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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

D R A F T S

**FOR A NEW
UKRAINIAN CONSTITUTION**

SECRETARIAT NOTE

In the left hand column you will find the draft prepared by the Working Group of the Constitutional Commission with which Commission members held two exchanges of views. The other draft is being prepared by a newly established Sub-Commission of the Constitutional Commission on the basis of this draft. This Sub-Commission has not yet finalised its work and its text therefore stops at Article 101.

CONSTITUTION OF UKRAINE

(draft)

**prepared by the working group of the Constitutional
Commission of Ukraine
November 15, 1995¹**

We, the Ukrainian people - Ukrainian citizens of all nationalities,
expressing our sovereign will,
standing on the century-old history of national state building,
executing our right to self-determination
providing for the guarantee of human rights and freedoms, and of the deserved conditions of human life,
providing securing and strengthening of the civil consent in society,
desiring to establish a democratic, social and legal state as an integral part of the world community,
recognizing the responsibility before present and future generations,
acting in accordance with the Act of Declaration of Ukraine's Independence of August 24, 1991, confirmed by a nation-wide vote on December 1, 1991,
adopt this Constitution - the fundamental law of Ukraine.

CONSTITUTION OF UKRAINE

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acting in accordance with the Act of Declaration of Ukraine's Independence of August 24, 1991, approved by a nation-wide vote on December 1, 1991, adopt this Constitution - the fundamental law of Ukraine.

¹ The English translation of the Draft is based in part on the translation of the Parliamentary Development Project.

**DRAFT OF THE CONSTITUTIONAL
COMMISSION OF NOVEMBER 15, 1995**

CHAPTER I. GENERAL PRINCIPLES

ARTICLE 1.

Ukraine is a Democratic, Social and Legal State.

ARTICLE 2.

The sovereignty of Ukraine covers the entirety of its territory.

The territory of Ukraine is united, integral, and inviolable.

ARTICLE 3.

The individual, his/her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value.

Human rights and freedoms and their guarantees determine the essence and the direction of the activity of the State. The establishment and maintaining of human rights and freedoms is the main duty of the State.

ARTICLE 4.

Ukraine has single citizenship. The basis for acquiring and termination of Ukrainian citizenship is determined by law.

ARTICLE 5.

Ukraine is a republic.

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

Neither any part of the nation nor a political party, public organization, any group or individual person may usurp state power.

ARTICLE 6.

State power in Ukraine is exercised on the basis of its separation into legislative, executive and judicial branches.

Bodies of the legislative, executive and judicial branches exercise their authority within the limits determined by the Constitution.

**DRAFT OF THE WORKING SUBCOMMISSION
OF THE CONSTITUTIONAL COMMISSION**

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ARTICLE 1.

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ARTICLE 2.

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The territory of Ukraine is integral, indivisible, and inviolable.

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An individual, his/her life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value.

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Ukraine is a republic.

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Nobody has the right to usurp state power.

ARTICLE 6.

State power in Ukraine is executed on the basis of its separation into legislative, executive and judicial branches.

Bodies of the legislative, executive and judicial branches execute their authority within the limits determined by the Constitution.

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ARTICLE 7.

The state recognizes and guarantees local self-government.

ARTICLE 8.

The principle of rule of law exists in Ukraine.

The Constitution is the highest legal authority. The standards of the Constitution are the highest standards of law. Laws and all other legal acts shall be adopted on the basis of the Constitution and shall adhere to it.

ARTICLE 9.

Generally accepted principles and norms of international law, as well as international treaties of Ukraine are an integral part of its legal system.

If an international treaty establishes different rules from those envisaged by the national legislation of Ukraine, the rules of such international treaty are used.

International treaties shall not contradict the Constitution.

ARTICLE 10.

Ukrainian language is the state language in Ukraine.

In the areas of dense population of citizens belonging to the one or several national minorities, the language accepted by the majority of the population of such locations or a certain administrative territorial entity may be used in the activity of bodies of state power and state organizations along with the state language.

ARTICLE 11.

The state assists in the development of ethnic, cultural, linguistic and religious features of all national minorities.

Ukraine provides for the satisfaction of the national, cultural and linguistic needs of Ukrainians who live beyond the state borders.

ARTICLE 7.

The state recognizes and guarantees local self-government.

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The principle of rule of law exists in Ukraine.

The Constitution is the highest legal authority. The standards of the Constitution are the highest standards of Law and all other legal acts shall be adopted based upon the Constitution and shall adhere to it.

ARTICLE 9.

International treaties, ratified in accordance with the Constitution of Ukraine, and enforced by Ukraine, are a part of Ukraine's national law.

International treaties shall not contradict the Constitution.

ARTICLE 10.

Ukrainian language is the state (official) language in Ukraine.

In the areas of dense population of citizens of one or several national minorities, the language accepted by the majority of the population of a certain location may be used in the activity of bodies of state power and state organizations along with the state language.

ARTICLE 11.

The state assists in the consolidation and development of the Ukrainian nation, its historical consciousness, traditions and culture, as well as in the development of the ethnic, cultural, linguistic and religious features of all national minorities.

Ukraine provides for the satisfaction of the national, cultural, and linguistic needs of Ukrainians who live beyond its borders.

**DRAFT OF THE CONSTITUTIONAL
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ARTICLE 12.

Societal life in Ukraine is based upon principles of political, economic and ideological diversity.

The State guarantees freedom of any political activity if it is not prohibited by the Constitution or by law.

The State ensures the equal protection of all forms of property and property management, as well as the social orientation of the economy.

No ideology can be considered mandatory by the State.

Censorship of the mass media by the state is prohibited.

ARTICLE 13.

The international political activity of Ukraine is oriented to ensure its national interests and security by means of maintaining peaceful and mutually beneficial cooperation with members of the international community on the basis of strict adherence to the norms and principles of international law.

ARTICLE 14.

The people and each individual citizen of Ukraine have the right to resist anyone attempting to subvert Ukrainian statehood, constitutional law, to violate its territorial integrity or perform activities aimed at seizing state power, if measures provided by Constitution cannot be used.

ARTICLE 15.

The State symbols of Ukraine are the State Colors, State Coat of Arms and State Anthem. Their description and order of usage are provided by Law.

The capital of Ukraine is Kyiv city.

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ARTICLE 14 - excluded.

ARTICLE 15.

The State Flag of Ukraine is a field with a blue and a yellow horizontal stripe with the Trident of the golden color on the top section.

The State Emblem of Ukraine is a Trident of golden color on a blue shield.

The State Anthem of Ukraine is the national anthem "Ще не вмерла Україна".

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**CHAPTER II. RIGHTS AND FREEDOMS OF A PERSON AND
CITIZEN**

ARTICLE 16.

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

The rights and freedoms of a person are irrevocable and inviolable and belong to everyone from birth.

ARTICLE 17.

The rights and freedoms of a person and citizen established by this Constitution are not comprehensive.

Constitutional rights and freedoms may not be abolished.

ARTICLE 18.

Every person has the right to free development of his/her personality, as long as he/she does not violate the rights and freedoms of other individuals.

ARTICLE 19.

Citizens have equal Constitutional rights and freedoms and are equal before law without regard for their race, gender, ethnic or social origin, property and social standing, position, type and nature of occupation, nationality, place of residence, language, religion, political and other beliefs.

ARTICLE 20.

A citizen of Ukraine may not be deprived of citizenship or of the right to change Ukrainian citizenship.

A citizen of Ukraine may not be expatriated from Ukraine or turned over to a foreign state.

Ukraine guarantees its citizens protection and defense abroad.

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ARTICLE 21.

Foreign citizens and persons without any citizenship shall enjoy the same rights and freedoms and have the same duties as citizens of Ukraine except in cases determined by the Constitution, by law or by international treaties concluded by Ukraine.

Foreign citizens and persons without any citizenship may be granted political asylum.

ARTICLE 22.

Every person has the irrevocable right to life.

No person may deprive a person of life voluntarily. The duty of the State is to protect human life.

Every person has the right to protect his life and the lives of other persons from infringement.

ARTICLE 23.

Every person has the right to respect of his dignity.

No person may be subject to torture, violence or such treatment or punishment that dishonors his/her personal dignity.

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

ARTICLE 24.

Every person has the right to freedom and personal invulnerability.

Placing a person under arrest or holding him in custody shall not be permitted unless pursuant to a verdict of a court (or the procurator's sanction that may be appealed to a court) and only in cases provided for by law.

In case of urgent necessity to prevent or stop a crime, authorized bodies may hold a person in custody as a temporary preventive measure. The basis for such actions shall be verified by a court (or by a procurator) within 48 hours. Every detained person shall have the right to challenge his/her detention in court. If a court will not issue a decision on holding a person in custody, a detained person is to be released at once.

Every arrested or detained person shall be informed about the reasons of his/her arrest or detention without delay and

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No person may deprive a person of life voluntarily.

The duty of the State is to protect human life.

Every person has the right to protect his life and the lives of other persons from infringement.

ARTICLE 23.

Every person has the right to respect of his/her dignity.

No person may be subject to torture, violence or such treatment or punishment that dishonors his/her personal dignity.

No person may be subjected to medical or scientific experiments without his/her free consent.

ARTICLE 24.

Every person has the right to personal freedom and invulnerability.

No person may be arrested or held in custody, unless pursuant to the verdict of a court and based only upon reasons set forth by law.

In the event of urgent necessity to prevent or stop a crime, authorized bodies may hold a person in custody as a temporary preventive measure. The basis for such actions shall be confirmed by a court within 48 hours. The detained person shall be released at once, if he/she does not receive a court decision confirming detention within 48 hours.

Every arrested or detained person shall be informed of the reason for his/her arrest or detention without delay, shall receive explanations of his/her rights, and shall have the opportunity to defend him-/herself or have legal counsel from the moment of detention.

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ARTICLE 25.

Every person is guaranteed the inviolability of his/her place of dwelling.

Entry into a premises or other property in order to make a search and examination shall be prohibited except in cases of a court decision or procurator's sanction.

It is possible to use another order determined by law, of entry into dwellings and other property of a person, and making a search and examination there, in cases of urgency in the direct pursuit of persons suspected of committing a crime, connected with the preservation of life and property.

ARTICLE 26

Every person is guaranteed privacy of mail, telephone conversations, telegraph and other messages. Exceptions may be permitted by court decision (or by procurator's sanction) for preventing crimes or in order to determine the truth when performing investigation and consideration of criminal causes.

ARTICLE 27.

No person may be subject to interference in one's private and family life.

Gathering, keeping, using and disseminating confidential information about a person without their consent shall be prohibited.

Every citizen shall have the right, in the order determined by law, to examine information and data concerning his/her rights and interests, which is not a state or other secret protected by law, in the bodies of state power, its organizations and establishments, and in bodies of local self-government.

Every person shall have court protection of the right to correct untruthful information as well as the right to be compensated for psychological and material damages caused by the collection, keeping, usage and dissemination of such information.

Every detained person shall have the right to challenge his/her detention in court.

ARTICLE 25.

Every person is guaranteed the inviolability of his/her place of dwelling.

Entry into a place of dwelling or other property in order to make a search and examination shall be prohibited except in cases of a court decision.

It is possible to use another order, determined by law, of entry into dwellings and other property of a person, and making a search and examination there, in cases of urgency in the direct pursuit of persons suspected of committing a crime, and connected with the preservation of life and property.

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Every person is guaranteed privacy of mail, telephone conversations, telegraph and other messages. Exceptions may be determined by law with the purpose to prevent crimes or to determine the truth when performing investigation and consideration of criminal cases.

ARTICLE 27.

No person may be subject to interference in one's private and family life.

Gathering, keeping, using and disseminating confidential information about a person without their consent shall be prohibited, except in cases determined by law.

Every citizen shall have the right to examine information about him-/herself in the possession of bodies of state power, institutions and organizations, and of bodies of local self-government, unless it is a state secret or other secret protected by law.

Every person is guaranteed court protection of the right to correct untruthful information and to request the extraction of illegally collected information, as well as the right to be compensated for material and psychological damages caused by the collection, maintenance, usage and dissemination of such information.

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ARTICLE 28.

Every person who remains on the territory of Ukraine on a legal basis is guaranteed freedom of movement and of free choice of residence except for the limitations established by law for protection of national security, health, enforcement of epidemics and management of natural disasters as well as for preventing crimes.

Every person is free to leave the territory of Ukraine.

A citizen of Ukraine may not be deprived of the right to return to Ukraine at any time.

ARTICLE 29.

Every person has the right to freedom of thought and speech, and to the free expression of his/her views and beliefs in any form.

Every person has the right to collect, use and disseminate information orally, in writing, or by other means of his/her choice.

The limitation of this right is determined by law with the aim to protect state and other secrets protected by law as well as for the protection of rights and freedoms of other persons.

ARTICLE 30.

Every person has the right to freedom of conscience and religion. This right shall include the freedom to profess or not to profess a religion, to exercise individually or collectively religious cults, rites, and conduct religious activity.

No religion may be recognized as mandatory by the State.

No person may be released from one's duties before the State or refuse to obey laws by reason of one's religious beliefs. In the event performance of military service is contrary to the religious beliefs of a citizen, such service shall be replaced by alternative (non-military) service.

ARTICLE 31.

Every person has the right of association for the execution and protection of their rights and freedoms, as well as for the satisfaction of their political, economic, social, cultural and other interests.

ARTICLE 28.

Every person who remains within the territory of Ukraine on a legal basis is guaranteed freedom of movement and free choice of residence, and the right to leave the territory of Ukraine, except for the limitations established by law for the protection of state security, public order, health and the morality of the population, or of the rights and freedoms of others.

A citizen of Ukraine may not be deprived of the right to return to Ukraine at any time.

ARTICLE 29.

Every person has the right to freedom of thought and speech, and to the free expression of his/her views and beliefs.

Every person has the right to collect, use and disseminate information orally, in writing, or by other means of his/her choice.

The execution of this right can be limited by law in the interests of state security, territorial integrity or the public order with the purpose of preventing disturbances or crimes, to protect health and morality, to protect the reputation or rights of other people, to prevent the announcement of information received confidentially, or to support the authority and impartiality of justice.

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Every person has the right to freedom of conscience and religion. This right shall include the freedom to profess or not to profess a religion, to exercise individually or collectively religious denominations, rituals, and conduct religious activity.

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Political parties in Ukraine assist in the expression of the political will of citizens and participate in elections. Only citizens of Ukraine may be members of political parties.

No person may be forced to join any public association.

All public associations are equal before law.

ARTICLE 32.

The creation and activity of public associations that have the purpose of changing of the constitutional order by violence, the seizure of state power, abuse of sovereignty and the territorial integrity of Ukraine, undermining of its security, propaganda of war, violence, initiation of inter-ethnic, racial and religious hatred, denial of human rights and freedoms, health, and social morality is not allowed, as well as of paramilitary groups and secret associations.

The creation and activity of any organizational structures of political parties in the bodies of state power and bodies of local self-government (except for the factions in the National Assembly of Ukraine), as well as in military formations, state enterprises, institutions, educational establishments and other state organizations is forbidden.

Public associations may be prohibited and dissolved only by court order.

ARTICLE 33.

Citizens have the right to participate in the management of state affairs, in the all-Ukrainian and local referendums, elect freely and to be elected to bodies of state power and local self-government.

Citizens have the equal right of access to the state service as well as to the service in bodies of local self-government.

ARTICLE 34.

Citizens shall have the right to gather peacefully and without weapons, to conduct assemblies, meetings, processions and demonstrations.

Bodies of state power or of local self-government shall be informed of the conduct of assemblies, meetings, demonstrations and other actions in public locations.

The right of execution of this right is established by law.

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The creation and activity of organizational structures of political parties within bodies of state power and bodies of local self-government, as well as in military formations, state enterprises, institutions, educational establishments and other state organizations is forbidden.

Public associations may be prohibited and dissolved only by court order.

ARTICLE 33.

Citizens have the right to participate in the conduct of state affairs without any discrimination both directly and through their freely elected representatives, to elect freely and to be elected to bodies of state power and local self-government.

Citizens execute the right of access to state service on the general conditions of equality.

ARTICLE 34.

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The right of execution of this right is established by law.

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ARTICLE 35.

Every person has the right to submit individual and joint applications (petitions) to state bodies and organs of local government and their officials, who are required to consider them, give motivated, legally grounded responses in terms defined by law and to take the necessary measures concerning these applications.

ARTICLE 36.

The right of private property is guaranteed by law.

Every person has the right to own, use and manage his/her property and the results of his/her intellectual work.

With the purpose of securing national interests, the law establishes a comprehensive list of entities which shall not be privatized.

The right of private property for land is granted on the basis and within the limits established by law.

The forced taking of private property may take place only for the reason of a societal need and upon the condition of advance and full reimbursement of its value. The forced taking of private property with subsequent full reimbursement is permitted only under conditions of martial or emergency status.

Confiscation of property may take place only in cases, amounts and in the order established by law in connection with the violation of law only.

Citizens have the right to use objects of state and municipal property in accordance to law.

ARTICLE 37.

Every person has the right to conduct business activity which is not prohibited by law.

Entrepreneurship activity of Deputies and Senators as well as of Deputies of the Autonomous Republic of Crimea and officials of the bodies of state power and local self-government is prohibited.

Business activity aimed at abuse of monopolistic position in the market and unfair competition is not permitted. Kinds and limits of monopolies are established by law.

The State protects the interests of consumers and performs oversight over the quality and safety of products, and of all

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Confiscation of property may take place only in cases, amounts and in the order established by law in connection with the violation of law.

Citizens have the right to use objects of the state and municipal property in accordance to law.

The use of property shall not restrict the rights, freedoms and dignity of citizens, the interests of society, or aggravate the environmental situation and the natural qualities of land.

ARTICLE 37.

Every person has the right to conduct business activity which is not prohibited by law.

The State ensures the protection of competition and business activity. The abuse of monopolistic position in the market, the non-legitimate restriction of competition and unfair competition are not permitted. Types and limits of monopolies are established by law.

The State protects the interests of consumers and performs oversight over the quality and safety of products, and of all kinds of services rendered and supports the activity of public

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kinds of services rendered and supports the activity of public associations of consumers.

ARTICLE 38.

Every person has the right to work, including the right to have the possibility to earn one's living by work which he/she chooses or agrees to freely.

The State creates conditions for full execution of this right by citizens, guarantees equal opportunities in the choice of professions and types of work activity, implements programs for professional training and for refreshment training according to social needs.

Usage of forced labor is prohibited. Military service or alternative service, as well as work or service performed by a person pursuant to a court decision or in accordance with martial or emergency laws is not considered to be forced labor.

Every person has the right to appropriate safe and healthy conditions of work and for a compensation at a level not less than the minimal wage amount established by law.

Women and teenagers may not be employed to do hard or other jobs dangerous to their health.

Citizens are guaranteed protection against unlawful dismissal.

ARTICLE 39.

Employees have the right to go on strike for the protection of their collective economic and social interests.

No person may be forced to take part in, or not to take part in, a strike.

A law establishes the order of execution of this right with the purpose of providing national security, health, rights and freedoms of other persons.

ARTICLE 40.

Every person has the right to rest.

The maximum amount of working hours and the minimum duration of leisure and annual paid holidays as well as other conditions of exercising this right shall be defined and guaranteed by law.

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The order of execution of this right shall be established by law, taking into account the necessity to ensure national security, health protection, and the rights and freedoms of other persons.

No person may be forced to take part in, or not to take part in, a strike.

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The maximum number of working hours and the minimum duration of leisure and annual paid holidays as well as other conditions of exercising this right shall be defined and guaranteed by law.

**DRAFT OF THE CONSTITUTIONAL
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ARTICLE 41.

Citizens have the right to social security in old age, in case of sickness, partial or complete disability, body debility, accident, loss of a principle family wage earner, unemployment under circumstances independent of the person's will and in other cases provided for by law.

This right is guaranteed by obligatory social insurance on the account of insurance deposits of enterprises, establishments and other organizations, of budgetary and other sources of social welfare.

Pensions and all the kinds of social welfare and assistance that are the main sources of income shall provide a living standard not lower than a minimum established by the State.

ARTICLE 42.

Every person has the right to housing.

The State and bodies of local government shall provide citizens who need social protection with free or affordable housing.

No person may be forcibly deprived of housing without lawful reasons and in no other way than by court decision.

ARTICLE 43.

Every person has the right to satisfactory living standards for himself and for his family, i.e. sufficient food, clothing, housing as well as the right to steady improvement of living standards.

ARTICLE 44.

Every person has the right to health protection and medical care.

The state establishes conditions for effective and available medical care for every person. Medical care shall be provided free of charge in state and municipal institutions. The State assists in the development of private medical institutions. Medical insurance is guaranteed.

The state provides for the development of physical culture, sports, and hygienic-epidemiological welfare.

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ARTICLE 42.

Every person has the right to housing.

The law establishes categories of citizens for whom housing shall be provided by the State and by bodies of local self-government free of charge, affordable, or under other conditions.

No person may be forcibly deprived of housing without lawful reasons and in no other way than by court decision.

ARTICLE 43.

Every person has the right to satisfactory living standards for himself and for his family, i.e. sufficient food, clothing, housing as well as the right to steady improvement of living standards.

ARTICLE 44.

Every person has the right to health protection, medical care and medical insurance.

The state establishes conditions for effective and available medical care for every person. Medical care shall be provided free of charge in state and communal institutions. The State assists in the development of private medical institutions.

The state provides for the development of physical culture and sports, and ensures hygienic-epidemiological welfare.

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ARTICLE 45.

Every person has the right to a safe and healthy environment, and to compensation for damage resulting from the violation of this right.

The law guarantees every person the right to free access to information on the environmental situation, the quality and safety of food products and housing equipment, as well as the dissemination of such information.

Any violations of environmental standards or hiding of ecological information or its abuse shall be prosecuted by law.

ARTICLE 46.

Marriage is based on the free consent of a man and a woman. Every person in a marriage has equal rights and duties in family relations.

Family, motherhood, fatherhood and childhood shall be under the protection of law.

ARTICLE 47.

Children shall be equal before the law regardless of their origin, the public status of their parents as well as whether they are legitimate or illegitimate.

Any violence or exploitation of a child shall be prosecuted by law.

All troubles related to maintaining, raising and bringing up orphans and children deprived of parental care shall be imposed on the state. The state encourages and supports charity regarding these children.

ARTICLE 48.

Every person has the right to education.

General secondary education shall be obligatory.

The state shall ensure general access to free preschool, elementary, general secondary, and vocational education in state and municipal educational establishments. Citizens have the right to receive free education in state and municipal higher educational establishments on a competitive basis.

The law provides to representatives of national minorities the right to speak and to study using their native language or to

ARTICLE 45.

Every person has the right to a safe and healthy environment, and to compensation for damage resulting from the violation of this right.

The law guarantees every person the right to free access to information on the environmental situation, the quality of food and housing equipment, as well as the dissemination of such information.

ARTICLE 46.

Marriage is based on the free consent of a woman and a man. Every person in a marriage has equal rights and duties in family relations.

Family, motherhood, fatherhood and childhood shall be under the protection of the State.

ARTICLE 47.

Children shall be equal in their rights regardless of their origin, as well as whether they are legitimate or illegitimate.

Any violence or exploitation of a child shall be prosecuted by law.

Maintaining and bringing up orphans and children deprived of parental care shall be imposed upon the State. The State encourages and supports charity regarding such children.

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General secondary education is obligatory.

The state shall ensure access to free preschool, elementary, general secondary, and vocational education in state and municipal educational establishments. Citizens have the right to receive free education in state and municipal higher educational establishments on a competitive basis.

The law provides to representatives of national minorities the right to study using their native language or to study native language at the state and municipal educational establishments as well as through national and cultural societies.

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study native language at the state and municipal educational establishments as well as through national and cultural societies.

ARTICLE 49.

Every person is guaranteed the right to engage in scientific, technical, literary, artistic and other kinds of creative activities and teaching, as well as the right to utilize the achievements of the national and international science and culture available from cultural funds.

Historical and cultural heritage is protected by law.

The State shall take measures to return to Ukraine the historical and cultural treasures of the nation which are located beyond its borders.

ARTICLE 50.

All the rights and freedoms of every person are protected by court.

Every person is guaranteed the right to appeal to the court the decisions, actions or inactivity of bodies of state power, bodies of local self-government and public officials.

Every person has the right to appeal for the protection of his/her rights to the Authorized Representative of the National Assembly of Ukraine on Human Rights.

Every person is provided with the right, pursuant to the international agreements signed by Ukraine, to appeal to the international court for his/her rights and freedoms protection, in case all the national mechanisms are exhausted.

Every person is provided with the right to protect his/her rights and freedoms from violence by any means not prohibited by law.

ARTICLE 51.

Every person has the right to compensation from the state or local self-government for physical or psychological damages, caused by the unlawful decisions, actions or inactivity of bodies of state power and local self-government bodies, as well as their public officials at the time of their service.

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Every person is guaranteed the right to engage in scientific, technical, literary, artistic and other kinds of creative activities, as well as the right to utilize the achievements of the national and international culture available from cultural funds.

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The State shall take measures to return to Ukraine the historical and cultural treasures of the nation which are located beyond its borders.

ARTICLE 50.

All the rights and freedoms of every person are protected by the courts.

Every person is guaranteed the right to appeal to the court from the decisions, actions or inactivity of bodies of state power, bodies of local self-government and public officials.

Every person has the right to appeal for the protection of his/her rights to the Authorized Representative of the National Assembly of Ukraine on Human Rights.

Every person has the right to appeal to the court or other institutions of the United Nations and Council of Europe for the protection of his/her rights and freedoms.

Every person is provided with the right to protect his/her rights and freedoms from violence by any means not prohibited by law.

ARTICLE 51.

Every person has the right to compensation from the state or local self-government for physical or psychological damages, caused by the unlawful decisions, actions or inactivity of bodies of state power and local self-government bodies, as well as by their public officials at the time of their service.

ARTICLE 52.

Every person is guaranteed the right to know his/her rights and obligations.

Laws and normative acts, which determine the citizens' rights and obligations shall be properly announced to the population.

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Every person is guaranteed the right to know his/her rights and obligations.

Laws and normative acts, which determine the citizens' rights and obligations shall be properly announced to the population.

ARTICLE 53.

The law is not retroactive except for the cases when this law mitigates or disaffirms a person's responsibility.

No person can be prosecuted for actions which were not considered illegal at the time of their performance.

ARTICLE 54.

Every person has the right to legal assistance. Such legal assistance shall be granted free of charge in cases prescribed by law. Every person is free to choose a lawyer to defend his/her rights and freedoms.

ARTICLE 55.

No person shall be bound to carry out criminal orders or commands.

Issuing or carrying out criminal orders or commands shall entail legal responsibility.

ARTICLE 56.

The legal responsibility of person has an individual character.

No person may be prosecuted twice for the same offense.

ARTICLE 57.

The principle of presumption of innocence shall be guaranteed.

A person shall be presumed innocent until his/her guilt is proven through due process according to law and is determined by the verdict of a court that has taken legal effect.

No person is required to prove his/her innocence.

ARTICLE 53.

The law is not retroactive except for the cases when this law improves the legal situation, or mitigates or disaffirms a person's responsibility.

No person can be prosecuted for actions which were not considered illegal at the time of their performance.

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Every person has the right to legal assistance. Such legal assistance shall be granted free of charge in cases prescribed by law. Every person is free to choose a lawyer to defend his/her rights and freedoms.

ARTICLE 55.

No person shall be required to carry out obviously criminal orders or commands.

Issuing or carrying out obviously criminal orders or commands shall entail legal liability.

ARTICLE 56.

The legal liability of person has an individual character.

No person may be prosecuted twice for the same offense.

ARTICLE 57.

A person shall be presumed innocent until his/her guilt is proven through due process according to law and is determined by the verdict of a court that has taken legal effect.

No person is required to prove his/her innocence.

An accusation may not be grounded on illegally obtained evidence as well as on assumptions. All doubts in proving guilt shall be interpreted in favor of the suspected, the accused or the defendant.

No person may be subjected to criminal punishment unless by the verdict of a court.

In the event a verdict is overturned as unlawful, the State shall compensate material and psychological damages to those who have suffered them.

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No person may be subjected to criminal punishment unless by the verdict of a court.

In case of repealing the verdict as unlawful, the State shall compensate all material and psychological damages to those who have suffered them.

ARTICLE 58.

No person shall bear responsibility for the refusal to be a witness or to testify about him-/herself, his/her family members or close relatives, as determined by law.

The suspected, the accused and defendants have the right to legal counsel.

ARTICLE 59.

A convicted person shall enjoy all rights of the individual and the citizen, except restrictions contained in the verdict of the court and in the law that regulates sentencing.

ARTICLE 60.

Constitutional rights and freedoms may not be restricted, except in cases prescribed by the Constitution and laws adopted in accordance with it, in order to protect the rights and freedoms of other persons, and health and public security protection.

Such restrictions must be minimal and shall correspond with the principles of a democratic state.

In cases of martial law or state of emergency, rights and freedoms may be partially limited, with specific mention of the term of validity of such limitations. Rights and freedoms envisaged by articles 22, 23, 27, 30, 35, 42, 46, 47, 50, 51, 52, 53, 54, 55, 57, 58 of the Constitution may not be limited.

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No person shall bear responsibility for the refusal to be a witness or to testify about him-/herself, his/her family members or close relatives, as determined by law.

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Constitutional rights and freedoms may not be restricted, except in cases prescribed by the Constitution and laws adopted in accordance with it, or in order to protect the rights and freedoms of other persons, as well as health and public security protection.

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ARTICLE 61.

Defending the Motherland, the independence and territorial integrity of Ukraine, and respect of the state's symbols shall be the duty of all citizens.

Citizens of Ukraine shall perform military service in compliance with the law.

ARTICLE 62.

No person may damage the environment, historic, cultural and spiritual heritage, and shall pay compensation for damage caused.

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ARTICLE 61.

Every person is bound to fully comply with the Constitution and laws.

Ignorance of the law shall not exempt one from legal liability.

ARTICLE 62.

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Every person shall pay taxes and duties imposed in compliance with law.

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**CHAPTER III. ELECTIONS, REFERENDUMS. LEGISLATIVE
INITIATIVE OF THE PEOPLE**

ARTICLE 65.

The expression of popular will is executed via elections, referendums, people's legislative initiative and other forms of direct democracy.

ARTICLE 66.

Citizens who have reached 18 years of age as of the day when elections and referendum are held have the right to vote.

Citizens recognized by a court as incompetent do not have the right to vote. Limitations on participation in elections and referendums can be imposed by law on people being imprisoned according to a court's decision.

ARTICLE 67.

An all-Ukrainian referendum in Ukraine may be called by the National Assembly of Ukraine, by the President of Ukraine on their own initiative or by popular initiative according to the Constitution and laws.

An all-Ukrainian referendum shall be called by the President of Ukraine on popular initiative upon the request of three million citizens who have the right to vote, upon the condition that signatures for the calling of a referendum are collected in no less than two thirds of Oblasts, and with no less than one hundred thousand signatures in each Oblast.

ARTICLE 68.

Issues on changing Ukraine's territory and Ukraine's joining international alliances are resolved exclusively by an all-Ukrainian referendum.

ARTICLE 69.

A referendum on law drafts on issues of taxation, budget, or on amnesty and clemency is not permitted.

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ARTICLE 68.

Issues on altering Ukraine's territory are resolved exclusively by an all-Ukrainian referendum.

ARTICLE 69.

A referendum on draft laws on issues of taxation, budget, or on amnesty is not permitted.

NOTES

ARTICLE 70.

The nation executes the legislative initiative by proposing a law draft to the National Assembly of Ukraine. A law draft shall be submitted on behalf of no less than two hundred thousand citizens who have the right to vote.

A law draft on changes and amendments to the Constitution shall be submitted on behalf of no less than one million citizens who have the right to vote.

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**CHAPTER IV. THE NATIONAL ASSEMBLY OF UKRAINE (THE
VERKHOVNA RADA) OF UKRAINE**

ARTICLE 71.

The National Assembly (the Verkhovna Rada) of Ukraine is the Parliament of Ukraine and is the body of legislative power of Ukraine.

ARTICLE 72.

The National Assembly consists of two Chambers: the Chamber of Deputies and the Senate, that act on a permanent basis.

ARTICLE 73.

The Chamber of Deputies consists of 300 deputies who are elected for a term of four years on the basis of universal, equal and direct suffrage by secret ballot.

In order to be elected as a deputy, a person must be a citizen, must be no younger than 25 years of age on election day and have the right to vote, and must have resided in the territory of Ukraine for no less than the previous five years.

ARTICLE 74.

The Senate is formed on the basis of equal representation of three Senators from the Autonomous Republic of Crimea, and each Oblast, Kyiv City, as well as two Senators from Sevastopol City, that are elected for a term of four years via indirect elections. A citizen who is no younger than 30 years of age on election day, has the right to vote and has resided in the appropriate territory for the previous five years may become a Senator.

Former Presidents of Ukraine are life-long members of the Senate upon their consent.

ARTICLE 75.

Successive elections of Deputies and Senators shall be conducted within the period of no earlier than 60 days and no later than 45 days prior to the termination of powers of the Chambers.

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Former Presidents of Ukraine are life-long members of the Senate upon their consent.

ARTICLE 75.

Successive elections of Deputies and Senators shall be conducted no earlier than 60 days, and no later than 45 days, prior to the termination of the powers of the Chambers.

Extra elections of Deputies shall take place within 60 days from the date of pre-term termination of the powers of the Chamber of Deputies.

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Extra elections of Deputies shall take place within 60 days from the date of the pre-term termination of powers of the Chamber of Deputies.

The day of elections of deputies and senators is appointed by the President of Ukraine

The order of the conduct of elections is determined by law.

ARTICLE 76.

Deputies and Senators are not charged with imperative mandate.

No person may serve as a Deputy and a Senator simultaneously. Deputies and Senators may not have another representational mandate and be in public service.

Cases of the non-compatibility of mandates of Deputies and Senators with other kinds of activity are determined by law.

ARTICLE 77.

Deputies and Senators perform their functions on a permanent basis. They receive guaranteed financial compensation established by previous Chamber of Deputies.

Deputies and Senators have equal rights.

ARTICLE 78.

During the term of their powers, Deputies and Senators have the right of immunity.

Deputies and Senators are not legally liable for the results of voting or expressions spoken in Chambers and their bodies, except for a claim for committing slander or insult.

Deputies and Senators may not be brought to criminal responsibility, arrested or inflicted with measures of administrative penalty imposed judicially, without consent of the appropriate Chamber except if they were detained when committing a crime and during subsequent 24 hours.

A proposal for depriving a Deputy or a Senator of their immunity is submitted by the General Procurator of Ukraine to the appropriate Chamber.

The day of elections of deputies and senators is appointed by the President of Ukraine

The order of the conduct of elections is determined by law.

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Deputies and Senators are not charged with imperative mandate.

No person may serve as a Deputy and a Senator simultaneously. Deputies and Senators may not have another representational mandate.

Cases of the non-compatibility of mandates of Deputies and Senators with other kinds of activity are determined by law.

ARTICLE 77.

Deputies and Senators execute their functions on a permanent basis. The amount of financial compensation for Deputies and Senators shall be established by the previous Chamber of Deputies.

Deputies and Senators are equal in their status.

ARTICLE 78.

During the term of their powers, Deputies and Senators enjoy the right of immunity.

Deputies and Senators are not legally liable for the results of voting or statements made in Chambers and their bodies, except for a claim for committing slander or insult.

Deputies and Senators may not be detained or arrested without the consent of the appropriate Chamber prior to the verdict of a court, except if they were detained when committing a crime.

ARTICLE 79.

The Powers of Deputies and Senators are terminated simultaneously with the termination of the powers of the Chamber to which they were elected.

The powers of a Deputy or a Senator are terminated pre-term in the following cases:

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ARTICLE 79.

The Powers of Deputies and Senators are terminated simultaneously with the termination of the powers of the Chamber to which they were elected.

The powers of a Deputy or a Senator are terminated pre-term in the following cases:

- 1) ceasing of powers by his/her personal application;
- 2) conviction of him/her;
- 3) recognizing him/her incompetent or absent obscurely by court;
- 4) abolishing of Ukraine's citizenship by him/her or leaving Ukraine for permanent residence abroad;
- 5) death.

Powers of a Deputy or a Senator are terminated before term upon a decision of the appropriate Chamber of the National Assembly in case of abuse by him without a proper reason of the requirement on non-compatibility of Deputy's mandate with other kinds of activity.

Decision of a Chamber on the pre-term termination of the power of a Deputy or of a Senator is adopted by a majority of the number members of the appropriate Chamber established by the Constitution and can be appealed to court.

ARTICLE 80.

The powers of the National Assembly of Ukraine include the following:

- 1) to introduce amendments to the Constitution of Ukraine within the framework and in the order envisaged by Article ... of the Constitution;
- 2) to call all-Ukrainian referendums on the issues envisaged by Article 68 of the Constitution;
- 3) to adopt laws;
- 4) to confirm the state budget and report on its execution;

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- 1) ceasing of powers by his/her personal application;
- 2) conviction of him/her;
- 3) recognizing him/her incompetent or missing obscurely by court;
- 4) abolishing of Ukraine's citizenship by him/her or leaving Ukraine for permanent residence abroad;
- 5) death.

In cases of abuse of the requirement on non-compatibility of a Deputy's or Senator's mandate with other types of activity, his/her powers are terminated pre-term upon the decision of the appropriate Chamber.

The decision of a Chamber on the pre-term termination of the power of a Deputy or of a Senator is adopted by a majority of the members of the appropriate Chamber established by the Constitution, and can be appealed in court.

ARTICLE 80.

The National Assembly works on a session basis. The opening and closing of sessions is performed in joint meetings of the Chambers.

The National Assembly of Ukraine is legitimate if no less than two-thirds of its members are elected to each Chamber.

The National Assembly of Ukraine convenes for its first session no later than the thirtieth day after elections.

The first meeting of the National Assembly is opened by the eldest Deputy.

Joint meetings of the National Assembly are chaired by the Chairman of the Chamber of Deputies and by the Chairman of the Senate in case of his/her absence.

Voting in joint meetings of the Chambers is separate.

The order of the work of the Chambers of the National Assembly is determined by their Regulations. Joint meetings of the Chambers are conducted according to the Regulations of the Chamber of Deputies.

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- 5) to appoint, approve or elect to positions and discharge from positions persons in cases envisaged by the Constitution;
- 6) to perform parliamentary oversight in the manner and within the limits established by the Constitution;
- 7) to ratify and to denunciate international treaties of Ukraine;
- 8) to hear annual and out of turn messages of the President of Ukraine on the domestic and foreign situation of Ukraine not subjected to discussion;
- 9) to remove the President of Ukraine from office in the order established by Article 111 of the Constitution;
- 10) to call for elections of the President of Ukraine pursuant to the terms established by the Constitution;
- 11) to declare war and to conclude peace upon the President's proposal, to approve the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in case of armed aggression towards Ukraine.

The issues envisaged in paragraphs 7, 8, 10, 11 of this Article are considered and resolved in joint meetings of the Chambers of the National Assembly.

The National Assembly of Ukraine also performs other powers within the jurisdiction of the Chamber of Deputies and the Senate, according to the Constitution.

Each Chamber can accept for consideration any issue set forth within the jurisdiction of the National Assembly, except those under the jurisdiction of the other Chamber pursuant to Articles 83, 84 and 85 of the Constitution.

ARTICLE 81.

The National Assembly works on a session basis. The opening and closing of sessions is performed in joint meetings of the Chambers.

The National Assembly of Ukraine convenes for its first session no later than the thirtieth day after elections.

The first meeting of the National Assembly is opened by the most senior Deputy.

ARTICLE 81.

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

Out of turn sessions of the National Assembly of Ukraine, with mention of their agenda, are called by the Chairman of the Chamber of Deputies upon the request of no less than one-third of the member of each Chamber or upon the request of the President of Ukraine.

The National Assembly of Ukraine is convened in two days without a call in the event of the introduction of martial and emergency status in Ukraine.

In the event of the termination of the powers of the National Assembly or of any of the Chambers in time of martial and emergency status, their powers are extended until the day of the first meeting of the first session of the National Assembly elected after the termination of martial and emergency status.

ARTICLE 82.

Meetings of the Chambers of the National Assembly are conducted openly. The decision of no less than two-thirds of Deputies or Senators who are present at the meeting is required to conduct the closed meeting of each Chamber.

The voting on meetings of Chambers is personal.

ARTICLE 83.

The powers of the National Assembly of Ukraine include the following:

- 1) to introduce amendments to the Constitution of Ukraine within the framework and in the order envisaged by Article ... of the Constitution;
- 2) to call all-Ukrainian referendums on the issues envisaged by Article 68 of the Constitution;
- 3) to confirm the state budget and report on its execution;
- 4) to adopt laws;
- 5) to appoint, approve or elect to positions and discharge from positions persons in cases envisaged by the

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Joint meetings of the National Assembly are chaired by the Chairman of the Chamber of Deputies and by the Chairman of the Senate in case of his/her absence.

Voting in joint meeting of the Chambers is separate.

The order of the work of the Chambers of the National Assembly is determined by their Regulations. Joint meetings of the Chambers are conducted according to the Regulations of the Chamber of Deputies.

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

Out of turn sessions of the National Assembly of Ukraine, with mentioning of their agenda, are called by the Chairman of the Chamber of Deputies upon the request of no less than one-third of the membership of each Chamber determined by the Constitution, or by the proposal of the President of Ukraine.

The National Assembly of Ukraine is convened in two days without a call in case of the introduction of martial and emergency status in Ukraine.

In the event of the termination of the powers of the National Assembly or of any of the Chambers in time of martial and emergency status, their powers are extended until the day of the first meeting of the first session of the National Assembly elected after the termination of martial and emergency status.

ARTICLE 83.

Powers of the Chamber of Deputies include the following:

- 1) to approve the candidacy for appointment of the Prime-Minister of Ukraine by the President of Ukraine;
- 2) to consider and to adopt a decision on the program of activity of the Cabinet of Ministers of Ukraine;
- 3) to perform oversight over the activity of the Cabinet of Ministers of Ukraine pursuant to the Article 84 of the Constitution;
- 4) to approve the most important state programs of economic, scientific and technical, social and national

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Constitution;

- 6) to perform parliamentary oversight in the manner and within the limits established by the Constitution;
- 7) to ratify and to reject international treaties of Ukraine;
- 8) to hear annual and out of turn messages of the President of Ukraine on the domestic and foreign situation of Ukraine;
- 9) to remove the President of Ukraine from office in the order established by Article 111 of the Constitution;
- 10) to call for elections of the President of Ukraine pursuant to the terms established by the Constitution;
- 11) to declare war and to conclude peace upon the President's proposal, to approve the decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression towards Ukraine.

The issues envisaged in paragraphs 7, 8, 10, 11 of this Article are considered and resolved in joint meetings of the Chambers of the National Assembly.

The National Assembly of Ukraine also performs other powers within the jurisdiction of the Chamber of Deputies and the Senate, according to the Constitution.

Each Chamber can accept for consideration any issue within the jurisdiction of the National Assembly, except those under the jurisdiction of the other Chamber.

ARTICLE 84.

Powers of the Chamber of Deputies include the following:

- 1) to co-ordinate the candidacy for appointment of the Prime-Minister of Ukraine by the President of Ukraine;
- 2) to consider and to adopt a decision on the program of activity of the Cabinet of Ministers of Ukraine;
- 3) to perform oversight over the activity of the Cabinet of Ministers of Ukraine in accordance with the Constitution;

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- cultural development, and environmental protection;
- 5) to approve decisions on granting loans and economic assistance to foreign countries by Ukraine and on receiving loans from foreign countries, banks and international financial institutions by Ukraine, as well as oversight over their usage;
 - 6) to approve the general structure and strength of the Armed Forces of Ukraine, the Frontier Troops of Ukraine, the National Guard of Ukraine, and other military formations created according to law;
 - 7) to appoint and to discharge the Director of the Accounting Chamber and of half its membership;
 - 8) to appoint and to discharge the Authorized Representative of the National Assembly of Ukraine on Human Rights; to consider and promulgate annual reports on the protection of human rights and freedoms in Ukraine;
 - 9) to appoint and to discharge the Board Chairman of the National Bank of Ukraine upon the proposal of the President of Ukraine.

ARTICLE 84.

Deputies have the right to make a request on the execution of a Program of Government Activity and other all-state programs adopted by the Chamber.

After discussion of the response of the Cabinet of Ministers upon request, the Chamber of Deputies may consider the question of responsibility of the Cabinet of Ministers following a proposal of no less than 75 Deputies and adopt by majority of its membership, established by Constitution, a resolution on a no-confidence vote.

Adoption of a no-confidence resolution leads to the resignation of the Cabinet of Ministers of Ukraine.

The issue of responsibility of the Cabinet of Ministers may not be considered within a year after the adoption of a Governmental Activities Program or twice during a single regular session of the National Assembly of Ukraine.

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- 4) to approve the most important state programs of economic, scientific and technical, social and national cultural development, and environmental protection;
- 5) to approve decisions on granting loans and economic assistance to foreign countries by Ukraine and on receiving loans from foreign countries, banks and international financial institutions by Ukraine, as well as oversight over their use;
- 6) to approve the general structure and strength of the Armed Forces of Ukraine, the Frontier Troops of Ukraine, the National Guard of Ukraine, and other military formations created according to law;
- 7) to appoint and to discharge the Director of the Accounting Chamber and of half its members;
- 8) to appoint and to discharge the Authorized Representative of the National Assembly of Ukraine on Human Rights; to hear annual reports on the protection of human rights and freedoms in Ukraine;
- 9) to appoint and to discharge the Board Chairman of the National Bank of Ukraine upon the proposal of the President of Ukraine.

ARTICLE 85.

Deputies have the right to make a request on the execution of the Program of Government Activity and other all-state programs adopted by the Chamber of Deputies.

After discussion of the response of the Cabinet of Ministers upon such request, the Chamber of Deputies may consider the question of responsibility of the Cabinet of Ministers and for a resolution on a no-confidence vote following a proposal of no less than 100 Deputies and adopted by a majority of its members, established by Constitution.

Adoption of a no-confidence resolution shall result in the resignation of the Cabinet of Ministers of Ukraine.

The issue of responsibility of the Cabinet of Ministers may not be considered within a year after the adoption of a Governmental Activities Program or twice during a single regular session of the National Assembly of Ukraine.

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ARTICLE 85.

The powers of the Senate are the following:

- 1) appointment and discharge of the Deputy Director of the Accounting Chamber and of half its membership;
- 2) confirmation of half of the membership of the Constitutional Court of Ukraine upon the proposal of the Chairman of Senate;
- 3) appointment and discharge of the Chairman and judges of the Supreme Court of Ukraine upon the President's proposal;
- 4) giving consent to appointment of the General Procurator of Ukraine by the President of Ukraine and discharging him from the office;
- 5) approval of membership of the Central Election Commission on elections to the National Assembly of Ukraine and of the President of Ukraine following the President's proposal;
- 6) approval of membership of the National Council on Television and Radio Broadcasting upon a proposal of the President of Ukraine and the Chairman of the Senate;
- 7) creation of the Defense Council of Ukraine upon the President's proposal;
- 8) approval of a decision on granting military assistance to other countries, on deployment of the Armed Forces of Ukraine to other countries or permission for entry to Ukraine's territory for armed forces of other countries;
- 9) adoption within two days from the moment of submission of decrees of the President of Ukraine on introduction of martial or emergency status in Ukraine or in some part of its territory, on total or partial mobilization, and declaring specific locations as zones of environmental disaster;
- 10) solution of issues of territorial construction of Ukraine.

ARTICLE 86.

The powers of the Senate are the following:

- 1) appointment and discharge of the Deputy Director of the Accounting chamber and of half its members;
- 2) appointment of half of the membership of the Constitutional Court of Ukraine;
- 3) appointment and discharge of judges of the Supreme Court of Ukraine upon the President's proposal;
- 4) giving consent to appointment of the General Procurator of Ukraine by the President of Ukraine;
- 5) approval of the member of the Central Election Commission on elections to the National Assembly of Ukraine and the President of Ukraine following the proposal of the President;
- 6) creation of the Defense Council of Ukraine upon the President's proposal;
- 7) approval of a decision on granting military assistance to other countries, and on deployment of the Armed Forces of Ukraine to other countries;
- 8) adoption within two days from the moment of submission of decrees of the President of Ukraine on introduction of martial or emergency status in Ukraine or in some part of its territory, on total or partial mobilization, and declaring specific locations as zones of environmental disaster;
- 9) creation and dissolution of rayons, establishment and alteration of boundaries of rayons and towns, consideration of assigning settlements to the category of towns, naming and renaming of settlements and rayons.

ARTICLE 87.

Each Chamber elects a Chairman of the Chamber and a Deputy Chairman of the Chamber from its membership.

The Chairmen of the Chambers shall:

- 1) preside at meeting of Chambers;

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ARTICLE 86.

Meetings of the Chambers of the National Assembly are conducted publicly and openly. For the conduct of a closed meeting a decision of not less than one-third of Deputies or Senators present at a meeting is required.

Voting at meetings of the Chambers is individual.

ARTICLE 87.

Each Chamber elects a Chairman of the Chamber and a Deputy Chairmen from its membership.

Chairmen of the Chambers shall:

- 1) preside at meeting of Chambers;
- 2) perform supervision over preparation of issues subjected to consideration at meetings of Chambers, sign acts adopted by a Chamber;
- 3) represent Chambers in relations with other bodies of state power in Ukraine and in inter-parliamentary contacts;
- 4) form secretariats of the Chambers and organize their work;
- 5) perform command of budget appropriations assigned for maintenance of Chambers;
- 6) perform other functions envisaged by the Constitution and by rules of Chambers.

Deputy Chairmen of the Chambers perform powers determined by Chairmen of appropriate Chambers.

ARTICLE 88.

Chambers of the National Assembly of Ukraine approve the list of standing commissions of Chambers and elect chairmen of these commissions.

Standing commissions perform legislative design work, prepare and conduct preliminary consideration of issues set forth to the competence of the National Assembly of Ukraine.

- 2) organize preparation of issues for consideration at meetings of Chambers;
- 3) sign acts adopted by Chambers;
- 4) represent Chambers in relations with other bodies of state power in Ukraine;
- 5) perform other functions envisaged by the Constitution and by the rules of Chambers.

Deputy Chairmen of the Chambers perform powers determined by Regulations of the appropriate Chamber.

ARTICLE 88.

Chambers of the National Assembly of Ukraine approve the list of standing commissions of Chambers and elect chairmen of these commissions.

Standing commissions perform law drafting work, and prepare and conduct preliminary consideration of issues within the jurisdiction of the National Assembly of Ukraine.

Chambers of the National Assembly of Ukraine may create, whenever it is deemed necessary, temporary special commissions for the preparation and preliminary consideration of issues within their jurisdiction.

Temporary investigation commissions are created for the clarification of issues which are in the public interest.

Conclusions and recommendations of temporary investigation commissions are not decisive for preliminary investigation and the courts.

ARTICLE 89.

The powers of each Chamber of the National Assembly of Ukraine are terminated on the date of the opening of the first meeting of the appropriate Chamber of the new convocation.

The Chamber of Deputies can be discharged pre-term by the President of Ukraine after consultations with the Chairmen of Chambers and the Prime-Minister of Ukraine in the following cases:

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Chambers of the National Assembly of Ukraine can create whenever deemed necessary, temporary special commissions for preparation and preliminary consideration of issues within their competence.

Temporary investigation commissions are created for conducting investigations on issues representing public interest if not less than one third of the membership of appropriate Chambers established by the Constitution have voted in favor of their creation. Temporary investigation commissions perform investigation on the basis envisaged by legislation on criminal proceedings.

Conclusions and recommendations of temporary investigation commissions are not decisive for preliminary criminal investigation and court.

ARTICLE 89.

Powers of the National Assembly of Ukraine are terminated on the date of commencing of the first meeting of first session of the National Assembly of Ukraine of the last convocation.

The Chamber of Deputies can be discharged before term by the President of Ukraine after consultations with the Chairman of the Chamber of Deputies, the Prime-Minister of Ukraine in the following cases:

- 1) if within three months from the date of first proposal of a candidate to the position of the Prime-Minister the Chamber fails to give consent to the President for such appointment;
- 2) if the Chamber of Deputies has twice rejected the Program of activity of the Cabinet of Ministers of Ukraine within sixty days after its first submission.

The Chamber of Deputies elected at extraordinary elections conducted after the discharging of previous membership of the Chamber by the President of Ukraine may not be discharged for one year after its election.

The Chamber of Deputies may not be discharged during the last six months of the term of powers of the President of Ukraine.

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- 1) if within three months from the date of the first proposal of a candidate to the position of Prime-Minister, the Chamber fails to give consent to the President for such appointment;
- 2) if the Chamber of Deputies has twice rejected a Program of activity of the Cabinet of Ministers of Ukraine within sixty days after its first submission.

The Chamber of Deputies elected in special elections conducted after discharge of the previous membership of the Chamber by the President of Ukraine, may not be discharged within a year of its election.

The Chamber of Deputies may not be discharged during the last six months of the term of powers of the President of Ukraine.

ARTICLE 90.

The Chamber of Deputies and the Senate of the National Assembly of Ukraine adopt laws, resolutions and other acts by a majority of votes within the membership of the Chambers established by the Constitution, except for cases envisaged by Articles 86, 95, 99, 111, ... of the Constitution.

ARTICLE 91.

The following is to be determined by the laws of Ukraine exclusively:

- 1) human and civil rights and freedoms, guarantees of these rights and freedoms; the main obligations of a citizen;
- 2) citizenship, legal status of citizens, status of foreigners and persons without any citizenship;
- 3) rights of national minorities;
- 4) status of languages;
- 5) legal regime of property;
- 6) state budget, financial, monetary, price, credit, investment regulation; system of taxation; types and amount of taxes, collections and binding payments; currency, probes, kinds, value, types and

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ARTICLE 90.

The Chamber of Deputies and the Senate of the National Assembly of Ukraine adopt laws, resolutions and other acts by a majority of votes within the membership of the Chambers established by the Constitution except for cases envisaged by articles 86, 95, 99, 111, ... of the Constitution.

ARTICLE 91.

The following is to be determined by the laws of Ukraine exclusively:

- 1) human and civil rights and liberties, guarantees of these rights and liberties; main obligations of a citizen;
- 2) citizenship, legal rights of citizens, status of foreigners and persons without citizenship;
- 3) rights of national minorities;
- 4) status of languages;
- 5) legal status of property;
- 6) state budget, fundamentals of financial, monetary, price establishment, credit, investment activities; system of taxation; kinds of taxes, collections and obligatory payments; currency, probes, kinds, value and manufacturing of coins, order and permission for emission of bank-notes;
- 7) units of weight, measurement and time;
- 8) fundamentals and guarantees of enterprise;
- 9) ecological standards;
- 10) fundamentals of usage of natural resources, exploration of outer space, organization and usage of power supply systems, those of automobile, rail, air, sea, river, pipeline transport and communications;
- 11) fundamentals of social protection, labor and employment, marriage, family, motherhood, fatherhood, childhood, health care, up-bringing, education and culture;
- 12) fundamentals of regulation of demographic and migration processes,
- 13) fundamentals of creation and activity of public associations and mass media;

- manufacturing of coins, order of issue and of emission of banknotes; their kinds and types;
- 7) units of weight, measurement and time;
 - 8) bases and guarantees of entrepreneurship;
 - 9) order of determining ecological standards;
 - 10) bases of usage of natural resources, continental shelf, exploration of outer space, organization and exploitation of power supply systems, transport and communications;
 - 11) fundamentals of social protection, fundamentals of regulation of labor and employment, marriage, family, motherhood, fatherhood, childhood, up-bringing, education, culture and health care;
 - 12) bases of regulation of demographic and migration processes;
 - 13) bases of establishing and activity of political parties, and other public organizations and associations and mass media;
 - 14) organization and order of the conduct of elections and referendums;
 - 15) organization and activity of the National Assembly and its Chambers, legal status of Deputies and Senators;
 - 16) fundamentals of organization and activity of executive power bodies, state service, organization of state statistics and information;
 - 17) the court system, legal procedure, status of judges, court examination, organization and activity of the Procurator's Office, investigation and notary service, bodies and institutions of execution of punishments; fundamentals of organization and activity of the bar;
 - 18) fundamentals of the territorial system of Ukraine;
 - 19) bases of local self-government;
 - 20) creation and order of functioning of free economic areas;
 - 21) bases of foreign affairs, foreign economic activity and customs service;
 - 22) fundamentals of defense, national security and securing civil order;

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- 14) organization and order of conduct of elections and referendums;
- 15) organization and activity of the National Assembly and its Chambers, legal status of Deputies and Senators;
- 16) fundamentals of organization and activity of executive power bodies, state service, organization of state statistics and information;
- 17) courts, course of justice, expert evaluation under courts, organization and activity of Procurator's Office, investigation and notary service, bodies and institutions of executing punishments; fundamentals of organization and activity of legal service;
- 18) fundamentals of territorial arrangement of Ukraine;
- 19) fundamentals of local self-government;
- 20) fundamentals of creation and functioning of free economic zones;
- 21) essentials of foreign affairs;
- 22) fundamentals of defense, national security and securing of civil order;
- 23) fundamentals of foreign economic activity and customs service;
- 24) legal status of state borders;
- 25) establishment and order of usage and protection of state Colors, Coat of Arms and Anthem;
- 26) status of a capital city; special status of other cities;
- 27) legal status of martial and emergency status;
- 28) establishment of state awards and ranks;
- 29) actions determined as crimes, administrative and disciplinary violations and responsibility for such actions;
- 30) amnesty.

ARTICLE 92.

The right of legislative initiative in the National Assembly of Ukraine belongs to Deputies, Senators, the President of Ukraine, the Cabinet of Ministers of Ukraine and to the Verkhovna Rada of the Autonomous Republic of Crimea.

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- 23) legal status of state borders;
- 24) establishment and order of usage and protection of state symbols;
- 25) status of the capital of Ukraine; special status of other cities;
- 26) legal status of martial and emergency state;
- 27) establishment of state awards;
- 28) establishment of military ranks, diplomatic ranks and other special ranks;
- 29) state holidays;
- 30) those actions which are criminal, administrative or disciplinary offenses, and responsibility for them;
- 31) amnesty.

ARTICLE 92.

The right of legislative initiative in the National Assembly of Ukraine belongs to the President of Ukraine, Deputies and Senators.

Draft laws proposed by the President of Ukraine and determined by him to be urgent, shall be considered by the National Assembly out of turn.

ARTICLE 93 - excluded.

ARTICLE 94.

In the event that contradictions arise between the Chambers of the National Assembly concerning the discussion of legislation, a final decision shall be adopted by the Chamber of Deputies by a majority of two-thirds of its members, established by the Constitution.

ARTICLE 95.

A law is signed by the Chairman of the Chamber of Deputies of the National Assembly of Ukraine and submitted to the President of Ukraine without delay.

The President of Ukraine approves and officially promulgates the law or returns it to the National Assembly for further consideration, with his remarks, within fifteen days after

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Popular legislative initiative is exercised according to the Article 70 of the Constitution.

ARTICLE 93.

Necessary calculations of the Accounting Chamber and reasoning by an appropriate commission on possible ways of financing are supplied with legislation requiring financial expenditures.

Ways of coverage of expenditures shall be determined in an adopted law that includes new or additional expenditures.

ARTICLE 94.

In case contradictions arise between the Chambers of the National Assembly concerning a discussed law, a joint agreement commission is established on equal footings. If an agreement commission fails to propose an agreed legislation to the National Assembly, the final decision will be adopted by the Chamber of Deputies by the majority of two thirds of its membership established by the Constitution.

ARTICLE 95.

A law is signed by the Chairman of the Chamber of Deputies of the National Assembly of Ukraine and submitted to the President of Ukraine without delay.

The President of Ukraine promulgates such law or returns it for further consideration to the National Assembly with his remarks, within fifteen days after its receipt.

If such law was again adopted in the National Assembly by the majority of two thirds of membership of the Chambers established by the Constitution, the President of Ukraine is required to promulgate it within ten days.

In case when the President of Ukraine does not return a law within an established term, such law is considered promulgated by the President of Ukraine.

If the President of Ukraine submits a law not promulgated by him after its second adoption by the National Assembly, to the Constitutional Court, for the reasons of its non-coherence with the Constitution, then the term determined for promulgation of such law is prolonged accordingly.

receiving such law.

In the event the President of Ukraine does not return a law for further consideration by the National Assembly, the law shall be considered approved by the President and shall be signed and officially promulgated.

If such a law was adopted a second time by the National Assembly by a majority of two-thirds of the members of the Chambers, established by the Constitution, the President of Ukraine is required to approve and officially promulgate the law within ten days from the moment of its receipt. This term shall be interrupted, if the President of Ukraine submitted a law not approved by him to the Constitutional Court to determine its constitutionality.

A law shall go into force within ten days after its official publication, if a different time is not established in the law itself, but not earlier than the date of its publication.

ARTICLE 96.

The budget system of Ukraine is composed of the State Budget, budgets of the Autonomous Republic of Crimea and local budgets.

ARTICLE 97.

The expenditures of the State, their amount and purposeful use are determined exclusively by the Law on the State Budget of Ukraine.

The Law establishes marginal amount of budget deficit. Coverage of the budget deficit on the account of emission is possible only as an exclusion and only by the decision of the National Assembly.

In the event of the adoption of a State Budget with expenditures in excess of over revenues by the National Assembly, the Law on the State Budget envisages sources and means for deficit coverage. The Law on the State Budget may not establish new taxes and other collections not envisaged by a separate law.

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A law becomes valid ten days after its official publication, if a different time is not established in such law itself, but not earlier than the date of its publication.

ARTICLE 96.

Other issues of legislative procedures are determined by laws and rules of the Chambers of the National Assembly of Ukraine.

ARTICLE 97.

The budget system of Ukraine is composed by the State Budget, budgets of the Autonomous Republic of Crimea and local budgets.

ARTICLE 98.

The state's expenditures, their amounts and purposes are exclusively determined by the Law on the State Budget of Ukraine.

The Law establishes limits of budget deficit. Coverage of budget deficit on the account of emission is possible only as an exclusion and solely by a decision of the National Assembly.

Proposals on the increase of expenditures in the State Budget should be accompanied with appropriate reasoning.

In case of adoption of a State Budget with exceeding of expenditures over revenues by the National Assembly, the Law on State Budget envisages sources and means for deficit coverage.

The Law on State Budget may not establish new taxes and other collections not envisaged by a separate law.

ARTICLE 99.

The State Budget of Ukraine is adopted annually by the National Assembly of Ukraine for the period from January 1 to December 31. It can be adopted for a different period under special circumstances.

The President submits a law draft on the State Budget for the next year to the Chamber of Deputies of the National Assembly no later than within the first fifteen days period of the last session.

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ARTICLE 98.

The State Budget of Ukraine is adopted annually by the National Assembly of Ukraine for the period from January 1 to December 31. It can be adopted for another period under special circumstances.

The President submits a law draft on the State Budget for the next year to the Chamber of Deputies of the National Assembly no later than on the fifteenth day of the fall session. The draft Budget shall be submitted, along with the report on the execution of the State Budget of the current year.

ARTICLE 99.

The President of Ukraine submits to the Chamber of Deputies a report on the execution of the State Budget for the previous year no later than March 31.

A submitted report shall be promulgated.

ARTICLE 100.

Parliamentary oversight over the financial activity of the State and utilization of property is performed by the Accounting chamber subordinated to the Chamber of Deputies of the National Assembly.

ARTICLE 101.

Parliamentary oversight over protection of constitutional, human and civil rights is performed by the Authorized Representative of the National Assembly of Ukraine on human rights.

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The Draft Budget is considered by the Accounting Chamber and by appropriate commissions of the National Assembly of Ukraine.

In case of contradictions arise between the Chambers of the National Assembly of Ukraine on the draft law on state Budget, a final decision shall be adopted by the Chamber of Deputies by two-thirds majority of its membership established by the Constitution.

A Law on State Budget adopted by the National Assembly becomes valid from the January 1 of the next year. The President of Ukraine does not have the right of veto concerning a Law on the State Budget.

The order of design and adoption of the State Budget is determined by law.

ARTICLE 100.

The President of Ukraine submits to the Chamber of Deputies of the National Assembly of Ukraine a report on the execution of the State Budget no later than 3 months after the termination of the period accounted for.

A submitted report is first considered by the Accounting Chamber and appropriate commissions of the Chamber of the National Assembly. Such report is approved while taking into consideration its conclusions and is subjected to publication.

ARTICLE 101.

Parliamentary oversight over the financial activity of the State and utilization of property is performed by the Accounting Chamber subordinated to the Chamber of Deputies of the National Assembly.

The Accounting Chamber, while performing parliamentary oversight, can perform investigations with the same powers and in the same form as temporary investigation commissions of the Chambers of the National Assembly of Ukraine.

The powers, order of organization and activity of the Accounting Chamber are determined by law.

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ARTICLE 102.

Parliamentary oversight over the guarantee of constitutional, human and civil rights is performed by the Representative of the National Assembly of Ukraine in charge of human rights. The powers, order of organization and activity of the Agent on Human Rights are determined by law.

CHAPTER V. THE PRESIDENT OF UKRAINE

ARTICLE 103.

The President of Ukraine is the head of state.

The President of Ukraine guarantees the state sovereignty and the territorial integrity of Ukraine, compliance with the Constitution and securing civil accord in society.

The President of Ukraine ensures coordination of the activity of state power bodies and their liaison with bodies of local self-government.

ARTICLE 104.

The President of Ukraine is elected by citizens for a term of five years on the basis of overall, equal and direct right of election by secret ballot.

A citizen of Ukraine no younger than thirty five years of age who has the right to vote, has lived in Ukraine for the previous ten years prior to the date of elections and speaks the state language may be elected President of Ukraine.

The same person may not serve as President for more than two consecutive terms.

The President of Ukraine may not serve as a Deputy or a Senator or have another representative mandate, or hold any position in bodies of state power and public associations as well as perform any other paid work or business activity.

Regular elections of the President of Ukraine shall be conducted no earlier than 45 days, and no later than 30 days, prior to the end of the term of the President of Ukraine. In the event of the extraordinary termination of the powers of the President according to Article 108 of the Constitution of Ukraine, elections of the President of Ukraine shall be conducted within 90 days.

The order of conduct of elections of the President of Ukraine is determined by law.

ARTICLE 105.

A newly-elected President of Ukraine takes office from the moment of his taking the oath before the nation at a ceremonial meeting of the National Assembly on the date of the termination of powers of the previous President.

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The Chairman of the Constitutional Court of Ukraine accepts the oath of the President of Ukraine.

The President takes the following oath:

"I swear to the Ukrainian people to serve Ukraine faithfully, to protect its independence, to strictly obey the Constitution of Ukraine and laws of Ukraine, to respect human and civil rights and liberties, and to decently perform the high powers imposed on me."

When elected at an extraordinary election, the President of Ukraine takes the oath within five days after the official announcement of the results of elections.

ARTICLE 106.

The President of Ukraine enjoys the right of immunity.

Persons guilty of impugning the honor and dignity of the President of Ukraine are accountable according to the law.

The rank of President of Ukraine is protected by law and is maintained by him forever.

ARTICLE 107.

The President of Ukraine:

- 1) secures state independence, national security and legal succession of the State;
- 2) represents the State in foreign relations;
- 3) supervises foreign policy; makes decisions on recognition of foreign states; conducts negotiations and concludes international treaties on behalf of Ukraine;
- 4) appoints and discharges heads of diplomatic missions of Ukraine in other countries and of those in international organizations; accepts credentials and withdrawals of diplomatic representatives of foreign countries accredited in Ukraine;
- 5) addresses the nation with messages, and the National Assembly of Ukraine with annual and extraordinary reports, on the domestic and international situation in Ukraine;

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- 6) calls National referendums on amendment of the Constitution; appoints National referendums on popular initiative;
- 7) calls elections of the Chambers of the National Assembly of Ukraine within the terms established by the Constitution;
- 8) discharges the Chamber of Deputies in cases set forth in Article 89 of the Constitution;
- 9) appoints the Prime-Minister with the consent of the Chamber of Deputies and discharges him from office;
- 10) appoints and discharges members of the Cabinet of Ministers of Ukraine;
- 11) appoints and discharges the Procurator General upon the consent of the Senate;
- 12) creates, reorganizes and liquidates ministries, departments and the other central bodies of the executive branch while acting within the limits of funding envisaged by the State Budget for maintenance of bodies of executive branch; appoints and discharges heads of such bodies, as well as heads of Oblast (region) and rayon (district) state administrations;
- 13) revokes acts of the Cabinet of Ministers of Ukraine, central and local bodies of executive power and those of the Government of the Autonomous Republic of Crimea;
- 14) is the Commander-in-Chief of the Armed Forces of Ukraine; appoints and discharges the highest commanders of the Armed Forces of Ukraine;
- 15) submits a proposal to the National Assembly on the declaration of war and makes decisions on the use of the Armed Forces in the event of armed aggression against Ukraine;
- 16) in the event of a threat of aggression, or danger to the state independence of Ukraine, adopts a decision on total or partial military mobilization and introduction of martial law in Ukraine or in its separate territories;
- 17) announces in case of necessity an emergency status in Ukraine or in some of its locations; in cases of necessity declares certain territories of Ukraine to

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- be zones of environmental disaster;
- 18) appoints one-half of the membership of the Constitutional Court of Ukraine;
 - 19) submits to the Chambers of the National Assembly proposals on election, appointment and approval of candidates to positions in cases envisaged by the Constitution;
 - 20) grants state awards and honorable ranks of Ukraine;
 - 21) resolves issues of acceptance for citizenship of Ukraine and terminating citizenship of Ukraine, the granting of asylum, deportation of foreign citizens and individuals without citizenship;
 - 22) exercises the right to grant pardons;
 - 23) for the exercise of his powers, establishes consultative, advisory and other auxiliary bodies and offices within the limits of the funds stipulated for maintenance of the executive bodies in the State Budget;
 - 24) exercises other authority provided for by the Constitution;
 - 25) the President, on the basis and for the implementation of, the Constitution and laws of Ukraine, issues decrees and directives that are binding throughout the entire territory of Ukraine. The decrees by the President issued within the limits of the powers provided for in paragraphs 3, 7, 8, 10, 12, 15, 16, 17, 20, 22 of this Article are co-signed by the Prime Minister and the Minister responsible for their implementation.

ARTICLE 108.

The President of Ukraine exercises his powers until the entry to office of a newly-elected President.

The powers of the President cease prior to the appointed time in cases of:

- 1) resignation;
- 2) inability to exercise his powers for reasons of the health;
- 3) dismissal by impeachment order;
- 4) death.

ARTICLE 109

The resignation of the President of Ukraine becomes valid from the moment when the application for resignation is proclaimed by him personally at a joint meeting of the Chambers of the National Assembly.

ARTICLE 110.

The inability of the President of Ukraine to exercise his Powers for reasons of health is to be determined at a joint meeting of the Chambers of the National Assembly on the basis of an application presented in writing by the Supreme Court of Ukraine as well as a medical opinion and the opinion of a specially established temporary parliamentary commission and confirmed by the votes of a majority of the members of each Chamber of the National Assembly, provided for by the Constitution.

ARTICLE 111.

The President may be dismissed from office by the National Assembly by special procedure (impeachment) in the event of his committing a crime.

The dismissal of the President from office by order of impeachment is initiated by petition of no less than one-third of the members of the Chamber of Deputies, provided for by the Constitution.

In order to conduct an investigation, the Chamber of Deputies creates a specially-established temporary commission for the investigation. Opinions and proposals by the commission for investigation are considered at a meeting of the Chamber of Deputies that, in the event that a legal basis exists, adopts a decision to charge the President.

After review of the case material by the Constitutional Court of Ukraine and its opinion on adherence to investigation and trial procedure provided for by the Constitution, a decision on dismissal of the President of Ukraine is made by the Senate by a vote of no less than one-third of the body's members, provided for by the Constitution.

A person dismissed from the Presidential office is subject to responsibility for crimes committed on a general basis. ;

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ARTICLE 112.

In case of the termination of the President's authority prior to the appointed time according to Articles 108, 109, 110, 111 of the Constitution, the presidential power is vested in the Prime Minister until the election and the entry into office of a new President of Ukraine. While performing this duty, the Prime Minister may not exercise the powers provided for in paragraphs 5, 6, 10, 11, 12, 13 of Article 107 of the Constitution.

A newly-elected President possesses power throughout the period provided for in Article 104 of the Constitution.

**CHAPTER VI. THE CABINET OF MINISTERS OF UKRAINE
AND OTHER BODIES OF THE EXECUTIVE BRANCH**

ARTICLE 113.

The Cabinet of Ministers (the Government) of Ukraine is the body of the executive branch in Ukraine.

The Cabinet of Ministers is accountable to the President of Ukraine and is under the control of the National Assembly within the limits provided for by Articles 83 and 84 of the Constitution.

The Cabinet of Ministers of Ukraine follows the Constitution and laws of Ukraine in its activities as well as the decrees and directives of the President of Ukraine.

ARTICLE 114.

There exists a Prime Minister, Deputy Prime Ministers and ministers, who are included in the membership of the Cabinet of Ministers.

The Prime Minister is responsible for organizing and coordinating the activities of the Cabinet of Ministers, as well as the fulfillment of the Governmental Activities Program approved by the Chamber of Deputies of the National Assembly of Ukraine.

ARTICLE 115.

A Cabinet of Ministers is established for the period of the term of the President of Ukraine.

The Prime Minister and other persons included in the Cabinet of Ministers have the right to announce their resignation to the President of Ukraine.

Rejection of the Governmental Activities Program by the Chamber of Deputies or adoption of a resolution of denunciation (no-confidence) pursuant to Article 84 of the Constitution entails the resignation of the Cabinet of Ministers which is to be approved by the President of Ukraine.

The Government whose resignation is approved by the President of Ukraine continues, by order of the President, to exercise its power until the beginning of the functioning of a new Cabinet of Ministers.

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ARTICLE 116.

The Cabinet of Ministers of Ukraine:

- 1) implements the Constitution and laws of Ukraine as well as decrees of the President of Ukraine;
- 2) takes measures to ensure personal and civil rights and freedoms;
- 3) organizes the conduct of financial, monetary, pricing, credit, investment, and taxation policies as well as policies concerning the population's labor and employment, social protection, education, science and culture, environment, ecological security and utilization of natural resources;
- 4) organizes and fulfills national programs on the economic, scientific and technological, social and cultural development of Ukraine as well as regional policies concerning these issues;
- 5) organizes management of public property entities and promotes development of other forms of property;
- 6) creates and implements the State Budget;
- 7) takes appropriate measures to ensure the defense capability and national security of Ukraine, civil order and prevention of crime;
- 8) organizes and provides the implementation of foreign policy and the international economic policy of Ukraine as well as customs affairs;
- 9) directs and coordinates the activities of ministries and departments, the Government of the Autonomous Republic of Crimea and other bodies of the executive branch, as well as the state notary office;
- 10) exercises other powers provided for by the Constitution as well as by the laws and decrees of the President of Ukraine;

The Cabinet of Ministers issues orders and directives that are binding throughout the entire territory of Ukraine.

ARTICLE 117.

Ministries, departments as well as the other central bodies of the executive branch perform management in the appropriate fields of management. Leaders of the bodies are accountable to the President of Ukraine for the results of the activities.

ARTICLE 118.

The legislative power in Oblasts, and in the cities of Kyiv and Sevastopol are exercised by leaders of state administrations who are appointed and dismissed by the President of Ukraine on the application of the Cabinet of Ministers.

If necessary, the President of Ukraine appoints heads of state administrations in rayons and cities on the applications of leaders of Oblast state administrations.

Local level bodies of the executive branch are subordinate to higher bodies of the executive branch in the performance of their activities.

ARTICLE 119.

Leaders of local state administrations ensure adherence to the Constitution and laws of Ukraine as well as to acts of the President of Ukraine and of bodies of the executive branch as well as the keeping and provision of the rights and freedoms of citizens, legality, and law and order; exercise the powers they are vested with for management of public property located on the respective territory; coordinate the activities of factories, institutions and organizations of all property forms, by the bodies of law and order, national security, defense and other local bodies of the executive as well as by the bodies of local self-government.

Leaders of local level state administrations have no right to resolve issues, assigned by the Constitution to the jurisdiction of bodies of local self-government.

ARTICLE 120.

The arrangement and order of the functioning of the Government of Ukraine is determined by law.

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CHAPTER VII. THE PROCURATOR'S OFFICE

ARTICLE 121.

The supervision over obeying the laws of Ukraine as well as maintaining prosecution on behalf of the government in courts is exercised by the Procurator General of Ukraine and the procurators subordinated to him.

ARTICLE 122.

The Procurator General is not dependent on any other bodies and officials and follows the Constitution and laws in exercising his authority.

ARTICLE 123.

The Procurator General and the procurators who are subordinated to him are responsible for taking measures to ensure compliance with the law, and elimination of violations of the law, notwithstanding their source.

ARTICLE 124.

The Procurator General of Ukraine is appointed and dismissed by the President of Ukraine on approval by the Senate of the National Assembly of Ukraine.

The General Procurator's term of office is 5 years.

ARTICLE 126.

The Procurator General annually notifies the National Assembly and the President of Ukraine on the state of law in Ukraine.

ARTICLE 127.

The jurisdiction, the arrangement of and the order of functioning of the Procurator's Office of Ukraine is determined by law.

CHAPTER VIII. THE SYSTEM OF JUSTICE

ARTICLE 128.

Justice in Ukraine is exercised entirely by courts. The delegation of the courts' functions, as well as their usurpation by other bodies and officials is not permitted.

The courts' decisions shall be made on behalf of the State.

ARTICLE 129.

The judicial system in Ukraine is established on the basis of territorial and specialization principles.

The Supreme Court of Ukraine is the highest cassation authority.

Establishment of extraordinary, special and other courts not stipulated by the Constitution is prohibited, except instituted cases for martial status.

The jurisdiction, the arrangement of and the order of functioning of courts is determined by law.

ARTICLE 130.

Judges may not be replaced and hold office for life, except judges appointed for the first time.

Judges of the Supreme Court of Ukraine are appointed to fill the office by the Senate on the application of the President of Ukraine. Judges of other courts are appointed to fill the office by the President of Ukraine in the order provided for by law.

Appointment to fill a judge's office for the first time is made for the term of 3 years.

Judges can be dismissed only in cases and for reasons determined by law.

ARTICLE 131.

The course of justice is exercised on principles of:

- 1) equality of all parties before the law and the court;
- 2) argument of the parties and equality in submission of evidence to the court;

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- 3) access to and openness of trial;
- 4) promulgation of decisions;
- 5) possibility of appeal of decisions;
- 6) enforcement of court decisions throughout the territory of Ukraine;

ARTICLE 132.

In the course of justice, judges are independent and obey only law. Any form of influence over judges shall be legally prosecuted.

ARTICLE 133.

Judges have immunity. A Judge may not be brought to criminal responsibility, arrested or inflicted with measures of administrative penalty imposed judicially, without the consent of the Senate.

ARTICLE 134.

The state provides proper conditions for the functioning and activities of the courts. The expenditures for maintenance of courts is determined in the State Budget.

Implementation of decisions is vested in the respective office that is to be created within the system of the executive branch.

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CHAPTER IX. TERRITORIAL ARRANGEMENT OF UKRAINE

ARTICLE 135.

The territorial arrangement of Ukraine rests on principles of unity and integrity of the State's territory, optimal combination of centralization and decentralization in exercising of state power, socioeconomic development of regions being balanced, taking into account the historic, economic, geographic and cultural traditions of the population.

ARTICLE 136.

The administrative and territorial arrangement of Ukraine is composed of the Autonomous Republic of Crimea, Oblasts, rayons, cities, municipalities as well as villages.

The capital of the State - Kyiv city as well as Sevastopol city possess a special status determined by law.

ARTICLE 137.

Additional territorial entities may be formed within the national territory, in accordance with the laws of Ukraine.

The principles of the territorial arrangement of Ukraine are determined by law.

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CHAPTER X. THE AUTONOMOUS REPUBLIC OF CRIMEA

ARTICLE 138.

The Autonomous Republic of Crimea is an integral part of Ukraine and resolves issues attributed to its jurisdiction by the Constitution as well as the Constitution of the Autonomous Republic of Crimea.

ARTICLE 139.

The Constitution and laws of the Autonomous Republic of Crimea are an integral part of the legislation of Ukraine and they may not contradict the Constitution of Ukraine. They are to be based upon and respond to its main principles.

The Constitution of the Autonomous Republic of Crimea as well as amendments to it are approved by the legislature of the Autonomous Republic of Crimea and acquire their validity after their approval by the National Assembly of Ukraine.

Laws of Ukraine adopted on matters attributed to the jurisdiction of the Autonomous Republic of Crimea, remain in force in the Republic until adoption of respective acts by the Autonomous Republic of Crimea.

ARTICLE 140.

The Autonomous Republic of Crimea possesses its own executive and legislative branches. Their jurisdiction, as well as their order of formation and functioning is determined by the Constitution and the laws of the Autonomous Republic of Crimea.

Courts functioning within the territory of the Autonomous Republic of Crimea are part of the unified judicial system of Ukraine provided for by the Constitution.

ARTICLE 141.

The Autonomous Republic of Crimea creates, approves and implements the republican budget as well as organizes the republican taxes and fees.

There are republican taxes and fees which are left at the disposal of the Autonomous Republic of Crimea as well as deductions from national taxes, the scope of which is determined by the Law on the State Budget.

The Autonomous Republic of Crimea takes part in the elaboration and implementation of the domestic and international political affairs of Ukraine on issues concerning the interests of the Autonomous Republic of Crimea.

In its bodies of state government and local self-government, the Autonomous Republic of Crimea ensures on its territory compliance with the Constitution and laws of Ukraine as well as the implementation of acts by the President and the Government of Ukraine and also of programs of socioeconomic growth and cultural development.

ARTICLE 142.

In the event the laws of the Autonomous Republic of Crimea violate the Constitution of Ukraine, the President of Ukraine may suspend their implementation, with simultaneous appeal to the Constitutional Court of Ukraine.

The Autonomous Republic of Crimea can appeal to the Constitutional Court of Ukraine on matters concerning nullification of acts by Ukraine, decrees by the President of Ukraine and acts of bodies of the executive branch in Ukraine on the territory of the Autonomous Republic of Crimea, in the event of their interference in the jurisdiction of the Autonomous Republic of Crimea.

ARTICLE 143.

There is a Presidential Representative's Office of the President of Ukraine that functions within the Autonomous Republic of Crimea with the Permanent Representative of the President as its director; the legal status of which is determined by law.

The Government of the Autonomous Republic of Crimea has a permanent Presidential Representative's Office in the capital of Ukraine.

CHAPTER XI. LOCAL SELF-GOVERNMENT

ARTICLE 144.

Local self-government is the right of territorial communities - residents of villages, municipalities as well as cities - to resolve matters of local importance on their own, within the limits set forth in the Constitution and laws of Ukraine.

Local self-government is exercised by communities directly as well as through bodies of local self-government - Radas of a village, municipality, city or town, rayon, or Oblast.

Radas of a rayon and an Oblast represent the common interests of the communities of villages, municipalities and cities.

ARTICLE 145.

Membership of a rayon rada includes the chairman of a village, municipality, city or town, and for a city or a town of rayon importance, also includes a chairman of the rayon rada who is to be elected by the population of the rayon.

Membership of an Oblast Rada includes a chairman of the rayon, city or town, and for cities and towns of Oblast importance, also includes a chairman of an Oblast Rada who is to be elected by the population of the Oblast.

Chairmen of a village, municipality, rayon as well as Oblast Radas are the directors of the entities' executive body.

ARTICLE 146.

Material and financial bases of self-government are realty and movable objects, local budgets, revenues and other funds and natural resources owned in common by territorial communities of villages, municipalities, cities as well as objects of their common property used by rayon or Oblast Radas.

The state supports local self-government financially. The expenses of the local governance bodies originating from the decisions of bodies of state power are reimbursed by the State.

ARTICLE 147.

Bodies of local government resolve issues concerning municipal economy, social protection, education, culture, health care, environment, civil order, exercise management over municipal property objects, organize, approve and implement budgets of appropriate administrative and territorial entities, establish local taxes and fees provided for by law, as well as resolve other issues of local importance.

Individual authority of bodies of the executive can be transmitted by a law or an agreement, to bodies of local self-government. The state finances the implementation of state powers and, if necessary, transfers the respective public property to bodies of local self-government.

Bodies of self-government are subject to control by appropriate state administrations regarding issues concerning the exercise of powers transmitted to them.

ARTICLE 148.

Bodies of local self-government adopt solutions that are binding throughout the appropriate territory.

In the event actions by bodies of local self-government violate the Constitution of Ukraine or other legal acts, the actions may be suspended by leaders of the appropriate state administrations as well as by the Government of the Autonomous Republic of Crimea, with simultaneous appeal in court for nullification.

ARTICLE 149.

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

ARTICLE 150.

Additional issues concerning organization of local self-government, their order of formation, as well as the responsibility of the bodies are determined by law.

CHAPTER XIII. THE CONSTITUTIONAL COURT

ARTICLE 151.

The Constitutional Court resolves issues on accordance (constitutionality) of laws and other legal acts to the Constitution and issues official interpretations of the Constitution and laws.

The Constitutional Court is not included in the system of courts of Ukraine and is not dependent on the legislative, executive and judicial branches.

ARTICLE 152.

The Constitutional Court of Ukraine consists of 14 judges.

Judges of the Constitutional Court are appointed by the President and the Senate in the same proportion - 7 judges each.

Judges of the Constitutional Court are appointed for a term of 10 years and have no right to be re-appointed.

An appointed judge of the Constitutional Court is to be a citizen of Ukraine, aged not less than forty years on the day of appointment and possessing the right to vote as well as the practical, scientific or teaching experience in the domain of law for at least for ten years.

The head of the Constitutional Court and the deputy head are elected by means of voting by the membership of judges for a term of three years at a special meeting of the Constitutional Court.

ARTICLE 153.

When exercising their powers, judges of the Constitutional Court are independent and obey only the Constitution of Ukraine.

A judge of the Constitutional Court may not be a member of a political party as well as a Deputy or a Senator, hold any office in bodies of the state power as well as in non-governmental amalgamations and also be engaged in other paid work or entrepreneurship, expert scientific work and teaching.

ARTICLE 154.

Judges of the Constitutional Court enjoy the right to immunity.

Judges of the Constitutional Court may not be charged with criminal responsibility, arrested or inflicted with measures of administrative penalty imposed judicially, without approval by the Constitutional Court.

ARTICLE 155.

The powers of a judge of the Constitutional Court cease before the appointed time in cases of:

- 1) application for resignation;
- 2) inability to exercise his powers for reasons of health;
- 3) exceeding the age limit of 70 years age;
- 4) violation of requirements on incompatibility as set forth by Article 153 of the Constitution;
- 5) oath-breaking.

A decision to terminate the powers of a judge of the Constitutional Court prior to the appointed time in the cases provided for by paragraphs 4 and 5 as well as in the event of commission of a crime, is made by special procedure (impeachment), stipulated by Article 111 of the Constitution.

ARTICLE 156.

Within the authority of the Constitution Court is:

- 1) the official interpretation of the Constitution and laws;
- 2) resolution of the constitutionality of:
 - laws and other legal acts by the National Assembly;
 - the Constitution and laws of the Autonomous Republic of Crimea;
 - decrees of the President of Ukraine;
 - acts of the Cabinet of Ministers.

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These matters are considered on an application by the President of Ukraine, the Chairmen of the Chambers of the National Assembly, by at least 45 Deputies or 20 Senators, the Authorized Representative on Human Rights of the National Assembly, the Procurator General of Ukraine, or the Verkhovna Rada of the Autonomous Republic of Crimea.

The Constitutional Court shall consider cases on the constitutionality of laws and other legal acts by citizens' complaints in the event a case complained of by a citizen had been considered by courts of general jurisdiction, and the final court decision on this case was made by the Supreme Court of Ukraine, and if citizen believes that the law or other legal act used in the decision on the case is unconstitutional.

The Constitutional Court renders decisions on issues set forth in this Article which are binding throughout the territory of Ukraine, are final and may not be appealed.

ARTICLE 157.

On the application of the Chairman of the Chamber of Deputies of the National Assembly, the Constitutional Court issues a decision on the constitutionality of international treaties of Ukraine submitted for ratification.

ARTICLE 158.

Entire laws and legal acts, as well as their particular provisions, are considered unconstitutional by the Constitutional Court, if they do not correspond with the Constitution or if there was a violation of the procedure set forth by the Constitution in their consideration, adoption or coming into force.

Decisions of the Constitutional Court on the unconstitutionality of laws, other legal acts and their particular provisions as well as on their non-conformance with international treaties concluded and ratified by Ukraine in a proper manner, dissolve the legal force of these acts either from the moment of their coming into force if they came into force after the beginning of the judicial proceeding by the Constitutional Court, or from the date of a Constitutional Court decision if it came into force prior to the date of the beginning of the judicial proceeding by the Constitutional Court.

Legal relations originating from such illegal acts are regulated by the body which adopted this act or, in case of the

inability of this body, by application to a competent higher body.

Material and psychological damage to physical as well as legal persons by unconstitutional acts and actions shall be compensated by the State.

ARTICLE 159.

The jurisdiction, the order of organizing and of functioning of the Constitutional Court as well as the procedure of consideration of cases is determined by the Law of Ukraine "On the Constitutional Court of Ukraine."