ...”

**L. Broadening the scope of the concept of marriage****The Constitution of the Republic of Poland**

## “Article 18

Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.”

## “Chapter XII

...

## Article 235

...

6. If a bill to amend the Constitution relates to the provisions of Chapters I, II or XII, the subjects specified in para. 1 above may require, within 45 days of the adoption of the bill by the Senate, the holding of a confirmatory referendum. Such subjects shall make application in the matter to the Marshal of the Sejm, who shall order the holding of a referendum within 60 days of the day of receipt of the application. The amendment to the Constitution shall be deemed accepted if the majority of those voting express support for such amendment. ...”

**M. Power of Regions**

**50. The Constitution of the Republic of South Africa**

“ 74. Bills amending the Constitution

...

- (3) Any other provision of the Constitution may be amended by a Bill passed-
  - (a) by the National Assembly, with a supporting vote of at least two thirds of its members; and
  - (b) also by the National Council of Provinces, with a supporting vote of at least six provinces, if the amendment-
    - (i) relates to a matter that affects the Council;
    - (ii) alters provincial boundaries, powers, functions or institutions; or
    - (iii) amends a provision that deals specifically with a provincial matter.
- (4) A Bill amending the Constitution may not include provisions other than constitutional amendments and matters connected with the amendments.
- (5) At least 30 days before a Bill amending the Constitution is introduced in terms of section 73 (2), the person or committee intending to introduce the Bill must-
  - (a) publish in the national Government Gazette, and in accordance with the rules and orders of the National Assembly, particulars of the proposed amendment for public comment;
  - (b) submit, in accordance with the rules and orders of the Assembly, those particulars to the provincial legislatures for their views; and
  - (c) submit, in accordance with the rules and orders of the National Council of Provinces, those particulars to the Council for a public debate, if the proposed amendment is not an amendment that is required to be passed by the Council.”

**51. The Constitution of Canada**

“38. General procedure for amending Constitution of Canada

- (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by
  - (a) resolutions of the Senate and House of Commons; and
  - (b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces.  
Majority of members
- (2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the legislative assemblies required under subsection (1).  
Expression of dissent
- (3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates unless that legislative assembly, subsequently, by resolution supported by a majority of its members, revokes its dissent and authorizes the amendment.

...

40. Compensation

Where an amendment is made under subsection 38(1) that transfers provincial legislative powers relating to education or other cultural matters from provincial legislatures to Parliament,

Canada shall provide reasonable compensation to any province to which the amendment does not apply.

#### 41. Amendment by unanimous consent

An amendment to the Constitution of Canada in relation to the following matters may be made by proclamation issued by the Governor General under the Great Seal of Canada only where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

- (a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
- (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Part comes into force;
- ...
- (e) an amendment to this Part.

#### 42. Amendment by general procedure

(1) An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with subsection 38(1):

- (a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;
- (b) the powers of the Senate and the method of selecting Senators;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) subject to paragraph 41(d), the Supreme Court of Canada;
- (e) the extension of existing provinces into the territories; and
- (f) notwithstanding any other law or practice, the establishment of new provinces.”