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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**DRAFT CONSTITUTION OF UKRAINE**

**PRELIMINARY PARTIAL DRAFT**

- Part I<sup>1</sup>** - **General Provisions**
- Part II** - **Human and Civil Rights and Freedoms**
- Part III** - **People's Power**
- Part IV** - **The Executive**
- Part V** - **The Judiciary**
- Part VI** - **Territorial system and Territorial Organisation of the Power**

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<sup>1</sup> The numbers of the various parts are unofficial and have been introduced by the Secretariat to facilitate reference.

**PART I**

WE, THE PEOPLE OF UKRAINE, Ukrainian citizens of  
different ethnic or  
national origin,  
  
EXPRESSING our sovereign will,  
  
DRAWING UPON century-old history of  
Ukrainian national  
statecraft,  
  
ANXIOUS TO secure human rights and  
freedoms as well as living  
standards the human being  
deserves,  
  
STRIVING TO create and develop a civil  
society,  
  
WISHING to live in a democratic, social  
and law-based State,  
  
REALIZING our responsibility to the present  
and succeeding generations,  
  
GUIDED BY the Act Proclaiming Independence  
of Ukraine of 24 August 1991 which  
was endorsed by national  
referendum held on 1 December  
1991,  
  
DO APPROVE the present Constitution and proclaim it

FUNDAMENTAL LAW  
OF UKRAINE

SECTION I  
GENERAL PROVISIONS

Article 1

Ukraine shall be a democratic, social and law-based State.

Article 2

Constitutional system of Ukraine shall be based on the  
recognition of the human being, its life and health, dignity and

honor, inviolability and security as utmost social value, of the priority of its rights and freedoms.

Consolidating and securing human rights and freedoms shall be the first duty of the State.

The State shall be responsible for its activities to the human being and the society.

### Article 3

Ukraine shall be a republic. All Power in Ukraine shall belong to the people.

Ukrainian people, composed of Ukrainian citizens of all nationalities, shall be the sole source of the Power.

People's Power shall be exercised directly on the basis of the Constitution of Ukraine and through public authorities and local self-government.

State Power shall be exercised in accordance with the principle of its division into the Legislature, the Executive and the Judiciary.

Legislative, executive and judicial authorities shall discharge their functions within the limits specified by the Constitution.

To prevent each branch of the State Power from usurping the Power, a counterbalance-and-deterrence mechanism shall be set up in Ukraine.

Any part of the people, any political party, any public union, nor other entity, nor individual may assume the right to exercise State Power.

### Article 4

The Constitution shall recognize and guarantee local self-government.

### Article 5

Elections in Ukraine shall be held at periodic intervals on the basis of universal, equal and direct suffrage by secret ballot.

Electors shall be guaranteed free expression of their will.

Article 6

The principle of the supremacy of law which the present Constitution is based on shall apply in Ukraine.

The Constitution shall have the highest legal force. Constitutional rules have directly binding effect. Laws and other legal acts may not contradict the Constitution.

Article 7

Official language in Ukraine shall be the Ukrainian.

In areas densely populated by one or more national groups, in addition to the official language, in State bodies and institutions, may be used as official the language acceptable to the majority of population residing in a given settlement or within a given territory.

Article 8

The State shall promote the development of ethnic, cultural, linguistic and religious identity of all national minorities.

Ukraine shall encourage satisfying national-cultural, spiritual and linguistic needs of Ukrainians residing outside the territory of the State.

Article 9

Public life in Ukraine shall be based on political, economic and ideological pluralism.

Article 10

The territory of Ukraine shall be united, inviolable and integral.

Article 11

Ukraine shall recognize the priority of common human values and comply with generally recognized principles of international law.

Foreign policy of Ukraine shall be aimed at securing its national interests and security through maintaining peaceful and mutually profitable cooperation with members of international community on the basis of strict adherence to the principles of respect for State sovereignty and sovereign equality; non-use of force or threat of force; inviolability of frontiers and territorial integrity of States; non-interference into internal affairs; respect for human rights and fundamental freedoms;

collaboration between States; fulfillment of international obligations in good faith; and peaceful settlement of disputes.

International treaties of Ukraine, duly ratified or approved and officially published, shall form a part of Ukrainian legislation and be binding.

Whenever an international treaty of Ukraine establishes rules other than those provided for by national legislation, rules of the international treaty shall apply.

#### Article 12

The people and citizens of Ukraine shall have the right to put up resistance to anyone who is attempting, with the use of violence, to liquidate Ukrainian statehood, constitutional system or to violate territorial integrity, or who is taking actions aimed at seizing the State Power.

**PART II**

SECTION II

Human and civil rights and freedoms

Article 13

Ukraine shall recognize and guarantee human and civil rights, freedoms and lawful interests in accordance with the present Constitution and generally recognized principles and rules of international law.

Human fundamental rights and freedoms shall be imprescriptible and inviolable and shall belong to everyone from his birth.

The Constitution sets forth the limits within which a person is to be free to exercise his rights. Under this principle, the exercise of human and civil rights and freedoms shall not impair rights and freedoms of others.

Article ...

Human and civil rights, freedoms and lawful interests as well as guarantees thereof shall define the substance, content and appliance of the laws which govern the functioning of the legislature, the executive, the judiciary and of local self-government (to be included in general section).

Article ...

Everyone shall have the right to be familiar with his rights and duties. Any regulatory legal acts concerning human and civil rights, freedoms and duties shall not be effective unless they have been published officially for general information (to be included in general section).

Article 14

All persons shall be equal before the law and the court without any distinction of origin, property and social status, office held, sex, race or nationality, color, language, political, religious and other beliefs, nature and character of occupation, place of residence and other grounds.

Man and woman shall have equal rights and freedoms, possibilities for their realization guaranteed by the State.

Article 15

Ukraine shall have a single nationality. Ukrainian national may not be deprived of the nationality and of the right to renounce nationality of Ukraine.

Criteria for acquiring and forfeiting nationality of Ukraine shall be established by the law.



#### Article 16

A national of Ukraine may not be expelled from the territory of Ukraine or extradited to a foreign State.

Ukraine shall guarantee its nationals protection and patronage outside its territory.

#### Article 17

Aliens and stateless persons shall enjoy in Ukraine the same rights and freedoms and shall have the same duties as nationals of Ukraine unless otherwise provided for by the law or international treaties of Ukraine.

Nationals of other States and stateless persons may be granted political asylum.

#### Article 18

Every person shall have the right to life. The State assumes the duty to protect human life from any unlawful attacks thereon.

Death penalty, pending its full abolition, may be applied save in the execution of a sentence of a court as the extraordinary sanction for the most serious offences against human life punishable under the law.

Everyone shall have the right to defend, with all lawful means, his life and the life of others from unlawful attacks thereon.

#### Article 19

Everyone shall have the right to a safe natural environment and to a compensation for the damage inflicted thereon as a result of a violation of this right.

#### Article 20

Man and woman, who have reached the age prescribed by the law, shall have the right to marry and to found a family.

Spouses have equal rights as to family relations.

The family, motherhood, fatherhood and childhood are protected by the State and society.

Parents and persons who replace them have the duty to support and educate their children.

Adult able-bodied children have the duty to look after, and take care of, their disabled parents and persons who replace them.

Article 21

Children, whether born in or out of wedlock, shall be equal before the law.

Any violence against, and exploitation of, a child are punishable under the law.

The whole of care related to the support, education and development of orphans and children deprived of paternal care shall be assumed by the State.

Article 22

Everyone shall have the right to liberty. Arrest, detention are not allowed save in the execution of a decision of a court or of a prosecutor's sanction and only in such cases and according to such procedure as are prescribed by the law. Detained person has the right to lawfulness of his detention and arrest being reviewed by a court.

Article 23

Everyone shall have the right to security of person, respect for his dignity.

No one shall be subjected to torture, violence or to degrading treatment or punishment.

Article 24

Everyone shall have the right to freedom of movement, free choice of place of residence, inviolability of his home.

It is prohibited to enter into the home against the will of its tenants, to search and examine property, except in cases specified by the law.

Article 25

Everyone shall have the right to freedom of thought, speech, opinion and belief, to express and impart them without any interference.

Censorship shall be prohibited.

Article 26

Everyone shall have the right to freedom of association with others in political parties, trade and other unions, federations, movements, associations for the exercise and protection of rights and freedoms as well as the satisfaction of economic, political, social, cultural and other interests.

Public associations perform their activity under the law. Freedom of their functioning is guaranteed.

Article ...

Foundation and activities of parties, other public associations and movements which set themselves as an object changing, through violence, constitutional system, seizing State power, violating territorial integrity of Ukraine, destroying its State independence as well as compromising its security, advocating war, violence and cruelty, fomenting national, racial, religious, social and class animosity, infringing on human rights and freedoms, life, health and public moral shall not be allowed (to be included in general section).

Article 27

Everyone shall have the right to peaceful assembly, meetings, pickets, marches and demonstrations.

Criteria for the exercise of this right shall be established by the law.

Article 28

Private life of a person shall be inviolable. Everyone is guaranteed the right to personal and family secrecy. The State shall ensure the secrecy of correspondence, telephone conversations, postal, telegraphic and other messages.

Collecting, maintaining, using and disclosing confidential information on a person without his consent shall not be allowed.

Derogations may be made in the execution of a decision of a court or of a prosecutor's sanction for the purpose of preventing crimes or finding the truth during investigation and criminal trial.

Everyone shall be guaranteed judicial protection of the right to deny misleading information as well as to seek compensation for moral and material damage inflicted on by using and making public such information.

Article 29

Everyone shall have the right to freedom of conscience, religion. This right includes freedom to manifest or not to manifest his religion, to change it, to perform, alone or in community with others, religious rites without any interference and to carry out religious activity.

It is prohibited to demand from clergymen the information which they have obtained during believers' confession.

Fomenting animosity and hatred on the ground of religious beliefs shall be punishable under the law.

Parents and guardians are free to provide their children religious and spiritual education according to their beliefs.

### Article 30

Nationals of Ukraine who have reached 18 years of age shall have the right to freely elect and be elected to relevant public and self-government authorities, to participate in referenda.

This right may be denied only to those nationals who have been pronounced legally incapable by a court or who serve a court's sentence in places of confinement.

Every national shall have the right to equal access to public service or service in local self-government authorities.

Nationals shall also have the right to take part in the management of State affairs specified by the present Constitution and laws of Ukraine.

### Article 31

Everyone shall be entitled to lodge individual and collective petitions with public and local self-government authorities which have the duty to consider them, give motivated, legally substantiated answers within the period prescribed by the law and to take appropriate action thereon.

### Article 32

Everyone shall have the right to private property, i.e. the right to possess, enjoy and dispose of his property, which belongs to him under the law, and of the results of his intellectual work.

The exercise of the right of property shall not be contrary to lawful interests of society and shall not impair rights of others.

Inviolability of private property and the right of its inheritance are guaranteed by the law and ensured by judicial protection.

### Article 33

Everyone shall have the right to work which he freely chooses or accepts.

The State promotes employment of able-bodied population, ensures nationals equal opportunities to choose profession and occupation.

Monopolistic activity, unfair competition and the use of forced labour are prohibited.

Remuneration for a work shall be fixed only on the account of its value and may not fall short subsistence wage established by the law. Employment of women and minors on arduous and night work is prohibited.

Employment of persons under 15 years of age is not allowed.

Article 34

The right of workers to strike shall be recognized.

Everyone is entitled to have recourse to the means, as specified by the law, of settlement of individual and collective labour disputes, including the right to strike.

Article 35

Everyone shall have the right to an adequate standard of living for himself and his family, including adequate food, clothing, housing, and to the continuous improvement of living conditions.

Article 36

Everyone shall have the right to rest. The law specifies and guarantees maximum working hours, minimum rest and annual holiday with pay as well as other basic conditions for the exercise of this right.

Article 37

Everyone shall have the right to social security in the old age, in case of sickness, full or partial disability, invalidity, accident, loss of the breadwinner, unemployment for reasons beyond his control, and in other circumstances provided for by the law.

Article 38

Everyone shall have the right to housing.

The State and local self-government authorities encourage satisfying nationals' needs in housing.

The State and local self-government authorities provide housing for nationals without adequate resources and other nationals specified by the law, free of charge or for the indemnity accessible to them.

Article 39

Everyone shall be entitled to the protection, maintenance and improvement of health, to medical assistance.

Medical insurance shall be guaranteed.

The State creates conditions for medical service to be effective and accessible to all. Medical assistance is provided by State and municipal institutions free of charge.

The State promotes physical culture and sport, sanitary-epidemiological welfare.

#### Article 40

Everyone shall have the right to education.

Basic general education shall be compulsory.

The State ensures that pre-school, basic general and technical education shall be free and generally accessible in State and municipal educational institutions. Everyone has the right to obtain free education in State and municipal secondary special and higher education institutions on a competitive basis.

Establishment of private educational and training institutions is allowed at all levels within the limits of the law.

#### Article 41

Everyone shall be guaranteed the freedom of scientific, technological, literary, artistic, other types of creative activity and teaching as well as the right to benefit from national and world science and culture.

#### Article 42

No restrictions may be placed on the exercise of the constitutional rights and freedoms other than those which are prescribed by the present Constitution and laws adopted on its basis and which are necessary to safeguard national security and public safety, to protect human life and health, rights and freedoms.

Such restrictions are to be minimum and compatible with the principles of a democratic, law-based and social State.

In time of martial law, or emergency the exercise of the rights and freedoms as set forth in Articles 24, 25, 27, 32, 33 and 34 of the present Constitution may be limited by the law for the period and to the extent strictly required by the exigencies of the situation.

#### Article 43

Everyone shall be entitled to the equal protection of the law. Human and civil rights, freedoms and lawful interests are protected by the court.

#### Article 44

No one is required to execute criminal instructions or orders even in time of martial law, or emergency.

Issuance and execution of an expressly criminal instruction or order entails legal responsibility.

Article 45

Legal responsibility of a person shall have individual nature.

No one may be prosecuted again for the same offence.

Article 46

Principle of the presumption of innocence shall be guaranteed.

A person shall be presumed innocent until proved guilty according to the procedure established by the law, by virtue of the sentence of a court which has become final. No one is required to prove his innocence.

No one may be subject to criminal punishment save in the execution of a sentence of a court.

Whenever a sentence pronounced by a court has been reversed as illegal, the State compensate for material and moral damage those persons who have suffered it.

Article 47

A person shall not be prosecuted for the refusal to witness against himself, members of his family or close relatives specified by the law.

Suspected, accused or defendant has the right to defence lawyer and other competent legal assistance.

Everyone detained, taken into custody or charged with an offence is entitled to the assistance of a lawyer from the moment of detention, taking into custody or accusation against him, respectively.

Article 48

A convicted person shall enjoy all civil rights, except restrictions arising out of the sentence of a court and the law which governs enforcement of sanctions imposed.

The State ensures persons serving their sentence in places of confinement a treatment with humanity and is responsible for their safety.

Article 49

The law shall have no retroactive effect, except the cases when it improves the situation, commutes or relieves from responsibility.

No one may be prosecuted for acts which did not constitute an offence, under the law, at the time when they were committed.

Whenever responsibility for an offence, after it has been committed, has been relieved or commuted by a new law the latter shall apply.

#### Article 50

Rights of those affected by offences or abuse of power shall be protected by the law. Everyone is guaranteed the right to appeal before the court against acts (or omission) of public and self-government authorities, private organizations and public associations, any officials that commit violations of, or impose restrictions on, his rights and freedoms.

Everyone is entitled to the compensation, at the expense of the State or local self-government authorities, for material and moral damage caused to him by illegal acts of public and local self-government authorities or their officials acting in the exercise of their duties.

Likewise, the State compensate a person for the damage which has been inflicted on him as a result of criminal encroachments when the offender is not identified or solvent.

#### Article 51

Everyone has the right to legal assistance, including the right to have recourse to the assistance of a lawyer and of his other representatives in the court, public and self-government authorities, enterprises, institutions, organizations, public associations and in relations with officials and citizens. Impeding legal assistance shall be prohibited.

In cases provided for by the law, such an assistance is provided free of charge.

To provide legal assistance, there should be operating independent associations of lawyers, and individuals who are entitled to give such an assistance.

Everyone shall be free to choose the defender of his rights and freedoms.

#### Article 52

Every national of Ukraine shall have the duty to safeguard constitutional system, independence and territorial integrity of Ukraine, to respect symbolics of the State.

#### Article 53

Everyone shall have the duty strictly to comply with the Constitution and laws of Ukraine, to respect rights and freedoms, dignity and honour of others.



Lack of knowledge of a law does not relieve from legal responsibility for the failure to discharge duties and for the violation of rights.

Article 54

Defence of the Motherland shall be the duty of every national. Nationals of Ukraine perform military service in accordance with the law.

Whenever requirements of military service are contrary to religious beliefs of a national, military service may be replaced with an alternative civil service of the same duration.

Article 55

Everyone shall have the duty to pay lawfully established State and municipal taxes and charges.

Article 56

Everyone shall have the duty to observe standards of ecological safety, not to damage natural environment, historical, cultural and spiritual heritage, to compensate damage he has inflicted on.

Article 57

Nationals of Ukraine and other persons shall individually and fully exercise their rights, freedoms and discharge their duties upon reaching 18 years of age.

Article 58

Rights, freedoms and duties set forth in this chapter shall not exhaust rights, freedoms and duties arising out of the meaning of the Constitution.

Human right rules contained in international legal acts which have been ratified by Ukraine shall have constitutional effect.

**PART III**

## SECTION IV

### PEOPLE'S POWER

#### Article 92

Sovereign will of the Ukrainian people which is to be implemented through national and local referenda, elections and other forms of direct democracy shall be the foundation of direct people's power in Ukraine.

#### Article 93

The right to vote at referenda and elections shall be vested in nationals of Ukraine who have reached 18 years of age on the day of their conduct.

Nationals who have been pronounced legally incapable by a court as well as those detained in places of confinement by virtue of a sentence of a court may not participate in referenda and elections.

#### Article 94

Referenda and elections shall be fixed by the Supreme Rada of Ukraine, the Supreme Rada of the Autonomous Republic of the Crimea (local authorities) on their own or people's initiative in accordance with laws on referenda and elections.

#### Article 95

The matter relating to changes of the territory of Ukraine and to its entrance into interstate alliances shall be decided by a national referendum exclusively.

## SECTION V

### SUPREME RADA OF UKRAINE

#### Article 96

The Supreme Rada of Ukraine shall be the sole legislative body of Ukraine. It discharges legislative, constituent, controlling and other functions as specified by the present Constitution.

#### Article 97

The Supreme Rada of Ukraine shall consist of 300 people's deputies of Ukraine elected directly by the electorate for a period of 4 years on the basis of universal, equal and direct suffrage by secret ballot under mixed majoritarian-proportional system.

The manner in which elections of people's deputies of Ukraine are to be held, determination of their results to be made and credentials to be validated is prescribed by the law on

elections of people's deputies of Ukraine.

#### Article 98

A national of Ukraine who has the right to vote, has reached 25 years of age on the day of polling and has been permanently residing in Ukraine for two last years may become a people's deputy of Ukraine. Every people's deputy of Ukraine represents electors of the constituency and is responsible to them.

#### Article 99

People's deputies of Ukraine shall be guaranteed conditions for free and effective discharge of their functions.

People's deputies of Ukraine discharge their functions on a permanent basis.

People's deputies of Ukraine are prohibited from entrepreneur activity, other paid work, except scientific one and teaching.

Other matters concerning legal status of people's deputies of Ukraine are to be specified by the law of Ukraine.

#### Article 100

People's deputies of Ukraine shall be guaranteed parliamentary immunity.

People's deputies of Ukraine are not legally responsible for votes cast and words spoken in the Supreme Rada of Ukraine and its bodies, except accusation of slander and insults.

People's deputies of Ukraine may not be prosecuted, arrested, or imposed an administrative sanction judicially without prior consent of the Supreme Rada thereto.

Submission with regard to the waiver of the parliamentary immunity of a people's deputy of Ukraine shall be made to the Supreme Rada of Ukraine by the Prosecutor-General of Ukraine.

Mandate of people's deputies of Ukraine may not be restricted even in time of martial law, or emergency.

#### Article 101

Mandate of people's deputies of Ukraine shall terminate upon the termination of the mandate of the Supreme Rada of Ukraine.

Early termination of the mandate of a people's deputy of Ukraine, upon decision by the Supreme Rada of Ukraine, may be effected whenever he:

- 1) has failed, without valid reasons and for three months, to meet the requirement in respect of incompatibility of

parliamentary mandate;

- 2) has resigned upon his own request;
- 3) has been convicted by virtue of a court's sentence which has become final;
- 4) has been pronounced legally incapable or missing by a court;
- 5) has lost nationality of Ukraine or left Ukraine for permanent residence abroad.

Early termination of the mandate of a people's deputy of Ukraine shall be effected in accordance with the law on the recall of people's deputies of Ukraine by the electorate.

#### Article 102

Mandate of the Supreme Rada of Ukraine shall include:

- 1) making revisions or amendments to the Constitution of Ukraine (with subsequent approval by national referendum);
- 2) taking, at its discretion or on the initiative of at least 3 million electors, decision on the holding of a national referendum, including decision on non-confidence in the President of Ukraine;
- 3) announcing decisions taken at national referenda;
- 4) adopting laws, enactments, statements, declarations, addresses, making revisions or amendments thereto;
- 5) interpreting officially the Constitution, laws of Ukraine and other acts of the Supreme Rada of Ukraine;
- 6) approving, upon submission by the President of Ukraine, the State Budget and report on its execution; controlling its execution;
- 7) considering and approving (upon submission of the President of Ukraine) the program of activity of the Government of Ukraine;
- 8) approving the most important national programs of economic, social and national-cultural development, of environmental protection (submitted by the President of Ukraine);
- 9) exercising parliamentary control (in forms and within the limits as prescribed by the present Constitution);
- 10) expressing consent for Ukraine to be bound by international treaties as well as denouncing or suspending the operation of such treaties in accordance with the law;

- 11) fixing elections of the President of Ukraine; announcing the act of his election and administering constitutional oath to him; accepting resignation of the President of Ukraine; early terminating mandate of the President of Ukraine upon decision by a national referendum on non-confidence in the President of Ukraine; dismissing the President of Ukraine from the office according to the procedure of impeachment;
- 12) taking decision on early termination of its mandate; fixing regular and extraordinary elections of people's deputies of Ukraine (except as provided for by fifth paragraph of Article 111 of the present Constitution);
- 13) approving personal membership of the Government of Ukraine;
- 14) hearing annual and special reports of the President on domestic and foreign situation of Ukraine;
- 15) appointing the Chairman and 7 judges of the Constitutional Court of Ukraine; administering the oath to the Chairman and judges of the Constitutional Court of Ukraine; accepting or rejecting resignation of the Chairman and judges of the Constitutional Court appointed by the Supreme Rada; appointing the Chairman and members of the Supreme Court, the Highest Economic Court and the Prosecutor-General of Ukraine;
- 16) defining structure, strength and procedure for the use of the Armed Forces of Ukraine, the National Guards of Ukraine, the Frontier Forces of Ukraine, the Security Service of Ukraine;
- 17) declaring state of war upon submission of the President and approving decision of the President on the use of the Armed Forces of Ukraine and other military units in case of a military intervention against Ukraine;
- 18) approving decrees of the President on the introduction of martial law or state of emergency in Ukraine or any particular areas thereof, on general or partial mobilization;
- 19) approving decisions on the provision of military assistance to other States or the dispatch of a contingent of the Armed Forces of Ukraine to an other country, or on the admission of foreign military forces in the territory of Ukraine;
- 20) establishing Defence Council of Ukraine;
- 20) approving the provision of loans and of economic assistance by Ukraine to foreign States and by foreign States to Ukraine as well as exercising control of their use;
- 21) hearing reports and proposals of temporary commissions set

- up by the Supreme Rada, discussing them and taking decisions thereon;
- 22) approving membership of the Central Electoral Commission of Ukraine;
  - 23) hearing answers given to inquiries of deputies of Ukraine and taking decisions thereon;
  - 24) exercising control of the execution of Ukrainian laws and enactments of the Supreme Rada of Ukraine; accepting resignation of the Plenipotentiary of the Supreme Rada of Ukraine for human rights; hearing his reports on the situation in the field of the protection of human rights and freedoms in Ukraine;
  - 25) establishing committee charged with control of the execution of State Budget of Ukraine and appointing, dismissing and accepting resignation of its chairman;
  - 26) preliminarily getting agreement on candidates for the appointment by the President of Ukraine to the office of heads of diplomatic representations of Ukraine in other States and heads of missions of Ukraine to international organizations;
  - 27) prescribing the manner in which matters relating to the administrative-territorial system of Ukraine are to be decided; establishing and liquidating regions, rural and urban districts, approving territorial limits of the Autonomous Republic of the Crimea; establishing and changing territorial limits of regions and cities (other than cities in the Autonomous Republic of the Crimea); placing settlements in the category of cities (other than settlements in the Autonomous Republic of the Crimea); naming and renaming cities, rural and urban districts (other than cities, rural and urban districts in the Autonomous Republic of the Crimea);
  - 28) early terminating the mandate of the Supreme Rada of the Autonomous Republic of the Crimea and of local Radas whenever they violate the Constitution and laws of Ukraine, fixing off-year elections;
  - 29) repealing legal acts of the Supreme Rada of the Autonomous Republic of the Crimea and of local Radas whenever they are incompatible with the Constitution or laws of Ukraine.

The Supreme Rada of Ukraine may conduct investigations and hearings of any matter which affects interests of the State and society.

The Supreme Rada of Ukraine may not delegate its functions to other public authorities.

Shall be specified exclusively by the Constitution and laws of Ukraine:

- 1) nationality, legal personality of citizens, status of aliens and stateless persons;
- 2) human and civil rights and freedoms, guarantees of such rights and freedoms; basic human and civil duties;
- 3) rights of national minorities;
- 4) status of languages;
- 5) State budget, principles of fiscal, price, monetary, credit, investment policies; foundations for building a taxation system; types and amounts of taxes and volumes of taxation; currency, hallmarks, value and types of national coins, procedure for, and authorization of, issue of bank-notes;
- 6) units of weight, measures and time;
- 7) legal status of property;
- 8) principles and guarantees of entrepreneurship;
- 9) environmental policy, environmental standards;
- 10) principles of natural resources management, development of outer space, organization and exploitation of energy systems, air, sea, river, railway, motor, pipe transport and communication;
- 11) principles of social policy, social protection of citizens, marriage, family, health care, education training and culture;
- 12) demographic, migration (including immigration and emigration) policies;
- 13) principles of the formation and operation of public associations and of mass media;
- 14) organization and conduct of elections and referenda;
- 15) organization and functioning of the Supreme Rada of Ukraine, legal status of people's deputies of Ukraine;
- 16) foundations of the organization and operation of executive authorities, principles of public service, statistics and informatics;
- 17) judicial system, legal proceedings, legal expertise, prosecution, investigation and notarial service, bodies and institutions charged with the enforcement of sentences; principles of the organization and functioning of the



- advocacy;
- 18) principles of territorial system of Ukraine and of regional policies;
  - 19) principles of the organization of local self-government;
  - 20) principles of the establishment and functioning of free economic zones;
  - 21) status of cities of national concern;
  - 22) principles and main directions of foreign policy;
  - 23) principles of the organization of defence, State security and of the maintenance of public order;
  - 24) principles of foreign economic and customs policies;
  - 25) legal regime of State frontiers;
  - 26) establishment and procedure for the use and protection of the national flag, emblem and anthem;
  - 27) status of the capital;
  - 28) legal regime of martial law, and emergency;
  - 29) establishment of State awards and titles;
  - 30) definition of acts which shall be crimes, administrative and disciplinary offenses and determination of punishment therefor; amnesty.

The Supreme Rada of Ukraine may adopt laws on other matters falling within its competence.

#### Article 104

The Supreme Rada of Ukraine shall meet in sessions.

Sessions of the Supreme Rada of Ukraine are held in plenary meetings and meetings of its standing commissions according to the Rules of Procedure.

#### Article 105

The Supreme Rada of Ukraine shall hold the first session not later than two months after its legally qualified membership has been elected.

The Supreme Rada of Ukraine shall be legally qualified unless at least three fourths of people's deputy of Ukraine out of total membership specified by the Constitution of Ukraine have been elected.

Extraordinary sessions and meetings of the Supreme Rada of Ukraine are convened, with the indication of their agenda, by the Chairman of the Supreme Rada of Ukraine on his initiative or at the request of at least one third of the membership of the Supreme Rada specified by the Constitution of Ukraine or on the proposal of the President. Such sessions or meetings are closed immediately after the agenda has been exhausted.

In the event of martial law, or emergency being declared in Ukraine or particular areas thereof, the Supreme Rada meets on its own in two days.

#### Article 106

Meetings of the Supreme Rada of Ukraine shall be presided over by the Chairman of the Supreme Rada. Pending the election of the Chairman of the Supreme Rada of a new legislature its meeting is presided over by the Bureau of the meeting elected by the Supreme Rada.

#### Article 107

Meetings of the Supreme Rada shall be public and open. Holding a private meeting requires the decision of at least two thirds of the membership of the Supreme Rada specified by the Constitution of Ukraine.

Voting at the meetings of the Supreme Rada shall be personal and open unless otherwise provided for by the Constitution of Ukraine and the Rules of Procedure of the Supreme Rada of Ukraine.

#### Article 108

The Supreme Rada of Ukraine shall elect from among its members the Chairman and Vice-Chairmen of the Supreme Rada of Ukraine.

The Chairman of the Supreme Rada of Ukraine shall:

- 1) provide general guidance in the preparation of matters to be considered by the Supreme Rada of Ukraine, sign acts adopted by the Supreme Rada of Ukraine, issue instructions;
- 2) represent the Supreme Rada of Ukraine in relations with bodies and organizations of Ukraine and of foreign States;
- 3) form Secretariat of the Supreme Rada and organize its operation;
- 4) administer budgetary appropriations allotted for the maintenance of the Supreme Rada and its functioning;
- 5) discharge other functions provided for by the present Constitution.

Vice-Chairmen of the Supreme Rada discharge functions assigned by the Chairman of the Supreme Rada of Ukraine.

#### Article 109

The Supreme Rada of Ukraine shall approve the list of standing commissions of the Supreme Rada and their membership, elect chairmen of such commissions.

Standing commissions perform law-making activities, prepare and preliminarily consider matters which fall within the competence of the Supreme Rada and its bodies.

Standing commissions take decisions on matters which fall within their competence. Relevant authorities, organizations and officials are necessarily required to consider decisions of the commissions and to report on the results of their consideration.

The Supreme Rada may set up, whenever it deems it necessary, provisional special commissions charged with preparation and preliminary consideration of matters falling within its competence.

#### Article 110

Mandate of the Supreme Rada of Ukraine shall terminate on the day of the opening of the first session of the Supreme Rada of new legislature.

Mandate of the Supreme Rada of Ukraine may be terminated early upon decision on non-confidence in the Supreme Rada of Ukraine taken by a national referendum.

Whenever, upon decision of national referendum, non-confidence is expressed to the Supreme Rada of Ukraine, the latter declares itself dissolved and fixes the day for elections to the new Supreme Rada of Ukraine.

#### Article 111

The right to initiate legislation in the Supreme Rada of Ukraine shall be vested in people's deputies of Ukraine, standing commissions of the Supreme Rada of Ukraine, President of Ukraine, Constitutional Court of Ukraine, Supreme Court of Ukraine, Highest Arbitration Court of Ukraine, Prosecutor-General of Ukraine, Supreme Rada of the Autonomous Republic of the Crimea and shall be exercised in accordance with the Rules of Procedure of the Supreme Rada of Ukraine.

#### Article 112

The Supreme Rada of Ukraine shall adopt laws, enactments and other acts by simple majority vote of its constitutional membership, except cases provided for by the present Constitution.

Article 113

A law shall be signed by the Chairman of the Supreme Rada and transmitted immediately to the President of Ukraine.

The President of Ukraine countersigns the law and promulgates it within 15 days from the day of its receipt. Before the expiry of this period, the President may apply his right of suspensive veto and send back the law, together with his comments, to the Supreme Rada of Ukraine for reconsideration. If, during reconsideration, the law is adopted by two thirds majority vote of the membership of the Supreme Rada of Ukraine specified by the Constitution, the President shall have the duty to sign and promulgate it within 10 days.

Whenever the President of Ukraine does not send back the law for reconsideration within prescribed period, the law shall be deemed countersigned by the President.

If the President does not countersign the law and submits it to the Constitutional Court on the ground of its unconstitutionality, the period prescribed for countersigning shall be prolonged respectively.

Where the President applies the right of veto after the session of the Supreme Rada has been closed, an extraordinary session shall be convened promptly to reconsider the law.

A law shall take effect 10 days after it has been promulgated.

Laws of Ukraine, enactments or other acts by the Supreme Rada of Ukraine, if they are contrary to the Constitution of Ukraine or their subject-matter is to be regulated through national referendum, may not be effective.

**PART IV**

SECTION VI

THE EXECUTIVE

Article 1

The President of Ukraine shall represent the Nation and exercise the executive Power in Ukraine.

The President of Ukraine shall be the guarantor of the sovereignty of Ukraine, its territorial integrity, national security, respect for human and citizens' rights and freedoms.

Article 2

The President of Ukraine shall be elected by citizens of Ukraine for a period of 5 years on the basis of universal, equal and direct suffrage by secret ballot according to the procedure established by the law.

The same person may not be President of Ukraine for more than two successive terms.

Article 3

Any citizen of Ukraine, aged from 35 to 70 years on the date of elections, who has electoral rights and knowledge of official language and who has been residing in Ukraine at least for last ten years as of the date of elections, may be elected President of Ukraine.

The office of the President of Ukraine shall be incompatible with any other representative mandate, any office in public authorities or associations of citizens, entrepreneur activity.

Candidates for the presidency shall be nominated according to the procedure established by the law and registered by the Supreme Court of Ukraine.

Article 4

The election of the President of Ukraine shall be held not earlier than 45 days and not later than 90 days before the date of expiration of the President-in-Office's mandate or within 30 days from the date on which early vacancy to the office of the President of Ukraine has been created.

Second round of the vote during presidential elections shall be conducted, if appropriate, 14 days after the first one.

Electoral campaign of the President of Ukraine shall open 90 days before the date of voting and close at midnight before the date of voting.

If the second round of the vote is to be held, electoral campaign shall open immediately after the announcement of the first round's results and close at midnight before the date of the second voting.

#### Article 5

Elections of the President of Ukraine shall be deemed valid if at least 50% of electors have participated therein. The candidate who has obtained more than a half of votes of electors casting a vote, shall be deemed elected.

If no candidate to the office of the President of Ukraine obtain required majority of votes during the voting, next voting shall be held for two candidates who have obtained the highest number of votes. The candidate who has obtained more than a half of votes of electors casting a vote in the second round of voting shall be deemed elected in the second round.

#### Article 6

Objections to the correctness of the voting and counting of votes shall be dealt with by the Supreme Court. The Supreme Court makes public final results of the elections of the President of Ukraine.

If within 8 days after preliminary results of elections have been made public no objection is filed, the Supreme Court shall announce the President of Ukraine elected. In the case of an objection the Supreme Court, within 3 days, shall deal with it and make final decision on whether to approve or to cancel results of elections.

If results of elections are canceled, new elections shall be held in 60 days.

#### Article 7

The President of Ukraine shall take his office upon swearing the oath at a meeting of the Supreme Rada of Ukraine within 5 days after the results of elections have been officially announced.

Administering the oath to the President shall be made by the Chairman of the Supreme Court of Ukraine.

The President shall swear the following oath:

"I hereby swear a solemn oath to the Ukrainian people that I will faithfully serve Ukraine, strictly comply with the Constitution and laws of Ukraine, respect and protect human and citizens' rights and freedoms, safeguard State independence of

Ukraine and discharge in good faith lofty duties entrusted to me."

The President of Ukraine shall enjoy inviolability provided for by an article of the present Constitution.

#### Article 8

The President of Ukraine shall:

- 1) represent Ukraine in international relations, implement foreign policy, conduct negotiations and sign international treaties;
- 2) appoint and dismiss heads of diplomatic missions of Ukraine to foreign States and international organizations;
- 3) accept credential letters and letters of recall from representatives of foreign States accredited to him;
- 4) take measures to protect rights and interests of Ukrainian citizens outside the territory of Ukraine;
- 5) establish, reorganize and dissolve ministries, departments and other executive authorities, deliberative structures operating within the limits of budget appropriations;
- 6) repeal acts issued by ministries and other central executive authorities of Ukraine, the President and the Government of the Autonomous Republic of the Crimea, heads of local State administrations whenever they are incompatible with the Constitution and laws of Ukraine, manifestos, decrees and orders of the President of Ukraine;
- 7) appoint and dismiss ministers and heads of other central executive authorities, heads of regional State administrations;
- 8) sign laws of Ukraine within 10 days from the date of their receipt and transmit them for publication;
- 9) apply suspensive veto and send back to the Supreme Rada for reconsideration, together with his comments, a law of Ukraine transmitted to him for signature. Whenever the Supreme Rada adopts such a law by not less than two-thirds majority vote of its constitutional membership, the President shall have the duty to sign and publish it;
- 10) have the right to initiate legislation and the right for the bills which he introduces to be considered by the Supreme Rada at priority basis;



- 11) have the right to fix all-Ukrainian referendum;
- 12) have the right to convene extraordinary session of the Supreme Rada of Ukraine;
- 13) address the Supreme Rada of Ukraine with the message on the domestic and foreign situation of Ukraine annually;
- 14) appoint, upon agreement with the Supreme Rada of Ukraine, the Prosecutor-General of Ukraine, the Chairman of the Supreme Court of Ukraine and the Chairman of the Board of the National Bank of Ukraine;
- 15) submit draft State Annual Budget and report on its execution for the consideration of the Supreme Rada of Ukraine;
- 16) challenge, at the Constitutional Court of Ukraine, the compatibility of the legislative acts adopted by the Supreme Rada of Ukraine with the Constitution;
- 17) be the Supreme Commander-in-Chief of the Armed Forces of Ukraine, appoint and dismiss high commanders of the Armed Forces of Ukraine;
- 18) appoint one-third of the members of the Constitutional Court of Ukraine;
- 19) be guarantor of courts' independence and independent enforcement of judgements;
- 20) declare, as may be necessary, particular parts of Ukraine zones of ecological emergency;
- 21) take decision on the declaration of state of war and the use of the Armed Forces of Ukraine, on the declaration of state of emergency in Ukraine or any particular areas thereof followed by the approval the Supreme Rada of Ukraine shall make within 3 days after the date on which such a decision has been taken;
- 22) decide on matters concerning the acquisition of, and release from, citizenship of Ukraine and the granting of asylum to foreign citizens and stateless persons;
- 23) give high military, diplomatic and civil service ranks and other special titles and classes;
- 24) decorate with State awards of Ukraine as well as confer and decorate with honorary titles;
- 25) grant and apply pardon;

- 26) interpret acts which he issues;
- 27) exercise other powers provided for by the Constitution and legislation of Ukraine.

#### Article 9

The President of Ukraine, within the limits of his powers, shall issue manifestos, decrees and orders which are to be binding.

Manifestos and decrees of the President of Ukraine having normative nature shall take effect if countersigned by a minister concerned.

Issued manifestos shall relate to the matters not governed by applicable legislation and shall apply pending the adoption of the relevant law.

#### Article 10

The President of Ukraine may not delegate his powers to other persons or bodies. To be able to exercise his powers, the President of Ukraine shall establish required advisory, controlling and other bodies within the limits of appropriations allotted by the State budget for maintenance of executive authorities.

#### Article 11

Mandate of the President of Ukraine shall be terminated early if:

- 1) he does not meet the requirements of incompatibility of the presidential office with other activities, provided for by Article 3 of the present Constitution;
- 2) his request for the resignation is accepted;
- 3) he is unable to exercise his powers owing to ill-health;
- 4) he is dismissed from the office according to the procedure of impeachment.

#### Article 12

Resignation of the President of Ukraine shall be accepted and take effect if the request for resignation has been announced by the President personally, considered at a plenary meeting of the Supreme Rada of Ukraine and satisfied by a majority vote of its constitutional membership.

Article 13

Inability of the President of Ukraine to exercise his powers owing to ill-health shall be recognized at a plenary meeting of the Supreme Rada of Ukraine, upon written submission of the Supreme Court of Ukraine which has to be well-founded by a medical conclusion and the conclusion reached by provisionally created deputies' commission of the Supreme Rada of Ukraine, and shall be confirmed by a majority vote of its constitutional membership.

Article 14

Dismissal of the President of Ukraine from his office according to the procedure of impeachment, if he commits flagrant violation of the Constitution and laws of Ukraine, shall be effected by submitting to the Supreme Rada of Ukraine a resolution signed by at least one third of Supreme Rada's constitutional membership. Decision on the dismissal of the President of Ukraine according to the procedure of impeachment shall be taken by at least three fourths of the constitutional membership of the Supreme Rada of Ukraine.

Article 15

In case of death, early termination of powers or dismissal of the President of Ukraine, presidential functions shall be discharged by the First minister of Ukraine pending the election of, and taking the office by, a new President of Ukraine. Elections of a new President of Ukraine shall be held not later than 90 days after the date on which previous President has terminated discharging his functions.

Chapter 2

Ministries of Ukraine

Article 16

A ministry of Ukraine shall be central executive authority which is subordinated to, accountable to, and controlled by, the President of Ukraine.

Article 17

One of the ministers shall be appointed by the President to the office of the First minister. The First minister shall perform overall coordination of ministerial activities and shall be responsible directly to the President of Ukraine.

A ministry of Ukraine shall be headed by the minister who acts on the basis of personal responsibility to the President of Ukraine. Mandate of a minister may be terminated early by the President of Ukraine or shall terminate upon the termination of President's mandate.

#### Article 18

A ministry of Ukraine, within its competence, shall:

- 1) ensure the elaboration and implementation of national developmental programs in the field of State administration assigned to the ministry;
- 2) take measures to protect human and citizen's rights and freedoms and to ensure legal and public order;
- 3) perform operational management of State property placed at its disposal;
- 4) control and direct activities of executive authorities relevant to its profile, local State administrations;
- 5) draw up bills;
- 6) discharge other functions provided for by the legislation of Ukraine.

#### Article 19

A ministry of Ukraine, within its competence, shall issue orders which are to be binding.

Orders by the ministries of Ukraine which have normative nature shall be subject to State registration at the Ministry of Justice.

### Chapter 3

#### Local State Administrations

#### Article 20

Regional and district boards shall be local executive authorities (local State administrations).

#### Article 21

Regional and district boards, within their competence, shall:

- 1) ensure, within the territory concerned, the compliance with the Constitution and laws of Ukraine, manifestos, decrees and orders of the President of Ukraine, orders and instructions of the ministries of Ukraine, other normative acts issued by central executive authorities;
- 2) ensure legal order, protection of citizens' rights and interests;
- 3) control and coordinate activities carried out by relevant local structures of central executive authorities, by State enterprises and organizations;
- 4) discharge other functions of State administration in accordance with the legislation of Ukraine.

#### Article 22

Chairmen of regional boards shall be appointed to, and dismissed from, their office by the President of Ukraine.

Chairmen of regional boards shall discharge their functions on the basis of one-man management and personal responsibility to the President of Ukraine.

#### Article 23

District boards shall be established, as may be necessary and within the limits of budget appropriations allotted to regions, upon instruction of the chairman of the regional board concerned. Chairmen of district boards shall be appointed to, and dismissed from, their office by the chairman of the regional board.

#### Article 24

Local State administrations shall have no right to decide matters falling within the competence of local self-government authorities.

#### Article 25

Heads of local State administrations, within their competence, shall issue orders which are to be binding in the territory concerned.

Orders by chairmen of regional boards may be repealed by the President of Ukraine.

Orders by chairmen of district boards may be likewise repealed by chairmen of regional boards.

Article

(to be included in the Selection "Final provisions ("transitional") provisions")

Pending the elections to be held after the date on which the present Constitution has been adopted, local State administrations shall be headed by chairmen of regional and district (other than urban districts) Radas.

Chapter 4

Prosecutor's Office, Notarial Service

Article 26

Prosecutor's Office shall operate within the system of executive authorities and be subordinated to the President of Ukraine.

Prosecutor's Office shall discharge the following functions:

- 1) holding formal charges in the court, protecting material and other interests of the State;
- 2) supervising whether agencies charged with investigation, search or maintenance of public order do comply with the law;
- 3) investigating acts which have elements of offences prosecution of which is assigned to the Prosecutor's Office by the law;
- 4) supervising the compliance with the law in places where measures of criminal penalty are enforced and during the enforcement of other measures involving temporary deprivation of liberty.

Article 27

The Prosecutor's Office shall be headed by the Prosecutor-General who is appointed by the President of Ukraine, upon agreement with the Supreme Rada, for the term of office of the President of Ukraine.

The Prosecutor-General shall form the board of the Prosecutor-General's Office, the membership of which is to be approved by the President of Ukraine.

Matters relating to the organization and operation of the Prosecutor's Office, the prosecutors' status and the requirements to them shall be specified by the law.

Article 28

Notarial Service shall operate within the system of executive authorities and shall be charged with the certification of physical and legal persons' rights, legal facts, agreements and the identification of documents.

Organization and manner of operation of the Notarial Service shall be specified by the law.

**PART V**



CONSTITUTION OF UKRAINE

SECTION

THE JUDICIARY

Article

The judicial Power in Ukraine shall be exercised exclusively by the courts. Relinquishing judicial functions to extrajudicial authorities, assuming functions of the justice by anyone else, delegating these functions as well as establishing extraordinary courts shall not be allowed.

Courts shall render judgements on behalf of the State.

Article

Judicial system in Ukraine shall include the Constitutional Court of Ukraine and courts of general jurisdiction organized in accordance with territorial and sectorial principle.

The highest authority within the system of courts of general jurisdiction shall be the Supreme Court of Ukraine. (Alternative: Judicial system of Ukraine shall include the Constitutional Court of Ukraine, general courts with the Supreme Court of Ukraine being the highest authority and economic courts<sup>1</sup> with the Highest Economic Court of Ukraine being the highest authority).

Setting up extraordinary and ad hoc courts as well as other judicial authorities which are not provided for by the Constitution of Ukraine shall be prohibited.

The manner in which such courts are to be established and operate in time of war shall be prescribed by the laws of Ukraine.

Organization, jurisdiction and procedure of operation of courts as well as the status of judges shall be specified by laws of Ukraine.

Article

The justice in Ukraine shall be administered by the Constitutional Court and courts of general jurisdiction.

The Constitutional Court of Ukraine shall administer justice within the limits prescribed by the Constitution (Alternative:

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<sup>1</sup> "Economic courts" means courts dealing with cases relating to economic activities. (Translator's note).

Reference to the Constitutional Court in this article may be excluded and the following text added:

"Economic courts shall decide economic disputes.

The Highest Economic Court of Ukraine shall exercise judicial supervision of the operation of economic courts").

Courts of general jurisdiction shall administer justice within the limits prescribed by the Constitution and laws of Ukraine.

The Supreme Court of Ukraine shall exercise judicial supervision of the operation of general courts.

#### Article

Legal proceedings shall be based on the following principles:

- 1) equality of all parties to a trial before the law and the court;
- 2) competitiveness of the parties and equal rights in introducing and maintaining their convincing evidence before the court;
- 3) holding formal charges in the court by a prosecutor;
- 4) presumption of innocence under which no one may be convicted of an offence and subject to a criminal sanction save in the execution of sentence of a court and according to the law;
- 5) securing the right of defence to the accused;
- 6) inevitability of punishment for an offence;
- 7) open and public trial;
- 8) making judgements public;
- 9) possibility of appeal against any judgement;
- 10) binding force of a judgement, within the whole territory of the State, for every authority and organization, official and citizen.

Failure to execute a judgement shall entail responsibility as prescribed by the law.

Article

Judges shall be independent in administering justice. Courts' independence shall be guaranteed by the Constitution and laws of Ukraine. Judges shall obey only the law, any form of influence on the judges shall be punishable under the law.

Article

Judges may not be replaced and shall hold their office indefinitely, except judges of the Constitutional Court and judges who are appointed to the office for the first time.

Judges may not be dismissed other than on the grounds specified by the law.

Article

Judges shall be inviolable. A judge may not be prosecuted, arrested, or imposed an administrative sanction judicially unless the authority which has appointed him agrees thereto. The State shall arrange for personal security of judges and members of their families. (Alternative: necessary).

Article

The State shall secure adequate operating conditions for the judges and the courts.

The State Budget shall necessarily contain appropriations for maintaining courts, which guarantee judges financial independence and adequate level of social protection.

Article

Judges may not be members of political parties and movements, participate in political activities, possess any representative mandate, engage in any paid activity except scientific, teaching and creative one.

The status of judges in Ukraine shall be specified by the law. (Alternative: and economic courts).

Article

Judges of the courts of general jurisdiction shall be appointed for indefinite period on the competitive basis.

Judges who have been selected for the first time after the competition shall be appointed for a period of 3 years.

Judges of territorial courts of general jurisdiction (alternative: and of economic courts) (up to the regional courts included) shall be appointed by the President of Ukraine on the recommendation of the President of the Supreme Court.

Judges of the Supreme Court of Ukraine (alternative: and the Highest Arbitration Court of Ukraine) shall be appointed by the Supreme Rada of Ukraine on the recommendation of the President of Ukraine.

Judges of the Court of the Autonomous Republic of the Crimea (alternative: of the Economic Court of the Autonomous Republic of the Crimea) shall be appointed by the Supreme Rada of the Autonomous Republic of the Crimea.

Criteria for candidates in judges shall be established by the law.

#### Article

Judgements shall be rendered on the grounds and according to the procedure established by the law.

A judgement may be the subject of an appeal.

#### Article

Material and moral damage caused by miscarriage of justice or unlawful actions of the judicial, inquiring and investigating authorities shall be compensated by the State in accordance with the law.

### CHAPTER

### PROSECUTOR'S OFFICE

#### Article

The Prosecutor's Office of Ukraine which comprises the system of bodies headed by the Prosecutor-General of Ukraine shall exercise supervision of legal order in Ukraine.

#### Article

In exercising their mandate, the Prosecutor-General of Ukraine and prosecutors subordinated to him shall be independent from any bodies and officials whatsoever and shall be guided by the Constitution of Ukraine and laws of Ukraine.

Article

The Prosecutor-General and prosecutors subordinated to him shall have the duty to take measures to ensure respect for the law and exclude violations thereof whoever commits them.

Article

The Prosecutor-General of Ukraine shall be appointed to his office and dismissed therefrom by the President of Ukraine upon agreement with the Supreme Rada of Ukraine.

Article

The Prosecutor-General shall annually inform the Supreme Rada and the President of Ukraine on the status of legal order in Ukraine.

Article

Organization, jurisdiction and procedure of operation of the Prosecutor's Office of Ukraine shall be prescribed by the law.

**PART VI**

SECTION

TERRITORIAL SYSTEM AND TERRITORIAL  
ORGANIZATION OF THE POWER IN UKRAINE

CHAPTER

GENERAL PROVISIONS

Article

The territory of Ukraine shall be united, indivisible, inviolable and integral. Any changes in the territory and State borders of Ukraine shall not be allowed without consent of the people of Ukraine.

Territorial system of Ukraine shall include the Autonomous Republic of the Crimea, regions, districts, towns, villages, and cities under national, republican and district jurisdiction.

The cities of Kyiv and Sebastopol shall have an ad hoc status which is to be specified by the law.

Regional, area and zone territorial entities may be established within the State territory in accordance with the laws of Ukraine.

The manner in which territorial system of Ukraine is to be organized shall be prescribed by the law.

Article

Territorial organization of the Power in Ukraine shall be based on the principle of its decentralization and aimed at ensuring the combining of national, regional and local interests.

Ukraine shall recognize and guarantee administrative-and-territorial autonomy of the Republic of the Crimea as well as local self-government which are to be exercised within the limits specified by the present Constitution and laws of Ukraine.

Other territories of Ukraine may also be granted the status of an administrative-and-territorial autonomy in accordance with the laws of Ukraine.

CHAPTER  
ORGANIZATION OF THE POWER IN  
THE AUTONOMOUS REPUBLIC OF THE CRIMEA

Article

The Autonomous Republic of the Crimea, within the powers specified by the present Constitution and the Constitutional Law of Ukraine on "The Autonomous Republic of the Crimea", shall be free to decide matters which fall within its competence.

The scope of the powers of the Autonomous Republic of the Crimea may not be narrowed by the Supreme Rada of Ukraine without consent of the Supreme Rada of the Autonomous Republic of the Crimea. (Alternative: The powers of the Autonomous Republic of the Crimea may be altered only by a constitutional law of Ukraine).

Article

The Constitution of the Autonomous Republic of the Crimea, modifications and amendments thereto shall be adopted by the Supreme Rada of the Autonomous Republic of the Crimea and enter into force after they have been approved by the Supreme Rada of Ukraine.

The Constitution of the Autonomous Republic of the Crimea shall be an integral part of the Ukrainian legislation and may not be contrary to the Constitution of Ukraine.

Article

The Autonomous Republic of the Crimea, with regard to the matters falling within its competence, shall have the right to adopt laws and other regulations which shall not be contrary to the present Constitution, the Constitutional Law of Ukraine on "The Autonomous Republic of the Crimea", principles laid down in other laws of Ukraine, and the Constitution of the Autonomous Republic of the Crimea.

The Supreme Rada of Ukraine may suspend the operation of, or repeal, laws and other legislative acts of the Autonomous Republic of the Crimea whenever they are incompatible with the Constitution and laws of Ukraine.

Article

The Autonomous Republic of the Crimea shall be free to draw up, approve and execute the Republican Budget as well as introduce republican taxes and charges specified by the laws of Ukraine.



The Autonomous Republic of the Crimea shall have at its disposal republican taxes and charges as well as appropriations generated from national taxes, the amount of which is to be specified by the Supreme Rada of Ukraine.

The Autonomous Republic of the Crimea shall possess republican property according to the legislation of Ukraine.

#### Article

The Autonomous Republic of the Crimea shall operate within the limits of the territory of the former Crimean region as a part of Ukraine.

The territory of the Autonomous Republic of the Crimea may not be changed without consent of the Supreme Rada of the Autonomous Republic of the Crimea.

#### Article

The Supreme Rada of the Autonomous Republic of the Crimea shall be the republican legislative body in the Autonomous Republic of the Crimea.

The Government of the Autonomous Republic of the Crimea shall be the republican executive body in the Autonomous Republic of the Crimea.

Village, town, district and city Radas and their executive bodies shall be local self-government authorities in the Autonomous Republic of the Crimea.

Mandate of the republican legislative, executive and local self-government authorities as well as the manner in which they are to be established and operate shall be specified by the Constitution and laws of Ukraine, the Constitution and laws of the Autonomous Republic of the Crimea.

Judicial authorities in the Autonomous Republic of the Crimea shall be set up and operate within the general system of the judicial Power in Ukraine provided for by the present Constitution.

#### Article

The Autonomous Republic of the Crimea shall participate in the formulation and implementation of the domestic and foreign political activity of Ukraine in the areas which affect interests of the Autonomous Republic of the Crimea.

The Autonomous Republic of the Crimea, through its legislative body, shall have the right to initiate legislation in the Supreme Rada of Ukraine.

Article

The Autonomous Republic of the Crimea, through its public and local self-government authorities, shall ensure, in its territory, the compliance with the Constitution and laws of Ukraine, the implementation of acts, issued by the President and the Government of Ukraine, and of national programs of social, economic and cultural development.

President of Ukraine may repeal acts of the Government and other executive authorities of the Autonomous Republic of the Crimea whenever they are incompatible with the Constitution and laws of Ukraine and with acts issued by the President and the Government of Ukraine.

Article

The Mission of the President of Ukraine shall operate in the Autonomous Republic of the Crimea and shall be headed by the Permanent Representative of the President of Ukraine, legal status of which is to be specified by the law.

CHAPTER

LOCAL SELF-GOVERNMENT

Article

Local self-government in Ukraine shall be exercised by territorial communities of villages, towns, cities, districts and regions directly or through bodies elected by them.

Financial and economic foundation of local self-government shall be movable property and real estate, lands, funds from local budgets and other financial and natural resources which are maintained in municipal possession.

Article

Forms territorial communities apply for direct local self-government shall be referenda and other means of direct participation of citizens, residing in administrative-territorial units concerned, in discussing and deciding matters which the law attributes to the competence of local self-government at a level concerned.

Village, town, city, district and regional Radas and their executive bodies shall be authorities of local self-government.

Local self-government in villages, towns and cities shall also include other forms of territorial self-organization of

citizens in places of their residence, general principles of organization and operation of which are to be prescribed by the law.

Alternative 1: Article. A village, town, city Rada shall be composed of deputies (alternative: ... counsellors) and a chairman of the Rada who are to be elected by citizens residing in the village, town, city.

A district Rada shall be composed of the chairmen of village, town, and city Radas concerned and of a chairman of the district Rada who is to be elected by citizens residing in the district.

A regional Rada shall be composed of the chairmen of district, and city Radas concerned and of a chairman of the regional Rada who is to be elected by citizens residing in the region.

Village, town, city, district and regional Radas shall be elected in accordance with the procedure established by the law.

Alternative 1: Article. Chairmen of village, town, city, district and regional Radas shall be heads of their executive bodies ex-officio.

Alternative 2: Article. A village, town, city Rada shall be composed of deputies (alternative: "...counsellors") and a chairman of the Rada's executive body who are to be elected by citizens residing in the village, town, city, in accordance with the procedure established by the law. The chairman of Rada's executive body shall be the head of the Rada concerned ex-officio.

A district Rada shall be set up at proportional basis from among counsellors who are to be elected by village, town, city Radas and directly by citizens, residing in villages, towns, cities, on the basis of quotas assigned by the law. The chairman of the district Rada's executive body shall be elected by the Rada from among its counsellors on the recommendation of the chairman of the regional Rada's executive body. The chairman of the district Rada's executive body shall be the head of the district Rada ex-officio.

A regional Rada shall be set up at proportional basis from among counsellors who are to be elected by district, city Radas and directly by citizens residing in districts, cities, on the basis of quotas assigned by the law. The chairman of the regional Rada's executive body shall be elected by the Rada from among its counsellors on the recommendation of the Cabinet of Ministers of Ukraine and upon agreement with the President of Ukraine. The

chairman of the regional Rada's executive body shall be the head of the regional Rada ex-officio.

#### Article

Local self-government authorities shall have the right of legal person and shall be assigned their own competence which may not be changed except under the law or agreement. Within their competence, the said authorities shall operate independently and at their discretion.

Local self-government authorities shall be free to draw up, approve and execute budgets of administrative territorial units concerned, introduce local taxes and charges specified by the law, manage municipal property, decide other public, economic and socio-cultural matters taking into account interests of territorial communities and needs of the comprehensive development of the territories.

#### Article

According to the procedure and within the limits established by the law, local self-government authorities shall organize the implementation of the Constitution and laws of Ukraine, acts issued by the President and the Government of Ukraine, and exercise powers of the Executive delegated to them.

When exercising powers of the Executive, local Radas shall be under the control of, while their executive bodies shall be subordinate to, the Cabinet of Ministers of Ukraine and the President of Ukraine, and in the Autonomous Republic of the Crimea -- the Government of this Republic.

#### Article

Local self-government authorities shall take decisions.

Decisions by local self-government authorities, which are contrary to the Constitution and laws of Ukraine as well as to the acts issued by the President and the Government of Ukraine may be suspended and repealed in accordance with the procedure established by the law.

#### Article

Powers of local self-government authorities may be suspended early in accordance with the procedure established by the present Constitution and the law.

Article

General principles of the local self-government, competence and forms of organization and operation of local self-government authorities shall be prescribed by relevant laws of Ukraine.

CHAPTER

LOCAL EXECUTIVE AUTHORITIES

Alternative 1. Article. The Executive shall be represented at local level by State (alternative: "... governmental") plenipotentiaries (alternative: "...counsellors") of regions, cities of Kyiv and Sebastopol.

State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") of regions, cities of Kyiv and Sebastopol shall be appointed by the President of Ukraine for the term of his office.

Alternative 2. Article. The Executive shall be represented at local level by State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") who are to be appointed by the President of Ukraine for the term of his office.

Article

State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") (alternative: "...of regions, cities of Kyiv and Sebastopol"), directly and through bodies created by them, shall exercise control (alternative: "...at local level; "alternative: "... in the territory of regions, cities of Kyiv and Sebastopol") of the implementation of national programs for economic and social development, the maintenance of law and legal order, the enjoyment of rights and freedoms by citizens, the compliance with the Constitution and laws of Ukraine and acts issued by the President and the Government of Ukraine, shall control and coordinate, in the said areas, the activity of the enterprises, organizations and institutions regardless of the forms of property, the activity of local bodies of interior, national security, defence and other local public authorities operating under central authority as well as the activity of local self-government authorities at all levels.

Article

State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") (alternative: "... of regions, cities of Kyiv and Sebastopol") and bodies guided by them shall not be entitled to decide matters which fall within the competence of local self-government authorities.

Local self-government authorities shall not be entitled to decide matters which fall within the competence of State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") and bodies guided by them.

State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") shall have recourse to the court so that acts of local self-government authorities, which are contrary to the Constitution and laws of Ukraine, to the acts issued by the President and the Government of Ukraine, be pronounced invalid and they shall suspend the operation of such acts pending the judgement.

In cases provided for by the present Constitution and laws of Ukraine, State (alternative: "...governmental") plenipotentiaries (alternative: "...counsellors") may raise before the President of Ukraine the question about early termination of powers of local self-government authorities and may temporary assume the management of the territory concerned if local self-government authorities have been dissolved early.

#### Article

Legal status of State (alternative: "...governmental") plenipotentiaries (alternative: "counsellors") (alternative: "...of regions, cities of Kyiv and Sebastopol") and bodies guided by them shall be specified by the law.