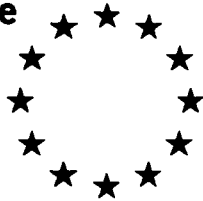


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Strasbourg, 19 March 1996

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

D R A F T

CONSTITUTION OF UKRAINE

**approved by
the Constitutional Commission
on 11 March 1996**

CONSTITUTION OF UKRAINE

Draft

prepared by agreement among representatives of the President of Ukraine, the Verkhovna Rada of Ukraine, the Supreme Court of Ukraine and the High Court of Arbitration of Ukraine, dated February 24, 1996,

(prepared by the Working Subcommittee of the Constitutional Commission on the basis of a text prepared by the Working Group and approved by the Constitutional Commission on 23 November 1995.)

The translation of the draft constitution was prepared by the Ukrainian Legal Foundation March 12, 1996. The translation may be freely used if appropriate credit is given.

We, the Ukrainian people - citizens of Ukraine of all nationalities,

expressing our sovereign will,

standing on a centuries-old history of Ukrainian state-building and on the basis of the right to self-determination achieved by the Ukrainian nation,

caring about the protection of human rights and freedoms and appropriate conditions of life,

being concerned to strengthen civil harmony in society,

endeavoring to develop and strengthen a democratic, social, law-governed state,

being conscious of the responsibility before the present and future generations,

taking guidance from the Act on the Proclamation of the Independence of Ukraine, dated 24 August 1991, that was approved by a nation-wide vote on 1 December 1991,

adopt this Constitution - the Fundamental Law of Ukraine.

Section I

General Principles

Article 1

Ukraine is a sovereign, unitary, democratic, social, law-governed state.

Article 2

The sovereignty of Ukraine extends over its entire territory.

The territory of Ukraine is integral, indivisible and inviolable.

Article 3

The human being, his or 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 course of the activity of the state. The establishment and protection of human rights and freedoms is the main duty of the state.

Article 4

Ukraine has single citizenship. The grounds for acquiring and termination of Ukrainian citizenship are 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.

No one has the right to usurp state power.

Article 6

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

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

Article 7

The state recognizes and guarantees local self-government.

Article 8

The principle of the rule of law is operative in Ukraine.

The Constitution has the highest legal force. The norms of the Constitution are realized directly. Laws and other legal acts shall be adopted on the basis of and in conformity with the Constitution.

Article 9

International treaties, ratified in accordance with to the Constitution, and which have gained legal force for Ukraine, form a part of its national law.

International treaties of Ukraine shall not contravene the Constitution.

Article 10

The state (official) language of Ukraine is Ukrainian.

In the areas of dense concentrations of citizens, who are part of one or several national minorities, the language acceptable for the majority of residents of that specific populated region may be used in addition to the state language in the activity of bodies of state power and of state organizations.

Article 11

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

Ukraine cares about the satisfaction of the national, cultural and linguistic needs of Ukrainians living beyond its borders.

Article 12

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

No ideology shall be recognized by state as mandatory.

The state guarantees freedom of political activity not prohibited by the Constitution or by law.

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

Censorship of mass media is prohibited.

Article 13

The foreign political activity of Ukraine is aimed to ensure its national interests and security by means of maintaining peaceful and mutually beneficial cooperation with members of the international community.

Article 14

The people have the right to resist anyone who attempts to subvert the State of Ukraine, the constitutional order, to violate territorial integrity of Ukraine, or to perform acts with the purpose of seizing state power, if the measures provided by the Constitution cannot be applied.

Article 15

The state flag of Ukraine is a blue and yellow banner of two horizontal bands of equal width.

The state coat-of-arms of Ukraine is the Trident of golden color on a blue shield.

The state anthem of Ukraine is the national anthem - "Shche ne vmerla Ukraina." [Ukraine Has Not Yet Perished.]

The capital of Ukraine is the city of Kyiv.

Section II**Rights and Freedoms of the Person and the Citizen****Article 16**

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

Rights and freedoms of a human being are inalienable and inviolable.

Article 17

Rights and freedoms of the person and the citizen, established by this Constitution, are not exhaustive.

Constitutional rights and freedoms may not be abolished.

Article 18

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

Article 19

Citizens have equal constitutional rights and freedoms and are equal before law.

There shall be no privileges or restrictions based on race, the color of skin, political or other convictions, sex, ethnic and social origin, property, place of residence, language, religion or other circumstances.

Article 20

A citizen of Ukraine shall not be deprived of citizenship nor of the right to change Ukrainian citizenship.

A citizen of Ukraine shall not be expatriated from Ukraine or extradited to a foreign state.

Ukraine guarantees its citizens care and protection beyond its borders.

Article 21

Foreigners and persons without citizenship in Ukraine shall enjoy the same rights and freedoms, and also bear the same duties as citizens of Ukraine, except as provided by the Constitution, by law or international treaties of Ukraine.

Foreigners and persons without citizenship may be granted asylum.

Article 22

Every person has an inalienable right to life.

No one shall be willfully deprived of life. The duty of the state is to protect human life.

Everyone has the right to protect his or her life and the lives of other persons against unlawful encroachments.

Article 23

Everyone has the right to respect of his or her dignity.

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

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

Article 24

Every person has the right to freedom and personal inviolability.

No one may be arrested or be held in custody, except in accordance with a well-founded verdict of court and only on the basis of reasons determined by law.

In the event of an urgent necessity to prevent or stop a crime, the authorized bodies may hold a person in custody as a temporal preventative measure, on the basis which shall be verified by a court within 48 hours. The detained person shall be immediately released, in the event that he or she has not been provided, within 48 hours from the moment of detention, with a well-founded court decision.

Everyone who is arrested or detained shall be promptly informed of the reasons for arrest or detention, shall have his or her rights explained, and shall be given the opportunity to defend himself or herself personally or through the aid of legal counsel.

Everyone who is detained has the right at any time to challenge his or her detention in court.

Article 25

Everyone is guaranteed the inviolability of his or her dwelling place.

Entry into a dwelling place or any other personal possession, for the purposes of search or examination, shall be prohibited except on the basis of a well-founded court decision.

In urgent cases related to the direct pursuit of persons suspected of committing a crime, and to the salvation of life and property, other forms of entry into a dwelling place or any other personal possession, their search and examination are possible through another procedure determined by law.

Article 26

Everyone is guaranteed privacy of mail, telephone communication, telegraph and other forms of communications. Exceptions may be determined by law for the purpose to preventing crimes or determining the truth in the course of investigation and consideration of criminal cases.

Article 27

No one shall be subjected to willful interference into his or her personal and family life.

The collection, preservation, use and dissemination of confidential information about a person without his or her consent is prohibited, except in cases determined by law and only in the interests of national security, economic well-being and human rights.

Every citizen has the right to examine information about himself or herself at the bodies of state power, institutions and organizations, bodies of local self-government, unless it is a state secret or other secret protected by law.

Everyone is guaranteed judicial protection of the right to correct untruthful information and to demand the removal of the information collected in an unlawful manner, as well as compensation for material and moral damages caused by the collection, preservation, use and dissemination of such information.

Article 28

Everyone who is lawfully on the territory of Ukraine is guaranteed freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, except through limitations determined by law for protection of national security, public order, health and morality of the population, or the rights and freedoms of others.

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

Article 29

Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and convictions.

Everyone has the right to freely collect, use and disseminate information in oral, written and any other form that he or she chooses.

The exercise of these freedoms can be restricted by law in the interests of national security, territorial integrity or public order with the purpose of the prevention of disturbances or crimes, to protect health and morality of the population, to protect the reputation or rights of other persons, to prevent the divulging of information obtained confidentially, or to support the authority and impartiality of justice.

Article 30

Everyone has the right to freedom of conscience and religion. This right shall include the freedom to profess or not to profess any religion, to perform without constraint religious rites and ceremonial observances, either alone or communally, and to conduct religious activity.

The realization of this right may be limited by law only in the interests of the protection of social order, health and morals of the population or for the protection of rights and freedoms of other people.

No religion may be recognized as compulsory by the state.

No one can be released from his or her duties before the state or can refuse to observe the law on the grounds of religious convictions. In the event that the performance of military service is contrary to the religious convictions of a citizen, this obligation shall be replaced with alternative (non-military) service.

Article 31

Everyone has the right to freedom of association in order to exercise and to protect his or her rights and freedoms and to satisfy his or her political, economic, social, cultural and other interests, with the exception of limits prescribed by law in the interests of national and social security, the protection of health and morals of the population or the protection of rights and freedoms of other people.

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

No one may be forced to join any association whatsoever.

All public associations are equal before the law.

Article 32

The formation and operation of parties and public associations, that have as programmatic goals and pursue actions aimed at the liquidation of the independence of Ukraine, the change of the constitutional order by means of violence, the violation of the sovereignty and territorial integrity of Ukraine, the subversion of its security, the unlawful seizure of the state power, the propaganda of war and violence, the initiation of inter-ethnic, racial and religious enmity, the encroachment on human rights and freedoms, health and morals of the population shall be prohibited. Parties and public associations may not have paramilitary formations.

The formation and operation of organizational structures of political parties within the bodies of state power and bodies of local self-government, in military formations, as well as in state enterprises, institutions, educational establishments and other state organizations, shall not be permissible.

Public associations can be banned and dissolved only by order of the court.

Article 33

Citizens have the right to participate in the conduct of state affairs, in Ukrainian-wide and local referenda, to freely elect and be elected to the bodies of state power and local self-government. Citizens shall enjoy the equal right of access to state service and to service in bodies of local self-government.

Article 34

Citizens have the right to assemble peacefully without arms and to hold rallies, meetings, marches and demonstrations, in accordance with notice given to bodies of executive power and local self-government.

The limitation of this right may be determined by law only in the interests of the security of the state or citizens to prevent disturbances and crimes, for the protection of health and morals of the population or for the protection of rights and freedoms of other people.

Article 35

Everyone has the right to submit individual or collective written appeals to bodies of state power, bodies of local self-government and their officials, who are obligated to consider them and provide a reasoned reply.

Article 36

The right of private ownership is guaranteed.

Everyone has the right to possess, use and manage his or her parcel of land, other property, and has the right to the results of his or her intellectual work.

In order to secure the interests of national importance, the law determines a comprehensive list of objects which may not be owned privately.

To meet their needs, citizens have the right to use objects of state and communal property in accordance with law.

The right of private ownership to land is acquired in accordance with the order determined by law.

No one shall be illegally deprived of their property.

Expropriations of objects of private property are allowable only as exceptions on the grounds of social necessity and on the condition of prior and full reimbursement of their value. Expropriation of objects of private property with subsequent full reimbursement is permissible only under conditions of martial law or the state of emergency.

Confiscation of property may take place in cases, amounts and in accordance with the order determined by law, only in connection with the commission of a offense.

The use of property shall not bring any harm to the rights, freedoms and dignity of citizens, the interests of society, or cause the deterioration of the ecological situation and natural qualities of land.

Article 37

Everyone has the right to entrepreneurial activity which is not prohibited by law.

Entrepreneurial activity by Deputies, Senators and officials of the bodies of state power and local self-government is prohibited.

The state ensures the protection of competition in entrepreneurial activity. The abuse of monopolistic market positions, illegitimate restriction of competition or unfair competition is not permitted. The kinds and limits of monopolies shall be determined by law.

The state shall protect the rights of consumers, exercise control over the quality and safety of products, all kinds of services, and shall support the activities of public consumer associations.

Article 38

Everyone has the right to labor that includes the possibility to earn a living by work that is freely chosen or freely agreed to.

The state creates conditions for citizens to fully realize this right, guarantees equal opportunities in the choice of professions and kinds of work, and implements programs of professional and technical education, training and

retraining according to the needs of society.

The use of forced labor is prohibited. Military or alternative service, as well as work or services carried out by a person in compliance with a verdict of a court or in accordance with the laws on the state of emergency or martial law, shall not be considered to be forced labor.

Everyone has the right to proper, safe and healthy work conditions, and to remuneration for work that is not less than the minimum wage determined by law.

The use of women and minors for labor at jobs which are dangerous to their health is prohibited.

Citizens are guaranteed protection from unlawful dismissal.

Article 39

Those who are employed have the right to strike for the protection of their economic and social interests.

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

No one shall be forced to participate or not to participate in a strike.

Article 40

Everyone who is employed has the right to rest.

The maximum duration of working hours, the minimum duration of rest and of paid annual vacation, non-working days and holidays, as well as other basic conditions of exercising this right, shall be determined by law.

Article 41

Citizens have the right to social protection in their old age, in cases of full or partial loss of their ability to work, the loss of their principal wage-earner, unemployment due to circumstances beyond their control, and in other cases provided by law.

This right is guaranteed by general and mandatory state social insurance made by payment of insurance premiums by enterprises, establishments and other organizations, budgetary and other sources of social welfare.

Pensions, other social payments and aid, that are the principle source of existence, should provide a standard of living not lower than the minimum living standards established by the state.

Article 42

Everyone has the right to housing.

Citizens who are in need of social protection are provided with housing by the state and bodies of local self-government free of charge or at an affordable price in accordance with the law.

No one shall be forcibly deprived of housing without lawful grounds and in no other way than in accordance with a court decision.

Article 43

Everyone has the right to a standard of living sufficient for himself or herself and his or her family, including sufficient nutrition, clothing and housing.

Article 44

Everyone has the right to the protection of health, medical aid and medical insurance.

The state creates conditions for effective medical service which is accessible to all citizens. State and communal health care institutions provide medical aid free of charge. The state promotes the development of private medical institutions.

The state cares for the development of physical culture and sports, and ensures sanitary and epidemiological welfare.

Article 45

Everyone has the right to an environment which is safe for life and health, and to the recovery of damages inflicted through violation of this right.

The law guarantees everyone the right of free access to information about the environment, the quality of food and consumer products, as well as the right to disseminate such information.

Article 46

Marriage is based on the free consent of a woman and a man. Each of the spouses shall enjoy equal rights and duties in family relations.

The family, childhood, motherhood and fatherhood shall be under protection of the state.

Article 47

Children shall be equal in their rights irrespective of their origin, and without regard to they are born in or out of wedlock.

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

Maintaining and raising orphans and children who are deprived parental care shall be imposed upon the state. The state encourages and supports charitable activity in relation to children.

Article 48

Everyone has the right to education.

Basic secondary education is compulsory.

The state ensures accessible and free primary, secondary and professional education, in state and communal educational establishments. Citizens have the right to receive free higher education at state and communal educational establishments on a competitive basis.

The law guarantees citizens, who belong to national minorities, the right to receive instruction in their native language and to study their native language at state and communal educational establishments or through national cultural societies.

Article 49

Everyone has the right to enjoy the results of his or her intellectual work and nobody may exploit the results without his or her permission with the exception of cases determined by law.

Cultural heritage shall be protected by law.

The state shall take measures to return to Ukraine the cultural treasures of the nation that are located outside its borders.

Article 50

All human rights and freedoms shall be protected by the courts.

Everyone has the guaranteed right to appeal to the court decisions, actions or inactions of the bodies of state power, bodies of local self-government or public officials.

Everyone shall have the right to appeal for the protection of his or her rights to the Authorized Human Rights Representative of the National Assembly of Ukraine.

Everyone shall have the right to appeal for the protection of his or her rights and freedoms to judicial and other institutions of the United Nations and the Council of Europe.

Everyone shall have the right to protect his rights and freedoms from violations by any means which are not prohibited by law.

Article 51

Everyone has the right to compensation from the state or local self-government for material or moral damages inflicted through unlawful decisions, actions or inaction of the bodies of state power and bodies of local self-government or their officials in the course of the exercise of their powers.

Article 52

Everyone is guaranteed the right to know his or her rights and duties.

Laws and other regulatory acts which determine the rights and duties of citizens should be brought to the notice of the population through proper means.

Article 53

The law shall not be retroactive, except in cases where it mitigates or repeals the responsibility of the person.

No one shall bear responsibility for actions which, at the time they were committed, were not defined as an offense by law.

Article 54

Everyone has the right to legal assistance. In cases prescribed by law, such assistance shall be provided free of charge. Everyone shall be free to choose the defender of his or her rights.

Article 55

No one is obligated to execute rulings or orders that are manifestly criminal.

Issuing or executing a manifestly criminal ruling or order shall entail legal responsibility.

Article 56

The legal responsibility of a person has an individual character.

No one shall be prosecuted twice for committing one and the same offense.

Article 57

A person shall be considered innocent of committing an offense until his or her guilt is proved in accordance with the law and is established by a guilty verdict of a court that has taken legal effect.

No one is obliged to prove his or her innocence.

An accusation may not be founded on illegally obtained evidence, or on assumptions. All doubts in regard to the proof of the guilt of a person shall be resolved in his or her favor.

No one shall be subjected to criminal punishment except by the verdict of a court.

In the event that a court verdict is revoked as unlawful, the state shall compensate for material and moral damages caused by the groundless conviction.

Article 58

A person shall not bear responsibility for the refusal to testify or explain anything relating to himself or herself, members of his or her family or close relatives whose circle is determined by law.

Persons who are suspected, accused or charged have the right to a defense.

Article 59

The convicted enjoy all rights of a person and a citizen with the exception of restrictions determined by law and established by the verdict of a court.

Article 60

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

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

In conditions of martial law or a state of emergency, certain restrictions of rights and freedoms may be established with the specification of the period that such restrictions operate. Rights and freedoms envisaged by Articles 22, 23, 35, 42, 46, 47, 50, 51, 52, 53, 54, 55, 56, 57 or 58 of the Constitution may not be restricted.

Article 61

The defense of the Motherland, the independence and territorial integrity of Ukraine, and respect of its state symbols is the duty of citizens.

Citizens shall perform military service in accordance with the law.

Article 62

Everyone is obligated not to harm nature, cultural heritage and to compensate for any damage he or she inflicted.

Article 63

Everyone is obligated to pay taxes and fees in accordance with the procedure and in the amounts determined by law.

Article 64

Everyone is obligated to faithfully observe the Constitution and laws of Ukraine, and not to contravene the rights and freedoms, honor and dignity of other persons.

Ignorance of the laws shall not exempt anyone from legal responsibility.

Section III

Elections. Referendum.

Article 65

The people express their will through elections, referenda and other forms of direct democracy.

Article 66

Citizens who reached the age of 18 years on the day of the elections or referenda have the right to vote at elections and referenda.

Citizens who have been declared incompetent by the court shall not have the right to vote.

Article 67

Elections to the bodies of state power and local self-government are free and occur periodically on the basis of general, equal and direct election law through secret voting.

Electors are guaranteed the right to freely express their will.

Article 68

An All-Ukrainian referendum shall be called by the National Assembly of Ukraine or the President of Ukraine on their own initiative in accordance with the Constitution.

An All-Ukrainian referendum on the people's initiative shall be called by the President of Ukraine upon the request of three million citizens who have the right to vote, on condition that the signatures in favor of calling the referendum have been collected in no less than two thirds of the oblasts with no less than one hundred thousand signatures in each.

Article 69

Issues of altering the territory of Ukraine shall be resolved exclusively by an All-Ukrainian referendum.

Article 70

A referendum on draft laws in regard to matters of taxation, the budget or on amnesties is not permissible.

Section IV

THE National Assembly of Ukraine

Article 71

Legislative Power in Ukraine is exercised by the Parliament - the National Assembly of Ukraine.

Article 72

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

Article 73

The Chamber of Deputies consists of 370 deputies who are elected for the term of four years on the basis of universal, equal and direct suffrage by secret ballot.

A citizen is eligible to be a Deputy if he or she is not younger than 18 years of age on the day of elections, has the right to vote and has resided on the territory of Ukraine for the last five years.

Article 74

The Senate is formed on the basis of equal representation of three Senators from each oblast and the City of Kyiv and two from the City of Sevastopol.

Senators are elected for the term of four years through direct elections in multi-member constituencies established in the Crimean Autonomy, each oblast, and the cities of Kyiv and Sevastopol.

A citizen is eligible to be a Senator if he or she is not younger than 30 years on the day of elections, has the right to vote, and has resided in the appropriate territory for no less than five years.

Article 75

Regular elections of Deputies and Senators shall be held within the period of not earlier than 60 and no later than 45 days prior to the termination of the powers of the appropriate Chamber.

Extraordinary elections of Deputies shall be held within 60 days from the day of early termination of the powers of the Chamber of Deputies.

The day of elections of Deputies and Senators is determined by the President of Ukraine.

The order of the conduct of elections shall be prescribed by law.

Article 76

Deputies and Senators are not bound by imperative mandate.

No one can be a Deputy and a Senator at the same time. Deputies and Senators may not have another representative mandate.

Cases of the incompatibility of the mandate of Deputies and Senators with other kinds activity are prescribed by law.

Article 77

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

Deputies and senators are equal in their status.

Article 78

Prior to taking office Deputies and Senators take the following oath before the National Assembly:

"I swear allegiance to Ukraine. I take the responsibility to dedicate all my deeds in defence of the sovereignty and independence of Ukraine, to care for the well-being of the Motherland and the welfare of the Ukrainian nation. I swear to obey the Constitution and laws of Ukraine, to fulfill my obligations in the interests of all the compatriots."

Refusal to take the oath results in the loss of the mandate of the Deputy or Senator.

Deputies and Senators take office from moment of taking of the oath.

Article 79

Deputies and Senators are guaranteed parliamentary immunity.

Deputies and Senators are not legally responsible for the results of voting or of statements made in Chambers and the bodies of Chambers with the exception of responsibility for insult or slander.

Deputies and Senators cannot be detained or arrested without the consent of the appropriate Chamber prior to the verdict of a court, except if they have been detained whilst committing a crime.

Article 80

The powers of Deputies and Senators terminate simultaneously with the termination of the powers of the Chamber to which they have been elected.

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

- 1) he or she resigns on the basis of his or her personal application;
- 2) a court passes a guilty verdict, against him or her, that gains legal force;
- 3) a court declares him or her to be incompetent or absent without notice;
- 4) he or she loses Ukrainian citizenship or departs for permanent residence outside of Ukraine;
- 5) death.

In cases where the requirement of not performing incompatible activities with the

mandate of a Deputy or a Senator is not observed, his or her powers shall be terminated pre-term pursuant to the decision of the appropriate Chamber.

The decision of a Chamber about the pre-term termination of the powers of a Deputy or a Senator shall be adopted by the majority of the membership of the appropriate Chamber determined in the Constitution, and can be appealed against in court.

Article 81

The National Assembly works on a sessional basis. Sessions shall be opened and closed at joint sittings of both Chambers.

The National Assembly is legitimate upon the condition of the election of not less than two thirds of the membership of each Chamber.

The first session of the National Assembly is convened no later than on the 30th day after elections.

The first sitting of the National Assembly shall be opened by the eldest deputy.

Joint sittings of the National Assembly are chaired by the Chairman of the Chamber of Deputies or in the Chairman's absence by the Chairman of the Senate.

Voting at joint sittings of the Chambers is separate.

The order of work of the Chambers is determined by their Rules of Procedure. Joint sittings of Chambers are held pursuant to the Rules of Procedure of the Chamber of Deputies.

Article 82

Regular sessions of the National Assembly shall commence annually on the first Tuesday of February and on the first Tuesday of September each year.

Special sessions of the National Assembly with the delineation of their agenda are convoked by the Chairman of the Chamber of Deputies on the joint request of not less than one third of the membership of each of the Chambers or upon the request of the President of Ukraine.

In the event of the introduction of martial law or of a state of emergency in Ukraine, the National Assembly shall be called within a period of two days without its formal convocation.

In the event of expiration of powers of the National Assembly or any of the Chambers during the time of martial law or state of emergency their authority shall be prolonged until the day of the first sitting of the first session of the National Assembly elected after the termination of martial law or of the state of emergency.

Article 83

The sittings of the Chambers of the National Assembly shall be held in public. The decision of not less than thirds of the Deputies or Senators present at the meeting of each Chamber is required to hold a closed meeting.

The voting at meetings of the Chambers is personal.

Article 84

The powers of the National Assembly include the following:

- 1) to introduce amendments to the Constitution of Ukraine in accordance with the limits and procedure envisaged by Section XIII of the Constitution;
- 2) to call an All-Ukrainian referendum on issues determined by Article 69 of the Constitution;
- 3) to adopt the State Budget, control the execution of the State Budget, and confirm the report on the execution of the State Budget;
- 4) to adopt laws;
- 5) to appoint or elect and to discharge from office persons in cases envisaged by the Constitution;
- 6) to exercise parliamentary control in the forms and within the limits established by the Constitution;
- 7) to ratify and reject international treaties of Ukraine;
- 8) to hear of annual and special messages of the President of Ukraine about the internal and external situation of Ukraine;
- 9) to remove the President of Ukraine from office in accordance with the procedure established in the Article 109 of the Constitution;
- 10) to call the elections of the President of Ukraine in accordance with the terms established by the Constitution.
- 11) to announce, upon the submission of the President of Ukraine, war and conclusion of peace, to approve the decision of the President of the Ukraine on use of the Armed Forces of Ukraine and other military formations in the event of military aggression against Ukraine.

Issues envisaged by paragraphs 7, 8, 10, and 11 of this Article are considered and resolved at joint meetings of Chambers of the National Assembly.

The National Assembly also exercises other powers which, in accordance with the Constitution, are ascribed to the competence of the Chamber of Deputies and the Senate.

Each Chamber may consider any issues which are assigned to the competence of the National Assembly, except those which belong to the exclusive authority of another Chamber.

Article 85

The powers of the Chamber of Deputies include the following:

- 1) to ratify the appointment of the Prime Minister of Ukraine on the proposal of the President of Ukraine;
- 2) to consider and adopt a decision on the Program of Activity of the Cabinet of Ministers of Ukraine;
- 3) to oversee the activity of the Cabinet of Ministers of Ukraine in accordance with the Constitution;
- 4) to approve the most important national programs of economic, scientific and technical, social and national cultural development, and environmental protection;
- 5) to approve decisions in regard to the grant of loans and economic assistance

by Ukraine to foreign states and the receipt of loans by Ukraine from foreign countries, banks and international financial organizations, as well as oversight over their use;

6) to approve the general structure, strength of the Armed Forces of Ukraine, the Border Troops of Ukraine, the National Guards of Ukraine, and other military formations created in accordance with the law;

7) to appoint and to discharge from office of the Chairman of the Chamber of Accounting and half of its members;

8) to appoint and to discharge from office the Authorized Human Rights Representative of the National Assembly of Ukraine; to receive his or her annual report on the protection of human rights and freedoms in Ukraine;

9) to appoint and to discharge from office, upon the proposal of the President of Ukraine, the Chairman Director of the National Bank of Ukraine.

Article 86

Deputies have the right to inquire about the implementation of the Program of Activity of the Cabinet of Ministers and other national programs approved by the Chamber of Deputies.

After discussion of the response to the inquiry by the Cabinet of Ministers, the Chamber of Deputies may, on the proposal of not less than 100 Deputies, consider the issue of responsibility of the Cabinet of Ministers and to adopt a resolution of non-confidence by vote of the majority of its membership as determined by the Constitution.

The adoption of a resolution of non-confidence by the Chamber of Deputies shall result in the resignation of the Cabinet of Ministers.

The issue of responsibility of the Cabinet of Ministers can not be raised during the period of one year after the adoption of the Program of Activity of the Cabinet of Ministers or twice during a regular session of the National Assembly.

Article 87

The powers of the Senate include the following:

1) to appoint one half of the membership of the Constitutional Court of Ukraine;

2) to appoint and to discharge from office judges of the Supreme Court of Ukraine upon the submission of the President of Ukraine;

3) to ratify the appointment by the President of Ukraine of the heads of diplomatic missions of Ukraine to other states and to international organizations;

4) to appoint and to discharge from office the Deputy Chairman of the Chamber of Accounting and one half of its members;

5) to ratify the appointment of the Procurator General by the President of Ukraine;

6) to ratify the appointment of the Chairman of the Antimonopoly Committee by the President of Ukraine;

7) to appoint, upon the submission of the President of Ukraine, of the membership of the Central Electoral Commission on Elections to the National Assembly of Ukraine and of the President of Ukraine;

8) to establish, upon the submission of the President of Ukraine, the Defense Council of Ukraine;

9) to ratify the decision on provision of military assistance to other states, on the deployment of units of the Armed Forces of Ukraine to other countries, and on permission for the entry of units of armed forces of other states into the territory of Ukraine;

10) to adopt, within two days from the moment of the request, the decrees of the President of Ukraine on the introduction of marshal law or a state of emergency in Ukraine or in some part of its territory, on general or partial mobilization, and on the declaration that certain localities are zones of ecological disaster;

11) to create and to abolish raions, to establish and to alter the boundaries of raions and towns, to reclassify settlements to the category of towns, and to name and rename settlements and raions.

Article 88

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

The Chairmen of Chambers:

- 1) preside at sittings of the Chambers;
- 2) organize the preparation of issues for consideration at sittings of Chambers;
- 3) sign acts, adopted by a Chamber;
- 4) represent the Chambers in their relations with other bodies of state power in Ukraine;
- 5) perform other functions envisaged by the Constitution and the Rules of Procedure of the Chambers;

The Deputy Chairmen of Chambers perform the powers determined by the Rules of Procedure of the appropriate Chamber.

Article 89

The Chambers of the National Assembly approve the list of Committees of the Chambers and elect Chairmen of these Committees.

The Committees of the Chambers draft legislation and prepare and conduct preliminary consideration of issues within the jurisdiction of the National Assembly of Ukraine.

The Chambers of the National Assembly may establish, whenever they consider it to be necessary, Temporary Special Commissions for preparation and preliminary consideration of issues within their jurisdiction.

Temporary Investigation Commissions are established, for examination of issues of interest to the whole society, through a favorable vote of not less than one third of the membership of the appropriate Chamber determined by the Constitution.

The conclusions and proposals of Temporary Investigation Commissions are not mandatory for preliminary investigation and trial.

Article 90

The powers of each of the Chamber of the National Assembly are terminated on the day of the opening of the first sitting of the appropriate Chamber of the new convocation.

The Chamber of Deputies may be dismissed before the conclusion of their term by the President of Ukraine after consultations with the Prime Minister of Ukraine and Chairman of the Chamber of Deputies if the Chamber of Deputies has twice rejected, within sixty days after its first submission, the Program of Activity of the Cabinet of Ministers of Ukraine.

The Chamber of Deputies elected in special elections conducted after dismissal of the previous composition of the Chamber by the President of Ukraine, may not be dismissed for a year from the day of its election.

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

Article 91

The Chamber of Deputies and the Senate of the National Assembly adopt laws, resolutions and other acts by the majority of votes of the membership of the Chambers determined by the Constitution, except for cases envisaged by Articles 83, 94, 95, 109, 156 and 157 of the Constitution.

Article 92

The following are exclusively determined by the laws of Ukraine:

- 1) the rights and freedoms of a human being and citizen, the guarantees of these rights and freedoms; and the principle duties of a citizen;
- 2) citizenship, the legal status of citizens, the status of foreigners and persons without citizenship;
- 3) the rights of national minorities;
- 4) status of languages;
- 5) the legal regime of property;
- 6) the state budget, financial, monetary, price, credit, and investment regulations; the system of taxation; the types and amounts of taxes, collections and binding payments; currency, probes, kinds, value, types and minting of coins, order of issue and emission of banknotes, state securities, their kinds and types;
- 7) units of weight, measure and time;
- 8) principles and guarantees of entrepreneurship;
- 9) the procedure for determining ecological standards;
- 10) the principles for the use of natural resources, the economic zone of the sea, the continental shelf, the exploration of outer space, the organization and exploitation of power supply systems, and transport and communications;
- 11) the fundamentals of social protection, the principles of labor and employment regulation, marriage, family, childhood, motherhood, fatherhood, up-bringing, education, culture and health care;
- 12) the principles of the regulation of demographic and migration processes;

- 13) the principles of the establishment and activity of political parties, other public associations, and the mass media;
- 14) the organization and order of conduct of elections and referenda;
- 15) the organization and order of activity of the National Assembly, the status of Deputies and Senators;
- 16) the principles of the organization and activity of bodies of executive power and of state service, the principles of organization of state statistics and information;
- 17) the judicial system, legal procedure, the status of judges, judicial expertise, the organization and activity of the Office of the Procurator, investigation, the Notariate, and bodies and institutions for the execution of punishments; and the principles of the organization and activity of the bar;
- 18) territorial structure of Ukraine;
- 19) the principles of local self-government;
- 20) the establishment and order of functioning of free economic zones;
- 21) the principles of foreign relations, foreign economic activity and customs service;
- 22) the principles of national defense, the organization of the Armed Forces and securing civil order;
- 23) the legal status of state borders;
- 24) the establishment and procedure for use and protection of state symbols;
- 25) the status of the Capital of Ukraine; special status of other cities;
- 26) legal status of martial law and state of emergency;
- 27) the establishment of state awards;
- 28) the establishment of military ranks, diplomatic ranks and other special ranks;
- 29) state holidays;
- 30) actions which constitute crimes, administrative or disciplinary offenses, and responsibility for them;
- 31) amnesty.

Article 93

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

Draft laws proposed by the President of Ukraine and defined by him as urgent shall be considered by the National Assembly in special order.

Article 94

In the event that contradictions arise between the Chambers of the National Assembly in regard to discussion of a draft law, the final decision is taken by the House of Deputies through a two thirds majority of its members determined by

the Constitution.

Article 95

A law shall be signed by the Chairman of the Chamber of Deputies of the National Assembly and sent without delay to the President of Ukraine.

The President of Ukraine, within fifteen days after receipt of the law, shall approve and officially promulgate it or shall return it with his remarks to the National Assembly for reconsideration.

In the event that the President of Ukraine, within the specified period of time, does not return the law for reconsideration, the law shall be regarded as approved by the President of Ukraine and must be signed and officially promulgated.

If the law returned for reconsideration is adopted by the National Assembly by a two thirds majority of the members of each Chamber, determined by the Constitution, the President of Ukraine is required to sign and officially promulgate it within ten days.

A law shall come into effect after ten days from the moment of its official publication, if it is not otherwise provided by the law itself, but not prior to the date of its publication.

Article 96

The Law on the State Budget of Ukraine exclusively determines state expenditures, their amounts and purposes.

The law determines the limits of the budgetary deficit. The budgetary deficit can only be covered by monetary emission through the decision of the National Assembly upon the proposal of the President of Ukraine.

In the event of the adoption of a State Budget by the National Assembly in which expenditures exceed revenues, the sources and means of covering the deficit shall be stipulated in the Law on the State Budget. The Law on the State Budget can not impose new taxes or other payments.

Article 97

The State Budget of Ukraine is adopted annually by the National Assembly for the period from 1 January to 31 December, and in special circumstances - for a different period.

The President of Ukraine submits the draft Law on the State Budget for the succeeding year to the House of Deputies of the National Assembly not later than on the 15th day of the fall session. A report on the execution of the State Budget in the current year shall be submitted together with the draft Budget.

Article 98

The President of Ukraine submits to the Chamber of Deputies the report on execution of the National Budget for the previous year not later than on the 31st of March.

The submitted report shall be promulgated.

Article 99

The Chamber of Accounting, on behalf of the Chamber of Deputies, exercises

control over the financial activity of the state and utilization of state property.

Article 100

Parliamentary oversight over the observance of the constitutional rights of a person and citizen is performed by the Authorized Human Rights Representative of the National Assembly.

Section V

President of Ukraine

Article 101

The President of Ukraine is the head of the state.

The President of Ukraine is the guarantor of state sovereignty, the territorial integrity of Ukraine, the observance of the Constitution and securing of civil concord in society.

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

Article 102

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

A citizen of Ukraine who is not younger than 35 years of age, has the right to vote, has resided in Ukraine for the last ten years prior to the day of elections, and has command of the state language is eligible to be elected the President of Ukraine.

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

The President of Ukraine may not have another representative mandate, occupy a position in bodies of state power and in associations of citizens, as well as to perform any other paid or entrepreneurial activity or to be a member of an administrative body or a board of supervisors of an enterprise aimed at making a profit.

Regular elections of the President of Ukraine shall be held not earlier than 45 days and not later than 30 days prior to the expiration of the term of office of the President of Ukraine. In the event of the pre-term termination of the powers of the President of Ukraine according to the Article 106 of the Constitution elections of the President of Ukraine shall be held within 90 days.

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

Article 103

A newly elected President of Ukraine assumes office from the moment of taking the oath at a ceremonial meeting of the National Assembly on the final date of the termination of the term of office of the previous President.

The Chairman of the Constitutional Court of Ukraine administers the oath to the President of Ukraine.

The President of Ukraine takes the following oath:

"I, (name and surname) elected by the will of the people, entering upon this high office, solemnly swear allegiance to Ukraine. I pledge in all my undertakings to protect the state sovereignty and independence of Ukraine, to care for well-being of the Motherland and the welfare of Ukrainian people, to protect rights and freedoms of citizens, to obey the Constitution and laws of Ukraine, to exercise my duties in the interests of all my compatriots, and to enhance the prestige of Ukraine in the world."

The President of Ukraine, elected by a special election, takes the oath within five days after the official announcement of the election results.

Article 104

The President of Ukraine enjoys the right of immunity.

Persons guilty of offending the honor and dignity of the President of Ukraine shall be brought to responsibility in accordance with law.

The title of President of Ukraine is protected by law and is reserved for the President for life.

Article 105

The President of Ukraine:

- 1) ensures state independence, national security and legal succession of state;
- 2) addresses the nation with messages, and the National Assembly with annual and special messages on the internal and external situation of Ukraine;
- 3) represents the state in international relations, carries out general supervision of the external political activity of the state, conducts negotiations and concludes international treaties of Ukraine;
- 4) takes decisions on the recognition of foreign states;
- 5) with the consent of the Senate, appoints and discharges heads of diplomatic missions of Ukraine to other states and to international organizations; accepts credentials and letters of recall of diplomatic representatives of foreign states;
- 6) calls an All-Ukrainian referendum regarding amendments to the Constitution in accordance with Article 157 of the Constitution; announces an All-Ukrainian referendum on the people's initiative;
- 7) calls for the elections to the Chambers of the National Assembly within the terms stipulated in the Constitution;
- 8) dismisses the Chamber of Deputies in cases stipulated by Article 90 of the Constitution;
- 9) appoints the Prime-Minister of Ukraine with the consent of the Chamber of Deputies and discharges him from office;
- 10) upon the proposal of the Prime-minister of Ukraine, appoints members of the Cabinet of Ministers of Ukraine, the heads of other central bodies of executive power, as well as heads of state administrations and discharges them from office;
- 11) appoints with the consent of the Senate the Procurator General and discharges him from office;

- 12) appoints, with the consent of the Senate, the Head of the Antimonopoly Committee and discharges him from the office;
- 13) creates, reorganizes and liquidates ministries and other central bodies of executive power, within the limits of funding provided in the State Budget for the maintenance of these bodies;
- 14) revokes acts of the Cabinet of Ministers of Ukraine, central and local bodies of executive power and of Government of the Crimean Autonomy;
- 15) is the Commander-in-Chief of the Armed Forces of Ukraine; appoints and discharges the High Command of the Armed Forces of Ukraine;
- 16) submits to the National Assembly proposals on declaration of war and makes decisions on the use of the Armed Forces in the event of armed aggression against Ukraine;
- 17) in the event of a threat of aggression or danger to the state independence of Ukraine, takes the decision on total or partial military mobilization and the introduction of martial law in Ukraine or in its separate territories;
- 18) in case of necessity declares in Ukraine or in its separate territories the state of emergency; in case of necessity declares certain territories of Ukraine to be zones of ecological disaster;
- 19) appoints one half of the members of the Constitutional Court of Ukraine;
- 20) establishes courts according to the procedure determined by law;
- 21) confers high military ranks, diplomatic ranks and other special titles;
- 22) awards national decorations, establishes presidential decorations and awards them;
- 23) takes decisions about acceptance for citizenship of Ukraine and the termination of citizenship of Ukraine, and about granting of asylum;
- 24) exercises the right to grant pardons;
- 25) for the execution of his powers establishes consultative; advisory and other subsidiary bodies and services within the limits of the funds stipulated in the State Budget for maintenance of the bodies of executive power;
- 26) exercises other powers provided by the Constitution.

The President of Ukraine, on the basis and for implementation of the Constitution and laws of Ukraine, issues universals, decrees and directives that are mandatory for execution on the territory of Ukraine.

Acts of the President of Ukraine, issued within the limits of the authority provided by paragraphs 3, 4, 8, 10, 12, 13, 15, 16, 17, 18, and 21 of this Article shall be co-signed by the Prime Minister of Ukraine and the Minister responsible for its implementation.

Article 106

The President of Ukraine exercises authority until the assumption of office of a newly elected President.

The powers of the President of Ukraine shall cease before term in cases of:

- 1) resignation;

- 2) inability to exercise authority for the reasons of health;
- 3) removal by the procedure of impeachment;
- 4) death.

Article 107

The resignation of the President of Ukraine becomes valid from the moment of the announcement of the resignation by the President personally at a joint sitting of the Chambers of the National Assembly.

Article 108

The inability of the President of Ukraine to exercise his or her powers for the reasons of health shall be determined at a joint meeting of Chambers of the National Assembly and approved by the majority of votes of the members of each of the Chambers determined by the Constitution, upon the written submission of the Supreme Court of Ukraine on the grounds of an appeal of the Chamber of Deputies of Ukraine and a medical opinion.

Article 109

The President of Ukraine may be removed from office by the National Assembly through a special procedure (impeachment) in the event of the commission of state treason or another serious crime.

The issue of the removal of the President of Ukraine from office through the procedure of impeachment shall be initiated by not less than one third of the members of the Chamber of Deputies provided by the Constitution.

To conduct the investigation, the Chamber of Deputies shall establish a special temporary investigation commission, which shall include a special procurator and special investigating officers. The conclusions and proposals of the investigation commission are considered at a sitting of the Chamber of Deputies which, upon proof of the presence of grounds, by majority of its membership determined by the Constitution, takes the decision to charge the President of Ukraine and refers the case to the Senate for consideration.

The Senate considers the charges against the President of Ukraine and takes a decision to submit the issue of removal of the President of Ukraine from office to the National Assembly or to dismiss the case.

The decision on removal of the President of Ukraine from office through the procedure of impeachment is adopted by the National Assembly by not less than two thirds of the members of each of the Chambers determined by the Constitution, after the examination of the case by the Constitutional Court of Ukraine and the receipt of its conclusion about observance of the procedure of investigation and consideration of the case of impeachment envisaged by the Constitution, and after receiving of the decision of the Supreme Court of Ukraine that charges brought constitute a serious crime.

A person, removed from office of the President of Ukraine, is subject to responsibility for the committed crime according to the general procedure.

Article 110

In the event of the early termination of the term of office of the President, in accordance with Articles 106, 107, 108, and 109 of the Constitution, the duties of the President of Ukraine, for the period until election of a new President of Ukraine and his assumption of office, are vested in the Prime Minister of Ukraine. The Prime Minister of Ukraine while executing the duties of the

President of Ukraine shall not exercise the powers determined by paragraphs 2, 6, 8, 10, 11, 12 or 13 of Article 105 of the Constitution.

Article 111

The Cabinet of Ministers of Ukraine is the central collegial body of executive power.

The Cabinet of Ministers is subordinate to the President of Ukraine and is accountable to the National Assembly within the limits determined in Articles 85 and 86 of the Constitution.

The Cabinet of Ministers conducts its activity in accordance with the Constitution and the laws of Ukraine and the acts of the President of Ukraine.

Article 112

The Cabinet of Ministers is composed of the Prime Minister, the Vice Prime Minister and the Ministers.

The Prime-Minister organizes the activity of the Cabinet of Ministers, directs it to execute the Program of Activity of the Cabinet of Ministers, adopted by the Chamber of Deputies of the National Assembly.

Article 113

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

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

Rejection by the Chamber of Deputies of the Program of Activity of the Cabinet of Ministers or adoption of the resolution of non-confidence in accordance with Article 86 of the Constitution entails the resignation of the Cabinet of Ministers which shall be accepted by the President of Ukraine.

The Cabinet of Ministers, whose resignation is accepted by the President of Ukraine, shall continue to exercise its powers, by order of the President, until a new Cabinet of Ministers commences its functions.

Article 114

The Cabinet of Ministers of Ukraine:

- 1) secures state sovereignty and the economic independence of Ukraine, implements internal and external policies of the state, and realizes the Constitution, laws and acts of the President of Ukraine;
- 2) takes measures to secure rights and freedoms of persons and citizens;
- 3) secures the conduct of financial, monetary, pricing, credit, investment, and taxation policies as well as policies in regard of labor and employment, social protection, education, science and culture, protection of the environment, ecological safety and use of natural resources;
- 4) prepares and implements national programs of economic, scientific and technical, social and cultural development of Ukraine;
- 5) organizes the management of objects of state property and promotes the development of other forms of property;

- 6) secures the preparation and implementation of the State Budget;
- 7) takes measures to ensure the defense and national security of Ukraine, civil order, prevention of crime;
- 8) organizes and secures the implementation of external economic activity of Ukraine as well as the operation of customs;
- 9) directs and coordinates the activities of ministries, and other bodies of executive power;
- 10) exercises other powers, delineated in the Constitution, laws and acts of the President of Ukraine.

The Cabinet of Ministers passes resolutions and orders that are binding.

The Acts of the Cabinet of Ministers shall be signed by the Prime Minister.

Article 115

Ministries and other central bodies of executive power conduct management over corresponding spheres of administration.

The heads of these bodies are accountable to the President of Ukraine for the results of their activities.

Article 116

The executive power in oblasts, raions, and the cities of Kyiv and Sevastopol is exercised by the heads appropriate state administrations.

In the exercise of their authority, local bodies of self-government are subordinated to bodies of executive power of a higher authority.

Article 117

The heads of state administrations on the appropriate territory ensure: adherence to the Constitution of Ukraine and the laws of Ukraine, the acts of the President of Ukraine, the Cabinet of Ministers and other bodies of executive power; adherence to rights and freedoms of citizens; the implementation of programs of social and economic as well as of cultural development and environmental protection; the exercise of powers vested in them in regard to management of state property; the coordination of the activity of local bodies of state power and interrelation with bodies of local self-government.

The Heads of local state administration have no right to resolve issues, assigned by the Constitution and the law as a power of bodies of local government.

Article 118

The organization and procedure of the operation of the Cabinet of Ministers of Ukraine and other bodies of executive power are determined by law.

Section VII

The Procuracy

Article 119

The Office of the Procurator of Ukraine constitutes a single system, vested with the following:

- 1) oversight to ensure the observance of laws by bodies that conduct direct searches, inquires and pretrial investigations;
- 2) the investigation of criminal offenses in cases determined by law;
- 3) conduct of prosecutions on behalf of the state in court;
- 4) oversight to ensure the observance of laws in the execution of judgments of the court in criminal cases as well as the application of the other compulsory measures related to the restraint of personal freedoms of citizens;
- 5) the representation of the interests of the state or of a citizen in court in cases that are determined by law.

Article 120

The Office of the Procurator is headed by the Procurator General, who is appointed to and discharged from office by the President of Ukraine. The appointment of the Procurator General requires the consent of the Senate.

The term of office of the Procurator General shall be five years.

Article 121

The organization and procedure of the Office of Procurator are determined by law.

Section VIII

The System of Justice

Article 122

Justice in Ukraine is exercised solely by courts. The delegation of the functions of courts, as well as the appropriation of these functions by other bodies and officials, is not permitted.

Judicial decisions are made by courts on the behalf of Ukraine.

Article 123

The judicial system in Ukraine is formed in accordance with the territorial principle and the principle of specialization.

The highest judicial body is the Supreme Court of Ukraine.

The highest judicial bodies of specialized courts are the respective high courts.

The establishment of extraordinary and special courts, except in cases of the introduction of martial law, is prohibited.

The powers, procedure and operation of courts and bodies of judicial self-government, as well as the conditions of taking the office of a judge are determined by law.

Article 124

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

Judges of the Supreme Court of Ukraine are elected by the Senate upon the proposal of the President of Ukraine. Judges of other courts are appointed to office by the President of Ukraine upon the proposal of the Minister of Justice

in accordance with the procedure determined by law.

The first appointment of a judge to office shall be for the term of five years.

Judges may not be members of political parties, perform any entrepreneurial or other paid activity, except for scientific and teaching activity.

Article 125

The powers of a judge shall be ended before the expiration of the term of appointment in the event of:

- 1) his or her announcement of discharge or resignation;
- 2) his or her incapability to perform his functions for the reasons of health;
- 3) upon reaching the age of 70 years;
- 4) his or her violation of the requirements of incompatibility;
- 5) the violation of the oath.

The decision on the early termination of the powers of a judge, in cases envisaged by paragraphs 2, 4 and 5 of this Article, as well as in the case when he or she has committed a crime, shall be taken in accordance with a special procedure envisaged by law.

Article 126

Judicial proceedings shall be conducted on the basis of the equal status of all participants at a trial, an adversarial relation between the parties, open courts, and the binding character of court decisions.

Article 127

In carrying out judicial proceedings, judges are independent and are only subject to the law.

Any form of influence upon judges is prohibited.

Persons guilty of disrespect of court are brought to responsibility as determined by law.

Article 128

Judges are guaranteed immunity.

A judge may not be brought to criminal responsibility, if detained or arrested without the consent of the Senate, except for detention while he or she was committing a crime.

Article 129

The state ensures the necessary funding and proper conditions for the operation of courts and the activity of judges. Expenditures for maintenance of courts shall be separately stipulated in the State Budget.

The execution of court decisions is vested in the bodies of executive power.

Section IX

Territorial Structure of Ukraine

Article 130

The territorial structure of Ukraine is based on the grounds of the unity and integrity of state territory, the combination of centralization and decentralization in the exercise of state power, the balance of social and economic development of regions taking into account their historical, economic, geographic and demographic specificities, and ethnic and cultural traditions.

Article 131

The system of administrative and territorial structure of Ukraine is composed of the Crimean Autonomy, oblasts, raions, cities, municipalities and villages.

The cities of Kyiv and Sevastopol have a special status determined by law.

Section X**The Crimean Autonomy****Article 132**

The Crimean Autonomy is an integral part of Ukraine and, within the authority determined by this Constitution and the Statute of the Crimean Autonomy, decides the issues falling within its jurisdiction.

The Statute of the Crimean Autonomy shall be approved by the National Assembly of Ukraine in accordance with the order determined for the adoption of the laws of Ukraine.

Article 133

Normative legal acts of the Crimean Autonomy shall not contradict the Constitution and the laws of Ukraine.

Article 134

The Representative Body of the Crimean Autonomy shall be the *Verkhovna Rada* of the Crimean Autonomy.

The *Verkhovna Rada* of the Crimean Autonomy shall, within its jurisdiction, take decisions and adopt resolutions which are binding in the Crimean Autonomy.

The Government of the Crimean Autonomy shall be the Council of Ministers of the Crimean Autonomy. The Head of the Council of Ministers of the Crimean Autonomy shall be appointed by the *Verkhovna Rada* of the Crimean Autonomy upon agreement of the President of Ukraine.

The authority, order of formation and procedure of the *Verkhovna Rada* of the Crimean Autonomy and of the Council of Ministers of the Crimean Autonomy shall be determined by this Constitution and the Statute of the Crimean Autonomy.

Justice is administered in the Crimean Autonomy by the courts which are part of the unified judicial system of Ukraine.

Article 135

The Crimean Autonomy shall, within the limits determined by law, create, approve and implement its budget, impose taxes and duties of the Crimean Autonomy.

The Crimean Autonomy shall administer costs received from taxes and duties it imposes, as well as contributions from general national taxes, the amount of

which is determined by the law of Ukraine.

Article 136

In the event that the decisions and resolutions of the Verkhovna Rada of the Crimean Autonomy contradict the Constitution of Ukraine, the President of Ukraine may suspend their effectiveness while simultaneously applying to the Constitutional Court of Ukraine.

Article 137

The Representative Office of the President of Ukraine, whose legal status shall be determined by law, shall operate in the Crimean Autonomy.

Section XI

Local Self-Government

Article 138

Territorial communities -- the residents of villages, municipalities and cities have the right of local self-government, to independently resolve issues of local character within the limits established by the Constitution and laws of Ukraine.

Local self-government shall be exercised by communities both directly and through the bodies of local self-government - village, municipality and city councils and their executive bodies.

Raion and Oblast Councils are the bodies of local self-government, that represent the common interests of the citizenry of villages, municipalities and cities.

Article 139

The chairmen of village, municipality or city councils and representatives elected by residents of villages, municipalities or cities shall be the members of the respective village, municipality and city council.

The Chairman of a village, municipality or city shall preside at the respective council and head its executive body.

The Raion Council shall be formed by the village, municipality and city councils of the raion, while the Oblast Council - by the raion and city (cities of oblast importance) councils of the oblast.

The Chairmen of Raion and Oblast Council shall be elected by the respective councils and shall preside over its executive body.

Article 140

The material and financial basis for local self-government is personal and real property, revenues to local budgets, other funds, land, natural resources that form the communal property of territorial communities of villages, municipalities and cities as well as objects of joint property that are governed by Raion and Oblast Councils.

The state shall provide financial support for local self-government.

Article 141

The communities of a village, municipality or city, either directly or through the bodies of local self-government, within limits established by the law, resolve issues of the municipal economy and housing, public transport, social

aid, education, culture, health care, environment, public order, trade and services, the support of entrepreneurship, municipal property, and create, approve and implement budgets of the respective administrative territorial units, impose local taxes and duties as well as other matters of local character.

Bodies of executive power may delegate certain powers to bodies of local self-government by law or agreement. The state shall finance the execution of state powers and, should the necessity arise, transfer ownership of state properties to bodies of local self-government.

In the exercise of the authority delegated to them, bodies of local self-government shall be under the control of the respective bodies of executive power.

Raion and Oblast Councils approve raion and oblast budgets, programs of social and cultural development, environmental protection, and may combine, on the basis of an agreement, the funds of village, municipality and city bodies of local self-government to implement joint programs of social and economic development and shall resolve other issues of regional character determined by legislation.

Article 142

Bodies of local self-government shall, within the limits of their authority, adopt resolutions which are binding in the respective territory.

In the event that resolutions of bodies of local self-government violate the Constitution, laws or other acts of legislation of Ukraine, they shall be suspended by the representative of the President of Ukraine in the Crimean Autonomy or the Heads of respective state administrations with a simultaneous address to a court to declare them to be ineffective.

Article 143

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

Article 144

Other issues concerning the organization, formation, operation and responsibilities of the bodies of local self-government shall be determined by law.

Section XIII

The Constitutional Court

Article 145

The Constitutional Court is a sole body of constitutional jurisdiction in Ukraine.

The Constitutional Court determines whether laws and other legal acts conform to the Constitution (the constitutional character) and provides the official interpretation of the Constitution and the laws.

Article 146

The Constitutional Court is composed of 14 judges.

The President of Ukraine and the Senate each appoint seven judges to the

Constitutional Court.

The Judges of The Constitutional Court are appointed for a term of ten years without the right of re-appointment.

A citizen of Ukraine may be appointed as a judge of the Constitutional Court who on the day of appointment has reached the age of 40 years, has higher legal education and experience of practical, scientific or pedagogical activity as a legal professional of not less than ten years.

The Head of the Constitutional Court is elected by a secret ballot vote by the members of the court for a term of five years at a special sitting of the Constitutional Court.

Article 147

In the course of exercising their authority, judges of the Constitutional Court are independent and only obey the Constitution of Ukraine.

A judge of the Constitutional Court may not be a member of a political party, a Deputy or a Senator, hold another representative mandate, occupy any office in bodies of state power in institutions and organizations, in public associations, bodies of local self-government, or perform other paid or entrepreneurial activity, except for scientific and educational activity.

Article 148

Judges of the Constitutional Court are guaranteed immunity.

A judge of the Constitutional Court may not be brought to criminal responsibility, detained or arrested without the consent of the Constitutional Court, except if the judge is detained while committing a crime.

Article 149

The powers of a judge of the Constitutional Court are terminated before the expiration of the term in the cases of:

- 1) the judge's announcement of discharge or resignation;
- 2) incapability to perform his or her powers by reasons of health;
- 3) reaching the age of 70 years;
- 4) violation of the requirements of incompatibility determined by Article 142 of the Constitution;
- 5) violation of the oath.
- 6) death

The decision on pre-term cessation of office of a judge of the Constitutional Court, in cases provided by paragraphs 2, 4 and 5 of this Article as well as in the case that the judge has committed a crime, shall taken in the order of special procedure provided by law.

Article 150

The Constitutional Court has the following powers:

- 1) the official interpretation of the Constitution and the laws;

2) the resolution of issues in regard to conformity with the Constitution (Constitutionality) of:

- * laws and other legal acts of the National Assembly;
- * normative legal acts of the Crimea Autonomy;
- * acts of the President of Ukraine;
- * acts of the Cabinet of Ministers.

These issues are considered upon submission of the President of Ukraine, not less than 75 Deputies or 25 Senators, the Supreme Court of Ukraine, the Authorized Human Rights Representative of the National Assembly, the Procurator General of Ukraine, or the Verkhovna Rada of the Crimea Autonomy.

The decisions of the Constitutional Court, on matters determined by this article, are binding throughout the territory of Ukraine, and are final and not subject to appeal.

Article 151

Upon submission of the President of Ukraine or of the Cabinet of Ministers, the Constitutional Court determines whether international treaties of Ukraine submitted for ratification conform with the Constitution.

Upon submission of the Senate, the Constitutional Court determines whether the Constitutional procedure of investigation and consideration of the case of removal of the President of Ukraine in the order of impeachment was observed.

Article 152

The Constitutional Court may declare laws and other legal acts unconstitutional in whole or in regard to a certain part, if they do not conform to the Constitution or if there was a violation in the procedure determined by the Constitution of their consideration, adoption or coming into force.

Laws and other legal acts, or their particular provisions, declared to be unconstitutional by the Constitutional Court, lose their force and effect from the date that the decision about their unconstitutionality was adopted.

Material and moral damages caused to physical and legal persons through unconstitutional acts or actions are compensated by the state.

Article 153

The order of organization and operation of the Constitutional Court and the procedure for the consideration of cases is determined by law.

Section XIII

Introduction of Amendments to the Constitution

Article 154

Amendments to the Constitution may be submitted by a draft law to the National Assembly by the President of Ukraine or jointly by one third of the Deputies and one third of the Senators.

Article 155

The Constitution may not be amended to abolish or limit the rights and freedoms

of a person or citizen or negatively effect the independence and territorial integrity of Ukraine.

The Constitution may not be amended during a state of emergency or martial law.

Article 156

The draft law on amendments to the Constitution, except for Sections I, III, XIII, that is adopted by a majority of the members of each Chamber of the National Assembly as determined by the Constitution, is considered to be adopted if at the next regular session of the National Assembly not less than three quarters of the members of each Chamber as determined by the Constitution vote in favor of the law.

Article 157

Amendments to Section I of the Constitution, "General Provisions", Section III "Elections. Referendum. People's Legislative Initiative" and Section XIII "Introduction of Amendments to the Constitution" may be made by draft law submitted to the National Assembly by the President of Ukraine subject to the condition that it is approved by three quarters of the composition of each Chamber determined by the Constitution and submitted for adoption by an All-Ukrainian referendum appointed by the President of Ukraine.

A draft law on amendments to Sections I, III, XIII of the Constitution regarding the same issue may only be resubmitted is to the National Assembly of the next convocation.

Article 158

A draft law on amendments to the Constitution concerning the issue previously considered by the National Assembly without adoption of the law, may be submitted not earlier than one year from the date that the decision concerning the previous draft law was taken.

Within the term of its authority, the National Assembly twice may not amend the same provisions of the Constitution.

Article 159

A draft law on changes and amendments to the Constitution is considered by the National Assembly upon presence of the decision of the Constitutional Court of Ukraine about the conformity of the draft law with the requirements of Articles 155 and 158 of the Constitution.

Section XIV

Final Provisions

Article 160

The Constitution of Ukraine enters into force from the day of its adoption.

Article 161

The day of adoption of the Constitution of Ukraine is a national holiday - the Day of the Constitution of Ukraine.

Article 162

On the day on which the Constitution of Ukraine enters into force, the Constitution of Ukraine of 20 April 1978 with subsequent changes and amendments and the Constitutional Accord between the President of Ukraine and the Verkhovna Rada of Ukraine "On Principles of the Organization and Operation of State Power and Local Self-Government in Ukraine in the Period till Adoption of a new Constitution of Ukraine" of 8 June 1995 cease to have force and effect.

Section XV

Transitional Provisions

1. Laws and other normative acts, adopted prior to the entering of this Constitution into force, are valid in so far as they do not contravene the Constitution.

2. After adoption of the agreed text of the Constitution by the parties to the Constitutional Accord, the Verkhovna Rada of Ukraine, exercises the powers of both Chambers of the National Assembly of Ukraine from the date that this Constitution enters into force. From the day of the first sitting of the Senate and until the day of the first sitting of the newly elected Chamber of Deputies of the National Assembly of Ukraine, Verkhovna Rada of Ukraine exercises powers of this Chamber determined by the Constitution.

Other bodies of state power, elected or appointed prior to adoption of the Constitution, exercise the powers determined by it throughout the term to which they were elected or appointed.

The Senate shall be elected within six months from the date that this Constitution enters into force.

The House of Deputies is elected in March 1998.

3. The Cabinet of Ministers of Ukraine shall be formed in accordance with this Constitution within six months after it enters into force.

4. Until the formation of the judicial system of Ukraine in accordance with Article 123 of this Constitution, the Supreme Court and the High Court of Arbitration exercise their powers according to Law of Ukraine of 5 June 1981 "On the Judicial System" and Law of Ukraine of 4 June 1991 "On the Court of Arbitration."

Judges of all the courts of Ukraine, elected or appointed prior to the date this Constitution enters into force, continue to exercise their powers in accordance with the current legislation until the completion of the term for which they were elected or appointed.

Judges, whose term of office expires on the date that this Constitution comes into effect, continue to exercise their powers for a period of six months.

5. For six months after this Constitution enters into force, the current procedure of arrest, custody and detention of persons suspected of committing crimes, as well as the procedures for search and examination of a dwelling place and other possessions of a person shall be preserved.

6. After this Constitution enters into force, the heads of state administrations, acquire the status of heads of state administration in accordance with Article 116 of this Constitution and after the election of heads of respective councils, they resign from the office of head of these councils.

7. After this Constitution enters into force, village, municipality, city councils and their heads perform the powers determined by it until the election of a new composition of the councils in 1998.

Raion and oblast councils, elected prior to this Constitution entering into force, perform the powers determined by it until the formation of a new composition of these councils according to Article 139 of this Constitution.