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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

ON

**INTRODUCING CHANGES TO THE CONSTITUTION
(ON IMMUNITY OF THE MEMBERS OF THE UKRAINIAN
PARLIAMENT AND JUDGES)**

OF UKRAINE

Draft

To be introduced by the President of Ukraine

Law of Ukraine

On introducing changes to the Constitution of Ukraine (On immunity of the members of the Ukrainian parliament and judges)

The Verkhovna Rada of Ukraine **decrees:**

I. To introduce the following changes to the Constitution of Ukraine (see the newspaper *Vidomosti Verkhovnoi Rady Ukrainy*, 1996, № 30, Article 141):

1. Parts One and Three of Article 80 to be withdrawn.

2. Part Three of Article 126 to be outlined in the following revision:

“A judge cannot be detained without the consent of the High Council of Justice; and he / she cannot be subjected to the measure of restraint in the form of arrest till delivering judgment of conviction by the court, except for detention when committing or directly upon committing a capital offence or felony against a person’s life and health”.

3. Article 129 after Part One to be supplemented with new part of the following content:

“Judges are brought to legal liability on a common basis. Judges cannot be brought to legal liability for the acts committed due to administration of justice, except for the cases of consideration of knowingly unjust decision, violation of the oath of the judge or committing an offense”.

In this regard Parts 2 – 5 to be considered as Parts 3 – 6 correspondingly.

II. Final Provisions

1. This Law takes effect from the day following the day of its publishing except Chapter I Clause 2 of the Law.

2. Chapter I Clause 2 of the Law takes effect from the day following the day of publishing the Law provided that on the day preceding the day of publishing of the Law the High Council of Justice is competent.

3. In case on the day preceding the day of publishing of the Law the High Council of Justice is not competent, Chapter I Clause 2 of the Law takes effect in ten days upon the day of formation of competent composition of the High Council of Justice.

**Chairperson
of the Verkhovna Rada of Ukraine**