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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**CONSTITUTION OF UKRAINE<sup>1</sup>**

**ADOPTED BY  
THE VERKHOVNA RADA OF UKRAINE  
ON 28 JUNE 1996**

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<sup>1</sup>

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## CONSTITUTION OF UKRAINE

The Verkhovna Rada of Ukraine on behalf of the Ukrainian people - Ukrainian citizens of all nationalities, expressing sovereign will of people, standing on the century-old history of Ukrainian state building, and on the ground of the right to self-determination realized by the Ukrainian nation, all Ukrainian people, providing for the guarantee of human rights and freedoms, and of the deserved conditions of human life, providing strengthening of the civil consent in society on the Ukrainian land, desiring to develop and strengthen a democratic, social, legal state, recognizing the responsibility before God, own consciousness, previous, present and future generations, governed by the Act of Declaration of Ukraine's Independence of August 24, 1991, approved by a nation-wide vote on December 1, 1991, adopts this Constitution - the Fundamental law of Ukraine.

### CHAPTER I. GENERAL PRINCIPLES

#### ARTICLE 1.

Ukraine is a sovereign and independent, democratic, social, legal State.

#### ARTICLE 2.

The sovereignty of Ukraine covers the entirety of its territory.

Ukraine is a unitarian state.

The territory of Ukraine inside the present borders is indivisible, and inviolable.

#### ARTICLE 3.

An 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 state is responsible to the person for its activity. 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 bearers of the sovereignty and the only source of power in Ukraine. The people exercise power directly and through the bodies of state power and local self-government.

The right to determine and change the constitutional order in Ukraine belongs only to the people and cannot be usurped by the state, its bodies or its officials.

No one 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 this Constitution and in accordance with the laws of Ukraine.

#### ARTICLE 7.

Local self-government is recognized and guaranteed in Ukraine.

#### ARTICLE 8.

The principle of rule of law is recognized and exists in Ukraine.

The Constitution of Ukraine is the highest legal authority. Laws and other legal acts shall be adopted based upon the Constitution of Ukraine and shall correspond to it. The standards of this Constitution are the highest standards of Law. Direct appeal based upon the Constitution to the court for defense of the constitutional rights and freedoms is guaranteed.

ARTICLE 9.

The current international treaties, ratified by the Verkhovna Rada of Ukraine, are part of Ukraine's national law.

The conclusion of international treaties which contradict the Constitution of Ukraine, is possible after introducing appropriate changes to the Constitution of Ukraine.

ARTICLE 10.

The state language in Ukraine is Ukrainian.

The state ensures the development and functioning of the Ukrainian language in all areas of social life on the entire territory of Ukraine.

The free development, use and protection of Russian and other languages of national minorities is guaranteed in Ukraine.

The state promotes the study of languages of the international community.

The order of use of the languages is guaranteed by the Constitution and determined by law.

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 and native nations.

ARTICLE 12.

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

ARTICLE 13.

The land, mineral raw materials, air space, water and other natural resources which are on the territory of Ukraine, natural resources of its continental shelf, the exceptional (sea) economic zone are objects of the property right of Ukrainian people. The authority of the owners of this wealth on behalf of Ukrainian people shall be conducted by the organs of the state authority and local self-government in the order determined by the Constitution of Ukraine.

Every citizen has the right to use the objects of the property rights of people according to the law.

The property sets responsibility. The property shall not be used against a person and society.

The State ensures the equal protection of the rights of all subjects of property rights and property management, as well as the social orientation of the economy. All subjects of property rights are equal before the law.

ARTICLE 14.

The land is the main source of national wealth, which is under the special protection of the state.

The property right on land is guaranteed. This right shall be acquired and executed by legal entities and the state only according to the law.

ARTICLE 15.

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

No ideology can be considered mandatory by the State.

Censorship is prohibited.

The State guarantees freedom of political activity not prohibited by the Constitution and laws of Ukraine.

ARTICLE 16.

The state's responsibilities are: to ensure ecological security and maintenance of the ecological balance on the territory of Ukraine, overcoming of Chernobyl catastrophe - consequences of catastrophes in cooperation with the international community, and preservation of the genetic makeup of the Ukrainian people.

ARTICLE 17.

Protection of the sovereignty and territorial integrity of Ukraine, ensuring economic and informational security are the most important functions of the state, concerns all Ukrainian people.

The defense of Ukraine, protection of its sovereignty, territorial integrity and inviolability is conducted by the Armed Forces of Ukraine.

Ensuring state security and protection of the state border of Ukraine is conducted by military units and security bodies, the organization and activity of which is determined by law.

No one can use Armed Forces of Ukraine and other military formations in order to perform activities aimed to restrict rights and freedoms of citizens, or aimed at seizing the Constitutional order, bodies of power or preventing their activity.

The state provides social protection to the citizens of Ukraine, who are members of Armed Forces or other military formations, as well as members of their families.

Creation and functioning of armed formations, which are not foreseen by the law, are prohibited on the territory of Ukraine.

The location of foreign military bases on the territory of Ukraine is prohibited.

#### ARTICLE 18.

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 based upon generally acknowledged principles and norms of international law.

#### ARTICLE 19.

Legal order in Ukraine is based upon the principles according to which no one can be forced to do that which is not foreseen by law.

Organs of state power and local self-government and their officials shall act only in accordance and measures foreseen by the Constitution of Ukraine and laws of Ukraine.

#### ARTICLE 20.

The state symbols of Ukraine are the State Flag of Ukraine, the State Emblem of Ukraine and the State Anthem of Ukraine.

The State Flag of Ukraine is a blue and a yellow banner made from two equal horizontal stripes.

The Great State Emblem of Ukraine shall be determined in accordance with the Small State Emblem of Ukraine and the Emblem of the Zaporiz'ke Viys'ko (Zaporizhia Kozak Army) based upon the law, and adopted by two-thirds of the Constitutional membership of the Verkhovna Rada of Ukraine.

The main element of the Great Emblem of Ukraine is the Sign of the State of Prince Volodymyr the Great (the Small State Emblem of Ukraine).

The State Anthem of Ukraine is the national anthem with the music of M. Verbytskyi and words, confirmed by law and approved by a constitutional majority of the Verkhovna Rada of Ukraine.

The description and the order of use of the state symbols of Ukraine is determined by law, adopted by a constitutional majority of the Verkhovna Rada of Ukraine.

The capital of Ukraine is Kyiv City.

### CHAPTER II. HUMAN AND CIVIL RIGHTS, FREEDOMS AND OBLIGATIONS

#### ARTICLE 21.

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

The human rights and freedoms are inalienable and inviolable.

#### ARTICLE 22.

The human and civil rights and freedoms established by this Constitution are not comprehensive.

Constitutional rights and freedoms are guaranteed and may not be abolished.

During the adoption of new laws or amendments to current laws, the restriction of the current rights and freedoms is prohibited.

#### ARTICLE 23.

Every person has the right to the free development of his/her personality, as long as there are no violations of the rights and freedoms of other individuals, and has obligations before society, where free and full development of the personality is assured.

#### ARTICLE 24.

Citizens have equal Constitutional rights and freedoms and are equal before the law.

There are no privileges or restrictions based upon race, color of skin, political and other beliefs, gender, ethnic and social origin, property, ownership, position, place of residence, language, religion or other circumstances.

The equality of rights of women and men are assured by giving to women equal possibilities in socio-political and cultural activity; in obtaining education and professional training, jobs, benefits for it as well as work and health protection of women; creation of conditions which will provide them with the possibility to work and to be a mother; legal protection; financial and moral support of motherhood and childhood, including paid vacations, pensions and other privileges to pregnant women and mothers.

#### ARTICLE 25.

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

A citizen of Ukraine may not be banished from Ukraine or turned over to another state.

Ukraine guarantees its citizens protection and defense abroad.

ARTICLE 26.

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

Foreigners and persons without any citizenship may be granted political asylum in the order, determined by law.

ARTICLE 27.

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 unlawful infringements.

ARTICLE 28.

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, scientific and/or other experiments without his/her free consent.

ARTICLE 29.

Every person has the right to freedom and personal inviolability.

No person may be arrested or held in custody, unless pursuant to the verdict of a court and based only upon reasons and in the order 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 72 hours. The detained person shall be released at once, if he/she does not receive a court decision confirming detention within 72 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.

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

Relatives of a detained person shall be informed immediately about his detention.

ARTICLE 30.

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 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.

ARTICLE 31.

Every person is guaranteed privacy of mail, telephone conversations, telegraph and other messages. Exceptions may be set forth by law with the purpose to prevent crimes or to determine the truth when performing investigation and consideration of criminal cases only by a court's decision and based upon the law if it is impossible to obtain information via another way.

ARTICLE 32.

No person may be subject to interference in one's private and family life except cases foreseen by law.

Gathering, keeping, using and disseminating of the confidential information about a person without their consent shall be prohibited, except for cases determined by law and only if it concerns national security, economic well-being and human rights.

Every citizen shall have the right to examine information about him-/herself and members of his/her family 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 information about him-/herself 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.

ARTICLE 33.

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 on freely basis, except for the limitations established by law.

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

ARTICLE 34.

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 these freedoms may be limited by law in the interests of national security, territorial integrity or the public order with the purpose of preventing disturbances or crimes, to protect the health of population, 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.

ARTICLE 35.

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.

The execution of this right may be limited by law, and only in the interests of the protection of the public order, health and morality of population, or the protection of rights and freedoms of other people.

The Church and religious organizations in Ukraine shall be separate from the state and schools shall be separated from the Church. 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 36.

Citizens of Ukraine have the right of association to political parties and public organizations 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, except for the restrictions determined by law in the interests of national or public security, protection of health and morality of the population, or the protection of rights and freedoms of other people.

Political parties in Ukraine are the basis of political system and promote the formation and expression of the political will of citizens and participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership in political parties can be established only by law.

Citizens have the right to membership in professional unions in order to protect their labor and social-economic rights and interests. Professional unions, together with public organizations which unite citizens of similar interest and professional activity shall be formed without preliminary permission and shall be based upon the free choice of their members. All professional unions have equal rights. Restrictions of the membership in professional unions can be established only by law.

No person may be forced to join any public association or be limited in rights for political party or public organization membership or vice versa.

All associations of citizens are equal before law.

ARTICLE 37.

The creation and activity of political parties and public organizations, whose program objectives, or actions are directed to the abolition of the independence of Ukraine, change of the constitutional order by violence, abuse of sovereignty and the territorial integrity of state, undermining its security, the unlawful seizure of state power, propaganda of war, violence, initiation of inter-ethnic, racial and religious hatred, denial of human rights and freedoms, health, is prohibited.

Political parties and public organizations may not form paramilitary groups.

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

The activity of public associations may be prohibited and dissolved only by court order.

ARTICLE 38.

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

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

ARTICLE 39.

Citizens have the right to gather peacefully, without weapons, and to conduct assemblies, meetings, processions and demonstrations, with the notification of bodies of state power or of local self-government about their conduct.

The restriction of this right may be determined by court based upon the law, and only in the interests of the protection of the national or public order with the purpose to prevent disturbances and crimes, for the protection of health of population, or the protection of rights and freedoms of other people.

ARTICLE 40.

All people have the right to send individual and joint petitions to state bodies and bodies of local self-government and their officials, who are required to consider petitions and provide a motivated response in the term determined by law.

#### ARTICLE 41.

The right of private property is inviolable.

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

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

Citizens can use objects of the state and municipal property in accordance with law.

No person may be illegally deprived of the right of property.

The forced taking of private property may take place only for the reason of a societal need, determined by law and on 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 emergency status or martial law.

Confiscation of property may take place only based upon a court's decision in cases, amounts and in the order determined by 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 42.

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

The entrepreneurial activity of Deputies, officials in bodies of state power and local self-government is limited 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 determined by law.

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

#### ARTICLE 43.

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 the 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 public needs.

The use of forced labor is prohibited with the exception of cases, foreseen by the laws on Military or alternative service, as well as work or service performed by a person pursuant to a court's decision, other decision or in accordance with emergency or martial law.

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

Women and teenagers may not be employed to perform jobs dangerous to their health.

Citizens are guaranteed protection against unlawful dismissal.

The right of the in-time receiving of payment for work is protected by law.

#### ARTICLE 44.

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

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

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

The prohibition of a strike is possible only based upon the law.

#### ARTICLE 45.

Every working person has the right to rest.

This right is provided by the short-time working day for professions and factories, determined by law; short hours during the work at night; a day-off on a weekly basis.

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 are determined by law.

#### ARTICLE 46.

Citizens have the right to social security, including the right of provision, in case of sickness, partial or complete disability, corporal debility, accident, loss of a principle family wage earner, unemployment under circumstances, in old age 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 citizens, enterprises, establishments and other organizations, of budgetary and other sources of social welfare, creation of state, communal and private institutions for taking care of incapacitated persons.

Pensions, and other social subsidies and assistance, which are the main sources of income shall provide a living standard not lower than a minimum established by law.

ARTICLE 47.

Every person has the right to housing. The state establishes conditions under which every citizen can build, buy or rent the housing.

Housing shall be provided by the State and by local self-government free of charge or affordable for citizens who need social protection.

No person may be forcibly deprived of housing in no other way than by court decision on the basis of law.

ARTICLE 48.

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

ARTICLE 49.

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

Protection of health is provided by the state via financing of socio-economic, medical and health improvement programs.

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 medical institutions of all forms of property.

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

ARTICLE 50.

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

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 is guaranteed to every person.

No one may restrict this information.

ARTICLE 51.

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

Parents must care for their children until their coming of age. Children of age have to take care of their incapacitated parents.

Family, childhood, motherhood and fatherhood are protected by the State.

ARTICLE 52.

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.

ARTICLE 53.

Every person has the right to education.

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; development of preschool, elementary, general secondary, vocational, high and post-graduate education; providing with state grants and privileges to pupils and students. Citizens have the right to obtain free education in state and municipal higher educational establishments on a competitive basis.

The law guarantees 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.

ARTICLE 54.

Every citizen has the right to the results of his/her intellectual property and intellectual work, and no one may use and distribute them without his/her consent, except for cases determined by law.

The freedom of citizens for literature, art, scientific and technical creativity, protection of intellectual property, copyright, moral and material interests, which occur with regard of different types of the intellectual activity.

The state promotes the development of sciences, establishing of scientific relations of Ukraine with the international community.

Cultural heritage is protected by law.

The state preserves historical monuments and other objects which have historical value and takes measures to return to Ukraine the historical and cultural treasures of the nation which are located beyond its borders.



ARTICLE 55.

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

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

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

Every person has the right to appeal to international courts or other institutions 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 and illegal infringements by any means not prohibited by law.

ARTICLE 56.

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 57.

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.

Laws and other normative acts, which determine the citizen's rights and obligations, but not announced in the order determined by law, are not valid.

ARTICLE 58.

Laws and other normative acts are not retroactive except for cases when a law improves the legal situation, or mitigates or disaffirms a person's responsibility.

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

ARTICLE 59.

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.

Lawyers act to fulfill the right of defense from accusation and to provide legal assistance in courts and other state bodies.

ARTICLE 60.

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 61.

No person may be prosecuted twice for the same offense.

The legal liability of a person has an individual character.

ARTICLE 62.

A person shall be presumed innocent and may not be punished until his/her guilt is proven through due process according to law and is determined by the verdict of a court.

No person is required to prove his/her innocence.

An accusation cannot be based upon illegally received evidence, as well as assumptions. All doubts shall be interpreted as a beneficial for an accused person.

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 caused by unfounded conviction.

ARTICLE 63.

A person shall not bear responsibility for refusing to bear witness or to offer testimony 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.

A convicted person shall enjoy all rights of the individual and the citizen, except for restrictions determined by law and established by the verdict of the court.

ARTICLE 64.

Constitutional rights and freedoms may not be restricted, except in cases prescribed by the Constitution of Ukraine.

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 statement of the term of validity of such limitations. Rights and freedoms envisaged by Articles 24, 25, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62, 63 of this Constitution may not be restricted.

ARTICLE 65.

Defense of the Motherland, of the independence and territorial integrity of Ukraine, and respect for the state's symbols are the duty of citizens.

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

ARTICLE 66.

No person may damage the environment, cultural heritage, and shall pay compensation for damage caused by him/her.

ARTICLE 67.

Every person shall pay taxes and duties in the order and amount determined by law.

All citizens shall submit annually their income and property declarations of the previous year in the order, determined by law, to the local tax inspections.

### CHAPTER III. ELECTIONS, REFERENDUM

ARTICLE 69.

The expression of popular will is executed via elections, referendums and other forms of direct democracy.

ARTICLE 70.

Citizens of Ukraine 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.

ARTICLE 71.

Elections to the bodies of state power and bodies of local self-government are free, and are held periodically on the basis of universal, equal and direct suffrage by secret ballot.

Voters are guaranteed free expression of their will.

ARTICLE 72.

An all-Ukrainian referendum is appointed by the Verkhovna Rada of Ukraine, or by the President of Ukraine according to their powers, determined by the Constitution of Ukraine.

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

ARTICLE 73.

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

ARTICLE 74.

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

CHAPTER IV. THE VERKHOVNA RADA OF UKRAINE

ARTICLE 75.

The only body of the legislative power in Ukraine is the parliament - the Verkhovna Rada of Ukraine.

ARTICLE 76.

The Constitutional number of the Verkhovna Rada of Ukraine is 450 people's deputies of Ukraine the ("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 of Ukraine, must be at least 21 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.

The authorities of deputies are determined by the Constitution of Ukraine and laws of Ukraine.

ARTICLE 77.

Successive elections of the Verkhovna Rada of Ukraine shall be conducted on the last Sunday of March of the fourth year of the term of the Verkhovna Rada of Ukraine.

Special elections of the Verkhovna Rada of Ukraine shall be called by the President of Ukraine and take place within 60 days from the date publication of the decision on pre-term termination of the powers of the Verkhovna Rada of Ukraine.

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

ARTICLE 78.

Deputies are not charged with imperative mandate and execute their duties on the permanent basis.

Deputies may not have another mandate or position in the government.

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

ARTICLE 79.

Upon assuming office, Deputies of the Verkhovna Rada of Ukraine take the following oath: "I swear allegiance to Ukraine. I commit to protect the sovereignty and independence of Ukraine by all my work, to take care of the well-being of the Motherland and of the welfare of the Ukrainian people. I swear to obey the Constitution of Ukraine and laws of Ukraine, to carry out my duties in the interests of all compatriots."

The oath shall be read by the oldest deputy before the opening of the first session of the newly elected Verkhovna Rada of Ukraine, after what deputies consolidate the text of the oath by signatures.

The refusal to take the oath shall result in the loss of the mandate of Deputy.

The authority of Deputies begins from the moment of taking the oath.

ARTICLE 80.

Immunity of deputies is guaranteed.

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

Deputies may not be brought to criminal responsibility, detained or arrested without the consent of the Verkhovna Rada of Ukraine.

ARTICLE 81.

The authorities of Deputies are terminated simultaneously with the termination of the powers of the Verkhovna Rada of Ukraine.

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

- 1) relinquishment of powers by his personal application;
- 2) sentencing of the verdict on indictment of him/her;
- 3) recognizing him/her incompetent or missing by court;
- 4) termination of Ukrainian citizenship by him/her or leaving Ukraine for permanent residence abroad;
- 5) death.

The decision on the pre-term termination of the power of a Deputy is adopted by a majority of the constitutional membership of the Verkhovna Rada of Ukraine.

In cases of abuse of the requirement on non-compatibility of a Deputy's mandate with other types of activity, his authority is terminated pre-term upon the decision of the court in accordance with law.

#### ARTICLE 82.

The Verkhovna Rada works on a session basis.

The Verkhovna Rada of Ukraine is legitimate if at least two-thirds of its members, determined by the Constitution of Ukraine, are elected.

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

The first meeting of the Verkhovna Rada is opened by the eldest Deputy.

The order of the work of the Verkhovna Rada of Ukraine is determined by the Constitution of Ukraine and the Law on Regulations of the Verkhovna Rada of Deputies.

#### ARTICLE 83.

Regular sessions of the Verkhovna Rada 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 Verkhovna Rada of Ukraine, with mention of their agenda, are called by the Chairman of the Verkhovna Rada upon the request of at least one-third of the constitutional membership of the Verkhovna Rada or upon the request of the President of Ukraine.

The Verkhovna Rada of Ukraine is convened in two days without a call in the event of the introduction of martial law or emergency status in Ukraine.

In the event of the termination of the powers of the Verkhovna Rada in time of martial law or emergency status its powers are extended until the day of the first meeting of the first session of the Verkhovna Rada elected after the termination of martial law or emergency status.

#### ARTICLE 84.

Meetings of the Verkhovna Rada of Ukraine are conducted openly. Closed meetings are conducted by the Verkhovna Rada constitutional majority's decision.

Decisions of the Verkhovna Rada of Ukraine must be adopted during its sessions through voting.

The voting on meetings of the Verkhovna Rada of Ukraine is personal.

#### ARTICLE 85.

The powers of the Verkhovna Rada of Ukraine include the following:

- 1) to introduce amendments to the Constitution of Ukraine within the framework and in the order envisaged by Chapter XIII of the Constitution of Ukraine;
- 2) to call all-Ukrainian referendums on the issues envisaged by Article 73 of the Constitution of Ukraine;
- 3) to adopt and introduce changes to the State budget of Ukraine, to control the execution of it, to make decisions regarding the report on execution of the State budget of Ukraine;
- 4) to adopt laws;
- 5) to appoint, or elect to positions and discharge from positions persons in cases envisaged by the Constitution of Ukraine;
- 6) to perform parliamentary oversight in the manner and within the limits determined by the Constitution;
- 7) to give consent for the compulsion of international treaties of Ukraine within the terms determined by law 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 determined by Article 111 of the Constitution;
- 10) to call for elections of the President of Ukraine within 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 against Ukraine.
- 12) to give consent for the appointment of the Prime-Minister of Ukraine by the President of Ukraine;
- 13) to consider and to adopt a decision on the program of activity of the Cabinet of Ministers of Ukraine;
- 14) to perform oversight of the activity of the Cabinet of Ministers of Ukraine in accordance with the Constitution of Ukraine;
- 15) to approve the most general state programs of economic, scientific and technical, social and national cultural development, and environmental protection;
- 16) to approve decisions on granting loans and economic assistance to foreign countries by Ukraine and on receiving loans from foreign countries, international organizations, banks and international financial institutions, which are not foreseen by the state budget of Ukraine, as well as oversight of their use;

- 17) to approve the general structure, strength and functions of the Armed Forces of Ukraine, the Security Service of Ukraine, the Ministry of Interior, and other military formations created according to the laws of Ukraine;
- 18) to appoint and to discharge the Director of the Accounting Chamber and its members;
- 19) to appoint and to discharge the Authorized Representative of the Verkhovna Rada of Ukraine on Human Rights; to hear annual reports on the protection of human rights and freedoms in Ukraine;
- 20) to appoint and to discharge the Chairman of the National Bank of Ukraine upon the proposal of the President of Ukraine.
- 21) to appoint one-third of the membership of the Constitutional Court of Ukraine;
- 22) to give consent for the appointment to the position of the General Procurator of Ukraine by the President of Ukraine; declare lack of confidence in the General Procurator of Ukraine, which shall be followed by dismissal;
- 23) to give consent for appointment and discharge of the Chairman of the Antimonopoly Committee and the Chairman of the State Property Fund by the President of Ukraine, as well as Chairman of the State Television and Radio Committee;
- 24) appointment and discharge of the members of the Central Election Commission upon the proposal of the President of Ukraine;
- 25) lifetime election of judges;
- 26) approval of a decisions on granting military assistance to other countries, and on deployment of the Armed Forces of Ukraine to other countries and allowance to the Armed Forces of other countries to locate on the territory of Ukraine;
- 27) adoption within two days from the moment of submission of decrees of the President of Ukraine on the introduction of martial law 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;
- 28) 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;
- 29) appointment and dismissal of the Chief of Staff of the Verkhovna Rada of Ukraine; approval of the budget and structure of staff of the Verkhovna Rada of Ukraine;
- 30) appointment and dismissal of one-half of the members of the Council of the National Bank of Ukraine;
- 31) appeal to the President of Ukraine upon the decision, adopted by one-third the Constitutional membership of the Verkhovna Rada of Ukraine, on the request of a deputy, Committee or deputy group;
- 32) pre-term termination of power of the Verkhovna Rada of the Autonomous Republic of Crimea upon the decision of the Constitutional court of Ukraine regarding the violation of the Constitution of Ukraine or laws of Ukraine; call special elections of the Verkhovna Rada of the Autonomous Republic of Crimea;
- 33) calling for regular and special elections to the bodies of local self-government;
- 34) determination of principles of the domestic and foreign policy;
- 35) confirmation of the half of the membership of the National Council on Radio Broadcasting and Television.

The Verkhovna Rada of Ukraine shall adopt the list of objects of the state property right, which can be privatized, and determine the legal basis for the extraction of objects of the private property right.

The Verkhovna Rada of Ukraine executes other authorities, which are determined by the Constitution of Ukraine.

#### ARTICLE 86.

People's Deputy of Ukraine has the right to appeal with a request to the bodies of the Verkhovna Rada of Ukraine, Cabinet of Ministers, officials of other bodies of the state power and local self-government, as well as administrators of enterprises, institutions and organizations located on the territory of Ukraine despite their subordination and forms of ownership.

Administrators of the bodies of state power and local self-government, enterprises, institutions and organizations must inform the deputy regarding the consideration of his/her appeal.

#### ARTICLE 87.

The Verkhovna Rada of Ukraine has the right to consider the question of responsibility of the Cabinet of Ministers of Ukraine and to adopt a resolution on the lack of confidence to the Cabinet of Ministers of Ukraine by the majority of the Verkhovna Rada of Ukraine determined by the Constitution of Ukraine.

The issue of responsibility of the Cabinet of Ministers may not be considered by the Verkhovna Rada more than once during a regular session, as well as within a year after the adoption of the Cabinet of Ministers' of Ukraine program of activity.

#### ARTICLE 88.

The Verkhovna Rada of Ukraine elects a Chairman of the Verkhovna Rada of Ukraine from its membership, the First Deputy and Deputy Chairman of the Verkhovna Rada of Ukraine and recall them:

The Chairman of the Verkhovna Rada of Ukraine shall:

- 1) conducts meetings of the Verkhovna Rada of Ukraine;
- 2) organize preparation of issues for consideration at meetings of the Verkhovna Rada of Ukraine;
- 3) sign acts adopted by the Verkhovna Rada of Ukraine;
- 4) represent the Verkhovna Rada of Ukraine in relations with other bodies of state power in Ukraine and other countries;
- 5) organize work of the staff of the Verkhovna Rada of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine performs his powers envisaged in the Constitution of Ukraine in the order determined the Law on Regulation of the Verkhovna Rada of Ukraine.

#### ARTICLE 89.

The Verkhovna Rada of Ukraine approves the list of Committees of the Verkhovna Rada of Ukraine, elects chairmen of these Committees.

Committees of the Verkhovna Rada of Ukraine perform law drafting work, and prepare and conduct preliminary consideration of issues within the jurisdiction of the Verkhovna Rada of Ukraine.

The Verkhovna Rada within its jurisdiction may create, whenever it is deemed necessary, temporary special commissions for the preparation and preliminary consideration of issues.

Temporary investigative commissions are created by the Verkhovna Rada of Ukraine for the clarification of issues which are in the public interest, if their creation was supported by the votes of at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine, envisaged by this Constitution.

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

Organization and the order of activity of the parliamentary committees, temporary investigative commission are determined by law.

#### ARTICLE 90.

The powers of the Verkhovna Rada are terminated on the date of the opening of the first meeting of the Verkhovna Rada of the new convocation.

The powers of the Verkhovna Rada of Ukraine may be discharged pre-term by the President of Ukraine if within thirty days of one session the plenary meetings may not be conducted.

The authorities of the Verkhovna Rada of Ukraine elected in special elections conducted after the discharge of the previous membership of the Verkhovna Rada of Ukraine by the President of Ukraine, may not be discharged within a year from the date of its election.

The authorities of the Verkhovna Rada of Ukraine may not be discharged within the last six months of the term of powers of the President of Ukraine.

#### ARTICLE 91.

The Verkhovna Rada of Ukraine adopts laws, resolutions and other acts by majority of votes within the constitutional membership of the Verkhovna Rada of Ukraine, except for cases envisaged by this Constitution.

#### ARTICLE 92.

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 and native nations;
- 4) the order of use of languages;
- 5) bases of usage of natural resources, sea economic zone, continental shelf, exploration of outer space, organization and exploitation of power supply systems, transport and communications;
- 6) bases of social protection, forms and types of pensions, fundamentals of regulation of labor and employment, marriage, family, childhood, motherhood, fatherhood, nurturing, education, culture and health care; ecological security;
- 7) legal regime of property;
- 8) legal fundamentals and guarantees of entrepreneurship; rules and norms of competition and antimonopoly management;
- 9) bases of foreign affairs, foreign economic activity and customs service;
- 10) fundamentals of regulation of demographic and migration processes;
- 11) fundamentals of establishing and activity of political parties, and other public organizations, mass media;
- 12) bases of organization and activity of executive power bodies, state service, organization of state statistics and information;
- 13) territorial system of Ukraine;

- 14) the court system, legal procedure, status of judges, court examination, organization and activity of the Procurator's Office, investigation, notary service, bodies and institutions of execution of punishments; fundamentals of organization and activity of the bar;
- 15) bases of local self-government;
- 16) status of the capital of Ukraine; special status of other cities;
- 17) bases of national security, Armed forces' structure and securing civil order;
- 18) legal regime of state borders;
- 19) legal procedure of a state of martial law and emergency state; areas of emergency ecological situations;
- 20) organization and order of the conduct of elections and referendums;
- 21) organization and the order of activity of the Verkhovna Rada, status of Deputies;
- 22) fundamentals of civil and legal responsibility, those actions which are crimes, administrative or disciplinary offenses, and responsibility for them;.

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

- 1) state budget and budget system of Ukraine, financial, monetary, price, credit, investment regulation; system of taxation; types and amount of taxes, collections and binding payments; the order of formation and payment of international debts; currency, probes, kinds, value, types and manufacturing of coins, order of issue and of emission of banknotes, state securities, their kinds and types;
- 2) the order of sending of military submits of the Armed Forces of Ukraine to other countries; the order and terms of allowance for entrance of the Armed Forces of foreign countries on the territory of Ukraine;
- 3) units of weight, measurement and time; procedure of determining ecological standards;
- 4) establishment and order of usage and protection of state symbols;
- 5) state awards;
- 6) military ranks, diplomatic ranks and other special ranks;
- 7) state holidays;
- 8) creation and order of functioning of free and other special areas, which differ from the general economic and migration regimes;

Amnesty is decreed by the law of Ukraine.

#### ARTICLE 93.

The right of legislative initiative in the Verkhovna Rada belongs to the President of Ukraine, People's Deputies of Ukraine, the Cabinet of Ministers of Ukraine and the National Bank of Ukraine.

Draft laws determined by the President of Ukraine to be urgent, shall be considered by the Verkhovna Rada out of turn.

#### ARTICLE 94.

A law shall be signed by the Chairman of the Verkhovna Rada 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 Verkhovna Rada of Ukraine for further consideration, with his motivations and proposals, within fifteen days after the receipt of such a law.

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

If such a law is adopted a second time by the Verkhovna Rada of Ukraine by a majority of two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine, the President of Ukraine is required to approve and officially promulgate the law within ten days.

A law shall come into force within ten days after its official publication, unless otherwise envisaged by the law itself, but not earlier than the date of its publication.

#### ARTICLE 95.

The budget system of Ukraine is based on just and fair distribution of social wealth among citizens and territorial societies.

All expenditures of the State for general social needs, their amount and purposeful use are determined exclusively by the Law on the State Budget of Ukraine.

The state aspires to balance the budget of Ukraine.

Regular reports on revenues and expenditures of the State Budget shall be promulgated.

ARTICLE 96.

The State Budget of Ukraine is adopted on an annual basis by the Verkhovna Rada of Ukraine for the period from January 1 to December 31. It can be adopted for another period under special circumstances.

The Cabinet of Ministers submits a law draft on the State Budget for the next year to the Verkhovna Rada of Ukraine no later than on September 15 of every year. The draft Budget shall be submitted, along with a report on the execution of the State Budget of the current year.

ARTICLE 97.

The Cabinet of Ministers of Ukraine submits to the Verkhovna Rada of Ukraine a report on the execution of the State Budget according to the law.

A submitted report shall be promulgated.

ARTICLE 98.

Oversight of the utilization of the State Budget of Ukraine is performed by the Accounting chamber on behalf of the Verkhovna Rada of Ukraine.

ARTICLE 99.

The monetary unit of Ukraine is the Hryvna

Providing for stability of currency is the main function of the central state bank - The National Bank of Ukraine.

ARTICLE 100.

Council of the National Bank of Ukraine works out general basis of monetary-credit policy and performs oversight of the conduct of this policy.

ARTICLE 101.

Parliamentary oversight of the protection of constitutional, human and civil rights is performed by the Authorized Representative of the Verkhovna Rada of Ukraine on human rights.

## CHAPTER V. THE PRESIDENT OF UKRAINE

ARTICLE 102.

The President of Ukraine is the head of state and speak on behalf of it .

The President of Ukraine is the guarantor of the state sovereignty, the territorial integrity of Ukraine, of compliance with the Constitution, human rights and freedoms.

ARTICLE 103.

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 at least thirty five years old who has the right to vote, has lived in Ukraine for the previous ten years before 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 consequent terms.

The President of Ukraine may not have another representative mandate, hold a position in bodies of state power and public associations as well as perform any other paid work or entrepreneurial activity, or be a member of the leading body or supervisory council of a profit enterprise.

Regular elections of the President of Ukraine shall be conducted on the last Sunday of October of the fifth year of authority of the President of Ukraine. In the event of the extraordinary termination of the powers of the President, elections of the President shall be conducted within 90 days from the date of expiration of his authority.

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

ARTICLE 104.

A newly-elected President of Ukraine assumes office from the moment of his taking the oath to the People at a ceremonial meeting of the Verkhovna Rada of Ukraine within 30 days after election.

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

The President of Ukraine takes the following oath:

"I, (name and surname), elected as President of Ukraine by the will of the people, assuming this high position, swear allegiance to Ukraine. I commit to protect the sovereignty and independence of Ukraine by all my work, to take care of the well-being of the Motherland and of the welfare of the Ukrainian people, protect the rights and freedoms of citizens, obey the Constitution of Ukraine and laws of Ukraine, to carry out my duties in the interests of all compatriots, raise the authority of Ukraine throughout the world."

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



ARTICLE 105.

The President of Ukraine enjoys the right of immunity during the period of his authority.

Persons guilty of infringement of the honor and dignity of the President of Ukraine are accountable on the basis of the law.

The rank of President of Ukraine is protected by law and is maintained by him forever, if he was not dismissed from his position via impeachment.

ARTICLE 106.

The President of Ukraine:

- 1) secures state independence, national security and legal succession of the State;
- 2) appeals to the people with messages, as well as with annual and extraordinary messages to the Verkhovna Rada on the domestic and foreign situation of Ukraine;
- 3) represents the State in foreign relations, executes management of the foreign political activity of the State, conducts negotiations and concludes international treaties of Ukraine;
- 4) makes decisions on the recognition of foreign states;
- 5) appoints heads of diplomatic missions of Ukraine to other countries and of those in international organizations and discharges them; accepts credentials and withdrawals of diplomatic representatives of foreign countries;
- 6) calls all-Ukrainian referendums on amendment of the Constitution according to Article 156 of the Constitution of Ukraine; appoints National referendums on popular initiative;
- 7) calls extraordinary elections of the Verkhovna Rada of Ukraine within the terms established by this Constitution;
- 8) discharges the powers of the Verkhovna Rada of Ukraine in cases when plenary meetings may not be started within 30 days of one session;
- 9) appoints the Prime-Minister with the consent of the Verkhovna Rada of Ukraine; discharges him from office and makes a decision on the dismissal of the Prime-Minister;
- 10) appoints members of the Cabinet of Ministers of Ukraine, heads of central bodies of executive power, as well as heads of local state administrations upon submission of the Prime-Minister of Ukraine and discharges them from these positions;
- 11) makes appointments to the position of the Procurator General upon the consent of the Verkhovna Rada of Ukraine and dismisses Ukraine and discharges him/her;
- 12) appoints half of the membership of the Board of the National Bank of Ukraine;
- 13) appoints and discharges the head of the Anti-Monopolistic Committee of Ukraine and the Head of the Fund of State Property and the Head of Television and Radio Committee upon the consent of the Verkhovna Rada of Ukraine;
- 14) creates, reorganizes and liquidates ministries and other central bodies of executive power upon submission of the Prime-Minister of Ukraine, while acting within the limits of funding envisaged for maintenance of these bodies;
- 15) revokes acts of the Cabinet of Ministers of Ukraine and those of the Council of Ministers of the Autonomous Republic of Crimea;
- 16) is the Commander-in-Chief of the Armed Forces of Ukraine; appoints and discharges the highest commanders of the Armed Forces of Ukraine and other military units; is in charge of national security and state defense;
- 17) presides over the Council of National Security and Defense of Ukraine;
- 18) submits a proposal to the Verkhovna Rada on the declaration of war and makes decisions on the use of the Armed Forces of Ukraine in the event of armed aggression against Ukraine;
- 19) 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 according to law;
- 20) 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 be zones of environmental disaster with further confirmation by the Verkhovna Rada of Ukraine;
- 21) appoints one-third of the membership of the Constitutional Court of Ukraine;
- 22) creates courts in the order stipulated by law;
- 23) grants highest military ranks and highest diplomatic ranks, other highest special titles and ranks;
- 24) grants state awards, establishes presidential distinctions of Ukraine and awards them;
- 25) makes decisions on the acceptance for citizenship of Ukraine and termination of citizenship of Ukraine, the granting of asylum;
- 26) exercises the right to grant pardons;
- 27) creates consultative, advisory and other auxiliary bodies and services for the execution of its powers within the funds, envisaged in the State budget of Ukraine;
- 28) signs laws adopted by the Verkhovna Rada of Ukraine;

- 29) has the right to put a veto on authorized laws by the Verkhovna Rada of Ukraine for the further consideration by the Verkhovna Rada of Ukraine; 30) exercises other authority provided for by this Constitution;

The President may not delegate his power to other individuals or bodies.

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

The acts of the President issued within the limits of the powers provided for in paragraphs 3, 4, 5 8, 10, 13, 14, 16, 17, 20, 21, 22, 23 of this Article are co-signed by the Prime Minister, and by the Minister responsible for the act and its implementation.

#### ARTICLE 107.

The Council of National Security and Defense of Ukraine is a coordination body of the President of Ukraine on issues of the state security and defense.

The Council of National Security and Defense of Ukraine carries out coordination and control over the activity of bodies of executive power in the sphere of national security and defense.

The President of Ukraine is the Chairman of the Council of National Security and Defense.

Personnel of the Council of National Security and Defense of Ukraine shall be formed by the President of Ukraine according to law. The President of Ukraine appoints the State Secretary of the Council of National Security and Defense.

The Prime-Minister of Ukraine, Minister of Internal Affairs of Ukraine and Minister of Defense of Ukraine according to their positions, are members of the Council of National Security and Defense.

The Chairman of the Verkhovna Rada of Ukraine is allowed to participate in meetings of the Council of National Security and Defense of Ukraine.

Decisions of the Council of National Security and Defense of Ukraine shall be put into force by decrees of the President of Ukraine.

The jurisdiction and functions of the Council of National Security and Defense are established by law.

#### 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 comes into legal force from the moment when the application for resignation is proclaimed by him personally at a meeting of the Verkhovna Rada of Ukraine.

#### ARTICLE 110.

The inability of the President of Ukraine to exercise his powers for reasons of health shall be determined at a meeting of the Verkhovna Rada of Ukraine and be confirmed by a majority of its constitutional personnel upon a written application presented by the Supreme Court of Ukraine, on the basis of appeal of the Verkhovna Rada of Ukraine and a medical opinion.

#### ARTICLE 111.

The President may be dismissed from office by the Verkhovna Rada of Ukraine by special procedure (impeachment) in the event of his committing high treason or another offense.

The issue on dismissal of the President from office by order of impeachment is initiated by majority of the constitutional personnel of the Verkhovna Rada of Ukraine.

In order to conduct an investigation, the Verkhovna Rada of Ukraine creates a specially-established temporary investigative commission for the investigation, and a special procurator and special investigators shall be included in it.

Decisions and proposals of the investigative commission should be considered at a session of the Verkhovna Rada of Ukraine.

Upon the presence of proper reasons, the Verkhovna Rada of Ukraine adopts the decision on the accusation of the President of Ukraine by two-thirds majority of the constitutional personnel of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine considers the case on the accusation of the President of Ukraine and adopts a decision on the dismissal of the President of Ukraine.

A decision on the dismissal of the President of Ukraine by order of impeachment is adopted by the Verkhovna Rada by no less than three-fourths of the constitutional personnel of the Verkhovna Rada of Ukraine after the examination of the case by the Constitutional Court and after its opinion on adherence to investigation and trial procedure, provided for by the Constitution, as well as after an opinion of the Supreme Court that charges have the indication of state treason or another offense.

#### ARTICLE 112.

In the event 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 of Ukraine until the election and the entry into office of a new President of Ukraine. While performing this duty, the Prime Minister of Ukraine may not exercise the powers provided for in paragraphs 2, 6, 8, 10, 11, 12, 13, 14, 15, 21, 24, 26 of Article 106 of the Constitution of Ukraine.

### CHAPTER VI. THE CABINET OF MINISTERS OF UKRAINE. OTHER BODIES OF THE EXECUTIVE POWER

#### ARTICLE 113.

The Cabinet of Ministers of Ukraine is the highest body within the system of bodies of executive power.

The Cabinet of Ministers of Ukraine is responsible to the President of Ukraine and is accountable to and under the control of the Verkhovna Rada of Ukraine, within the limits provided for by Articles 85, 87 of the Constitution of Ukraine.

The Cabinet of Ministers of Ukraine in its work takes guidance from the Constitution of Ukraine and laws of Ukraine, and the acts of the President of Ukraine.

#### ARTICLE 114.

There exists a Prime Minister, First Vice-Prime-Minister, and three Vice-Prime-Ministers, who are included in the membership of the Cabinet of Ministers.

The Prime-Minister shall be appointed by the President of Ukraine upon the consent of more than one-half of the members of the Verkhovna Rada of Ukraine, stipulated in the Constitution.

The personnel of the Cabinet of Ministers of Ukraine shall be appointed by the President of Ukraine upon the submission of the Prime-Minister of Ukraine.

The Prime-Minister leads the work of the Cabinet of Ministers of Ukraine, directs it to the fulfillment of the Program of Activity of the Cabinet of Ministers of Ukraine approved by the Verkhovna Rada of Ukraine.

The Prime-Minister of Ukraine submits a proposal to the President of Ukraine on the creation, reorganization and liquidation of ministries and other central bodies of executive power within the funds allocated in the State Budget of Ukraine for maintaining of these bodies.

#### ARTICLE 115.

The Cabinet of Ministers of Ukraine resigns when a new President of Ukraine is elected.

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

Resignation of the Prime-Minister causes the resignation of the entire personnel of the Cabinet of Ministers of Ukraine.

Adoption of a resolution of non-confidence in the activity of the Cabinet of Ministers of Ukraine by the Verkhovna Rada of Ukraine causes the resignation of the Cabinet of Ministers of Ukraine.

The Cabinet of Ministers of Ukraine whose resignation is approved by the President of Ukraine continues, by his assignment, to exercise its powers until the beginning of the work of a newly-established Cabinet of Ministers of Ukraine but no more than 60 days.

The Prime-Minister of Ukraine is required to submit an application to the President of Ukraine on the resignation of the Cabinet of Ministers of Ukraine upon the decision of the President of Ukraine or the Verkhovna Rada of Ukraine (resolution of non-confidence).

#### ARTICLE 116.

The Cabinet of Ministers of Ukraine:

- 1) ensures the state sovereignty and economic independence of Ukraine, carrying out the domestic and foreign policy of the State, the fulfillment of the Constitution of Ukraine and laws of Ukraine, as well as of the acts of the President of Ukraine;
- 2) takes measures to ensure human and civil rights and freedoms;
- 3) ensures the conduct of financial, pricing, investment, and taxation policies; policies in the area of the population's labor and employment, social protection, education, science and culture, protection of the environment, ecological security and utilization of natural resources.
- 4) develops and fulfills national programs on the economic, scientific and technological, social and cultural development of Ukraine;

- 5) ensures equal conditions for development of all forms of property; conducts management of state property entities according to law;
- 6) ensures creation and implementation of the State Budget adopted by the Verkhovna Rada of Ukraine and submits a report on its fulfillment to the Verkhovna Rada of Ukraine;
- 7) takes measures to ensure the defense capability and national security of Ukraine, civil order and crime control;
- 8) organizes and provides the implementation of foreign economic policy of Ukraine and customs affairs;
- 9) directs and coordinates the work of ministries and other bodies of executive power;
- 10) exercises other powers provided for by the Constitution of Ukraine as well as by the laws of Ukraine and acts of the President of Ukraine;

#### ARTICLE 117.

The Cabinet of Ministers of Ukraine, within the limits of its authority, issues rulings and regulations which are obligatory for execution.

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

Normative and legal acts of the Cabinet of Ministers of Ukraine, ministries and other central bodies of executive power shall be registered in the order established by law.

#### ARTICLE 118.

Executive power in oblasts and rayons, and the cities of Kyiv and Sevastopol shall be exercised by local state administrations.

Peculiarities of exercising of executive power in the cities of Kiev and Sevastopol are determined by separate laws.

Personnel of local state administrations shall be formed and appointed by heads of local state administrations.

Heads of local state administration shall be appointed to the position and dismissed from the position by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

Heads of local state administrations while performing their functions are responsible to the President of Ukraine and to the Cabinet of Ministers of Ukraine, accountable to and under control of bodies of executive power of higher level.

Local state administrations are accountable to and under the control of radas' with regard to authorities, provided for by appropriate rayon or oblast radas.

Local state administrations are accountable to and under the control of the bodies of executive power of the higher level.

Decisions of heads of state administration, which contradict the Constitution of Ukraine and/or legislative acts of Ukraine may be voided by the President of Ukraine or by the head of a state administration of a higher level, according to law.

Oblast or rayon rada can express non-confidence to the head of the appropriate local state administration, which is the basis for the President of Ukraine to adopt a decision on dismissal of the appropriate head of the local state administration.

If non-confidence in the head of a rayon or oblast administration was expressed by two-thirds of the members of the appropriate Rada, the President is to approve the resignation of the head of the local state administration.

#### ARTICLE 119.

Local state administrations on the appropriate territory ensure:

- 1) performance of the Constitution of Ukraine, laws of Ukraine, acts of the President of Ukraine, Cabinet of Ministers of Ukraine and other bodies of executive power;
- 2) rule of law and order; safeguarding of human and civil rights and freedoms;
- 3) the execution of state and local programs of social and economic development, programs of the environmental protection and on territories of compact residence of national minorities and native peoples programs of their national and cultural development as well;
- 4) development and carrying out of the appropriate oblast and rayon budgets;
- 5) report on implementing appropriate budgets and programs;
- 6) cooperation with bodies of self-government;
- 7) realization of other authority provided for by the state and appropriate radas.

#### ARTICLE 120.

Members of the Cabinet of Ministers of Ukraine and officials of the central and local bodies of the executive power of Ukraine do not have the right to hold simultaneously another position, except for teaching, scientific activity and creativity at after-work hours, or serve as a member of the Board of Directors or Council of the enterprise, which is designed to receive a profit.

The organization, authority and order of the work of the Cabinet of Ministers of Ukraine and other central and local bodies of executive power is determined by the Constitution of Ukraine and laws of Ukraine.

## CHAPTER VII. THE PROCURATOR'S OFFICE

### ARTICLE 121.

The Procurator's Office of Ukraine is a unified system on which the following is placed:

- 1) state prosecution in court;
- 2) representation of the interests of citizens or the State in courts, in cases envisaged by law;
- 3) oversight of the legality of actions of bodies which conduct investigations, inquiries, preliminary inquests;
- 4) oversight of observance of laws during the enforcement of court decisions on criminal cases, as well as during the implementation of other coercive measures, related to the restriction of the personal freedom of citizens;

### ARTICLE 122.

The Procurator's office of Ukraine is led by the Procurator General, who shall be appointed upon the consent of the Verkhovna Rada of Ukraine and dismissed by the President of Ukraine. The Verkhovna Rada of Ukraine may express non-confidence in the Procurator General of Ukraine, which shall cause his/her resignation.

The term of the General Procurator's office of Ukraine is five years.

### ARTICLE 123.

The structure and the procedure of activity of the Procurator's Office of Ukraine is determined by law.

## CHAPTER VIII. THE SYSTEM OF JUSTICE

### ARTICLE 124.

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.

Courts have jurisdiction over all legal relations, that appear in the state.

Justice is administered by the Constitutional Court of Ukraine and by courts of general jurisdiction.

People directly participate in judiciary through peoples' assessors and juries.

The courts' decisions shall be made on behalf of Ukraine and are obligatory for enforcement on the entire territory of the State.

### ARTICLE 125.

The judicial system of general jurisdiction in Ukraine is based upon principles of territoriality and specialization.

The Supreme Court of Ukraine is the highest judicial body of general jurisdiction.

Appropriate higher courts are the highest judicial bodies of specialized courts.

Appellate courts and local courts shall act according to law.

Establishment of extraordinary and special courts is prohibited.

### ARTICLE 126.

The independence and immunity of judges is guaranteed by Constitution of Ukraine and laws of Ukraine.

It is prohibited to influence judges by any means.

A judge may not be detained or arrested, without the consent of the Verkhovna Rada of Ukraine until the court's verdict of guilty.

Judges hold their position permanently, except for judges of the Constitutional Court and judges appointed to the position for the first time.

Judges are dismissed or resign from the position by the body which has elected or appointed them in the following events:

- 1) termination of the term of appointment or election;
- 2) attainment of the age of 65 years;
- 3) impossibility of execution of his authority for reasons of health;
- 4) violation of requirements on incompatibility;
- 5) violation of the oath;
- 6) a court's verdict of guilty which came into force;
- 7) loss of citizenship;
- 8) consideration of him as disappearing or dead;
- 9) his petition for dismissal or resignation from the position on the own desire;

The authority of judges terminates in the event of death.

The state ensures the personal security of judges and their families.

#### ARTICLE 127.

Justice shall be administered by professional judges and, in the events stipulated by law, jury judges and people's assessors.

Professional judges shall not belong to political parties and trade unions, shall not participate in any political activity, shall not have representative mandate, cannot hold any other paid position, cannot exercise other paid work, besides scientific, tutorial and creative work.

A citizen of Ukraine at least 25 years old, who has high legal education and work experience in the sphere of law of at least 3 years, has resided in Ukraine at least 10 years and speaks state language may be recommended by the qualification commission of judges to the position of judge.

Persons who have professional training in the sphere of jurisdiction of appropriate courts may be appointed judges of professional courts. These judges shall perform their duties only as members of the judges' collegium.

Additional requirements for some categories of judges regarding experience, age and their professional level are stipulated by law.

Protection of professional interests of judges is performed in the order stipulated by law.

#### ARTICLE 128.

The first appointment to the position of professional judge shall be made by the President of Ukraine for a five-year term. All other judges except for judges of the Constitutional Court of Ukraine shall be elected by the Verkhovna Rada of Ukraine and perform their duties permanently in the order provided for by law.

Chairman of the Supreme Court of Ukraine shall be elected to the position and dismissed from the position by the Plenum of the Supreme Court of Ukraine by secret ballot in the order stipulated by law.

#### ARTICLE 129.

In the course of justice, judges are independent and obey only to the law.

Judicial duties shall be performed by a judge personally, by a collegium of judges or by a jury.

Main principles of the judiciary are the following:

- 1) lawfulness;
- 2) equality of all parties of court procedure before the law and the court;
- 3) ensuring of proper evidence of an offense;
- 4) competitiveness of parties and freedom regarding presenting evidence and demonstrating its accuracy;
- 5) support of state prosecution by a procurator in court;
- 6) guarantee of the right to defense for an accused person;
- 7) publicity of court process and its record by technical means;
- 8) ensuring of the opportunity to appeal a court decision, except for cases provided for by law.
- 9) obligatory court decisions.

The law may stipulate other principles for the judiciary for particular jurisdictions.

Persons guilty of disrespect to the court or to a judge, shall be prosecuted.

#### ARTICLE 130.

The state provides financing and conditions for the functioning of courts and work of judges. Expenditures for maintaining court system shall be established in the State Budget of Ukraine.

Court self-government works in order to resolve issues of the internal activity of judges.

#### ARTICLE 131.

The Supreme Council of Justice acts in Ukraine. The following is placed on it.

- 1) submission of a proposal regarding the appointment or dismissal of judges;
- 2) adoption of a decision regarding violation of the requirements of incompatibility by judges and procurators;
- 3) conduct of disciplinary actions for judges of the Supreme Court of Ukraine and judges of Higher Specialized courts and consideration of complaints regarding decisions on disciplinary offenses of judges of Courts of Appeal and local courts as well as procurators.

The Supreme Council of Justice consists of 21 members. The Verkhovna Rada of Ukraine, the President of Ukraine, the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, the Congress of Representatives of High Legal Schools and Scientific Institutions appoint 3 members each and All-Ukrainian Conference of Representatives of Prosecutors' offices personnel appoint two members each to the Supreme Council of Justice.

The Chairman of the Supreme Court of Ukraine, the Minister of Justice of Ukraine and Procurator General of Ukraine are members of the Supreme Council of Justice due to their positions.

## CHAPTER IX. TERRITORIAL STRUCTURE OF UKRAINE

### ARTICLE 132.

The territorial structure of Ukraine is based on principles of unity and integrity of the State's territory, combination of centralization and decentralization in exercising of state power, social and economic development of regions being balanced, taking into account the historic, economic, geographic and demographic particularities, ethnic and cultural traditions.

### ARTICLE 133.

The administrative and territorial structure of Ukraine is composed of the Autonomous Republic of Crimea, oblasts, rayons, cities, rayon in cities, settlements and villages.

Ukraine consists of the Autonomous Republic of Crimea and oblasts: Vinnytsa, Volynsk, Dnipropetrovsk, Donetsk, Zhytomyr, Zakarpattia, Zaporizhya, Ivano-Frankivsk, Kyiv, Kirovohrad, Luhansk, Lviv, Mykolayiv, Odesa, Poltava, Rivne, Sumy, Ternopil, Kharkiv, Kherson, Khmelnytsk, Cherkasy, Chernivtsy, Chernihiv, City of Kyiv and City of Sevastopol.

Cities of Kyiv and Sevastopol city possess a special status determined by law.

## CHAPTER X. THE AUTONOMOUS REPUBLIC OF CRIMEA

### ARTICLE 134.

The Autonomous Republic of Crimea is an inseparable and integral part of Ukraine and resolves issues attributed to its authority within the limits established by this Constitution.

### ARTICLE 135.

The Autonomous Republic of Crimea has its own Constitution which is to be adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by the Verkhovna Rada of Ukraine by no less than one-half of the members of the Verkhovna Rada stipulated in the Constitution.

Normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea and decisions of the Council of Ministers of the Autonomous Republic of Crimea may not contradict the Constitution of Ukraine and laws of Ukraine and shall be issued according to and pursuant to the Constitution of Ukraine and laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine.

ARTICLE 136.

The Verkhovna Rada of the Autonomous Republic of Crimea is the representative body of the Autonomous Republic of Crimea.

The Verkhovna Rada of the Autonomous Republic of Crimea adopts decisions and regulations within the limits of its authority, which are binding throughout the territory of the Autonomous Republic of Crimea.

The Council of Ministers of the Autonomous Republic of Crimea is the government of the Autonomous Republic of Crimea. The Chairman of the Council of Ministers of the Autonomous Republic of Crimea is appointed by the Verkhovna Rada of the Autonomous Republic of Crimea upon agreement with the President of Ukraine.

The authority, the order of formation and work of the Verkhovna Rada of the Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea is determined by this Constitution and laws of Ukraine as well as by normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea on issues which are under its authority.

Justice in the Autonomous Republic of Crimea is executed by courts, which belong to the unified judicial system of Ukraine.

ARTICLE 137.

The Autonomous Republic of Crimea performs normative regulation on the following issues:

- 1) agriculture and forestry;
- 2) reclamation and quarries;
- 3) public works, philanthropism; crafts and folk art;
- 4) city construction and residential management;
- 5) tourism, hotel business, fairs;
- 6) museums, libraries, theaters, historical and cultural memorials, other cultural institutions;
- 7) public transportation, roadways, water-supplies;
- 8) hunting and fishing;
- 9) sanitary and hospital services.

For reason of the contradiction of decisions and resolutions of the Verkhovna Rada of the Crimean Autonomy to the Constitution of Ukraine and laws of Ukraine, the President of Ukraine may suspend their force with simultaneous appeal to the Constitutional Court of Ukraine.

ARTICLE 138.

The Autonomous Republic of Crimea has the following authority:

- 1) call for election of the Verkhovna Rada of the Autonomous Republic of Crimea, approval of the personnel of the Election Commission of the Autonomous Republic of Crimea;
- 2) organization and conduct of local referenda;
- 3) management of the property which belongs to the Autonomous Republic of Crimea;
- 4) development, approval and execution of the budget of the Autonomous Republic of Crimea on the basis of unified tax and budget policy of Ukraine;
- 5) development, approval and execution of programs of socio-economic and cultural development, rational usage of natural resources, environmental protection of the Autonomous Republic of Crimea according to the state programs;
- 6) consideration of particular territories as resorts; establishing zones of sanitary protection of resorts.
- 7) participation in ensuring the citizens' rights and freedoms, national accord, promotion of protection of legal order and public security;
- 8) ensuring of the functioning and development of state and national languages and cultures on the territory of the Autonomous Republic of Crimea; protection and utilization of historical memorials;
- 9) participation in the development and fulfillment of programs of returning of deported peoples;
- 10) initiating of establishment of martial law and zones of ecological disaster on the territory of the Autonomous Republic of Crimea.

Laws of Ukraine may grant the Autonomous Republic of Crimea with other authorities.

ARTICLE 139.

There is an Office of the Representative of the President of Ukraine that functions in the Autonomous Republic of Crimea, the status of which is determined by law.

CHAPTER XI. LOCAL SELF-GOVERNMENT



ARTICLE 140.

Local self-government is the right of territorial communities - residents of villages (voluntary association of several villages into a village community), settlements and cities - to resolve matters of local importance on their own, within the limits set forth in the Constitution of Ukraine and laws of Ukraine.

Peculiarities of exercising of local self-government in the cities of Kyiv and Sevastopol is determined by separate laws.

Local self-government is exercised by communities in the order established by law both directly and through bodies of local self-government: village, settlement, city councils and their executive bodies.

The bodies of local self-government, which represent common interests of communities of villages, settlements and cities, are rayon and oblast councils.

Village, settlement and city radas may create upon initiative of residents of a building, street, block and other bodies of self-organization of the population, providing them with a part of their own authority, finances and property.

Issues of the organization and management of rayons in cities belong to the authority of city radas.

ARTICLE 141.

Membership of village, settlement and city Radas includes deputies, who are to be elected by the population of village, settlement, city on the basis of common, equal and direct suffrage, by secret ballot for the term of 4 years.

Territorial communities on the basis of common, equal and direct suffrage, by secret ballot elect a chairman, respectively, of a village (village community), settlement, city for the term of 4 years, who leads the executive body of the appropriate Rada, and presides at sessions of the Rada.

The status of chairman, deputies of the rada, executive bodies and their authority, order of formation, reorganization and liquidation is determined by law.

The Chairman of rayon and oblast radas is elected by the appropriate Rada and is at the head of its executive committee.

ARTICLE 142.

Material and financial basis of local self-government are realty and movable objects, revenues of local budgets, other funds, land, natural resources owned by territorial communities of villages, settlements, cities, rayons in cities as well as objects of their common property managed by rayon and oblast radas.

Territorial communities of villages, settlements and cities may amalgamate on the basis of agreement entities of communal property and budget funds for performing common projects or cooperative financing (maintaining) of communal organizations and entities and create for this purpose appropriate bodies and services.

The state takes part in the formation of revenues of the local self-government. The State supports financially local self-government. Expenses of bodies of local self-government, which occurred as a consequence of decisions of bodies of the state power, shall be reimbursed by the State.

ARTICLE 143.

Communities of village, settlement and city, directly or through bodies of local self-government formed by them manage property, which is communal in ownership; adopt and control the fulfillment of programs of social, economic and cultural development, adopt and control budgets of the appropriate administrative-territorial units; establish local taxes and fees in the order stipulated by law; ensure conduct of local referenda and realization of their outcomes; create, reorganize and liquidate communal organizations and enterprises and perform control over their activity; resolve other issues of local importance, which is placed under their authority according to law.

Oblast and rayon radas adopt and perform control over programs of social, economic and cultural development of appropriate oblasts and rayons; adopt and perform control over the carrying out of the rayon and oblast budgets, which are formed from the state budget for their distribution among territorial communities or fulfillment of cooperative projects, as well as from funds drawn on the basis of agreement from local budgets for realization of common socio-economic programs; resolve other issues placed under their authority according to law.

Bodies of local self-government may be provided by law with certain authority of bodies of executive power. The state shall fund performing of state authority entirely from the funds of the state budget or by means of transferring to local budget particular state taxes in order, stipulated by law, the state shall transfer to the bodies of local self-government the appropriate entities of state property.

Bodies of local self-government are subject to control by appropriate bodies of executive power regarding issues concerning the exercise of powers transmitted to them.

ARTICLE 144.

Bodies of local self-government within the limits of authority established by law adopt decisions that are binding throughout the appropriate territory.

Decisions of bodies of local self-government which contradict the Constitution of Ukraine and laws of Ukraine are suspended in the order stipulated by law, with simultaneous appeal to court.

ARTICLE 145.

Other issues concerning organization of local self-government, the formation, as well as the work and responsibility of its bodies are determined by law.

ARTICLE 146.

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

## CHAPTER XII. THE CONSTITUTIONAL COURT OF UKRAINE

### ARTICLE 147.

The Constitutional Court of Ukraine has exclusive constitutional jurisdiction in Ukraine.

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

### ARTICLE 148.

The Constitutional Court of Ukraine consists of 18 judges.

The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each appoint 6 judges to the Constitutional Court.

Judges of the Constitutional Court of Ukraine are appointed for 9 years and have no right to be re-appointed.

A judge of the Constitutional Court of Ukraine must be a citizen of Ukraine, aged not less than 40 years on the date of appointment and possessing a highest legal education as well as professional experience for at least ten years, who speaks the state language and resides in Ukraine for previous 20 years.

The Chairman of the Constitutional Court of Ukraine is elected at a special plenary meeting of the Constitutional Court of Ukraine from its judges by means of secret ballot voting for a one tree-years term.

### ARTICLE 149.

Judges of the Constitutional Court of Ukraine enjoy the guarantees of independence and immunity, reasons for dismissal, stipulated in articles 126 of the Constitution of Ukraine and requirements of incompatibility, envisaged in paragraph 2 Article 127 of the Constitution of Ukraine.

### ARTICLE 150.

Within the authority of the Constitution Court are:

- 1) the official interpretation of the Constitution of Ukraine and laws of Ukraine;
- 2) resolution of the issues on correspondence to the Constitution of Ukraine:
  - laws and other legal acts by the Verkhovna Rada of Ukraine;
  - normative legal acts by the Verkhovna Rada of the Autonomous Republic of Crimea;
  - acts of the President of Ukraine;
  - acts of the Cabinet of Ministers of Ukraine.

These cases are considered upon presentation by the President of Ukraine, by no less than 45 Deputies of the Verkhovna Rada of Ukraine, by the Supreme Court of Ukraine, by the Authorized Representative on Human Rights of the Verkhovna Rada of Ukraine, or by the Verkhovna Rada of the Autonomous Republic of Crimea.

The Constitutional Court of Ukraine 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 151.

Upon presentation by the President of Ukraine or the Cabinet of Ministers of Ukraine, the Constitutional Court draws conclusions on the constitutionality of acting international treaties as well as those submitted to the Verkhovna Rada of Ukraine for receiving its approval on consideration of them as binding for Ukraine.

Upon submission by the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine draws conclusions on the completion of the constitutional procedure of investigation and consideration of the case on the removal of the President by the order of impeachment.

### ARTICLE 152.

Laws and other legal acts are considered unconstitutional by the decision of the Constitutional Court of Ukraine in their entirety or in part, if they do not correspond to the Constitution of Ukraine or if there was a violation of the procedure for their consideration, adoption or coming into force as determined by the Constitution.

Laws and other legal acts or their particular provisions, which are considered unconstitutional by the Constitutional Court of Ukraine, lose the validity from the date of the adoption of the decision on their unconstitutionality.

Material, psychological damage to physical as well as legal entities by unconstitutional acts and actions is compensated by the State in the order, established by law.

### ARTICLE 153.

The order of organization and of functioning of the Constitutional Court of Ukraine, and the procedure of consideration of cases is determined by the law.

### CHAPTER XIII. INTRODUCTION OF CHANGES TO THE CONSTITUTION OF UKRAINE

#### ARTICLE 154.

A law draft on introduction of changes to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine or by one-third of deputies of the personnel of the Verkhovna Rada of Ukraine provided for by Constitution.

#### ARTICLE 155.

A law draft on changes to the Constitution of Ukraine, except for the Chapters I "General Principles", III "Elections. Referendum", and XIII "Introduction of Changes to the Constitution of Ukraine", approved by the majority of the constitutional personnel of the Verkhovna Rada of Ukraine is considered adopted, if, in the next regular session of the Verkhovna Rada of Ukraine, it receives votes of no less than two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

#### ARTICLE 156.

A law draft on changes to the Chapters of the Constitution of Ukraine I "General Principles", III "Elections. Referendum", and XIII "Introduction of Changes to the Constitution of Ukraine" is to be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine or by two-thirds of the constitutional personnel of the Verkhovna Rada of Ukraine, and upon condition of its approval by two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine, is confirmed by an all-Ukrainian referendum which is to be called for by the President of Ukraine.

The repeat submission of the law draft on changes to the Chapters I, III and XIII of the Constitution of Ukraine upon the same point, is possible only for the Verkhovna Rada of Ukraine of the next convocation.

#### ARTICLE 157.

The Constitution of Ukraine may not be changed, if changes cancel or restrict the human and civil rights and freedoms or if they are oriented against the independence and territorial integrity of Ukraine.

The Constitution of Ukraine may not be changed within conditions of a state of emergency or martial law.

#### ARTICLE 158.

A law draft on changes to the Constitution of Ukraine, which had been considered by the Verkhovna Rada of Ukraine and the law was not adopted, may be submitted to the consideration of the Verkhovna Rada of Ukraine no earlier than after one year from the date of the adoption of the decision concerning this law draft.

The Verkhovna Rada of Ukraine may not change twice the same provisions of the Constitution of Ukraine during the term of their authority.

#### ARTICLE 159.

A law draft on changes and amendments to the Constitution of Ukraine is considered by the Verkhovna Rada of Ukraine upon the existence of a conclusion of the Constitutional Court of Ukraine regarding the correspondence of the law draft to the requirements of Articles 155 and 158 of the Constitution of Ukraine.

### CHAPTER XIV. FINAL PROVISIONS

#### ARTICLE 161.

The Constitution of Ukraine comes into force on the day of its adoption.

#### ARTICLE 162.

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

CHAPTER XV. TRANSITIONAL PROVISIONS

1. Laws and other normative acts, adopted prior to the coming of this Constitution into force, are valid in their respective parts, which do not contradict the Constitution of Ukraine.
2. The Verkhovna Rada of Ukraine after the adoption of the Constitution of Ukraine executes the authorities, provided for by this Constitution.  
Regular elections of the Verkhovna Rada of Ukraine shall be performed in March, 1998.
3. Regular elections of the President of Ukraine shall be conducted in the last week of October, 1999.
4. The President of Ukraine within three years after this Constitution comes into force has the right to issue decrees that shall be approved by the Cabinet of Ministers of Ukraine and signed by the Prime-Minister of Ukraine on the economic issues not regulated by law with contemporary submission of the appropriate draft law to the Verkhovna Rada of Ukraine in the order stipulated in Article 93 of this Constitution.  
Such presidential decree comes into force if within 30 days from the date of submission of the law draft (except for the intercession period) the Verkhovna Rada of Ukraine will not adopt a law or will not refuse the submitted law draft by majority of its constitutional personnel and is in force until a law on these issues is adopted by the Verkhovna Rada of Ukraine.
5. The Cabinet of Ministers of Ukraine shall be formed in accordance with this Constitution within three months after its coming into force.
6. The Constitutional Court shall be formed in accordance with this Constitution within three months after the date of its adoption. Until the Constitutional Court is formed the Verkhovna Rada of Ukraine shall interpret laws.
7. After this Constitution comes into force, heads of state administration obtain the status of chairmen of state administration in accordance with Article 118 of this Constitution, and after election of chairmen of the appropriate radas - tender their resignations as chairmen of the appropriate radas.
8. After this Constitution comes into force, village, settlement, city radas and their chairmen execute authority, determined by it, till the election of a new radas in March, 1998.  
Rayon and oblast radas, elected prior to coming into force of this Constitution, execute authority, determined by it, until formation of those radas in accordance with Article 141 of this Constitution.  
Rayon in cities radas and their chairmen perform their authority according to law after this Constitution comes into force.
9. The Procurator's Office continues to perform the function of oversight over the adherence to and exercising of laws and function of preliminary investigation according to law until the adoption of laws, which will regulate activity of state bodies regarding control over adherence to laws and the forming of system of preliminary investigation and until the adoption of laws which will regulate its functioning.
10. Until the laws which will determine the specifics of performing of executive power in the cities of Kyiv and Sevastopol according to Articles 118 of this Constitution, the appropriate state administration will perform the executive power in these cities.
11. Paragraph I of Article 99 of this Constitution comes into force after introduction of the new monetary unit - hryvna.
12. Until the judicial system of Ukraine is formed according to Article 125 of this Constitution, the Supreme Court of Ukraine and the Court of High Arbitration of Ukraine perform their authority according to the current legislation of Ukraine, but for no more than five years.  
Judges of all courts of Ukraine, elected or appointed before the date of the coming into force of this Constitution, continue to execute their authority in accordance with the acting legislation until the end of the term for which they were elected or appointed.  
Judges whose authority terminates at the date of the coming of this Constitution into force, continue to execute their authority for one year.
13. Within five years after the Constitution comes into force, the existing procedure of arrest, detention, holding in custody of persons suspected in the commission of a crime, as well as conducting a search or inspection of realty or other property of a person, remains the same.
14. Usage of existing military bases on the territory of Ukraine for temporary existing foreign military units is possible within the conditions of leasing in the order, determined by international treaties of Ukraine, and ratified by the Verkhovna Rada of Ukraine.