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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW



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DRAFT CONSTITUTION OF UKRAINE

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

28 January 1993

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One House National Assembly (Option)

Transitional Provisions

THE UKRAINIAN PEOPLE

- EXPRESSING its sovereign will,
- GROUNDING by the centuries of the history of the Ukrainian national building of statehood,
- CARING for the insuring of the freedom and the inalienable rights of the human being, decent condition of life,
- STRIVING for the maintenance and consolidation of social harmony,
- TENDING to the creation and development of the civic society,
- DESIRING to live freely in a democratic, legal state,
- GUIDED by the Declaration of State Sovereignty of Ukraine of 16 July 1990, the Act of the Declaration of Independence of Ukraine of 24 August 1991, confirmed by the nation-wide referendum of 1 December 1991,
- AWARE of the responsibility before present and future generations,
- ADOPTS this Constitution and declares it to be the Supreme Law of Ukraine

PART I.

GENERAL PRINCIPLES OF THE CONSTITUTIONAL SYSTEM

Article 1. The Constitutional order of Ukraine is based on the recognition of the individual, its life and health, honor and dignity, inviolability and safety as the highest social value.

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

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

Article 2. Ukraine is a democratic, legal and secular state.

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

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

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

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

The National Assembly of Ukraine, within the framework of the Constitution of Ukraine, has the exclusive right to speak on behalf of the people of Ukraine. (*Option: Verkhovna Rada of Ukraine: All-People's Assembly of Ukraine*)

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

Article 4. The Constitution recognizes and guarantees local self-government. The state shall not interfere, beyond the law, with its sphere of activity.

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

The electorate shall be guaranteed free exercise of their right.

Article 6. Ukraine is governed by the principle of the supremacy of law.

The state, its organs, bodies of local self-government, enterprises, institutions, organizations and civic unions, officials and citizens are subject to the law and the Constitution based on it.

The Constitution of Ukraine has the force of the highest law. Norms of the Constitution are the norms of direct force. The laws and other legal acts shall not contradict the Constitution of Ukraine.

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

In the regions of the compact dwelling of one or several national groups, the language accepted for the whole population of the particular region can function, along with the state language, as official.

Article 8. The state facilitates the consolidation and development of the Ukrainian nation, its historic consciousness, traditions and cultures, national-ethnic distinctions and religious specificness.

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

Ukraine defends the ethnic, cultural, linguistic, and religious specificness of all national minorities and takes care of insuring the conditions for their self-expression and development.

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

A multi-party system is recognized, the equal right of citizens and civic associations to participate in the affairs of the state shall be guaranteed.

The law shall guarantee the equality of various forms of ownership and the methods of economic management, and social orientation of the economy.

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

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

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

Duly ratified or adopted and officially published international treaties entered into by Ukraine shall comprise part of its body of laws and are binding on all governmental organs, legal entities and private individuals.

Article 12. The citizens of Ukraine shall have the right to resistance and opposition to all who attempt to liquidate Ukrainian statehood, democratic constitutional system established by this Constitution, violations of the territorial integrity of Ukraine or seizure of government power.

PART II.

HUMAN AND CIVIC RIGHTS, FREEDOMS AND DUTIES

CHAPTER 1. GENERAL PROVISIONS

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

Article 14. The rights and freedoms of the individual and citizen established under this Constitution are not exhaustive and constitute the basis for any other individual rights and freedoms, envisioned by the legislation of Ukraine.

Constitutional rights and freedoms cannot be revoked.

Article 15. The citizens of Ukraine have equal constitutional rights and freedoms without any distinction as to their origin, social and property status, position, sex, race, nationality, language, religion, political and other convictions, occupation, or place of residence.

No one shall use the benefits and privileges which are not envisioned by legislation.

The exercise by an individual of his or her rights and freedoms shall not interfere with the rights and freedoms of other persons.

Article 16. The citizens of Ukraine shall have the right to preserve and defend their national heritage.

CHAPTER 2. CITIZENSHIP

Article 17. A single citizenship is established in Ukraine.

A citizen of Ukraine may not possess, at the same time, the citizenship of another state. Questions of dual citizenship shall be resolved by international, bi-lateral agreements.

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

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

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

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

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

Foreign citizens and persons without citizenship may be granted asylum.

CHAPTER 3. CIVIC AND POLITICAL RIGHTS

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

The law shall protect the life of the individual from any encroachment.

Each individual has the right to defend his or her life and the life of other persons by all legal means, including with weapons, from any encroachment.

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

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

Arrest, detainment in custody, or any other restriction of the personal freedom in any form whatsoever shall not be permissible except in furtherance of a ruling of a justice of the peace and only in the cases established by the law.

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

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

Every detained or arrested individual must be informed immediately and clearly of the motives for his or her detention or arrest and explanation of his or her rights.

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

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

Article 24. Each individual is guaranteed the inviolability of his or her dwelling. Invasion of the dwelling and legal possessions, search and examination of them is not permitted except under a court order.

In cases of emergency related to the direct pursuit of persons suspected in the commission of a crime or the saving of life and property, other procedures for the invasion of the dwelling and legal possessions of the individual or the search and examination of them may be established by law.

Article 25. Every individual shall be guaranteed privacy of written correspondence, telephone conversations, telegram, and other correspondence. Exceptions may be allowed only in accordance with a decision of the court made in the attempt to prevent a crime or to determine the truth during the investigation and review of criminal cases.

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

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

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

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

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

Article 28. Each individual has the right to freedom of thought. This right includes the freedom of confession, to change it, and to exercise, individually or collectively, without any hindrance, religious cults and rites, and to conduct any religious or atheistic activities.

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

No one may be exempted from discharging one's duties to the state or refuse to obey laws on the basis of religious beliefs. If the discharge of military duty contradicts the religious beliefs of the citizen, he or she is entitled to have his or her military duty replaced with an alternative (non-military) service.

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

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

Any abridgement of this right shall be stipulated by law and shall be only for the purposes of protecting state or other legally protected secrets and the protection of the rights and freedoms of other individuals.

Article 30. Every citizen has the right, in accordance with the law, to access information about himself or herself and any information in the state organs and institutions, bodies of the local government, pertaining to his or her rights and interests and which are not state or other legally protected secrets.

Article 31. Citizens of Ukraine have the right to freely associate, including through professional unions, for the execution and protection of their rights and freedoms, and meeting of their economic, political, cultural, and other interests.

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

Citizens do not have the right to associate for criminal purposes.

Article 32. Citizens have the right to freely elect and to be elected to the appropriate organs of the state and local self-government on the basis of universal, equal, direct electoral rights through secret ballot.

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

Article 34. Citizens of Ukraine are guaranteed the right to assemble peacefully without weapons and to conduct gatherings, meetings, rallies, and demonstrations.

State organs or the organs of local self-government shall be notified about the conduct of gatherings, meetings, rallies, and demonstrations held in public places.

Legislation stipulates the requirements of the procedures for the realization of this right in order to insure the civic order, security, rights and freedoms of other individuals.

Article 35. Citizens have the right to send individual and collective written petitions to state agencies, bodies of local self-government and their officials, regarding propositions for improvement of their activity, and criticisms of the shortcomings of their work.

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

Prosecution for criticism is punishable by law.

CHAPTER 4. ECONOMIC, SOCIAL, ECOLOGICAL AND CULTURAL RIGHTS

Article 36. Citizens of Ukraine have the right to private property, that is the right to own, use, and manage his or her property and the results of intellectual work.

No one and by no means may be arbitrarily deprived of his or her property.

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

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

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

Article 37. Citizens of Ukraine have the right to use natural objects of public ownership to meet their needs according to the laws of Ukraine.

Article 38. Citizens of Ukraine has the right to entrepreneurial activity, not banned by law, and aimed at obtaining of profit.

The conduct of entrepreneurial activity is not permitted for the deputies of the National Assembly of Ukraine, deputies of the Verkhovna Rada of the Republic of Crimea, radas of the oblasts, executive officials of the state executive agencies, bodies of the local self-government, the courts, procurators, investigation, security service, interior affairs, and military personnel.

Article 39. Citizens of Ukraine have the right to the job which they freely chose or agreed to.

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

Each individual has the right to a working environment which meets the requirements of safety and hygiene and are not harmful. Appropriate standards of the working environment are stipulated by law.

The use of forced labor is forbidden. Military service, alternate non-military service, as well as work or service performed by an individual subject to court sentences, or in accordance to the laws pertaining to a state of emergency or war is not considered to be forced labor.

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

Each individual is guaranteed protection from unlawful dismissal from work and material support not lower than the minimum living standard in the case of unemployment caused by reasons beyond his or her control.

Article 40. Citizens of Ukraine shall have the right to rest and leisure. The maximum duration of work hours and the minimum duration of rest as well as annual paid leave and also other basic provisions of the execution of this right is stipulated by law.

Article 41. The right to strike for the purpose of the defense of the collective economic and social rights and interests of the citizens of Ukraine is recognized.

A strike shall not be allowed if it may directly endanger human lives and public health.

No one shall be forced to participate in a strike.

Strikes of judges, executives of the organs of state power, procurators, investigators, communication and transportation services, security, interior affairs and military servicemen shall be prohibited.

Any restriction of the rights or persecution of an employee and his dismissal for the participation in the strike held in conformity of the law shall be prohibited.

Article 42. Citizens of Ukraine shall have the right for social security in old age, in case of disease, full or partial inability to work, disability, accident, loss of principle wage earner, and unemployment for reasons beyond their control and in other cases stipulated by law.

This right shall be guaranteed with a compulsory state social insurance at the expense of insurance contributions by state and private institutions, budget and other sources of social security.

Pensions and other types of social benefits, which constitute the principle source of existence, shall ensure living standards of individuals not lower than the minimum living standard established by the state with the participation of trade unions.

Article 43. Citizens of Ukraine have the right to a dwelling.

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

Individuals requiring the social protection shall be provided with a dwelling free of charge or at an affordable payment from the government, municipal, or other housing funds in accordance with the norms stipulated by law.

No one shall be deprived of a dwelling without lawful grounds and only by a ruling of the court.

Article 44. Citizens of Ukraine have the right for health protection.

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

In state and municipal health protection institutions, medical care is provided free of charge at the expense of budget allocations, insurance contributions and other sources.

Article 45. Citizens of Ukraine shall have the right to education.

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

The level of compulsory education shall be stipulated by law.

The state shall provide free of charge higher education for the children from lower income families and orphan children, and provisions for government scholarships for them.

State scholarships may be provided for the gifted students on a competitive basis.

Article 46. Every individual has the right for an ecologically safe environment for life and health, food supplies, and household items.

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

Concealing or intentional alteration of information by officials about the facts that may cause harm human health is punishable by law.

Article 47. Citizens of Ukraine shall be guaranteed the freedom of scientific, artistic, technological, lectural or other creative activities and research and general access to the deposits of national and world science and culture which are maintained by public funds.

CHAPTER 5. GUARANTEES OF RIGHTS AND FREEDOMS

Article 48. Citizens of Ukraine shall be guaranteed equal protection under the law. All rights and freedoms of persons and citizens are protected by the court.

Every individual has the right to react independently, by lawful means, to violations of his or her rights and freedoms.

Article 49. The right of every individual to know his or her rights shall be guaranteed. For this purpose, the state, in a term established by law, publishes all laws and regulations and makes them freely accessible.

Laws and other regulations, which have not been publicized in due course, shall not be valid and may not be implemented or enforced.

Article 50. No one shall be obligated to obey explicitly criminal instructions or orders even under conditions of martial or emergency law.

The ordering or execution of explicitly criminal instruction or order shall carry legal responsibility.

Article 51. Legal responsibility of the individual for offenses arises on an individual basis.

No one shall be prosecuted twice for the same offense.

Article 52. The principle of the presumption of innocence shall be guaranteed.

The individual shall be presumed innocent until his or her guilt is established in a court procedure and is embodied in a court sentence which has entered into force.

No one shall be obliged to prove his or her innocence.

The accusation may not be grounded on illegally acquired evidence or supposition. All doubts are interpreted in the favor of the accused.

No one may be convicted or subject to criminal punishment in cases when the only proof of guilt is his or her confession.

No one may be sentenced by any means other than a court decision.

In the case that a court decision is vacated as unlawful, the state shall reimburse the moral and material damage to those who suffered.

Article 53. An individual bears no responsibility for refusal to bear witness against himself or herself, or against a family member, or close relative, the proximity of whose relation is set by law.

A suspect, indicted or prosecuted, has the right to a defense, attorney or other qualified legal assistance, to become acquainted with the documents relevant to his or her indictment or prosecution, to confront his or her accusers, to subpoena witnesses, to provide expert testimony, to become acquainted with the questions for expert witnesses, to question the expert witness, and to acquire written conclusions on them.

A suspect, indicted or prosecuted, has also other guarantees stipulated by law.

Article 54. An indicted individual is entitled to all unabridged human and civil rights, with the exception of the restrictions resulting from the sentence and the law which regulates its execution.

Detained individuals have the right to humane treatment. The state shall be responsible for their security in the places of detention.

Article 55. The law is not retroactive except when it reduces or revokes the obligation or responsibility of the individual.

No one may be prosecuted for actions or failure to act if, at the time of such actions or failure to act, these were not recognized as offenses. If since an act was committed, criminal liability for its has been repealed or mitigated, the new law applies.

An individual shall not bear responsibility for actions or failure to act concerning which he or she were acquitted by the order of the court.

Article 56. Every individual shall be guaranteed the right to appeal to a court against actions of state organs and bodies of local self-government, public organizations and any other officials, who violate or abridge his or her rights and freedoms.

Every individual shall have the right to compensation by the state for moral and material damages caused by unlawful actions of state organs and bodies of local self-government, or their officials performing their duties, and also to compensation by the state in cases where attempts are made on their life, health and property.

Article 57. Every individual shall be guaranteed the right to qualified legal assistance. In cases provided by law, this assistance is provided free of charge.

Every detained, arrested, or indicted individual has the right to use the services of a legal counsel from the moment of his or her detention, arrest, or indictment.

Article 58. State control of the actions of officials regarding the legal protection of the rights and freedoms of citizens shall be entrusted to the Authorized Representative of the National Assembly of Ukraine for human rights (People's legal defender).

The status and procedures of action of the Authorized Representative of the National Assembly of Ukraine for human rights is stipulated by the constitutional law.

Article 59. Constitutional rights and freedoms shall not be abridged for political reasons.

Temporary abridgement of rights and freedoms, stipulated by articles 24, 25, 26, 29, 34, 36, 37, 38, 39, 40, 41 of the Constitution, may be introduced by the National Assembly only under the state of emergency or martial law.

Control over the abridgement of the constitutional rights and freedoms of citizens shall be entrusted to the Authorized Representative of the National Assembly of Ukraine for human rights (People's legal defender).

CHAPTER 6. PRINCIPAL DUTIES OF CITIZENS

Article 60. It is the duty of every individual to fully comply with the Constitution and laws of Ukraine and not to attempt to violate the rights and freedom, honor and dignity of other individuals.

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

Article 61. The defense of the motherland is a duty of every citizen of Ukraine. Citizens of Ukraine shall serve in the army in accordance with the law.

Article 62. It is the duty of every individual to pay taxes and duties according to the procedure and amount stipulated by law.

Article 63. It is the duty of every individual not to damage nature, historic and cultural heritage, historic and cultural monuments and reimburse the cost for any damage.

PART III.

CIVIC SOCIETY AND THE STATE

CHAPTER 7. GENERAL PROVISIONS

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

Article 65. The state shall be subordinated to and serves civil society.

State regulation in civil society shall be performed in the framework stipulated by this Constitution and shall be directed to the insurance of interests of the individual.

CHAPTER 8. OWNERSHIP

Article 66. The Ukrainian people shall have the exclusive right to possess, use, and dispose of the national wealth of Ukraine.

Article 67. Ownership in Ukraine shall be private and public.

Private ownership may be in the form of certain individuals, their unions, and labor collectives.

Public ownership shall be in the form of state and municipal.

The law shall guarantee the social function of ownership.

For the purpose of the insurance of universal state interests the law shall stipulate the exhaustive list of objects of ownership which may be in the exclusive possession of the state.

Article 68. In Ukraine, in accordance with the law, there may be objects of law of ownership of foreign states, their citizens and international organizations.

The right of private ownership of land shall be granted only to citizens of Ukraine under the reasons and limits stipulated by law.

Article 69. The expropriation of private property with prior and full reimbursement by the state of its market value may take place only in cases of social necessity as an exception.

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

Confiscation of property may take place only in the case, scope, and manner specified by law and only in cases of criminal action.

CHAPTER 9. ENTREPRENEURSHIP

Article 70. The law guarantees freedom of entrepreneurship, agreements, and fair competition.

Government bodies shall not interfere into the direct economic operations of the enterprises except in the cases of martial law or state of emergency.

Article 71. The state shall guarantee the right of labor collectives to participate in the management of state and municipal enterprises, create for such purpose the necessary control and other public, except political, organs and organization.

Article 72. Monopolistic activities aimed at or resulting in the limitation or elimination of free competition constitute an abuse of dominant market position and shall be banned.

Limits and types of state monopolies shall be stipulated by law.

Article 73. The state shall protect the interests of consumers, support public forms of their protection, assert control over the quality and safety of products, all types of services.

CHAPTER 10. ECOLOGICAL SAFETY

Article 74. In Ukraine, the priority of ecology over economy shall be recognized. The state shall pursue an ecological policy aimed at ensuring ecological safety by preserving the natural environment and the genetic stock of living nature and promote ecological education of the population.

Article 75. In Ukraine, there shall be conducted state and encouraged public and other types of ecological expertise.

Ecological expertise shall be compulsory in legislative, planning, managerial and other activities affecting the state of the environment.

Article 76. Any violation of ecological standards, concealment or distortion of ecological information shall be regarded as socially dangerous and is subject to prosecution by law.

CHAPTER 11. THE FAMILY

Article 77. The law recognizes the family as the natural and principle social unit of civic society.

Article 78. Marriage shall be based upon free consent of man and woman. Husband and wife have equal rights and obligations in family relations.

Article 79. The family, motherhood, fatherhood, and childhood shall be protected by law.

Article 80. Children shall be equal in the eyes of the law regardless of their descent, citizen status of their parents, as well as if they were born in or out of marriage.

Parents shall be obligated to support, raise, and develop their children until the age of adulthood, as well as in other cases stipulated by law.

Any force against the child and his or her exploitation shall be punished by law.

Adult able-bodied children shall be obligated to take care of their disabled parents and to provide for their material support.

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

CHAPTER 12. EDUCATION, SCIENCE, AND CULTURE

Article 81. The state shall insure the conditions of free, all-round development of education, science and culture, explore of the spiritual heritage of the Ukrainian people, world culture, and its augmentation.

Article 82. State and municipal educational, scientific, and cultural institutions shall be independent from political parties, religious organizations and other civic unions, and shall have circular character.

State and municipal scientific organizations and educational institutions shall be autonomous.

Article 83. The state shall guarantee the necessary development of all types of education and rearing through the system of state and municipal educational and rearing institutions.

Private educational and rearing institutions shall be permitted.

The law shall stipulate the universal norms pertaining to the education and unified certificates of education. The state shall implement control over its regulation.

Article 84. The state shall insure conditions for the development of fundamental scientific research and the development of an academic corps.

Article 85. The law shall protect the historic and cultural monuments regardless of who is their owner.

CHAPTER 13. PUBLIC ASSOCIATIONS

Article 86. Recognized public associations may include political parties, mass movements, labor unions, religious organizations, voluntary societies, foundations, associations and other unions of citizens which do not pursue the purpose of gaining profits.

The activity of public associations shall be grounded on democratic principles, maintaining constitutional rights and freedoms of their members and other individuals, meet the demands of openness and transparency.

All civic unions are equal under the law. The establishment of unlawful privileges regarding particular civic unions by the state organs and the bodies of local self-government shall be prohibited.

Article 87. Formation and activities of civic unions that pursue the purposes of changing the constitutional system, establishment of totalitarian regime and dictatorship of any class or party, seizure of state power, violation of the territorial integrity of Ukraine, undermining its security, creation of illegal military formations, warmongering, violence, inciting national, racial, or religious hatred, encroachment upon human rights and freedoms, health and social morality shall be prohibited.

Civic associations may be banned and dismissed only through a court order.

Article 88. Parties and other political unions of citizens shall facilitate the expression of political will of the people, participate in elections.

The formation and activities of any structural subdivisions of political parties in state organs and bodies of local self-government (with the exception of political factions in the National Assembly of Ukraine and bodies of local self-government), military formations, as well as in enterprises, institutions, organizations, and educational establishments shall be prohibited.

The decisions of civic unions shall not be obligatory for state organs and bodies of self-government.

Article 89. Labor unions shall be formed for the purpose of safeguarding the economic and social rights and interests of workers.

Labor unions shall freely perform their activities in the enterprises and institutions regardless of the form of ownership.

Article 90. The law shall defend the right and interests of religious organizations.

All beliefs, religious organizations and confessions, are equal under the law. Establishment of any privilege or the infringement upon any particular religion, belief, religious organization or confession with regard to others shall not be permitted.

CHAPTER 14. FREEDOM OF INFORMATION

Article 91. Freedom of information is guaranteed in Ukraine.
Censorship of information shall not be permitted.

Article 92. Founders and owners of means of information may be citizens; civic unions; enterprises and institutions, regardless of their form of ownership; bodies of local self-government; state organs.

Monopolization of any type of information shall not be allowed.

Article 93. The mass information media shall have the right to obtain any data from state organs, civic unions, bodies of local state-government, enterprises, institutions, and organizations, and executives as well as accurate information of their activities.

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

Article 94. Any hindering of the lawful professional activities of journalists and other forms of pressure on them shall be prohibited.

Forcible interruption of the activities or liquidation of the mass information media shall be implemented by the order of the court.

PART IV.

DIRECT EXERCISE OF THE POWER OF THE PEOPLE

Article 95. The basis of the power of the people in Ukraine shall be the will of its people, which it freely expresses through referendums, elections, exercising the people's legislative initiative and other forms of direct democracy.

Article 96. The right to participate in referendums and elections shall have the citizens of Ukraine who have reached the age of 18 years at the time of the holding of the referendum or election.

The citizens, who are declared incompetent by a court, shall not have the right to vote.

Article 97. Referendums and elections shall be called by the National Assembly of Ukraine, the Verkhovna Rada of the Republic of Crimea, Oblast (land) Rada and bodies of local self-government on their own or people's initiative in accordance with the constitutional laws on referendums and elections.

The All-Ukrainian referendum shall be called by the demand of not less than two million citizens of Ukraine who are eligible to vote or not less than half of the deputies of each chamber of the National Assembly.

Oblast and regional referendums shall be called by the demand of not less than one-tenth of the citizens of Ukraine, who are eligible to vote, permanently residing in the particular territory or at the demand of not less than half the deputies of the oblast rada or councilmen of the bodies of local self-government.

Article 98. The decision on the territorial change of Ukraine shall be the exclusive prerogative of the all Ukrainian referendum.

Oblast and local referendums shall be mandatory for the deciding of questions pertaining to changes in administrative and territorial composition and for renaming the administrative units.

Organization of referendums on the questions of establishment of prices, taxation, governmental budget expenditures, appointments and dismissals of government officials, declaration and cancellation of a state of emergency or martial law, as well as the questions pertaining to the authority of court decisions shall not be allowed.

Article 99. The electoral process shall be conducted on the principles of

1. free and equal nominations of candidates;
2. multiple parties;
3. openness and transparency;
4. absence of prejudice to the candidates by the state organs, institutions and organizations, bodies of local self-government;
5. equality of the rights of all candidates in the conduct of the electoral campaign;
6. freedom of campaigning
7. control of the sources of financing and expenditures of the electoral campaign.

Article 100. The people shall exercise legislative initiative by the submission to the National Assembly of specific draft legislation.

Draft legislation is submitted on behalf of not less than three hundred thousand citizens eligible to vote.

Draft legislation concerning changes and amendments to the constitution shall be submitted on behalf of not less than one million citizens eligible to vote.

PART V.

NATIONAL ASSEMBLY OF UKRAINE

Article 101. The organ of legislative power in Ukraine shall be the National Assembly of Ukraine.

Article 102. The National Assembly shall have the right to decide any questions pertaining to the state existence of Ukraine, except those which are decided exclusively by the All-Ukrainian referendum or which are mandated by this Constitution to the authority of the President of Ukraine, Government of Ukraine, other state organs, the Republic of Crimea, or bodies of local self-government.

CHAPTER 15. COMPOSITION AND FORMATION OF THE NATIONAL ASSEMBLY

Article 103. The National Assembly is comprised of two chambers: the People's Rada and the Rada of the Territories, which are permanently functioning bodies.

Article 104. The People's Rada, which is comprised of two hundred deputies, shall be elected for the term of five years from constituencies of approximately equal size.

Any citizen of Ukraine who has the right to vote, has attained the age of twenty-three years of age by the date of the polling, who permanently resides on the territory of Ukraine, and speaks the state language may be elected as a Deputy of the People's Rada of Ukraine.

Article 105. The Rada of the Territories shall be elected from constituencies for the term of four years on the basis of equal representation - three deputies from each oblast (land), Republic of Crimea, city of Kiev (*option: and city of Sevastopol*).

Any citizen of Ukraine who has the right to vote, has attained the age of thirty years of age by the date of the polling, has resided in the territory of the constituency for at least 5 years, and speaks the state language may be elected as a Deputy of the Rada of the Territories.

Article 106. The Deputies of the National Assembly represent the people of Ukraine are accountable to the electors.

(See the option of a one-chamber National Assembly in the annex)

No one may simultaneously be a deputy of both chambers of the National Assembly or have the other representative's mandate.

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

Article 107. Deputies of the National Assembly shall perform their functions on a permanent basis. They must resign from their previous positions for the duration of their terms of office.

Deputies of the National Assembly are prohibited from conducting entrepreneurship or performing any other reimbursable work except for scientific or teaching activities.

Other cases of inconsistency with deputies' mandates shall be established by the Constitutional law on the status of the deputy of the National Assembly.

Article 108. Deputies of the National Assembly enjoy parliamentary immunity.

They shall bear no legal responsibility for their voting and statements in the National Assembly and its organs except for the cases of accusations of slander.

The powers of members of the National Assembly may not be abridged even by the introduction of martial law or state of emergency.

Deputies of the National Assembly may not be indicted, arrested, or subjected to any other treatment limiting their freedom and rights, or subjected to any administrative sanctions imposed by courts without a prior consent of the respective chamber.

The appeals for stripping the deputies of the National Assembly of his or her parliamentary immunity shall be made to the respective chamber by the Procurator General of Ukraine or by the Chairman of the Supreme Court of Ukraine.

Article 109. The mandate of a deputy of the National Assembly may be terminated simultaneously with the expiration of the authorities of a chamber to which he or she is elected, or in case of his or her death.

Pre-term termination of the mandate of a deputy of the National Assembly according to the decision of the corresponding chamber may be ordered in the following cases:

1. resignation by a personal note;
2. non-performance of requirements, which is inconsistent with a deputy's mandate, for over two months without valid excuses;
3. conviction by a court sentence which has come into force;
4. declaration by a court of legal incompetence or as a missing person;
5. loss of Ukrainian citizenship or the permanent change of residence outside the borders of Ukraine;
6. recall by the electorate.

A decision of the chamber on the pre-term termination of the mandate of a Deputy of the National Assembly may be appealed to the Constitutional Court of Ukraine.

CHAPTER 16. POWERS AND ORGANIZATION OF THE WORK OF THE NATIONAL ASSEMBLY

Article 110. The National Assembly shall enact the Constitution of Ukraine and carry out any changes and amendments subject to their approval by the All-Ukrainian referendum.

The National Assembly of Ukraine shall enact constitutional laws of Ukraine, which are foreseen by Articles 17, 58, 97, 107, 143, 167, 187, 188, 204 of this Constitution as well as other laws of Ukraine, and shall introduce changes and amendments to them.

Article 111. The Constitution and laws of Ukraine have the powers in the following matters:

1. the rights and freedoms of individuals and citizens, guarantees of these rights and freedoms;
2. citizenship, legal rights of citizens, status of foreigners and persons without citizenship;
3. the principle duties of individuals and citizens;
4. rights of national minorities;
5. status of the languages;
6. demographics, migration (including immigration and emigration) policies;
7. principles of budgetary, financial, prices, credit, taxing and investment policies; principles for establishing a taxation system; types of taxes, duties and obligatory payments; taxpayers and objects of taxation; currency, assaying, value and denomination of national coins, order and sanctioning of printing of money;
8. units of weight, size, and time;
9. principles and fundamental directions of foreign policy;
10. principles of the organization of defense, state security and provision of civil order;
11. principles of external economic and customs policy;
12. legal status of state borders;
13. principles of the Ukrainian state-territorial composition;
14. principles of the organization of local self-government;
15. establishment of free economic zones;
16. principles of the use of natural resources, exploration of space, organization and use of energy systems; air, maritime, river, rail, auto and pipeline transportation and communications;
17. legal status of ownership and order of protection of property rights;
18. general provisions and guarantees of entrepreneurship;
19. ecological policy, ecological standards;
20. principles of social policy, social security of citizens, marriage, family, protection of health, rearing, education and culture; principles of the scientific and technical policies;
21. principles of formation and activities of public associations and functioning of the mass media;
22. organization and procedure of elections and referendums;
23. organization and activities of the National Assembly, legal status of the deputies of the National Assembly;
24. principles of the organization and activities of the state executive bodies, general provisions of the civil service, and the collection of state statistics and information;
25. definition of crimes and administrative violations, determination of punishment for them; amnesty;
26. judicial system, court procedures, court expertise, procuracy, investigation and notary public; organs and penal institutions; principles of the organization and activities of the advocacy;
27. method of use and protection of the state flag, emblem and anthem; legal status of the capital;
28. legal regime of martial law and state of emergency;
29. establishment of state awards and special titles.

Exclusive prerogatives of the National Assembly include the approval of codes from all spheres of legislation, corrections, and additions.

The National Assembly shall approve laws involving other questions which are not itemized by this Constitution to the authority of other organs of state power and local self-government.

Article 112. The National Assembly shall:

1. approve the state budget and report on its execution;
2. elect, appoint, and approve state officials in cases stipulated by this Constitution;
3. implement parliamentary control over executive power and organs of local self-government by the methods and within the scope stipulated by this Constitution.
4. ratify, adopt, approve, denounce or suspend international, intergovernmental treaties or decide Ukraine's participation in them;

The National Assembly may carry out investigations and hold hearings on any matters relevant to the state and public interests.

Article 113. The National Assembly has the right to delegate to the Government of Ukraine certain authorities to adopt temporary decrees on certain matters which will have the force of law and may stop the action of certain legislative acts or introduce changes and amendments to them.

In every case of delegation of authority, a law shall be adopted specifying the goal, subject, scope, and term of action of the authority delegated.

Authority which seeks to change and amend the Constitution and constitutional laws of Ukraine, as well as laws on the state budget, state of emergency and martial law, and state defense and security shall not be delegated.

After the conclusion of the term of the delegation of authority to the Cabinet of Ministers, the National Assembly may cancel or amend the decrees through the enactment of the laws of Ukraine.

Article 114. The sessions of the National Assembly shall be organized in the form of joint and separate meetings of the People's Rada and the Rada of the Territories, their standing and ad hoc commissions.

Article 115. Joint sessions of the People's Rada and the Rada of the Territories shall be called for the following purposes:

1. the commencement and recessing of the National Assembly;
2. making changes and amendments to the Constitution and the constitutional laws of Ukraine;
3. announcing the decisions of the All-Ukrainian referendums;
4. ratification, adoption, approval, denunciation or suspension of international, intergovernmental treaties, or adoption of the decision about Ukraine's participation in such treaties;
5. fixing the date of the election for the President of Ukraine, declaration of the act of election of the President and administering the constitutional oath, recognition or rejection of the resignation of the President of Ukraine;
6. announcing the dissolution of the National Assembly or separate chamber, fix the date of regular or extraordinary elections to the National Assembly or its chambers;

7. approval of the decision about holding the All-Ukrainian referendum on the pre-term termination of authorities of the President of Ukraine on the demand of not less than two million electors or on the initiative of National Assembly itself;

8. appointment and dismissal of the Prime Minister of Ukraine on the proposal of the President;

9. approval of the personal composition of the Cabinet of Ministers of Ukraine and dismissal of its members on the proposal of the Prime Minister of Ukraine;

10. hearing the President's reports on the domestic and foreign state of Ukraine;

11. electing the Head, deputy head and members of the Constitutional Court of Ukraine and administering the oaths to them; accepting or rejecting the resignation of the Head, deputy head and members of the Constitutional Court of Ukraine;

12. determining the structure, size, and procedure of use of the Armed Forces of Ukraine, National Guard of Ukraine, Security Service of Ukraine, and Border Guards of Ukraine;

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

14. approval of the President's decrees which impose martial law and states of emergency in Ukraine or in specific localities, total or partial mobilization;

15. holding of a second hearing of legislation vetoed by the President, imposing a parliamentary veto on a Presidential decrees, which contradict the laws of Ukraine;

16. reviewing the reports and proposals of joint ad hoc investigative commissions, chambers, discussing and adopting appropriate decisions;

17. removing from office through the procedure of impeachment the President, Prime Minister, and officials who have been elected, appointed, or approved by the Chambers of the National Assembly in cases of their criminal violation of this Constitution and laws of Ukraine while exercising the authority of their office.

18. adoption of resolutions, statements, declarations, and appeals;

19. hearing the answers and adopting the decisions presented upon the request of the deputies of the National Assembly on the questions which are being discussed at the joint sessions of its chambers;

20. hearing the second reading of the draft legislation, submitted by the arbitration commission of the chambers.

All other questions, pertaining to authority of the National Assembly, shall be decided, as a rule, on the separate sessions of the chambers.

Article 116. The People's Rada and the Rada of the Territories shall exercise legislative authority on the principles of equality and authorities on the question of organizational and control activities on the principle of the division of powers.

Each chamber can take into consideration any questions pertaining to the authority of the National Assembly except those which, according to Articles 117 and 118 of this Constitution, pertain to exclusive prerogatives of a particular chamber.

Article 117. The exclusive prerogatives of the People's Rada shall be:

1. control in the sphere of the defense of human rights and freedoms, appointment and dismissal as well as acceptance of the resignation of the Representative of the National

Assembly of Ukraine for human rights, and review of his report on the situation with the defense of human rights and freedoms in Ukraine;

2. control over the implementation of the state budget, activities of the National bank and State Control Committee;

3. appointment and dismissal as well as acceptance of the resignation of the Chairman of the National bank, Chairman of the State control committee and State comptrollers, and reviewing their reports;

4. granting of a preliminary consent to the appointment by the President of Ukraine of the Chiefs of the diplomatic missions of Ukraine abroad and Chiefs of the missions of Ukraine to international organizations;

5. raising before the Rada of the Territories the cases on the removal of the President of Ukraine from office according to the procedure of impeachment in compliance with Article 155 of this Constitution.

Article 118. The exclusive prerogatives of the Rada of the Territories shall be:

1. adoption of the final decisions on the questions of changes in legal status of the oblasts (land) and the Republic of Crimea and their territories (enlargement, liquidation, etc.);

2. approval of the Constitution of the Republic of Crimea;

3. granting of consent for the change of borders among the oblasts (lands), oblasts (lands) and the Republic of Crimea;

4. appointment, on the recommendation of the Head of the Rada of the Territories, heads and members of the Supreme Court, Supreme Arbitration Court, and the Procurator General of Ukraine;

5. pre-term termination of the authority and scheduling of new elections of the Oblast (land) Radas on the recommendation of the President in cases stipulated in Article 203 of this Constitution;

6. pre-term termination of the authority of particular bodies of local self-government on the recommendation of the President of Ukraine in cases of their violation of the Constitution and laws of Ukraine, Decrees of the President and scheduling new elections to them;

7. adoption of decisions, on the recommendation of the People's Rada, the removal of the President of Ukraine from office according to the procedure of impeachment in the case stipulated by Article 155 of this Constitution.

Article 119. Each chamber of the National Assembly shall meet for its first session not later than the thirtieth day after the elections.

The chamber is empowered if not less than four-fifths of the total number of its members as specified by this Constitution have been elected.

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

Extraordinary sessions or meetings of the chambers shall be convened by the Head of the chambers on their initiative or at the request of not less than one-third of the Constitutional membership of each house, or on a proposal of the President of Ukraine. Such sessions or meetings conclude their work after agenda has been exhausted.

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

Article 120. Sessions of the chambers shall have the powers when not less than two-thirds of their Constitutional membership are in attendance and sessions are conducted in accordance with the Rules of Procedure of the chambers and joint sessions of the chambers in accordance with the Rules of Procedure of the National Assembly.

Article 121. At its first session, each chamber shall elect a Credentials and Verification Commission.

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

Article 122. Joint and separate sessions of the chambers shall be held publicly and openly. For the conduct of a closed session, the decision of the chambers shall be required.

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

Article 123. The People's Rada and the Rada of the Territories shall adopt acts by majority vote of their respective Constitutional membership if other procedures are not stipulated by the Constitution and Rules of Procedure.

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

Article 124. Each chamber shall elect from among its members a Head, Deputy Heads, as well as Heads of the standing commissions of the chambers.

The Heads of the Chambers shall:

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

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

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

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

5. conduct sessions of the chambers; joint sessions of the chambers are alternately conducted by the Head of the People's Rada and the Head of the Rada of the Territories.

6. perform other functions stipulated by the Constitution.

Deputy Heads of the Chambers, at the authorization of the Heads of the Chambers, may perform some of their functions, substitute for the Heads of the Chambers in times of their absence or their inability to perform their duties.

Article 125. Each chamber shall create its own Presidium composed of the Head of the Chamber who shall be the Head of the Presidium, Deputy Heads of the Chamber, Heads of the standing commissions and the Secretary of the Chamber. The Secretary of the Chamber is appointed not from the Deputies corps.

The Presidium of the Chamber shall be the working body which reports to the chamber and insures the co-operation between the chambers, organization of the work of the chamber and its bodies, performs other duties stipulated by the Rules of procedure of the chambers.

The function of the Head of the National Assembly shall be performed by the Head of the People's Rada ex officio. He or she represents the National Assembly externally and performs other functions stipulated by this Constitution.

Article 126. The chambers shall create standing commissions from its membership and, if they deem necessary, ad hoc special commissions for the preparation and preliminary review of the questions within their competence.

The chambers may elect from its membership joint or separate ad hoc investigative commissions for the conduct of investigations on any specified questions which are of social interest if not less than one-third of the Constitutional membership of the chamber vote for their establishment.

Decisions and recommendations of the ad hoc investigative commissions shall not be decisive for the court.

Article 127. Deputies of the National Assembly have the right to establish parliamentary groups in the chambers to facilitate for the deputies the execution of their powers, co-ordinate their positions on questions which are considered by the respective chambers and their bodies.

Article 128. The mandates of the National Assembly and of its chambers terminate on the day of the convening of the first session of the newly elected National Assembly.

The mandate of the National Assembly or either of its chambers may be terminated before the expiration of its term in cases of:

1. self-dissolution;
2. the decision of the All-Ukrainian referendum on a no confidence vote in the National Assembly or one of its chambers;
3. their dissolution by the President as stipulated by Articles 148 and 154 of this Constitution.

Self-dissolution of the National Assembly or one of its chambers shall be conducted by the decision of the National Assembly or by the chamber concerned if, in favor of this decision, vote not less than two-thirds of the Constitutional membership of the National Assembly or the chamber seeking to dissolve itself.

The All-Ukrainian referendum on a no confidence vote in the National Assembly or one of its chambers shall be conducted by the request of not less than two million electors.

If the All-Ukrainian referendum expresses no confidence to the National Assembly or one of its chambers, the National Assembly shall declare its self-dissolution or the dissolution of the respective chamber and schedule the date of the election of the new National Assembly or chamber. The newly elected chambers shall have the mandate for the whole term stipulated respectively in Articles 104 and 105 of the Constitution.

In cases of dissolution of the National Assembly by the President, the date of the election of the new National Assembly shall be set by the President not later than two months after the dissolution of the National Assembly.

CHAPTER 17. LEGISLATIVE PROCESS

Article 129. The right to initiate legislation in the National Assembly shall be vested in the people, deputies, standing commissions, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Verkhovna Rada of the Republic of Crimea, Oblast (land) Radas and trade unions in the persons of their central bodies.

Legislative proposals, submitted to the National Assembly of Ukraine at the initiative of the people, shall have priority for consideration.

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

Article 130. Legislative proposals submitted to chambers shall be first reviewed by the appropriate standing or ad hoc special commission and then submitted for consideration by the chamber. Consideration of the issue shall be organized in a manner to precisely determine the real will of the majority of its members.

Consideration and adoption of a legislative proposal by a chamber shall follow the procedure of:

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

Article 131. A legislative proposal, which requires a financial expenditure, shall be submitted to sessions of the chambers with the condition that it is accompanied with the necessary estimates by the State Control Committee and a study of the relevant standing commissions specifying the means to finance it.

Article 132. After it is discussed and voted on by article and in its entirety, legislation is considered approved if a majority of the Constitutional membership of each chamber has voted for it, unless a different procedure is provided for by the Constitution.

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

Article 133. After approval of proposed legislation in its entirety by one chamber, it shall immediately be submitted to the other chamber for consideration. If the proposed legislation is approved in its entirety by that chamber or in the absence of a negative vote (veto) within a month, the legislation is considered adopted by the National Assembly.

A veto of the chamber regarding a legislative proposal is adopted by the same number of votes which is required for the adoption for the respective legislative proposal in its entirety.

In the case that a legislative proposal is adopted in its entirety by a chamber but with changes or amendments to it, it shall immediately be returned to the chamber which adopted it first. The agreement with the changes or amendments by the chamber which adopted the legislation first shall result in the enactment of the legislation by the National Assembly.

To resolve the differences which result from the consideration of the legislative proposal by the chambers, an arbitration commission of the chambers is established on a basis of parity. A legislative proposal submitted to the arbitration commission shall be reviewed by a joint session of the chambers. If, during a joint session of the chambers, a legislative proposal is not approved, it is considered rejected by the National Assembly.

In the case of disagreement between the chambers, while considering budgetary and financial matters, the final decision is determined by the second round of votes of the People's Rada and for questions pertaining to the change of the legal status or territory of the oblasts (lands) and the Republic of Crimea by the second round of votes of the Rada of the Territories.

Article 134. Ratification, approval, and confirmation of international, intergovernmental treaties or joining them, and also the denunciation or suspension of them is accomplished by the adoption of the relevant resolution if no other procedure is specified within the treaty.

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

Article 135. Legislation shall be signed by the Heads of the chambers of the National Assembly and immediately sent to the President.

The President shall review the legislation, accept it for implementation, endorse it with his signature and officially publish it within fifteen days from the day he or she received the legislation. During this term, the President may exercise his right to veto the legislation and return it, with his or her comments to the National Assembly for its second consideration.

If during the second consideration of the legislation, two-thirds of the Constitutional membership of each chamber votes for the legislation, the President shall be required to sign and publish it within ten days.

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

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

Legislation shall come into force ten days from its publication, unless the law itself contains a different provision, but not before the day of publication.

CHAPTER 18. BUDGET. FINANCIAL CONTROL

Article 136. The budgetary system of Ukraine shall comprise the all-state budget, the budgets of the oblasts (lands) and the Republic of Crimea, as well as the budgets of localities.

Article 137. The state budget of Ukraine shall be comprised of the revenues and expenditures of the state which shall be realistic, concretely itemized, and balanced.

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

Legislation establishes the ceiling of the budget deficit. The absorption of the budget deficit at the expense of the printing of money shall be considered as an exception and executed only by the approval of the National Assembly.

The National Assembly may implement a new accounting system for state revenues as well as change previous ones and select new appropriations for the current budgetary year with a supplemental budget.

If the National Assembly adopts a budget in which expenditures exceed revenues, the Law on the State Budget shall specify sources and means of absorbing the deficit. The Law on the State Budget may not establish new taxes, penalties or other payments not authorized by specific legislation.

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

Article 138. The state budget of Ukraine shall be adopted annually for the period of 1 January to 31 December, or for special circumstances for other periods.

The President, within the first fifteen days of the fall session, presents to the National Assembly a proposed Law on the State Budget for the following year.

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

A Law on the state budget approved in accordance with the procedure provided for by Article 133 of the Constitution, shall enter into force on the first of January of the following year and shall not be subject to endorsement by the President.

If the President does not present a proposed Law on the State Budget by 30 November, or if the proposed Law on the State Budget is not enacted by 31 December, then the Law on the State Budget of the previous year remains in force for the first quarter of the following year. (*Option - shall be enacted by the decree of the President of Ukraine.*)

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

Article 139. The President shall submit to the National Assembly an itemized report on the implementation of the state budget no later than three months after the conclusion of the budgetary year being reported.

The submitted report shall be first considered by the State Control Committee and the appropriate commissions of the chambers of the National Assembly. The report shall be adopted taking into consideration their conclusions and must be published.

Article 140. Money circulation and procedure of settlements shall be determined by the National Bank, which possesses the exclusive right to print money.

The National Bank shall report to the National Assembly.

Article 141. Financial control of the implementation of the state budget is under the jurisdiction of the People's Rada.

The People's Rada shall implement financial control directly as well as through the State Control Committee.

Article 142. The State Control Committee shall be a body of parliamentary control over the financial operations of the state, bodies of local self-government and the use of real estate and movable properties and other valuables of public ownership.

The State Control Committee shall be subordinate and accountable to the People's Rada.

Article 143. The State Control Committee shall be composed of State Comptrollers who shall be from among specialists in the field of finance and law and serve for a term of five years. The State Comptrollers shall comply with the rules of competency as provided by Article 172 of this Constitution.

The State Control Committee shall be chaired by the Head of the State Control Committee. The Head of the State Control Committee, his deputy and State Comptrollers shall be appointed upon the submission by the Head of the People's Rada at a session of the People's Rada.

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

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

PART VI.

PRESIDENT OF UKRAINE

Article 144. The President of Ukraine is the head of state and acts on its behalf. The President is elected for a term of five years.

A citizen of Ukraine, who has electoral rights, is not younger than thirty-five years of age, has lived on the territory of Ukraine not less than 10 years, speaks the state language and is in a state of health which enables him or her to fulfill the presidential responsibilities, may be the President.

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

The President cannot be a deputy of the National Assembly, have other representative duties, field any other post or position in state bodies and civic unions or conduct other paid or entrepreneurial activity.

Article 145. The President shall be considered to be in office from the moment he or she takes the oath of office during a joint session of both chambers of the National Assembly.

The oath is administered by the Head of the National Assembly.

The President shall take the following oath:

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

The President shall take the oath of office no later than fifteen days after the official announcement of the results of the election.

The President shall have parliamentary immunity as defined by Article 108 of the Constitution.

Article 146. The President:

1. shall be the guarantor of state unity and the independence of Ukraine; take steps to ensure the defense readiness, national security and territorial integrity of Ukraine;
2. shall represent Ukraine regarding international affairs;
3. shall address the people and submit for approval by the National Assembly annual reports on the accomplishments of the domestic and foreign policies of Ukraine and the implementation of the state programs.
4. shall have the right to veto laws enacted by the National Assembly and return them for second consideration by the National Assembly;
5. shall carry out the general leadership of the Cabinet of Ministers of Ukraine and direct its executive activities;
6. shall nominate to the National Assembly for confirmation candidacies for the position of the Prime-Minister of Ukraine; shall submit proposals to the National Assembly for the dismissal of the Prime-Minister;
7. shall appoint and dismiss, with the prior approval of the National Assembly, Heads of diplomatic representation of Ukraine in other states, Heads of representation of

Ukraine to international organization and other appointed individuals specified by the Constitution;

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

9. is the Commander-in-Chief of the Armed Forces of Ukraine; shall preside over the National Defense Council of Ukraine; appoint and dismiss the higher command of the Armed Forces of Ukraine;

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

11. shall, in the event of a threat of an attack on Ukraine or a threat to the state independence of Ukraine, make decisions, subject to confirmation by the National Assembly within two days of this decision, on general or partial mobilization or imposition of martial law in Ukraine or in its separate localities;

12. shall make decisions, subject to confirmation by the National Assembly within two days of this decision, regarding the declaration of a state of war and use of the Armed Forces of Ukraine in cases of a military attack on Ukraine;

13. shall declare, if necessary, separate localities of Ukraine ecological disaster zones, subject to confirmation by the National Assembly within two days of this decision;

14. shall declare, if necessary, a state of emergency in Ukraine or in its separate localities, subject to confirmation by the National Assembly within two days of this decision;

15. shall negate the acts of ministers, other executives of the central bodies of executive power and the Government of the Republic of Crimea in cases of their inconsistency with the Constitution and the Laws of Ukraine as well as the decrees of the President;

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

17. shall submit to the review of the Rada of the Territories the proposal on the pre-term termination of the authorities of the Oblast (land) Rada and separate bodies of local self-government in accordance with the Articles 203 and 211 of this Constitution as well as for the scheduling new elections to them;

18. shall exercise the right of pardon with regard to individuals convicted by the courts of Ukraine with the exception of individuals who were impeached;

19. shall grant state awards, presents honorary titles of Ukraine;

20. shall exercise other powers stipulated by this Constitution.

Article 147. The President may not delegate his authority to other individuals or bodies.

In the case of the absence of the President caused by illness or leave, the power of authority temporarily shall be delegated to the Prime-Minister.

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

Article 148. The President shall have the right to dismiss the National Assembly and schedule the date of new elections to the National Assembly:

1. if during a three month period, the National Assembly fails to approve the candidacy of the Prime-Minister presented by the President or the composition of the Cabinet of Ministers;
 2. if during a one year period, the National Assembly expresses no confidence to the Cabinet of Ministers more than twice;
 3. in the case stipulated by Article 154 of this Constitution.
- This right cannot be exercised by the President during the last six months of his constitutional authority.

Article 149. The President, on the basis of the Constitution and for its fulfillment and within the limits of his or her powers, shall issue decrees and orders.

Article 150. The President of Ukraine shall perform his or her duties until a newly elected President assumes office.

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

- acceptance of his or her resignation;
- inability to perform his or her duties for reasons of health;
- no confidence vote by the people in an All-Ukrainian referendum;
- removal from the presidency through the procedure of impeachment;
- loss of Ukrainian citizenship or change of permanent residency to outside the borders of Ukraine.

Article 151. The President's resignation shall be accepted and shall take effect on the condition that his or her resignation statement has been read by him or her in person and considered at the plenary session of the National Assembly and accepted by a simple majority of votes of the constitutional membership of each chamber.

Article 152. The inability of the President to perform his or her functions for reasons of health shall be established at the sessions of the National Assembly on the basis of a written request of the Supreme Court of Ukraine motivated by a medical certificate and a specially formed ad hoc parliamentary commission and approved by a majority of votes of the constitutional membership of each chamber.

Article 153. A decision to hold an All-Ukrainian referendum to recall the President, if demanded by at least two million citizens of Ukraine having electoral rights, shall be adopted by the National Assembly by a majority of votes of the constitutional membership of each chamber.

Article 154. A decision to hold an All-Ukrainian referendum on the determination of the powers of the President before the expiration of his or her term of office on the initiative of the National Assembly shall be adopted by a majority vote of not less than two-thirds of the constitutional membership of each chamber.

If in the course of the referendum on the initiative of the National Assembly, the people of Ukraine express confidence in the President, the National Assembly may be dissolved by the President within two weeks after the results of the referendum have been officially announced.

Article 155. In the event that the President of Ukraine criminally violates the Constitution and the laws of Ukraine in the discharge of his or her duties, the case of his or her removal from the office in the exercising of the procedure of impeachment shall be initiated by the People's Rada before the Rada of the Territories. The Rada of the Territories shall adopt the decision to remove the President from office by not less than a two-thirds vote of its constitutional membership.

Article 156. In the event of death or termination of the President's powers before the expiration of his or her term of office or his or her removal from office in cases stipulated by the Articles 150 or 155 of this Constitution, the National Assembly shall adopt the decision to authorize the Prime-Minister of Ukraine to discharge the presidential duties pending the election of and assuming of office by a new President. The election of a new President shall be held not later than ninety days after the day the office becomes vacant. The newly elected President shall have the powers for the term stipulated by Article 144 of this Constitution.

PART VII.

CABINET OF MINISTERS

Article 157. The Cabinet of Minister (Government) of Ukraine shall be the highest body of executive power of Ukraine.

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

The Cabinet of Ministers reports to the National Assembly.

Article 158. The membership of the Cabinet of Ministers shall include the Prime-Minister, the deputy Prime-Ministers, ministers, and also the administrators of other bodies of executive power, appointed by the President.

The individual members of the Cabinet of Ministers shall be nominated by the Prime-Minister, with the approval of the President, and submitted to the National Assembly.

The newly-created Cabinet of Ministers shall submit to the President and to the National Assembly the program of work for the term of their credentials.

The National assembly may express no confidence in the Prime-Minister, individual members of the Cabinet of Ministers, or in the Cabinet of Ministers as a whole, which will be subsequently result in their resignation.

The decision of no confidence in the Prime-Minister or the Cabinet of Ministers as a whole shall be adopted by not less than two-thirds vote of the Constitutional membership of each chamber.

The decision of no confidence in individual members of the Cabinet of Ministers shall be adopted by the majority of votes of the Constitutional membership of each chamber.

The President of Ukraine, by his or her own initiative, may raise before the National Assembly the issue of confidence in the Government of Ukraine. If the Cabinet of Ministers do not obtain a confidence vote by the National Assembly, it shall resign.

Article 159. The Cabinet of Ministers, within its competence, shall:

1. secure the state sovereignty and economic independence of Ukraine;
2. develop and implement the state programs of economic, social, and cultural development of Ukraine;
3. insure the conduct of the financial, monetary, price, credit, and taxation policies of Ukraine, draft and execute the state budget of Ukraine; create state and other funds of development, funds for elimination of the consequences of national disasters and catastrophes; conduct policies in the sphere of environmental protection, ecological safety and use of natural resources;
4. implement measures for the insuring the national security and defense readiness of Ukraine;
5. organize and insure the implementation of the foreign political and foreign economic activities of Ukraine, customs system;
6. provide programs for the defense of the national interests of Ukraine, the insurance of the rights and freedoms of the citizens, the safeguarding of the property and civil peace, and the prevention of crime;

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

8. implement other authorities stipulated by Constitutional law about the Cabinet of Ministers of Ukraine.

Article 160. The Cabinet of Ministers shall issue resolutions and decisions. Acts of the Cabinet of Ministers shall be binding on the whole territory of Ukraine.

Article 161. In the scope and procedures stipulated by Article 113 of the Constitution, the Cabinet may issue temporary decrees.

The decrees shall be presented to the National Assembly on the day of their signing by the Prime-Minister and enter into force if, within ten days period, the National Assembly does not veto them but not earlier than their publication.

Article 162. The Prime-Minister shall directly administer the Cabinet of Minister and its staff and control and co-ordinate the activities of the ministries and other bodies of state executive power.

The Prime-Minister shall present the candidacies for the posts of heads of executive committees of oblasts (lands) and the Government of the Republic of Crimea for the approval by the respective Radas of the Oblasts (lands) and the Verkhovna Rada of the Republic of Crimea.

Article 163. The Prime-Minister shall be directly answerable to the President of Ukraine, subordinate to him, and accountable before the National Assembly.

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

The Government, which resigns, continues carrying out its duties until the new Government is formed.

Article 164. The ministers and directors of other central bodies of executive power shall direct the functioning of the spheres of administration entrusted to them and shall be responsible for the state of affairs in these spheres.

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

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

Members of the Government have the right to participate in the sessions of the National Assembly, their chambers, and their commissions.

The officials of executive power shall answer, no later than twenty days, the questions addressed to them by the deputies of the National Assembly at the meetings of the National Assembly or its chambers.

Article 165. The rules on incompatibility, established by Article 172 of this Constitution, shall apply to the officials of the Cabinet of Ministers and other bodies of state executive power.

PART VIII.

JUDICIARY

Article 166. Judicial power shall be executed exclusively by the courts in the form of constitutional, civil, criminal and administrative judicial procedures. The seizure of judicial functions by any other body as well as the delegation of those functions shall not be allowed.

Judicial power is executed on behalf of Ukraine.

Article 167. The judicial system of Ukraine shall be comprised of the Constitutional Court of Ukraine, general and economic courts.

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

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

Article 168. The Constitutional Court of Ukraine shall administer judicial powers in the framework stipulated by this Constitution.

Article 169. The judicial power concerning civil, administrative, and criminal cases shall be administered by the general courts: justice of the peace; regional (district), city, oblast (land) courts; Supreme Court of the Republic of Crimea; and the Supreme Court of Ukraine.

The judicial review of the activities of the general courts shall be administered by the Supreme Court of Ukraine.

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

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

The judicial review of the activities of all courts shall be administered by the Supreme Court of Ukraine.

Article 170. The settlement of economic disputes shall be administered by the courts of oblasts (lands), economic courts, the Kiev city economic court, Economic Court of the Republic of Crimea, the Supreme Economic Court of Ukraine.

The judicial review of the activities of the economic courts shall be administered by the Supreme Economic Court of Ukraine.

Article 171. Judges shall be independent and be subordinate only to the Constitution and the law.

The inviolability of judges shall be guaranteed by law.

Judges shall not be replaceable. The judge, without his consent, can be dismissed from his position only on the grounds and according to the procedures stipulated by law.

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

Article 172. Judges shall not be members of political parties, movements, trade unions, or participate in political activities or carry any kind of representational duties, be engaged in any other paid or reimbursable activities except scientific or lecturing.

Article 173. Judges, except a justice of the peace, shall be appointed or elected on a competitive basis for life.

Judges, except a justice of the peace, who for the first time were selected on a competitive basis, shall be appointed for a term of five years.

Justices of the Peace shall be elected for the term of five years.

Judges of regional, district, city, oblast (land), and economic courts shall be appointed by the President of Ukraine.

Judges of the Supreme Court of the Republic of Crimea shall be elected by the Verkhovna Rada of the Republic of Crimea.

The judges of the Supreme Court of Ukraine shall be elected by the Rada of the Territories of the National Assembly of Ukraine upon the nomination of the Head of the Rada of the Territories.

The requirements which shall be met by the candidates for judges shall be stipulated by law.

Article 174. For the conduct of competitive selection of the justices of the peace, judges of general and economic courts, as well as for the consideration of the questions of judicial service, imposition of disciplinary measures and cessation of their authorities by the Congress of Judges of Ukraine shall be established by the Supreme Certification and Disciplinary Commission of Judges comprised from the judges and other specialists in the sphere of law.

The procedures of establishment and activities of the Congress of Judges of Ukraine shall be stipulated by law.

Article 175. Judicial power shall be executed by the judge individually, by the collegium of judges and a jury.

The court's jurisdiction of the case and the participation and selection of a jury in administering the judicial powers shall be established by law.

Article 176. The review of cases of all types of courts shall be oral and open. Review of cases in closed sessions shall be admitted only with compliance to all judicial procedures and only in the case when the court decides that the open review can lead to a disclosure of state or any other legally protected secrets or facts of private or family life of citizens. The decision of the court shall be made public.

The legal proceedings shall be administered on the basis of contention and equality of sides.

Article 177. The legal proceedings are conducted in the state language. In places of compact dwelling of one or several national groups, the legal proceedings may be

conducted in the language, admitted by the majority of the population of this particular locality.

Individuals, who participate in the case and who are not articulate in the language of the judicial proceedings, are guaranteed the right of full familiarity with the documents of the case, participation in the court procedures through an interpreter and the right to speak in the court in his or her mother tongue.

No one can be deprived of the right of the review of the case in the court determined by law.

Article 178. The court decision shall be motivated, unprejudicial, and based on thorough review and objectively proven facts.

The court decision of the court can be appealed through the cassation and appeal procedures.

The court decisions, which entered into force, shall be mandatory for all state bodies, enterprises, institutions, and organizations, bodies of local self-government, citizens and their unions, executives and other individuals and subject to implementation on the whole territory of Ukraine.

Article 179. Material and moral harm caused by the court misjudgment or illegal actions of the court bodies, procuracy, investigation and inquiry, shall be reimbursed in full at the expense of the state in accordance with the law.

PART IX.

THE PROCURACY

Article 180. The Procurator General of Ukraine and procurators subordinate to him or her shall be responsible for:

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

2. the supervision on the maintenance and insurance of the rights and freedoms of citizens;

Option: 2. the supervision of the insurance of the constitutional rights and freedoms of citizens who due to physical, psychological or other circumstances are unable to defend their constitutional rights and freedoms by themselves.

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

4. the investigations of crimes on cases which fall within the competence of the organs of the procuracy;

5. the prosecution of state cases in the court;

6. the supervision of adherence to the laws in the places of criminal punishment as well as application of other methods of forceful character;

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

Article 181. The Procurator General of Ukraine shall be appointed by the Rada of the Territories of the National Assembly of Ukraine on the nomination of the Head of the Rada of the Territories for the term of ten years. The Procurators of the oblasts (lands), regions (districts), and cities shall be appointed by the Procurator General of Ukraine for the term of ten years.

The Procurator of the Republic of Crimea shall be appointed by the Procurator General of Ukraine on the nomination of the Verkhovna Rada of the Republic of Crimea. In the case of failure of agreement between the Procurator General of Ukraine and the Verkhovna Rada of the Republic of Crimea, lasting for a three month period, questions about the appointment of the Procurator of the Republic of Crimea shall be decided by the Rada of the Territories of the National Assembly of Ukraine on the nomination of the alternative candidacies by the Verkhovna Rada of the Republic of Crimea and the Procurator General of Ukraine.

Article 182. The procurator exercising his or her powers has the right to demand and obtain from any bodies, organizations and officials documents and information necessary.

Article 183. The Procurators and other officials of the procuracies are subject to the requirements of competence stipulated by Article 172 of the Constitution.

The composition, authority, and procedures of the Procuracy of Ukraine shall be determined by law.

PART X.

TERRITORIAL STRUCTURE AND TERRITORIAL GOVERNMENT OF
UKRAINE

CHAPTER 19. PRINCIPLES AND THE SYSTEM OF THE TERRITORIAL
STRUCTURE

Article 184. Ukraine is a unified and sobor (united) state. The territorial structure of Ukraine is based upon the principles of integrity of the state territory, complex socio-economic development and administration of its parts in compliance with their economic, historic, geographic, and demographic peculiarities, ethnic and cultural traditions.

Article 185. The territorial organization of Ukraine shall be directed to the insurance of the unification of the whole state, regional, and local interests.

Article 186. The system of territorial structure of Ukraine is comprised of the oblasts, the Republic of Crimea, cities, regions, towns, and villages.

CHAPTER 20. BASIC ORGANIZATION OF THE GOVERNMENT IN THE
OBLASTS (REGIONS) AND THE REPUBLIC OF CRIMEA

Article 187. Oblasts (lands) and the Republic of Crimea act on the principle of administrative autonomy, independently decide the questions specified for their competence by the Constitution and the laws of Ukraine.

The legal status of oblasts (lands) shall be stipulated by this Constitution and the constitutional laws of Ukraine.

The Republic of Crimea has special, legal status which shall be stipulated by the Constitution, constitutional law of Ukraine and the Constitution of the Republic of Crimea.

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

The change of the legal status of oblasts (lands) and the Republic of Crimea as well as their territories (enlargement, liquidation, etc.) is possible only with the consent of the relevant Radas if in favor of such a decision the majority of the population of oblasts (lands) or the Republic of Crimea have voted through a consultative referendum.

The final decision on this questions shall be taken by the Rada of the Territories of the National Assembly.

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

Article 188. Status of cities, regions, towns, and villages shall be determined by the constitutional law of Ukraine.

Article 189. Organs of the state power and management of the oblasts (lands) and the Republic of Crimea shall act on the basis of the Constitution and the Laws of Ukraine, Decrees of the President, decrees and resolutions of the Cabinet of Ministers, as well as the authority of their own.

Article 190. Oblasts (lands) and the Republic of Crimea, subject to compliance to the basics of the legislation of Ukraine, all-state interests, as well as the interests of other oblasts (lands) and the Republic of Crimea shall execute the legislative authority on the following questions:

1. agriculture and forestry;
2. elementary education, crafts, and vocational training;
3. quarries and peat mines;
4. reclamation;
5. public works;
6. city works and municipal works;
7. tourism, hotel business; fairs and trade shows;
8. museums and local libraries; civic charities;
9. local municipal and rural militia;
10. public transportation, auto roads of oblast (in the Republic of Crimea - republican) significance; lake transportation; water supply;
11. hunting in the internal forests and fishing in inland waters;
12. sanitary and medical service, charitable organizations;
13. arts and crafts.

Article 191. Oblasts (lands) and the Republic of Crimea shall implement executive authority and control on the following questions:

1. implementation of the property rights on the objects which belong to oblasts (lands) and the Republic of Crimea;
2. adoption of the decisions on the questions of territorial structure of the oblasts (lands) and the Republic of Crimea (establishment and changes of the borders among regions, human settlements, classification of human settlements to the category of city; names and renaming of cities, regions, settlements of city type, villages) subject to the approval by the Rada of the Territories;
3. organization and conduct of the oblast (land) and in the Republic of Crimea - republican, elections and referendums;
4. approval of the appointment of the executives of the organizations and bodies directly subordinate to the central organs except of procurators of the oblasts (lands) and the leadership of the Security Service;
5. composition and adoption of the budget on the basis of unified tax policy of Ukraine; establishment of revenues which comprise the income aspect of the budget of oblasts (lands), Republic of Crimea;
6. development and realization in accordance with the all-state programs and territorial programs of development of the economy, scientific-technical progress, programs of the social and cultural development, environmental protection and rational use of the environment; creation and the functioning of free economic zones in accordance with the legislation of Ukraine;

7. classification of the territories as resort areas, establishment of zones of sanitary control over the resort areas and their legal status;
8. declaration of quarantines and the zones of natural disasters;
9. realization of state policies in the field of culture, development of language and national traditions, health protection, physical culture and sports, as well as use and preservation of the historic and cultural monuments; participation in the development and realization of the programs of Ukraine in the sphere of demographic and migration policy;
10. maintenance of civil order and civil security.

Article 192. The authorities of the Republic of Crimea, in person of its legislative and executive organs, except in those questions stipulated by Articles 190 and 191 of this Constitution, shall be:

1. establishment of the procedure of organization and activities of the organs of the state (except of court) powers;
2. establishment of the honorary titles of the Republic of Crimea and initiation of other awards;
3. participation (within its competence) in the relations of Ukraine with other states and international organizations;
4. establishment and formation of the organs of court power in compliance with the court system of Ukraine;
5. approval of the appointment of the heads of the Security Service and the Procuracy of the Republic of Crimea.

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

Article 193. Constitutional laws of Ukraine can provide delegation of additional authorities to oblasts (lands) and the Republic of Crimea. Oblasts (lands) and the Republic of Crimea shall implement their authority in full, except on the questions which are delegated to the bodies of local self-government by the laws of Ukraine.

Article 194. Oblasts (lands) and the Republic of Crimea shall enjoy financial independence within the limits stipulated by the laws of Ukraine.

Local taxes and collections as well as allocation from state taxes which are determined in accordance with the needs of oblasts (lands) and the Republic of Crimea shall be under the authority of oblasts (lands) and the Republic of Crimea.

Oblast (land) and the Republic of Crimea shall have the ownership and property in compliance with the legislation of Ukraine.

Article 195. Oblasts (lands) and the Republic of Crimea have no right to establish custom duties on the import or transit of merchandise. Any other measures which hamper the free movement of individuals and property on their territories may not be introduced as well.

Article 196. Oblasts (lands) and the Republic of Crimea may conclude mutual agreements, except political, on the condition of compliance with the laws of Ukraine and interests of other oblasts (lands) and the Republic of Crimea.

Article 197. The legislative power in the Republic of Crimea belongs to the Verkhovna Rada of the Republic of Crimea.

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

The composition, competence and procedures of the Verkhovna Rada and the Government of the Republic of Crimea shall be determined by the constitutional law of Ukraine and the Constitution of the Republic of Crimea.

In the sphere of its competence, the Verkhovna Rada shall adopt legislation which is mandatory for implementation on the territory of the Republic of Crimea.

Article 198. Oblasts (lands), for the decision of the questions specified for their competence by the Constitution and the constitutional laws of Ukraine, shall create oblast (land) Radas and executive committees of the oblast, which shall act on the principle of division of power.

Article 199. Oblast (land) Radas shall be comprised of deputies who are elected for a term of five years from the constituencies of approximately equal number of electors.

The numerical composition of oblast (land) Radas shall be stipulated by the Radas itself but not exceeding fifty deputies.

Article 200. Oblast (land) Rada shall elect from the deputies the head of the oblast (land) Rada (*option: The head of the oblast Rada shall be elected directly by the population*).

The head of the oblast Rada organizes the work of the Rada and its bodies, insures the implementation of adopted decisions, represents the Rada in relations with state organs, civic unions, bodies of local self-government, enterprises, institutions, organizations, and citizens as well as in foreign relations.

Article 201. The oblast (land) Rada executes the legal, organizational and control functions within the limits and procedures stipulated by the Constitution and the constitutional law of Ukraine.

In the sphere of its competence, the oblast (land) Rada shall adopt decisions which are mandatory for implementation on the territory of the oblast (land).

Article 202. The executive committee of oblasts (lands) shall be the organ of executive power.

The executive committee of the oblast (land) shall be chaired by the head of the executive committee who is elected and dismissed from the office by the oblast (land) Rada on the nomination of the Prime Minister of Ukraine. (*Option: on consultation with the Prime-Minister of Ukraine*)

The composition of the executive committee shall be approved by the oblast Rada on the nomination of the head of the executive committee.

Article 203. The executive committee of the oblast (land) shall be under the control and subordination to the oblast (land) Rada and the Cabinet of Minister on questions of their competence.

The oblast Rada may express no confidence in the head of the executive committee, which shall result in his or her resignation as well as resignation of the whole composition of the executive committee.

If during a one year period, the oblast (land) rada shall express no confidence in the head of the executive committee more than twice, oblast (land) Rada may be dismissed on the decision of the Rada of the Territories.

The authority of the oblast (land) Rada may be dismissed prior to expiration of its term of office in cases of:

- adoption of a decision aimed at the violation of the territorial integrity of Ukraine, arbitrary change of its state territorial composition;
- brutally violated the Constitution and the laws of Ukraine and does not wish to amend its decision to meet their requirements;
- cannot adopt decisions due to the inability to form a deputy majority in its composition.

The decision on the pre-term termination of the authority and the scheduling of new elections for the oblast (land) Rada shall be adopted by the Rada of the Territories on the recommendation of the President.

Article 204. In the Republic of Crimea, as well as oblasts (lands), the Representatives of the President may be appointed by the President of Ukraine.

The Representative of the President executes the control on the realization of the Constitution and the Laws of Ukraine, decrees of the President of Ukraine, resolutions and decisions of the Cabinet of Ministers of Ukraine, as well as co-ordinates and executes control of the activities of the relevant bodies of public order, national security, defense and other bodies which are subordinate to the central organs of state executive power.

For the insurance of the implementation of the above mentioned authorities in the regions and cities, the Representative of the President, upon consultation with the President of Ukraine, shall appoint his or her emissaries.

The authorities of the Representative of the President in the Republic of Crimea and the oblasts (lands) shall be determined by constitutional law.

Article 205. The legal system of oblasts (lands) and the Republic of Crimea shall be an integral part of the legal system of Ukraine.

CHAPTER 21. LOCAL SELF-GOVERNMENT

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

Bodies of local self-government shall be village, town, region, and city Radas.

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

Article 207. The bodies of local self-government has the power of legal entities and are entrusted with the inalienable authority which cannot be changed except by law or agreement. In the sphere of their competence, those bodies shall act independently and

separately. The interference of the state organs and their executives into the legal activities of the bodies of local self-government shall not be allowed.

Bodies of local self-government of different levels on mutual agreement and on the basis of agreements may restructure amongst themselves certain authorities taking into account local demographic, territorial, economic conditions, and national peculiarities.

Bodies of local self-government may delegate part of their authority to the bodies of self-government which shall be established at the places of the residences of the citizens (buildings, streets, districts, sub-regions, dwelling compounds, etc.) allocate certain finances to them as well as material, technical, and other resources, necessary for the implementation of this authority.

Regional, city (cities of oblasts and republican significance) Radas shall coordinate the work of village, town, city (cities of regional significance) Radas in their exercise of interterritorial actions, insure the balance of village, town, and city budgets.

City Radas of the cities of oblast and republican subordination have the right to decide the questions of liquidation of existence or creation of new districts within the cities, on division of the city into other units for the purpose of creation of territorial bodies of management.

Article 208. Village, town, district, and city Radas shall be composed of councilmen who are elected by the electorate for a term of two years.

Option: Regional Radas shall be composed of councilmen who are elected within certain quotas by the Radas of village, town, city (cities of regional significance).

The numerical composition of the Radas shall be decided by the Radas themselves, but not exceeding thirty councilmen.

The Radas of villages, towns, districts, and cities shall be chaired by the Head of the Rada who shall be elected by the electorate.

The Head of the Rada shall be, at the same time, the Head of the executive body of the village, town, district, and city Rada.

Article 209. Bodies of local self-government, in the sphere of their competence, shall decide the questions of economic, social, cultural, environmental protection significance, develop, adopt and implement the budgets of the relevant administrative-territorial units, establish local taxes and collections stipulated by law, manage municipal properties, decide other questions pertaining to the needs of the relevant territorial collective of citizens.

Property, revenues and public works shall be in exclusive ownership of the territorial collectives which are covered by the same guarantees as other forms of property stipulated by this Constitution.

The relationship of bodies of local self-government with enterprises, institutions, and organizations as well as individuals, property of which is not in municipal ownership, shall be on a tax and agreement procedures basis.

In the scope and measures, stipulated by law, bodies of local self-government may execute delegated authority of the organs of the state executive power.

Article 210. Bodies of local self-government shall adopt decisions.

Decisions of the bodies of local self-government shall be mandatory for implementation on the territory concerned. They shall not be inconsistent with the Constitution, laws of Ukraine, other legal acts.

Decisions of the bodies of local self-government in case of their inconsistency with the Constitution, laws of Ukraine or other legal acts shall be suspended by the oblast (land) Rada or by the executive committee of oblast (land) pending the ruling of the relevant court.

Article 211. The authority of the bodies of local self-government may be suspended prior to the expiration of the term of their office by the Rada of the Territories on the recommendation of the President in cases when the bodies violate the Constitution, laws of Ukraine and Decrees of the President of Ukraine.

Article 212. The authority of the bodies of local self-government shall be stipulated by the Law of Ukraine "On the local self-government".

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

PART XI.

CONSTITUTIONAL COURT

Article 213. Questions relating to the conformance (constitutionality) of laws and other legal acts with the Constitution of Ukraine shall be decided by the Constitutional Court of Ukraine.

Article 214. The Constitutional Court of Ukraine shall consist of a Head, two deputy Heads, and twelve members of the Constitutional Court.

To the membership of the Constitutional Court can be selected a citizen of Ukraine who has the right to vote, has reached on the day of his or her selection a minimum age of 35 years, and has had practical, scientific or pedagogical experience in the sphere of law for not less than 10 years.

The Head of the Constitutional Court is selected by secret ballot at a joint session of the People's Rada and the Rada of the Territories of the National Assembly.

The candidacy for the position of Head of the Constitutional Court is nominated in the National Assembly jointly by the Head of the National Assembly and the President. In the case when the Head of the National Assembly and the President cannot reach an agreement regarding a candidacy for the position of Head of the Constitutional Court, the proposed candidacies shall be nominated in the National Assembly as alternatives.

The Deputy Heads and the members of the Constitutional Court are equally - one Deputy Head and six members of the Constitutional Court - selected individually in order by secret ballot at separate sessions of the People's Rada and the Rada of the Territories of the National Assembly.

The candidacies for the positions of Deputy Heads of the Constitutional Court are nominated in the chambers of the National Assembly jointly with the President by the respective Head of the People's Rada or the Head of the Rada of the Territories. In the case when the President and the Head of the People's Rada or the Head of the Rada of the Territories cannot reach an agreement regarding a candidacy for the position of Deputy Head of the Constitutional Court, the proposed candidacies shall be nominated in the National Assembly as alternatives.

The candidacies for the positions of members of the Constitutional Court are nominated by the Heads of the chambers of the National Assembly.

The Head, deputy Heads, and the member of the Constitutional Court of Ukraine shall be selected for life.

Article 215. The judges of the Constitutional Court, in executing their duties, shall be independent and shall comply only with the Constitution of Ukraine. All of them shall be the judges of the Constitutional Court of Ukraine *ex officio*.

The judges of the Constitutional Court shall comply with the requirement of competence of the position as stipulated by Article 172 of this Constitution.

The judges of the Constitutional Court shall enjoy the parliamentary immunity as stipulated by Article 108 of this Constitution.

Assuming the office, a judge of the Constitutional Court shall take the following oath before the National Assembly: I solemnly swear to honestly and conscientiously fulfill the

high duty of a judge of the Constitutional Court of Ukraine, to protect the Constitution of Ukraine, to guarantee its supremacy, to respect and protect the rights and freedoms of individuals and citizens."

Article 216. The authority of a judge of the Constitutional Court shall be suspended before the end of his or her term under the following conditions:

1. his or her resignation;
2. loss of Ukrainian citizenship or permanent relocation outside of the borders of Ukraine;
3. inability to perform his or her duties on the basis of health;
4. the reaching of the age limit as stipulated by law;
5. violation of the requirement of competence as stipulated by Article 172 of the Constitution;
6. violation of his or her oath;
7. removal from the office by the process of impeachment.

A decision on the suspension of the authority of the judges of the Constitutional Court before the end of his or her term shall be approved by the National Assembly.

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

Article 217. The Constitutional Court shall review the compliance with the Constitution (constitutionality) of:

1. valid laws and other acts of the National Assembly and their chambers;
2. the Constitution and laws of the Republic of Crimea;
3. decrees of the President and acts of the Cabinet of Ministers;
4. acts of the Ministers and other executives of the central organs of executive power of Ukraine;
5. acts of the oblast (land) radas and oblast executive committees;
6. acts of local self-government.

These cases shall be reviewed on the recommendation of the President, the Head of People's Rada, the Head of the Rada of the Territories, not less than one-fifth of the membership of the People's Rada or Rada of the Territories, the Head of the Supreme Court (the Head of the Supreme Economic Court), Procurator General, Representative of the National Assembly on Human Rights, the Verkhovna Rada of the Republic of Crimea, oblast (land) Radas.

The Constitutional Court shall review the constitutionality of the laws and other legal acts on a citizen's complaint if the case has been reviewed and decided by a general court and the citizen believes that the law or other legal act, applied in the review of this case, contradicts the Constitution. Complaints of the citizens shall be submitted to the Constitutional Court through the Representative of the National Assembly on Human Rights.

The Constitutional Court shall adopt on the questions stipulated by this article a decision which is mandatory on the whole territory of Ukraine for the legislative, executive, and judicial organs, bodies of local self-government, enterprises, institutions, and organizations, executives, citizens and their unions.

Article 218. On the request of the National Assembly and their chambers, the Constitutional Court shall submit conclusions on:

1. the compliance with the Constitution of international, interstate treaties of Ukraine submitted to the National Assembly for ratification;
2. the spheres of competence of the organs of legislative and executive power of Ukraine, state organs of Ukraine and the Republic of Crimea, bodies of state power, local and regional self-government in case of their disagreement;
3. adherence to the Constitution of Ukraine by the President;
4. adherence to the Constitution of Ukraine by the Prime-Minister, other officials who are elected, nominated or confirmed by the National Assembly and its chambers (excluding judges of the Constitutional Court);
5. efficacy of the mandates of members of the National Assembly in contested cases.

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

Article 219. Questions, in the sphere of competence of the Constitutional Court, shall be reviewed in its plenary sessions and sessions of the collegium. The collegium of the Constitutional Court shall be created by the Head of the Constitutional Court with a composition of three judges.

The plenary session of the Constitutional Court shall review the cases on questions stipulated by items 1, 2, and 3 of Article 217 and items 1, 3, and 5 of Article 218 of the Constitution. The session of the collegium of the Constitutional Court shall review the cases on questions stipulated by items 4, 5, 6 and part 3 of Article 217, items 2 and 4 of Article 218 of this Constitution.

Article 220. The decisions and conclusions of the Constitutional Court shall be approved by open voting in a plenary session by the majority of votes of the constitutional membership of the court and in the session of the collegium by the majority of the members of the collegium.

A session of the Constitutional Court shall be regarded empowered if not less than two-thirds of the composition of the Court is present.

Abstention from voting by judges while approving decisions and conclusions shall be prohibited.

Article 221. The decisions and conclusions adopted by the plenary session of the Constitutional Court shall be final.

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

Article 222. Laws and other legislative acts may be held unconstitutional fully or in part by the Constitutional Court if they do not comply with the Constitution or during their consideration, adoption, or enactment, the procedure stipulated by the Constitution has been violated.

The decision of the Constitutional Court on the inconsistency of the laws or other legislation acts or their specific provisions with the Constitution, laws or duly approved and

ratified international treaties of Ukraine shall suspend the validity of those acts from the moment of their enactment if they have been enacted after the date of the beginning of the review by the Constitutional Court and for those that have been enacted prior to the date of the beginning of the review by the Constitutional Court - from the date of the adoption of this decision by the Constitutional Court.

Legal consequences that emerged due to the adoption of the illegal act shall be settled by the organ which enacted it and in case of inability of settlement, on its request, by the superior competent organ.

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

Article 223. The competence of the Constitutional Court shall not be extrapolated on the decisions of the courts, acts of the bodies which carry out operational findings, inquiries and preliminary investigations, and procuracy concerning specific cases.

PART XII.
STATE SYMBOLS

Article 224. The symbols of statehood of Ukraine shall be the state emblem, flag, and anthem.

Article 225. The state emblem of Ukraine shall be a trident of a gold color on a blue background.

Article 226. The state flag of Ukraine shall be a rectangular cloth, which is composed of two horizontal stripes of equal width: the upper of a blue color, the lower of a yellow color which symbolizes the clear sky and wheat fields with a trident of a gold color in the upper part of the flag positioned one-third the distance from the pole.

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

Article 227. The state anthem of Ukraine shall be the national anthem: "Shche ne Vmerla Ukraina."

Article 228. The capital of Ukraine shall be the City of Kyiv.

Article 229. The national holiday of Ukraine shall be the Day of Independence - 24 August.

PART XIII.

PROCEDURES FOR AMENDMENTS AND ADDITIONS TO THE CONSTITUTION
AND TO CONSTITUTIONAL LAW

Article 230. The amendments and additions to the Constitution may be introduced on the initiative of not less than one-third of the membership of each chamber of the National Assembly or in the procedures of people's initiative supported by the signatures of not less than one million electors.

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

The law on the introduction of amendments and additions to the Constitution, based on parliamentary initiative, shall be adopted by the National Assembly by not less than two-thirds of the votes of the constitutional membership of each chamber and confirmed by the All-Ukrainian referendum.

Article 231. No amendments and additions to the Constitution may be introduced if they are directed against the national independence and territorial integrity of Ukraine or aimed at the change of the constitutional order, restrict constitutionally defined forms of property, annul human rights. No amendments and additions to the Constitution shall be allowed on the conditions of emergency situation.

The law on the introduction of amendments and additions to the Constitution shall not be subject to approval of the President.

Article 232. Laws which in the Constitution are described as constitutional, shall be amended and added by not less than a two-thirds vote of the constitutional membership of each chamber of the National Assembly.

Constitutional laws may be adopted, amended or added on the availability of the decision of the Constitutional Court on the constitutionality of the drafts of those laws, amendments or additions to them.

Constitutional laws, amendments and additions to them, shall not require the approval of the President.

One House National Assembly (Option)

PART 5.* NATIONAL ASSEMBLY OF UKRAINE

Article 1.* The organ of legislative power in Ukraine shall be the National Assembly of Ukraine.

Article 2.* The National Assembly shall have the right to decide any questions pertaining to the state existence of Ukraine, except those which are decided exclusively by the All-Ukrainian referendum or which are mandated by this Constitution to the authority of the President of Ukraine, Government of Ukraine, other state organs, oblasts (lands), the Republic of Crimea, as well as bodies of local self-government.

CHAPTER 15.* COMPOSITION AND FORMATION OF THE NATIONAL ASSEMBLY

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

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

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

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

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

Deputies perform their functions on a permanent basis. They must resign from their previous positions for the duration of their terms of office.

Deputies of Ukraine are prohibited from conducting entrepreneurship or performing any other reimbursable work except for scientific or teaching activities.

Other cases of inconsistency with mandates of the deputies of Ukraine shall be established by the Constitutional law on the status of the deputy of Ukraine.

Article 6.* Deputies of Ukraine enjoy parliamentary immunity.

They shall bear no legal responsibility for their voting and statements in the National Assembly and its organs except for the cases of accusations of slander.

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

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

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

The appeals for stripping a deputy of Ukraine of his or her parliamentary immunity shall be made to the respective chamber (*translator's note: this is the actual text of the draft*) by the Procurator General of Ukraine or by the Chairman of the Supreme Court of Ukraine.

Article 7.* The mandate of a deputy of Ukraine may be terminated simultaneously with the expiration of the authorities of the National Assembly or in case of his or her death.

Pre-term termination of the mandate of a Deputy of Ukraine according to the decision of the National Assembly may be ordered in the following cases:

1. non-performance of requirements, which is inconsistent with a deputy's mandate, for over two months without valid excuses;
2. resignation by a personal note;
3. conviction by a court sentence which has come into force;
4. declaration by a court of legal incompetence of the deputy of Ukraine or as a missing person;
5. loss of Ukrainian citizenship or the permanent change of residence outside the borders of Ukraine;
6. recall by the electorate.

A decision of the National Assembly on the pre-term termination of the mandate of a Deputy of Ukraine may be appealed to the Constitutional Court of Ukraine.

CHAPTER 16.* POWERS AND ORGANIZATION OF THE WORK OF THE NATIONAL ASSEMBLY

Article 8.* The National Assembly shall enact the Constitution of Ukraine and carry out any amendments and additions.

The National Assembly shall enact constitutional laws of Ukraine, which are foreseen by Articles 17, 58, 97, 4*, 39*, 167, 187, 188, 204 of this Constitution.

Article 9.* The National Assembly enacts the laws of Ukraine.

The Constitution and laws of Ukraine have the powers in the following matters:

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

taxpayers and objects of taxation; currency, assaying, value and denomination of national coins, order and sanctioning of printing of money;

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

Exclusive prerogatives of the National Assembly include the approval of codes from all spheres of legislation, corrections, and additions.

The National Assembly shall approve laws involving other questions which are not itemized by this Constitution to the authority of other organs of state power and local self-government.

Article 10.* The powers of the National Assembly shall include:

1. introduction of amendments and additions to the Constitution and Constitutional laws of Ukraine; adoption of the Constitution of the Republic of Crimea;
2. announcing the decisions of the All-Ukrainian referendums;
3. approve the state budget and report on its execution;

4. implement parliamentary control over executive power and organs of local self-government by the methods and within the scope stipulated by this Constitution;
5. ratification, adoption, and approval of international, inter-governmental treaties, or Ukraine's participation in them, as well as denunciation or suspension of such treaties;

Article 11.* The National Assembly shall be convened for the deciding of the following questions:

1. fixing the date of the election for the President of Ukraine, declaration of the act of election of the President and administering the constitutional oath, recognition or rejection of the resignation of the President of Ukraine;
2. announcing the dissolution of the National Assembly, fix the date of regular or extraordinary elections to the National Assembly;
3. approval of the decision about holding the All-Ukrainian referendum on the pre-term termination of authorities of the President of Ukraine on the demand of not less than two million electors or on the initiative of National Assembly itself;
4. appointment and dismissal of the Prime-Minister of Ukraine on the proposal of the President;
5. hearing the President's reports on the domestic and foreign state of Ukraine;
6. approval of the personal composition of the Cabinet of Ministers of Ukraine and dismissal of its members on the proposal of the Prime-Minister of Ukraine;
7. electing the Head, deputy head and members of the Constitutional Court of Ukraine and administering the oaths to them; accepting or rejecting the resignation of the Head, deputy head and members of the Constitutional Court of Ukraine;
8. determining the structure, size, and procedures of use of the Armed Forces of Ukraine, National Guard of Ukraine, Security Service of Ukraine, and Border Guards of Ukraine;
9. proclamation of a state of war on the recommendation of the President and the approval of the President's decision to use the Armed Forces of Ukraine in case of armed attack;
10. approval of the President's decrees which impose martial law and states of emergency in Ukraine or in specific localities, total or partial mobilization;
11. holding of a second hearing of legislation vetoed by the President, imposing a parliamentary veto on Presidential decrees, which contradict the laws of Ukraine;
12. reviewing the reports and proposals of ad hoc investigative commissions created by the National Assembly, discussing and adopting appropriate decisions;
13. removing from office through the procedure of impeachment the President, Prime Minister, and officials who have been elected, appointed, or approved by the National Assembly in cases of their criminal violation of this Constitution and laws of Ukraine while exercising the authority of their office;
14. adoption of resolutions, statements, declarations, and appeals;
15. hearing the answers and adopting the decisions presented upon the request of the deputies of Ukraine;
16. control in the sphere of the defense of rights and freedoms of individuals and citizens in Ukraine, appointment and dismissal as well as acceptance of the resignation of the Representative of the National Assembly for human rights, and review of his report on the situation with the defense of human rights and freedoms in Ukraine;

17. control over the implementation of the state budget, activities of the National bank and State Control Committee;

18. appointment and dismissal as well as acceptance of the resignation of the Chairman of the National bank, Chairman of the State control committee and State comptrollers, and reviewing their reports, election, appointment, or approval of other state executives in cases stipulated by this Constitution;

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

20. adoption of the final decisions on the questions of changes in legal status of the oblasts (lands) and the Republic of Crimea and their territories (enlargement, liquidation, etc.); granting of consent for the change of borders among the oblasts (lands), oblasts (lands) and the Republic of Crimea;

21. appointment, on the recommendation of the Head of the National Assembly, heads and members of the Supreme Court, Supreme Arbitration Court, and the Procurator General of Ukraine;

22. The National Assembly may conduct investigations and hearings on any specified questions which are of social interest of the state and the society.

Article 12.* The National Assembly has the right to delegate to the Government of Ukraine certain authorities to adopt temporary decrees on certain matters which will have the force of law and may stop the action of certain legislative acts or introduce changes and amendments to them.

In every case of delegation of authority, a law shall be adopted specifying the goal, subject, scope, and term of action of the authority delegated.

Authority which seeks to change and amend the Constitution and constitutional laws of Ukraine, as well as laws on the state budget, state of emergency and martial law, and state defense and security shall not be delegated.

After the conclusion of the term of the delegation of authority to the Cabinet of Ministers, the National Assembly may cancel or amend the decrees through the enactment of the laws of Ukraine.

Article 13.* The National Assembly shall work in sessions.

The sessions of the National Assembly shall be organized in the form of meetings of the National Assembly, their standing and ad hoc commissions.

Article 14.* The National Assembly shall meet for its first session not later than the thirtieth day after the elections.

The National Assembly is empowered if not less than four-fifths of the total number of the Deputies of Ukraine as specified by this Constitution have been elected.

The National Assembly shall convene its regular sessions on the first Tuesday of February and the first Tuesday of September of every year.

Extraordinary sessions or meetings of the National Assembly shall be convened with a specified agenda by the Head of the National Assembly on his or her initiative or at the request of not less than one-third of the Constitutional membership of the National Assembly, or on a proposal of the President. Such sessions or meetings conclude their work after the agenda has been exhausted.

In case of the introduction of martial law or a state of emergency in Ukraine or in certain localities, the National Assembly shall assemble within two days without convocation.

Article 15.* A session of the National Assembly shall have the powers when not less than two-thirds of their Constitutional membership are in attendance and the session is conducted in accordance with the Rules of Procedure of the National Assembly.

Article 16.* The session of the National Assembly shall preside over by its Head, or in cases stipulated by the Rules of Procedure, other person specified by them.

The first session of the National Assembly shall be convened by the Head of the National Assembly of the previous convocation. Prior to the election of the Head of the National Assembly of the new convocation, its session shall be chaired by the Presidium of the session elected by the National Assembly.

Article 17.* At its first session, the National Assembly shall elect a Credentials and Verification Commission.

On the proposal of the Credentials Commission, the National Assembly shall adopt a decision on the recognition of credentials of the deputies of Ukraine or in the case of violations of the electoral laws a decision declaring the elections of the particular deputies invalid.

Article 18.* The sessions of the National Assembly shall be held publicly and openly. For the conduct of a closed session, the decision of no less than two-thirds of the constitutional membership of the National Assembly shall be required.

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

Article 19.* The National Assembly shall adopt acts at the sessions, after discussions, by majority vote of their Constitutional membership if other procedures are not stipulated by the Constitution and Rules of Procedure.

Article 20.* The National Assembly shall elect from among its members a Head, Deputy Heads, as well as Heads of the standing commissions of the National Assembly. They may be removed from their positions by the decision of the National Assembly.

The Heads of the National Assembly shall:

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

Deputy Heads of the National Assembly, at the authorization of the Head of the National Assembly, may perform some of his or her functions, substitute for the Head of the National Assembly in times of his or her absence or inability to perform his or her duties.

Article 21.* The National Assembly shall create its Presidium composed of the Head of the National Assembly who shall be the Head of the Presidium, Deputy Heads of the National Assembly, Heads of the standing commissions of the National Assembly and the Secretary of the National Assembly. The Secretary of the National Assembly shall be appointed not from the Deputies corps.

The Presidium of the National Assembly is the organ subordinate to them, which organizes the work of the National Assembly and its organs, performs other duties.

Article 22.* The National Assembly shall create standing commissions from its membership.

The standing commissions shall conduct the draft legislative work, prepare and conduct preliminary review of the questions pertaining to the authority of the National Assembly, execute the control on the implementation of the laws and other acts of the National Assembly and its organs.

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

The National Assembly, if it deems necessary, may create ad hoc special commissions for the preparation and preliminary review of the questions within their competence.

Article 23.* The National Assembly may elect from its membership ad hoc investigative commissions for the conduct of investigations on any specified questions which are of social interest if not less than one-third of the Constitutional membership of the National Assembly vote for their establishment.

Decisions of the National Assembly on the creation of the ad hoc investigative commissions and specification of their mandates shall be considered adopted if not less than two-thirds of the Constitutional membership of the National Assembly have voted in favor.

Recommendations of the ad hoc investigative commissions shall not be decisive for the court.

Article 24.* Deputies of Ukraine have the right to establish parliamentary groups to assist in the organization of work of the National Assembly facilitating for the deputies of Ukraine the execution of their powers, coordinate their positions on questions which are considered by the National Assembly and its organs.

Article 25.* The mandates of the National Assembly terminate on the day of the convening of the first session of the newly elected National Assembly.

The mandate of the National Assembly may be terminated before the expiration of its term in cases of:

1. self-dissolution;
2. the decision of the All-Ukrainian referendum on a no confidence vote in the National Assembly or one of its chambers (*translator's note: this is the actual text of the draft*)
3. its dissolution by the President as stipulated by Articles 148 and 154 of this Constitution.

Self-dissolution of the National Assembly shall be conducted by the decision of the National Assembly if, in favor of this decision, vote not less than two-thirds of the Constitutional membership of the National Assembly.

The All-Ukrainian referendum on a no confidence vote in the National Assembly shall be conducted by the request of not less than two million electors.

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

In cases of dissolution of the National Assembly by the President, the date of the election of the new National Assembly shall be set by the President not later than two months after the dissolution of the National Assembly.

CHAPTER 17.* LEGISLATIVE PROCESS

Article 26.* The right to initiate legislation in the National Assembly shall be vested in the people, deputies, standing commissions, the President of Ukraine, the Cabinet of Ministers of Ukraine, the Verkhovna Rada of the Republic of Crimea, Oblast (land) Radas and trade unions in the persons of their central bodies.

Legislative proposals, submitted to the National Assembly of Ukraine at the initiative of the people, shall have priority for consideration.

The legislative initiative is exercised by introduction to the National Assembly a motivated proposal on preparation of the legislative proposals or the text of the legislative proposals as well as the changes and amendments to them.

Article 27.* Legislative proposals shall be submitted to the Presidium of the National Assembly, distributed among the deputies of Ukraine, first reviewed by the appropriate standing or ad hoc special commission.

The legislative proposal, preliminarily reviewed by the commissions, accompanied by their conclusions, shall be submitted to the review of the National Assembly. The review of the legislative proposal at the session of the National Assembly shall be organized in a manner to precisely determine the real will of the majority of the deputies of Ukraine.

Consideration and adoption of a legislative proposal by the National Assembly shall follow the procedure of:

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

If necessary, the National Assembly shall adopt a law or resolution on the procedures of enactment of the adopted legislation.

Article 28.* After it is discussed and voted on by article and in its entirety, legislation is considered approved if a majority of the Constitutional membership of the National Assembly has voted for it, unless a different procedure is provided for by the Constitution.

Article 29.* A legislative proposal, which requires a financial expenditure, shall be submitted to the session of the National Assembly with the condition that it is accompanied with the necessary estimates by the State Control Committee and a study of the relevant standing commissions specifying the means to finance it.

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

Article 30.* Ratification, approval, confirmation, denunciation, and suspension of international, intergovernmental treaties or joining them, shall be accomplished by the adoption of the relevant resolution if no other procedure is specified within the treaty.

Article 31.* Legislation shall be signed by the Head of the National Assembly and immediately sent to the President.

The President shall review the legislation, accept it for implementation, endorse it with his signature and officially publish it within fifteen days from the day he or she received the legislation. During this term, the President may exercise his right to veto the legislation and return it, with his or her comments to the National Assembly for its second consideration. If during the second consideration of the legislation, two-thirds of the Constitutional membership of the National Assembly votes for the legislation, the President shall be required to sign and publish it within ten days.

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

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

Legislation shall come into force ten days from its publication, unless the law itself contains a different provision, but not before the day of publication.

CHAPTER 18.* BUDGET. FINANCIAL CONTROL

Article 32.* The budgetary system of Ukraine shall be comprised of the all-state budget, the budgets of the oblasts (lands) and the Republic of Crimea, as well as the budgets of localities.

Article 33.* The state budget of Ukraine shall be comprised of the revenues and expenditures of the state which shall be realistic, concretely itemized, and balanced.

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

Legislation establishes the ceiling of the budget deficit. The absorption of the budget deficit at the expense of the printing of money shall be considered as an exception and executed only by the approval of the National Assembly.

The National Assembly may implement a new accounting system for state revenues as well as change previous ones and select new appropriations for the current budgetary year with a supplemental budget.

If the National Assembly adopts a state budget in which expenditures exceed revenues, the Law on the State Budget shall specify sources and means of absorbing the deficit. The Law on the State Budget may not establish new taxes, penalties or other payments not authorized by specific legislation.

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

Article 34.* The state budget of Ukraine shall be adopted annually for the period of 1 January to 31 December, or for special circumstances for other periods.

The President, within the first fifteen days of the fall session, presents to the National Assembly a proposed Law on the State Budget for the following year.

The budget proposal shall be reviewed by the State Control Committee as well as the appropriate commissions of the National Assembly.

A Law on the state budget approved in accordance with the procedure provided for by Article 28 of the Constitution, shall enter into force on the first of January of the following year and shall not be subject to endorsement by the President.

If the President does not present a proposed Law on the State Budget by 30 November, or if the proposed Law on the State Budget is not enacted by 31 December, then the Law on the State Budget of the current year remains in force for the first quarter of the following year. (*Option - shall be enacted by the decree of the President of Ukraine.*)

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

Article 35.* The President shall submit to the National Assembly an itemized report on the implementation of the state budget no later than three months after the conclusion of the budgetary year being reported.

The submitted report shall be first considered by the State Control Committee and the appropriate commissions of the National Assembly. The report shall be adopted taking into consideration its conclusions and must be published.

Article 36.* Money circulation and procedure of settlements shall be determined by the National Bank of Ukraine, which possesses the exclusive right to print money.

The National Bank of Ukraine shall report to the National Assembly of Ukraine.

Article 37.* Financial control of the implementation of the state budget shall be under the jurisdiction of the National Assembly of Ukraine, which shall implement financial control directly as well as through the State Control Committee.

Article 38.* The State Control Committee shall be a body of parliamentary control over the financial operations of the state, bodies of local self-government and the use of real estate and movable properties and other valuables of public ownership.

The State Control Committee is subordinate and accountable to the National Assembly of Ukraine.

Article 39.* The State Control Committee shall be composed of State Comptrollers, appointed by the National Assembly, who shall be from among specialists in the fields of

finance and law and serve for a term of five years. The State Comptrollers shall comply with the rules of competency as provided by Article 172 of this Constitution.

The State Control Committee shall be chaired by the Head of the State Control Committee. The Head of the State Control Committee, his deputy and State Comptrollers shall be appointed upon the submission by the Head of the National Assembly at its session.

The State Control Committee shall be empowered, within the sphere of its competence, to carry out investigations with the same authorities as the ad hoc investigating commissions of the National Assembly.

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

TRANSITIONAL PROVISIONS

Article 1. Laws, quoted in the Constitution of Ukraine, shall be adopted during the period of one year after it enters into force. If those laws were adopted earlier, prior to their revision during the mentioned term, the parts which do not contradict this Constitution shall be implemented.

Other laws and legislative acts shall be brought into conformity with the Constitution of Ukraine during one year from its entrance into force. Prior to this, the parts which do not contradict this Constitution may be implemented.

Article 2. Not later than three months after the Constitution of Ukraine enters into force, the elections to the Rada of the Territories shall be conducted.

Prior to the election of the Rada of the Territories, the Verkhovna Rada of Ukraine of the XII convocation shall have the authority of both of the chambers of the National Assembly of Ukraine, shall conduct its sessions jointly and shall adopt the decisions by a joint vote with a specified number of votes out of the total composition of the Verkhovna Rada of Ukraine.

After the elections to the Rada of the Territories, the Verkhovna Rada of Ukraine shall gain the status of the People's Rada until the termination of its current authorities.

Article 3. During the two months from the date the Constitution of Ukraine enters into force, the State Control Committee shall be created and the Representative of the National Assembly of Ukraine on Human Rights (People's Legal Defender) shall be elected.

Article 4. During the one month period from the date the Constitution of Ukraine enters into force, the President of Ukraine shall submit, for the adoption and approval by the National Assembly, the high executives of the executive power and shall compose the central state administration in compliance with this Constitution.

Article 5. During the one year period from the date the Constitution of Ukraine enters into force, judicial reform shall be implemented in compliance with this Constitution.

Prior to the adoption of the relevant legislation, which shall regulate the organization and activities of the court and procuracy, investigative organs and implementation of judicial reform, the laws pertaining to those organs, which were in effect at the moment of the entrance into force of the Constitution of Ukraine, shall remain valid, and organs themselves shall maintain the authority until the expiration of the term to which they were elected.

Article 6. During the one year period from the date the Constitution of Ukraine enters into force, the bodies of local self-government shall be formed.