

Strasbourg, 28 April 2008

CDL(2008)046

Opinion 462/2008

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT CONSTITUTION OF UKRAINE

**Prepared by a Working Group
headed by Mr V.M. Shapoval**

The Ukrainian people - citizens of Ukraine of all nationalities,

expressing their sovereign will,

based on the centuries-old history of Ukrainian state-building and on the right to self-determination exercised by the Ukrainian nation, all the Ukrainian people,

caring for the strengthening of civil amity and unity of Ukraine,

perceiving ourselves as an inseparable part of the European community,

seeking to secure human rights and the worthy conditions of human life,

striving to develop and strengthen a democratic, social and *pravova derzhava*^{*},

providing for the guarantee of human rights and freedoms and of the

aware of our responsibility before God, past, present and future generations,

adopts this Constitution - the Basic Law of Ukraine.

CHAPTER I GENERAL PRINCIPLES

Article 1

Ukraine is a democratic, social and *pravova derzhava*. Ukraine is a republic.

Article 2

The sovereignty of Ukraine extends throughout its entire territory.

Ukraine is a unitary state.

The territory of Ukraine within its present border is integral, indivisible and inviolable.

Article 3

The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest value.

Human rights and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights is the major responsibility of the State.

Article 4

The principle of the Rule of Law is recognized and is effective in Ukraine.

Article 5

The people are the only source of authority in Ukraine. The people exercise authority directly or

* The Ukrainian term *pravova derzhava* is used as equivalent to the German term *Rechtsstaat* or the French term *État de droit*.

through state authorities and local government authorities.

The right to determine and change the constitutional order in Ukraine belongs exclusively to the people and shall not be usurped by the State, its authorities or officials.

No one shall usurp state authority.

The people and each citizen of Ukraine have the right to offer resistance to anyone who infringes on the independence and territorial integrity of Ukraine or attempts to violently overthrow the constitutional order, if other means prescribed by the Constitution of Ukraine cannot be used.

Article 6

State authority in Ukraine is exercised on the principles of its division into legislative, executive and judicial authority. The scope of authority of legislative, executive and judicial bodies is established by this Constitution.

Article 7

The State recognises and guarantees the local government.

Article 8

The Constitution of Ukraine has the highest legal force. Laws and other regulatory legal acts are adopted on the basis of the Constitution of Ukraine and shall be consistent with it.

The norms of the Constitution of Ukraine are norms of direct effect.

The protection of the constitutional rights and freedoms of the human being and citizen directly on the basis of the Constitution of Ukraine is guaranteed.

Article 9

An international treaty in force ratified by the Verkhovna Rada of Ukraine is part of the national legislation of Ukraine.

If an international treaty ratified by the Verkhovna Rada of Ukraine establishes other rules than those provided for by law, the rules of the international treaty shall apply.

An international treaty inconsistent with the Constitution of Ukraine can be concluded only after appropriate amendments are made to the Constitution of Ukraine.

Article 10

The legal order in Ukraine is based on the principles that no one may be forced to do what is not provided for by law.

The state authorities, local government authorities and officials are obliged to act only on the grounds, within the scope of authority, and in the manner prescribed by the Constitution of Ukraine and laws.

Article 11

There is single citizenship in Ukraine.

Article 12

The state language of Ukraine is the Ukrainian language.

The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout 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 learning of languages of international communication.

The use of languages in Ukraine is guaranteed by the Constitution of Ukraine and is specified by law.

Article 13

The State promotes the consolidation and development of the Ukrainian nation, of its historical consciousness, traditions and culture, and also the development of the ethnic, cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.

The cultural heritage is protected by the law.

Article 14

Ukraine provides for the satisfaction of national, cultural, and linguistic needs of Ukrainians residing outside the State.

Article 15

The land is the main national treasure that enjoys the special protection by the State.

Private ownership of land is guaranteed in accordance with the law.

The mineral wealth, water and other natural resources within the territory of Ukraine, the natural resources of its continental shelf, and the exclusive (maritime) economic zone are the assets of the state or communal property. The respective assets of the state and communal property are specified by the law.

Every citizen has the right to utilise natural resources which are the assets of the state or communal property in the manner specified by the law.

Article 16

Property entails responsibility. The use of property shall not cause harm to human rights and freedoms and public interests or deteriorate the environmental situation and natural characteristics of the land.

All owners of property are equal before the law.

Article 17

The State strives to serve the civil society. Social life in Ukraine is based on the principles of political, economic and ideological diversity.

No ideology shall be recognised by the State as mandatory.

Censorship is prohibited.

Article 18

The political activity is based on free competition of political parties which respect democratic values and reject violence as a tool to pursue their interests.

Political parties in Ukraine promote the generation and expression of political will of citizens, and take part in elections. The minority in the representation bodies enjoys the right to opposition in accordance with the Constitution of Ukraine and laws.

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

Article 19

The State has an obligation to ensure environmental safety and environmental balance on the territory of Ukraine and to overcome the consequences of the Chornobyl catastrophe.

Article 20

The Armed Forces of Ukraine are entrusted with the defence of Ukraine and the protection of its sovereignty, integrity and inviolability.

The Armed Forces of Ukraine and other military formations established according to law shall not be used to restrict the rights of citizens or with the intent to seize the power and overthrow the constitutional order.

The creation and operation of any armed formations not envisaged by law are prohibited on the territory of Ukraine.

It shall not be permitted to station foreign military bases on the territory of Ukraine.

Article 21

The foreign political activity of Ukraine is aimed at ensuring the national interests and security by maintaining peaceful and mutually beneficial cooperation with members of the international community, according to generally acknowledged principles and norms of international law.

Ukraine pursuant to international treaties may submit a part of its sovereign rights to European interstate unions.

Article 22

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

The State Flag of Ukraine is a banner of two equally-sized horizontal bands of blue and yellow.

The State Coat of Arms of Ukraine is the Trident of golden colour on the blue shield.

The State Anthem of Ukraine is the national anthem *Sche Ne Vmerla Ukraina i Slava, i Volia* set to the music of M. Verbytskyi, with the words written by P. Chubynskyi as established by the law.

The procedure of use of the state symbols of Ukraine is established by the law.

Article 23

The capital city of Ukraine is the City of Kyiv.

The status of the capital city of Ukraine – Kyiv – is established by a separate law.

**CHAPTER II
HUMAN AND CITIZENS' RIGHTS, FREEDOMS AND DUTIES****Article 24**

All people are free and equal in their dignity and rights. Human rights and freedoms are inalienable and inviolable.

Article 25

Human and citizens' rights and freedoms affirmed by the Constitution of Ukraine are not exhaustive.

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

The scope of existing human and citizens' rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.

Article 26

Human and citizens' rights and freedoms shall also apply to legal entities registered on the territory of Ukraine where these rights and freedoms can be extended to them in substance.

Article 27

Every person has the right to free development of his or her personality if the rights and freedoms of other persons are not breached thereby, and has duties to the society which provides for the free and comprehensive development of his or her personality.

Article 28

Citizens have equal constitutional rights and freedoms.

All are equal before the law and the court.

There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, national minority affiliation, property status, place of birth, linguistic or other characteristics.

Equal opportunities are guaranteed to the woman and the man in enjoying their rights and freedoms.

Article 29

A citizen of Ukraine shall not be deprived of citizenship and of the right to change citizenship.

A citizen of Ukraine shall not be expelled from Ukraine or surrendered to another state.

Ukraine guarantees care and protection to its citizens who are beyond its borders.

Article 30

Foreigners and stateless persons who are in Ukraine on legal grounds enjoy the same rights and freedoms and have the same duties as citizens of Ukraine, with the exceptions established by the Constitution of Ukraine, international treaties of Ukraine, and the laws for the purpose of protection of the national security or territorial integrity.

Foreigners and stateless persons may be granted asylum under the procedure established by law.

Article 31

Every person has the inalienable right to life.

No one shall be arbitrarily deprived of life. The duty of the State is to safeguard and protect human life. No one shall be sentenced to death penalty or executed.

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

Article 32

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

No one shall be subjected to torture, cruel, inhuman or degrading treatment or punishment that degrades his or her dignity.

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

Article 33

Every person has the right to freedom and personal inviolability.

No one shall be arrested or held in custody other than pursuant to a substantiated court decision and only on the grounds and in accordance with the procedure established by law.

In the event of an urgent necessity to prevent or stop a crime, government bodies authorised by law may hold a person in custody as a temporary preventive measure, the reasonable grounds for which shall be verified by a court within forty-eight hours of detention. The detained person shall be released immediately, if he or she has not been provided, within forty-eight hours of his or her actual detention, with a substantiated court decision to hold him or her in custody.

Everyone arrested or detained shall be informed without delay of the reasons for his or her arrest or detention, apprised of his or her rights, and from the moment of detention shall be given the opportunity to personally defend himself or herself, or to have the legal assistance of a defender.

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

Relatives or other persons indicated by the arrested or detained person shall be informed immediately of his or her arrest or detention.

Article 34

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

Entry into a dwelling place or other possessions of a person, and the examination or search thereof, shall not be permitted, other than pursuant to a substantiated court decision.

In urgent situations involving the rescue of human life and property or direct pursuit of persons suspected of committing a crime, a different procedure, established by law, can be used to enter, examine and search a dwelling place or other possessions of a person.

Article 35

Everyone is guaranteed privacy of mail, telephone conversations, telegraph, electronic and other correspondence. Exceptions shall be established only by a court in instances envisaged by law, for the purpose of preventing crime or ascertaining the truth in investigation of a criminal case, provided that information cannot be obtained otherwise.

Article 36

No one shall be subjected to interference in his or her personal and family life, other than in instances provided for by the Constitution of Ukraine.

The collection, storage, use and dissemination of confidential information about a person without his or her consent shall not be permitted, other than in instances provided for by the law and only in the interests of national security, public order, protection of public health and human rights.

Every citizen has the right to examine information about himself or herself available at state authorities and local government authorities, companies, institutions and other organisations, unless it is a state secret or other secret protected by law.

Everyone is guaranteed judicial protection of the right to rectify incorrect information about himself or herself and members of his or her family, and of the right to demand that any type of information be expunged.

Article 37

Everyone who is legally present in Ukraine is guaranteed the right to freedom of movement, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions established by a court in accordance with the law in the interests of national security, public order, prevention of crime, protection of public health or rights and freedoms of others.

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

Article 38

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

Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice. This right shall not preclude the State from making a requirement to license the activity of radio or television broadcasting or cinematographic companies.

The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, for the purpose of preventing disturbances or crimes, protecting public health, the reputation or rights and freedoms of others, preventing the disclosure of confidential information, or supporting the authority and impartiality of the court.

Article 39

Everyone has the right to freedom of thought, conscience and belief. This right includes the freedom to confess any or no religion, perform individually or collectively and without constraint religious worships and rites, conduct religious activity, and receive secular or religious education.

The exercise of this right may be restricted by law only in the interests of public order or the protection of public health and morality or the rights and freedoms of others.

The Church and religious organisations in Ukraine are separated from the State, and the school - from the Church.

No religion shall be recognised by the State as mandatory.

No one shall be relieved of his or her duties to the State or refuse to perform the laws for reasons of religious or other convictions, other than in instances established by law.

Article 40

Everyone has the right to freedom of association for the exercise and protection of rights and freedoms and for the satisfaction of their political, economic, social, cultural and other interests, with the exception of restrictions established by law in the interests of national security and public order, the protection of public health or rights and freedoms of others.

The establishment and activity of political parties and public associations are prohibited if their goals or activities are aimed at the elimination of the independence of Ukraine, the violent change of the constitutional order, the violation of the sovereignty and territorial integrity of the State, the unlawful seizure of state power, the propaganda of war and of violence, the incitement of inter-ethnic, racial or religious enmity, and the infringement on human rights and freedoms or public health. Associations shall not have any military formations.

Everyone who works has the right to take part in trade unions for the purpose of protecting his or her labour and socio-economic rights and interests. Trade unions are public organisations that unite individuals bound by common interests according to the nature of their professional activity. All trade unions have equal rights. Restrictions on membership in trade unions are established by the Constitution of Ukraine and laws.

Trade unions are established without prior permission and based on the free expression of the will of their members.

No one shall be forced to join any association or be restricted in his or her rights for being affiliated or non-affiliated with any such association.

All associations are equal before the law.

Activities of associations may be prohibited only in a judicial proceeding.

Article 41

Members and founders of political parties shall be citizens of Ukraine. Restrictions on membership in political parties are established by the Constitution of Ukraine and laws.

The establishment and activity of structural units of political parties shall not be permitted in executive and judicial authorities and executive bodies of local government authorities, in military formations, and in state-owned companies, educational institutions and other state

institutions and organisations.

Article 42

Citizens have the right to participate in the administration of state affairs and in All-Ukrainian and local referendums, and to freely elect and run for election to state authorities and local government authorities.

Citizens enjoy an equal right of access to the civil service and local government service.

Article 43

Everyone has the right to freedom of peaceful assembly, and to hold meetings, rallies, processions and demonstrations, upon notifying in advance executive authorities or local government authorities.

Restrictions on the exercise of this right may be established by a court in accordance with the law and only in the interests of national security and public order, for the purpose of prevention of disturbances or crimes, protection of public health or the rights and freedoms of others.

Article 44

Everyone has the right to apply to state authorities, local government authorities, and officials, and to receive a substantiated reply within the period of time established by law.

Article 45

Everyone has the right to possess, use and dispose of his or her property, and the results of his or her intellectual and creative activity.

The right to private property is acquired on the grounds and by the procedure established by law.

Everyone may use the state or communal property in accordance with the law, to satisfy his or her own needs.

No one shall be unlawfully deprived of the right to private property.

The right to private property shall be inviolable.

Private property may be expropriated only as an exception for reasons of social necessity, on the grounds and by the procedure established by law, and on the condition of advance and full compensation of its value.

The expropriation of such property with subsequent full compensation of its value is permitted only under conditions of martial law or a state of emergency.

Property may be confiscated only pursuant to a court decision, and in the instances, in the extent and by the procedure established by law.

Article 46

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

The entrepreneurial activity of deputies and officials of state authorities and local government authorities is restricted by law.

The State protects consumer rights, monitors the quality and safety of products and all kinds of services and works, and promotes activities of consumer organisations.

The State ensures the protection of competition in entrepreneurial activity. The abuse of a monopolistic position in the market, the unlawful restriction of competition, and unfair competition, shall not be permitted. The types and limits of monopolies are determined by law.

The State ensures the protection of all owners and businesses, and the social purport of the economy.

Article 47

Everyone has the right to labour, including the opportunity to earn one's living and to provide for his or her family by labour that he or she freely chooses or to which he or she freely agrees.

The State creates conditions whereby the right to labour can be fully enjoyed, guarantees equal opportunities in choosing profession and occupation, implements programmes of vocational education, training and retraining of personnel according to the needs of society.

The use of forced labour is prohibited, other than the work or service carried out by a person pursuant to a judicial sentence or other court decision, or in accordance with the laws on martial law or state of emergency.

Everyone has the right to proper, safe and healthy work conditions, and to remuneration no less than the minimum living standard as determined by law.

The employment of women and minors for work which is hazardous to their health, is prohibited.

The right to timely payment for labour is protected by law.

The protection against unlawful dismissal is guaranteed.

Article 48

Every employee has the right to strike for the protection of their economic and social interests.

The procedure for exercising the right to strike is established by law, taking into account the need to ensure national security and protection of health or rights and freedoms of others.

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

A strike may be prohibited only on the grounds provided for in the law.

Article 49

Every employee has the right to rest.

This right is ensured in accordance with the law by providing weekly rest days and also paid annual vacation, by establishing a shorter working day for certain professions and industries, and reduced working hours at night.

The maximum number of working hours which shall not exceed forty eight hours per week, the minimum duration of rest and of paid annual vacation, days off and holidays as well as other conditions pertinent to this right, are determined by law.

Article 50

Citizens have the right to social protection that includes the right to welfare in event of full, partial or temporary disability, the loss of the principal wage-earner, unemployment due to circumstances beyond their control, and in old age or in other cases established by law.

This right is guaranteed by the general mandatory state social insurance generated by insurance payments made by citizens, companies, institutions and organisations, and due to budgetary and other sources of social security; by the establishment of a network of state, communal and private institutions to care for persons incapable of work.

Pensions and other types of social payments and assistance that are the principal sources of subsistence, shall not be lower than the minimum living standard established by law.

Article 51

Everyone has the right to housing. The State creates conditions whereby everyone shall be able to build, purchase as property, or rent housing.

Citizens in need of social protection are provided with housing by the State and local government authorities, free of charge or at a price affordable for them, in accordance with the law.

No one shall be forcibly deprived of housing other than on the basis of the law pursuant to a court decision.

Article 52

Everyone has the right to healthcare.

The State creates conditions for effective and accessible medical service to all citizens.

Medical care in state and communal healthcare institutions is provided free of charge in the manner established by law.

The State promotes the development of medical institutions of all types of ownership.

Healthcare is supported by the state funding through the relevant socio-economic, medical and sanitary, rehabilitation and prevention programmes and medical insurance.

The State provides for the development of physical culture and sports, and ensures sanitary and epidemic welfare.

Article 53

Everyone has the right to an environment safe for life and health, and to compensation for damages sustained due to the breach of this right.

Everyone is guaranteed the right of free access to information about the environmental situation, the quality of food, dwelling place and consumer goods, and the right to disseminate such information. No one shall make such information secret.

Article 54

Everyone has the right to family and respect to family life.

Marriage is based on the free consent of a woman and a man. Each of the spouses has equal

rights and duties in the marriage and family.

Parents are obliged to support and raise their children until they attain the age of majority. Adult children are obliged to care for their parents who are incapable of work.

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

Article 55

Children are equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Any violence against a child and his or her exploitation or other infringement of the rights of the child shall be prosecuted by law.

The maintenance and upbringing of orphans and children deprived of parental care is entrusted to the State. The State encourages and supports charitable activity in regard to children.

Article 56

Everyone has the right to education.

Complete general secondary education is compulsory.

The State ensures accessible and free pre-school and complete general secondary education in state and communal educational institutions; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of instruction; the provision of state scholarships and privileges to pupils and students in the manner established by the law.

Citizens have the right to obtain free higher education in state and communal educational institutions on a competitive basis.

Citizens who belong to national minorities are guaranteed, in accordance with the law, the right to receive instruction in their native language, or to study their native language in state and communal educational institutions and through national cultural societies.

Article 57

Everyone is guaranteed the freedom of literary, artistic, scientific and technical creativity, protection of intellectual property, their copyrights, moral and material interests that arise with regard to various types of intellectual activity.

Everyone has the right to the results of his or her intellectual, creative activity; no one shall use or distribute them without his or her consent, with the exceptions established by law.

Article 58

Human and citizens' rights and freedoms are protected by the court.

Everyone has the right to a fair hearing of his or her case by an independent and impartial court.

Everyone is guaranteed the right to challenge in court the decisions, actions or omission of state authorities, local government authorities or officials.

Everyone has the right to apply to the Ombudsman of the Verkhovna Rada of Ukraine for the

protection of his or her rights and freedoms.

After exhausting all domestic legal remedies, everyone has the right to apply, for the protection of his or her rights and freedoms, to appropriate international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone has the right to protect his or her rights and freedoms from violations and illegal infringements by any means not prohibited by law.

Article 59

Everyone has the right to compensation, at the expense of the State or local government authorities, for material and moral damages inflicted by unlawful decisions, actions or omission of state authorities, local government authorities or officials while exercising their authority.

Article 60

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

Laws and other regulations relating to the rights and duties of citizens shall be brought to the notice of the population by the procedure established by law.

Laws and other regulations relating to the rights and duties of citizens, but not brought to the notice of the population by the procedure established by law, shall not be effective.

Ignorance of the law shall not exempt from legal liability.

Article 61

Laws and other normative legal acts have no retroactive force, except in cases where they mitigate or annul the responsibility of a person or otherwise improve his or her situation.

No one shall be responsible for acts that, at the time they were committed, were not deemed by law to be an offence.

Article 62

Everyone has the right to legal assistance. Such assistance is provided free of charge or for partial compensation in cases envisaged by law. Everyone is free to choose the defender of his or her rights.

The Defence Bar exists to ensure the right to a defence against accusation and to provide legal assistance during the hearing of cases in courts and other state authorities.

Article 63

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

Legal liability arises for the issuance or execution of a manifestly criminal ruling or order.

Article 64

No one shall be made legally liable twice for the same offence.

The legal liability of a person is of an individual character.

Article 65

A person is presumed innocent of committing a crime and shall not be subjected to criminal punishment until his or her guilt is proved through legal procedure and established by a court verdict of guilty.

No one is obliged to prove his or her innocence of committing a crime.

An accusation shall not be based on illegally obtained evidence or assumptions. All doubts in regard to the proof of guilt of a person are interpreted in his or her favour.

Every person sentenced for a crime has the right to have the sentence reviewed by a higher court in accordance with the procedure established by law, and the right to seek pardon or mitigation of sentence.

In the event that a judicial sentence is revoked as unjustly imposed, the State compensates the material and moral damages inflicted by the groundless sentencing.

Article 66

A person shall not be liable for refusing to testify or to explain anything about himself or herself, members of his or her family or close relatives specified by law.

A suspect, an accused, or a defendant has the right to a defence.

A sentenced person enjoys all human and citizens' rights, with the exception of restrictions determined by law and established by a judicial sentence.

Article 67

Constitutional human and citizens' rights and freedoms shall not be restricted, other than in instances provided for by the Constitution of Ukraine. These restrictions shall be proportional to the purpose prescribed by law and necessary in a democratic society.

Under conditions of martial law or a state of emergency, specific restrictions on rights and freedoms may be established with a prescribed period of effect of such restrictions. The rights and freedoms described in Articles 28, 29, 27, 31, 32, 33, 44, 54, 55, 58, 59, 60, 61, 62, 63, 64, 65 and 66 of the Constitution of Ukraine shall not be restricted.

Article 68

Defence of the Homeland, of the independence and territorial indivisibility of Ukraine, and respect for its state symbols, are the duties of citizens of Ukraine.

Citizens perform military service in accordance with the law.

The State ensures social protection of citizens of Ukraine who serve in the Armed Forces of Ukraine and other military formations, and members of their families.

Article 69

Everyone is obliged to pay taxes and duties in the manner and in the extent established by law.

Article 70

Everyone is obliged to strictly abide by the Constitution of Ukraine and laws, and not to infringe on the rights and freedoms of others.

CHAPTER III ELECTIONS. REFERENDUM. PEOPLE'S INITIATIVE

Article 71

The expression of the people's will is exercised through elections, referendum, people's initiative and other forms of direct democracy.

Citizens of Ukraine, who have attained the age of eighteen on the day of elections, shall be eligible to vote at the elections and referendum.

The people's initiative shall be exercised by citizens of Ukraine eligible to vote.

Citizens found incompetent by a court are not eligible to vote.

Article 72

Elections are held on the basis of universal and equal suffrage by secret ballot.

Elections are free. Voters decide personally whether to participate in elections. Voters are guaranteed the conditions for the free deliberation of their preference and free expression of their will during the voting.

Article 73

Citizens of Ukraine eligible to vote on the day of election may be elected as deputies to representative bodies.

Citizens of Ukraine, who hold offices of a judge, prosecutor, investigator, Ombudsman of the Verkhovna Rada of Ukraine, member of the Accounting Chamber of the Verkhovna Rada of Ukraine, member of an election commission, or other public offices specified by law, shall not run for election without prior resignation from these offices.

Article 74

An All-Ukrainian referendum shall be held on the issues specified by the Constitution of Ukraine.

An All-Ukrainian referendum is deemed effective if the majority of citizens of Ukraine eligible to vote participated in the voting.

Decisions at an All-Ukrainian referendum are approved by the majority of citizens of Ukraine who participated in the voting.

Decisions approved by an All-Ukrainian referendum are mandatory and may be repealed or modified only at an All-Ukrainian referendum, unless otherwise prescribed by the referendum.

Article 75

Decisions to alter the territory of Ukraine shall be made exclusively by an All-Ukrainian referendum.

Article 76

A draft law repealing an effective law in full or in part may be proposed for adoption at an All-

Ukrainian referendum – on popular initiative on the request of no less than one and a half million citizens of Ukraine eligible to vote, and on the condition that the signatures in favour of designating the referendum have been collected in no less than two-thirds of the oblasts, with no less than 50,000 signatures in each oblast.

An All-Ukrainian referendum on popular initiative is proclaimed by the President of Ukraine.

An All-Ukrainian referendum on popular initiative shall not be permitted in regard to laws on taxes, budget, amnesty, and ratification or denunciation of international treaties.

Article 77

A draft law amending Chapters I, III and X to the Constitution of Ukraine or a draft of the revised Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine on popular initiative supported by no less than one and a half million citizens of Ukraine eligible to vote.

A draft law amending the Constitution of Ukraine, except for Chapters I, III and X, may be submitted to the Verkhovna Rada of Ukraine on popular initiative supported by no less than one million citizens of Ukraine eligible to vote.

A draft law on issues falling within the areas regulated by law may be submitted to the Verkhovna Rada of Ukraine on popular initiative supported by no less than 100,000 citizens of Ukraine eligible to vote.

CHAPTER IV VERKHOVNA RADA OF UKRAINE

Article 78

The Verkhovna Rada of Ukraine – the Parliament of Ukraine – is the sole body of legislative authority.

The total membership of the Verkhovna Rada of Ukraine is 350 Deputies.

Article 79

Deputies of the Verkhovna Rada of Ukraine are elected on the basis of universal and equal suffrage by secret ballot for a four-year term.

A citizen of Ukraine eligible to vote may be elected a Deputy of the Verkhovna Rada of Ukraine.

A citizen who has a criminal record for committing a crime shall not be elected a Deputy of the Verkhovna Rada of Ukraine if the record is not cancelled and erased by the procedure established by law.

Article 80

Regular elections to the Verkhovna Rada of Ukraine shall take place not later than in 60 days before the expiration of the term for which Deputies of the Verkhovna Rada of Ukraine of previous convocation were elected.

Special elections of Deputies of the Verkhovna Rada of Ukraine are held not later than in 60 (*option: 90 days*) days from the day of the publication of the Decree of the President of Ukraine on the pre-term termination of authority (dissolution) of the Verkhovna Rada of Ukraine.

The procedure of elections of Deputies of the Verkhovna Rada of Ukraine is established by law.

Article 81

A Deputy of the Verkhovna Rada of Ukraine assumes authority upon taking the oath.

Deputies of the Verkhovna Rada of Ukraine take the following oath at a special meeting before the opening of the first session of the newly elected Verkhovna Rada of Ukraine:

“I swear allegiance to Ukraine. I commit myself with all my deeds to protect the sovereignty and independence of Ukraine, to provide for the good of the Homeland and for the welfare of the Ukrainian people. I swear to abide by the Constitution of Ukraine and the laws, to carry out my duties in the interests of all compatriots.”

The refusal to take the oath results in the loss of the parliamentary mandate.

Article 82

A Deputy of the Verkhovna Rada of Ukraine exercises his or her authority on a permanent basis.

A Deputy of the Verkhovna Rada of Ukraine shall not have another representative mandate, hold an office of a judge or any other public offices (other than offices of the Prime Minister of Ukraine or ministers), be in military, diplomatic or other public service, carry out entrepreneurial or any other paid activity, or be a member of the management or governing board of a for-profit enterprise or organisation.

Requirements concerning the incompatibility of the parliamentary mandate with other types of activity are established by law.

Article 83

A Deputy of the Verkhovna Rada of Ukraine shall be guaranteed immunity. The scope of the parliamentary immunity is established by the Constitution of Ukraine.

A Deputy of the Verkhovna Rada of Ukraine shall not be legally liable for the voting or statements made in the Verkhovna Rada of Ukraine, other than for insult or defamation.

A Deputy of the Verkhovna Rada of Ukraine shall not be detained or arrested without the consent of the Verkhovna Rada of Ukraine until a guilty verdict against him or her enters into legal force, unless he or she is detained at the crime scene.

Article 84

The authority of a Deputy of the Verkhovna Rada of Ukraine is established by the Constitution of Ukraine and laws.

Article 85

The authority of Deputies of the Verkhovna Rada of Ukraine terminates simultaneously with the termination of authority of the Verkhovna Rada of Ukraine.

The authority of a Deputy of the Verkhovna Rada of Ukraine also terminates in the event of:

- 1) his or her renunciation of the deputy mandate through a personal statement;
- 2) a guilty verdict against him or her entering into legal force;

- 3) a court declaring him or her incompetent or missing;
- 4) termination of his or her citizenship;
- 5) a failure to comply with the requirements of incompatibility of the deputy's mandate, as prescribed by the Constitution of Ukraine and the law;
- 6) failure of a Deputy of the Verkhovna Rada of Ukraine elected from a political party (electoral bloc of political parties) to join the parliamentary faction of such political party (electoral bloc of political parties), or his or her withdrawal from such faction.

In instances prescribed by subparagraphs 1, 2, 3 and 4 of the second paragraph of this Article, the authority of a Deputy of the Verkhovna Rada of Ukraine shall be terminated by the Central Electoral Commission.

The decision on termination of authority of a Deputy of the Verkhovna Rada of Ukraine prescribed by subparagraphs 5 of the second paragraph of this Article shall be adopted by the Central Electoral Commission

The decision to terminate the authority of a Deputy of the Verkhovna Rada of Ukraine in instances prescribed by subparagraphs 5 of the second paragraph of this Article shall be adopted in accordance with the law by the higher leadership of the relevant political party (electoral bloc of political parties) from the date of this decision.

(The Work Group believes that a political decision is necessary regarding acceptability of the so-called imperative mandate addressed in this Article.)

Article 86

The Verkhovna Rada of Ukraine works in sessions.

The Verkhovna Rada of Ukraine assembles for its first session on Tuesday of the third week after the official announcement of the results of elections of Deputies of the Verkhovna Rada of Ukraine.

Regular sessions of the Verkhovna Rada of Ukraine commence on the first Tuesday of February and on the first Tuesday of September each year.

Special sessions of the Verkhovna Rada of Ukraine are convoked by the Chairman of the Verkhovna Rada of Ukraine on the demand of the President of Ukraine or not less than one-third of the total membership of the Verkhovna Rada of Ukraine, with the agenda specified by them.

If the term for which Deputies of the Verkhovna Rada of Ukraine were elected expires while martial law or a state of emergency is in effect in Ukraine, the authority of the Verkhovna Rada of Ukraine is extended until the day of the first meeting of the first session of the Verkhovna Rada of Ukraine elected after the cancellation of martial law or the state of emergency.

The procedure of operation of the Verkhovna Rada of Ukraine shall be prescribed by the Constitution of Ukraine and the Law on the Rules of Procedure of the Verkhovna Rada of Ukraine.

Article 87

Meetings of the Verkhovna Rada of Ukraine are conducted openly. A closed meeting is conducted on the decision of the Verkhovna Rada of Ukraine adopted by the majority of not less than two thirds of its total membership. The Chairman of the Verkhovna Rada of Ukraine

presides at the meetings of the Verkhovna Rada of Ukraine.

Meetings of the Verkhovna Rada of Ukraine are conducted on condition that no less than one half of Deputies from the total membership of the Verkhovna Rada of Ukraine participate.

Article 88

Decisions of the Verkhovna Rada of Ukraine are adopted at its plenary meetings by voting.

Deputies of the Verkhovna Rada of Ukraine at the meetings of the Verkhovna Rada of Ukraine vote in person. Failure to comply with this requirement entails liability prescribed by the law.

Article 89

The Verkhovna Rada of Ukraine:

1) makes amendments to the Constitution of Ukraine in the manner prescribed by Chapter X of this Constitution;

2) calls an All-Ukrainian referendum pursuant to Article 75 of the Constitution of Ukraine; and calls an All-Ukrainian consultative referendum (consultative poll) on the issues prescribed by law;

3) adopts laws in accordance with the principles of domestic and foreign policy established by the Constitution of Ukraine;

4) approves, by a law, the Constitution of the Autonomous Republic of Crimea and amendments to it;

5) ratifies international treaties of Ukraine and denounces international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine;

6) exercises the parliamentary control in accordance with the Constitution of Ukraine;

7) calls elections of the President of Ukraine within the term prescribed by the Constitution of Ukraine;

8) adopts a decision to remove the President of Ukraine from office under the impeachment procedure established by Article 116 of the Constitution of Ukraine;

9) calls elections of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils, and village, town and city heads in accordance with the Constitution of Ukraine and laws;

10) terminates pre-term the authority of the Verkhovna Rada of the Autonomous Republic of Crimea on the submission by the President of Ukraine and upon availability of an opinion of the Constitutional Court of Ukraine about the failure of the Verkhovna Rada of the Autonomous Republic of Crimea to comply with the Constitution of Ukraine;

11) adopts a decision on nominating the Prime Minister of Ukraine in accordance with the first paragraph of Article 120 of the Constitution of Ukraine;

12) approves the Program of Activity of the Cabinet of Ministers of Ukraine in accordance with the second paragraph of Article 120 of the Constitution of Ukraine;

13) decides on resignation of the Prime Minister of Ukraine in accordance with the third

paragraph of Article 121 of the Constitution of Ukraine;

14) on the submission by the Prime Minister of Ukraine, appoints to offices and dismisses from offices the Head of the Anti-Monopoly Committee of Ukraine, the Head of the State Committee on Television and Radio Broadcasting of Ukraine, and the Head of the State Property Fund of Ukraine;

15) approves decisions on granting loans and economic aid by Ukraine to foreign states and international organisations and decisions on Ukraine receiving loans not specified by the State Budget of Ukraine from foreign states, banks and international financial organisations, and exercises control over the use of such loans;

16) approves the list of state property which may not be privatised;

17) approves the general structure, numerical strength and defines the functions and the procedures of use of the Armed Forces of Ukraine and other military formations established in accordance with law;

18) approves the Decree of the President of Ukraine on introducing martial law or a state of emergency in Ukraine or its certain areas, on total or partial mobilisation, and on declaring certain areas as environmental emergency zones;

19) approving decisions on providing military assistance to other states, on sending units of the Armed Forces of Ukraine to another state, or on admitting units of armed forces of other states to the territory of Ukraine;

20) approves the Decree of the President of Ukraine on declaring the state of war and concludes peace;

21) establishes or liquidates administrative territories, other than the Autonomous Republic of Crimea, defines and changes their boundaries, approves decisions on including populated areas in the category of cities, naming or renaming populated areas, districts and oblasts;

22) establishes courts in the manner prescribed by law;

23) appoints to office and dismisses from office the Ombudsman of the Verkhovna Rada of Ukraine, and hears his or her annual reports on the situation with the observance and protection of human rights and freedoms in Ukraine;

24) appoints to offices and dismisses from offices the Head and other members of the Accounting Chamber of the Verkhovna Rada of Ukraine;

25) appoints and dismisses one-half of the membership of the National Council on Television and Radio Broadcasting;

26) appoints and dismisses one-half of the membership of the Board of the National Bank of Ukraine;

27) appoints to office and dismisses from office the Chairman of the National Bank of Ukraine on the submission by the President of Ukraine;

28) appoints to offices and dismisses from offices judges of the Constitutional Court of Ukraine on the submission by the President of Ukraine;

29) appoints to offices and dismisses from offices members of the Central Electoral Commission of Ukraine on the submission by the President of Ukraine;

30) appoints to office and dismisses from office the Chief of Staff of the Verkhovna Rada of Ukraine; approves the budget of the Verkhovna Rada of Ukraine and structure of its staff;

The Verkhovna Rada of Ukraine shall also exercise other authority prescribed by the Constitution of Ukraine.

Article 90

No less than 50 Deputies of the Verkhovna Rada of Ukraine have the right to submit, at a session of the Verkhovna Rada of Ukraine, an inquiry to the Cabinet of Ministers of Ukraine concerning the issues relating to the exercise of its authority.

The Prime Minister or any other member of the Cabinet of Ministers instructed by the Prime Minister is required to provide, within the period of time prescribed by law, a reply to the inquiry of Deputies of the Verkhovna Rada of Ukraine, which shall be discussed at a meeting of the Verkhovna Rada of Ukraine.

Article 91

The Verkhovna Rada of Ukraine, on the written proposal of no fewer Deputies of the Verkhovna Rada of Ukraine than one-third of its total membership, shall consider the issue of responsibility of the Cabinet of Ministers of Ukraine and may adopt a resolution of no confidence in the Cabinet of Ministers of Ukraine by the majority of the total membership of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine may adopt its resolution of no confidence in the Cabinet of Ministers of Ukraine not sooner than 72 hours after submission of the proposal to consider the issue of responsibility of the Cabinet of Ministers of Ukraine.

The issue of responsibility of the Cabinet of Ministers of Ukraine shall not be considered by the Verkhovna Rada of Ukraine during special sessions or more than once during one regular session or during the last session of the Verkhovna Rada of Ukraine of current convocation.

Article 92

The Verkhovna Rada of Ukraine elects from among its members the Chairman of the Verkhovna Rada of Ukraine, the First Deputy Chairman and the Deputy Chairman of the Verkhovna Rada of Ukraine, and dismisses them from these offices.

The Chairman of the Verkhovna Rada of Ukraine organises the preparation of issues for consideration at the meetings of the Verkhovna Rada of Ukraine, coordinates activity of its bodies, represents the Verkhovna Rada of Ukraine in relations with other state authorities, guides and controls the work of the staff of the Verkhovna Rada of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine exercises authority prescribed by the Constitution of Ukraine in the manner established by the law on the Rules of Procedure of the Verkhovna Rada of Ukraine.

Article 93

The Verkhovna Rada of Ukraine elects committees and *ad hoc* commissions consisting of the Deputies of the Verkhovna Rada of Ukraine to prepare and provisionally consider any issues that fall within its authority.

The Verkhovna Rada of Ukraine establishes *ad hoc* investigative commissions to investigate issues of public interest, provided that the decision on this has been adopted by no less than one-third of the total membership of the Verkhovna Rada of Ukraine. The *ad hoc* investigative

commissions of the Verkhovna Rada of Ukraine carry out investigations based on the principles prescribed by the criminal procedure law.

The organisation and operational procedure of committees, *ad hoc* commissions, and *ad hoc* investigative commissions of the Verkhovna Rada of Ukraine are established by law.

Article 94

The authority of the Verkhovna Rada of Ukraine is terminated on the day of the opening of the first meeting of the newly elected Verkhovna Rada of Ukraine.

Article 95

The authority of the Verkhovna Rada of Ukraine may be terminated pre-term by the President of Ukraine after consultations with the Chairman of the Verkhovna Rada, Prime Minister of Ukraine, and leaders of parliamentary factions in the Verkhovna Rada of Ukraine.

The authority of the Verkhovna Rada of Ukraine is terminated pre-term on the date of issuing of the Presidential Decree about its dissolution.

The authority of the Verkhovna Rada of Ukraine that is elected at special elections shall not be terminated within one year from the day of its election and during the last six months of the term for which the President of Ukraine was elected.

The authority of the Verkhovna Rada of Ukraine shall not be terminated pre-term during the martial law or a state of emergency.

(Optional variant.

The President of Ukraine may call an All-Ukrainian referendum regarding the pre-term termination of authority of the Verkhovna Rada of Ukraine. If the proposal of the President of Ukraine to terminate the authority of the Verkhovna Rada of Ukraine pre-term is not supported by an All-Ukrainian referendum, the Verkhovna Rada of Ukraine may adopt a decision by no less than two-thirds of its total membership to terminate the authority of the President of Ukraine pre-term.

An All-Ukrainian referendum regarding the pre-term termination of authority of the Verkhovna Rada of Ukraine shall not be called during the last six months of the term for which the President of Ukraine was elected.)

Article 96

The Verkhovna Rada of Ukraine adopts laws, resolutions and other acts by the majority of its total membership, other than in instances prescribed by the Constitution of Ukraine.

Acts adopted by the Verkhovna Rada of Ukraine are signed by the Chairman of the Verkhovna Rada of Ukraine.

Article 97

The laws shall establish the principles of legal regulation of relationship in political, economic, social, cultural and other areas of life of the society, and the principles of organisation and implementation of the state authority and local government.

Exclusively by the laws are established the citizenship, citizens' rights and duties, the guarantees of these rights; the status of foreigners and stateless persons; the rights of indigenous peoples and national minorities; acts classified as criminal, administrative,

disciplinary or other offences and liability for such acts; the principles of civil liability; the judiciary system; the judicial procedure; organisation and activity of the prosecutorial authorities, pre-investigation inquiry authorities, investigation authorities, and the penitentiary system; and the principles of organisation and activity of the defence bar, and the notary service.

Amnesty shall be declared by a law.

Article 98

The right of legislative initiative in the Verkhovna Rada of Ukraine belongs to a Deputy of the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, and no less than 100,000 citizens of Ukraine eligible to vote.

Draft laws proposed on the people's initiative on request of no less than 100,000 citizens of Ukraine eligible to vote shall be considered by the Verkhovna Rada of Ukraine on a priority basis.

The consideration of a draft law by the Verkhovna Rada of Ukraine shall imply adoption of its main provisions, adoption of article by article, and enactment of the law on the whole.

Article 99

A law enacted by the Verkhovna Rada of Ukraine is signed by the Chairman of the Verkhovna Rada of Ukraine who forwards it without delay to the President of Ukraine.

Within fifteen days of the receipt of a law, the President of Ukraine signs it and officially publishes it, or returns it to the Verkhovna Rada of Ukraine with his or her proposals for re-enactment.

If the President of Ukraine has not returned a law for re-enactment within the established period of time, the law must be signed by the President of Ukraine and officially published. If a law has not been signed by the President of Ukraine within this period of time, it shall be officially published by the Chairman of the Verkhovna Rada of Ukraine.

If a law is re-enacted by the Verkhovna Rada of Ukraine by no less than two-thirds of its total membership, the President of Ukraine shall sign and to officially publish it within ten days. If a law has not been signed by the President of Ukraine within this period of time, it shall be officially published by the Chairman of the Verkhovna Rada of Ukraine.

A law enters into force in ten days from the day of its official publication, unless otherwise prescribed by the law itself, but not prior to the day of its publication.

Article 100

The Verkhovna Rada of Ukraine adopts the law on the State Budget of Ukraine in the period from 1 January to 31 December of each year, or in a different period under special circumstances.

The law on the State Budget of Ukraine specifies exclusively the revenues and expenditures for the needs of the entire society, the amounts and purposes of such expenditures.

The Cabinet of Ministers of Ukraine submits the draft law on the State Budget of Ukraine for the following year to the Verkhovna Rada of Ukraine and a report on the implementation of the State Budget of Ukraine in the current year no later than on 15 September of each year, and if necessary proposes amendments to the law on the State Budget of Ukraine.

The Verkhovna Rada of Ukraine exercises control over the implementation of the State Budget of Ukraine and adopts decisions on the budget implementation report presented by the Cabinet of Ministers of Ukraine.

Article 101

Ensuring the stability of the monetary unit – hryvnia – is the primary function of the National Bank of Ukraine.

The Board of the National Bank of Ukraine develops the principles of monetary and credit policy and exercises control over its implementation.

Article 102

The parliamentary control over revenues to the State Budget of Ukraine and their disposal is performed by the Accounting Chamber of the Verkhovna Rada of Ukraine.

Article 103

The parliamentary control over the observance of human and citizens' rights and freedoms is exercised by the Ombudsman of the Verkhovna Rada of Ukraine.

CHAPTER V PRESIDENT OF UKRAINE

Article 104

The President of Ukraine is the Head of State. The President of Ukraine represents the State and ensures its legal succession.

The President of Ukraine is the guarantor of sovereignty, territorial integrity of the State and national security, and of the observance of the Constitution of Ukraine.

The President of Ukraine ensures coordinated operation and interaction of state authorities and local government authorities.

Article 105

The President of Ukraine is elected on the basis of universal and equal suffrage by secret ballot for a five-year term.

A citizen of Ukraine who has attained the age of thirty-five on the date of election, is eligible to vote, has resided in Ukraine for the past ten years prior to the day of elections, and has command of the state language, may be elected as the President of Ukraine.

One and the same person shall not be the President of Ukraine for more than two consecutive terms.

Article 106

Regular elections of the President of Ukraine are held no later than 60 days before the end of the term of authority of the previously elected President of Ukraine.

Special elections of the President of Ukraine are held no later than 60 (*option* – 90) days from the pre-term termination of authority of the President of Ukraine.

The procedure of elections of the President of Ukraine is established by law.

Article 107

The President of Ukraine assumes office no later than 30 days after the official announcement of the election results upon taking the oath to the people at a ceremonial meeting of the Verkhovna Rada of Ukraine.

The President of Ukraine takes the following oath:

“Elected by the will of the people as the President of Ukraine, assuming this high office, I solemnly swear allegiance to Ukraine. I pledge with all my undertakings to protect the sovereignty and independence of Ukraine, to provide for the good of the Homeland and the welfare of the Ukrainian people, to protect the rights and freedoms of citizens, to abide by the Constitution of Ukraine and laws, to exercise my duties in the interests of all compatriots, and to enhance the prestige of Ukraine in the world.”

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

Article 108

The President of Ukraine shall not have another representative mandate, hold an office in state authorities or associations of citizens, carry out entrepreneurial or any other paid activity, or be a member of the management or governing board of a for-profit enterprise or organisation.

Article 109

The President of Ukraine is guaranteed immunity during the term of authority.

The title of President of Ukraine is reserved for the President for life, unless the President of Ukraine has been removed from office by the procedure of impeachment.

The honour and dignity of the President of Ukraine is protected by law.

Article 110

The President of Ukraine:

- 1) exercises overall leadership in areas of the State's foreign policy, national security and defence;
- 2) conducts negotiations and concludes international treaties of Ukraine, and adopts decisions on the recognition of foreign states;
- 3) appoints and dismisses heads of diplomatic missions of Ukraine; accepts credentials and letters of recall of diplomatic representatives accredited by him or her;
- 4) is the Commander-in-Chief of the Armed Forces of Ukraine; appoints to offices and dismisses from offices the high command of the Armed Forces of Ukraine and other military formations;
- 5) appoints to office the Head of the Security Service of Ukraine with the consent of the Verkhovna Rada of Ukraine, and dismisses him or her from office;
- 6) adopts decrees – introducing martial law or a state of emergency in Ukraine or in its certain areas, calling for the general or partial mobilisation, announcing certain areas as environmental

emergency zones – which shall further be approved by the Verkhovna Rada of Ukraine; adopts a decision to use, in the event of a military aggression, the Armed Forces of Ukraine and other military formations established in accordance with law;

7) proclaims and calls an All-Ukrainian referendum pursuant to Articles 76 and 160 of the Constitution of Ukraine;

8) calls elections of Deputies of the Verkhovna Rada of Ukraine pursuant to Article 80 of the Constitution of Ukraine;

9) terminates pre-term the authority of the Verkhovna Rada of Ukraine pursuant to Articles 95 and 120 of the Constitution of Ukraine;

10) addresses the people with messages and the Verkhovna Rada of Ukraine with messages on the domestic and foreign situation of Ukraine;

11) issues decrees appointing the Prime Minister of Ukraine and appointing ministers on the submission by the Prime Minister of Ukraine pursuant to the third paragraph of Article 120 of the Constitution of Ukraine; dismisses ministers with the consent of the Prime Minister of Ukraine; appoints to offices and dismisses from offices the Prime Minister of Ukraine and ministers pursuant to the fifth paragraph of Article 120 of the Constitution of Ukraine;

12) revokes acts of the Cabinet of Ministers of Ukraine on issues relating to foreign policy and defence;

13) appoints to offices and dismisses from offices judges of general courts in accordance with the Constitution of Ukraine and law ***(other possible procedure for appointment and dismissal of judges of general courts might be proposed at the political level)***;

14) appoints to office the Prosecutor General of Ukraine with the consent of the Verkhovna Rada of Ukraine, and dismisses him or her from office on the grounds established by law;

15) appoints and dismisses one-half of the membership of the National Council on Television and Radio Broadcasting;

16) appoints and dismisses one-half of the membership of the Board of the National Bank of Ukraine;

17) adopts decisions on granting the national status to state institution in areas of education and culture, and appoints heads of these institutions in accordance with the law;

18) adopts decisions on the acceptance for citizenship of Ukraine and the termination of citizenship of Ukraine, and on the granting of asylum;

19) confers high military ranks, high diplomatic ranks, high civil service ranks and other high special ranks and grades;

20) confers state awards; establishes presidential distinctions and confers them;

21) grants pardons;

22) sets up, within the funding provided for in the State Budget of Ukraine, consultative, advisory and other subsidiary bodies and services for the exercise of his or her authority.

The President of Ukraine exercises other authority prescribed by the Constitution of Ukraine.

The President of Ukraine shall not delegate his or her powers to other state authorities or

officials.

Article 111

The President of Ukraine, on the basis of the Constitution of Ukraine and laws, issues decrees and directives which are mandatory for compliance.

Article 112

The National Security and Defence Council of Ukraine is the coordinating body to the President of Ukraine on issues of national security and defence.

The National Security and Defence Council of Ukraine coordinates and controls the activity of executive authorities in the area of national security and defence.

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

Members of the National Security and Defence Council of Ukraine *ex officio* include the Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Minister of Internal Affairs of Ukraine, the Minister of Foreign Affairs of Ukraine, the Minister of Justice of Ukraine, the Head of the Security Service of Ukraine, other members of the National Security and Defence Council of Ukraine appointed by the President of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine may participate in the meetings of the National Security and Defence Council of Ukraine.

Decisions of the National Security and Defence Council of Ukraine are put into effect by decrees of the President of Ukraine.

The authority of the National Security and Defence Council of Ukraine are specified by law.

Article 113

The President of Ukraine exercises his or her authority until the assumption of office by the newly-elected President of Ukraine.

The powers of the President of Ukraine terminate pre-term in the event of:

- 1) his or her resignation through a personal statement;
- 2) inability to exercise his or her authority for reasons of health;
- 3) removal from office by the procedure of impeachment.

Article 114

The President of Ukraine resigns upon announcing personally the relevant statement at the meeting of the Verkhovna Rada of Ukraine.

Article 115

The decision on pre-term termination of authority of the President of Ukraine due to inability to exercise his or her authority for reasons of health shall be adopted by the majority of the total membership of the Verkhovna Rada of Ukraine.

The inability of the President of Ukraine to exercise his or her authority for reasons of health

shall be established by the Supreme Court of Ukraine on the submission by the Verkhovna Rada of Ukraine and based on an opinion made by a state medical commission established in accordance with law.

Article 116

The President of Ukraine may be removed from office by the Verkhovna Rada of Ukraine by the procedure of impeachment in the event that he or she commits an intended crime.

The consideration of the removal of the President of Ukraine from office by the procedure of impeachment is initiated by the majority of the total membership of the Verkhovna Rada of Ukraine.

To conduct the investigation, the Verkhovna Rada of Ukraine establishes an *ad hoc* investigative commission to include a special prosecutor and special investigators.

The conclusions and proposals of the *ad hoc* investigatory commission are considered at a meeting of the Verkhovna Rada of Ukraine.

For cause, the Verkhovna Rada of Ukraine, by no less than two-thirds of its total membership, adopts a decision on bringing charges against the President of Ukraine.

The decision on the removal of the President of Ukraine from office by the procedure of impeachment is adopted by no less than three-quarters of its total membership of the Verkhovna Rada of Ukraine after receiving an opinion of the Constitutional Court of Ukraine that the procedure of investigation and consideration of the case of removal of the President of Ukraine from office by the procedure of impeachment as established by the Constitution of Ukraine was complied with.

Article 117

In instances specified in Articles 113, 114, 115 and 116 of the Constitution of Ukraine during the period pending the assumption of office by the newly elected President of Ukraine, the authority of the President of Ukraine shall be exercised by the Chairman of the Verkhovna Rada of Ukraine, other than the authority prescribed by subparagraphs 2 to 5, 7, 9 to 11, and 14 of the first paragraph of Article 110 of Chapter X of the Constitution of Ukraine.

CHAPTER VI CABINET OF MINISTERS OF UKRAINE

Article 118

The Cabinet of Ministers of Ukraine – the Government of Ukraine – is the highest body in the system of executive authorities.

The Cabinet of Ministers of Ukraine ensures the implementation of the domestic and foreign policy of the State and implementation of the Constitution of Ukraine and laws, and decrees of the President of Ukraine.

The Cabinet of Ministers of Ukraine is responsible to the Verkhovna Rada of Ukraine, and is under the control of the Verkhovna Rada of Ukraine and the President of Ukraine.

Article 119

The Cabinet of Ministers of Ukraine is composed of the Prime Minister of Ukraine and the ministers.

Organisation, authority and procedure of operation of the Cabinet of Ministers of Ukraine shall be prescribed by the Constitution of Ukraine and laws.

Article 120

The Verkhovna Rada of Ukraine, on the proposal of the parliamentary faction or coalition of parliamentary factions comprising the majority of Deputies from the total membership of the Verkhovna Rada of Ukraine, not later than within 30 days after resignation of the Cabinet of Ministers of Ukraine adopts a decision on nominating the Prime Minister of Ukraine.

The nominated Prime Minister of Ukraine within 15 days submits for consideration by the Verkhovna Rada of Ukraine a draft Program of Activity of the Cabinet of Ministers of Ukraine to be approved by the majority of the total membership Verkhovna Rada of Ukraine not later than within 15 days after submission of the draft for consideration by the Verkhovna Rada of Ukraine.

Following the approval of the Program of Activity of the Cabinet of Ministers of Ukraine, the President of Ukraine issues, within three days, decrees on the appointment of the Prime Minister of Ukraine, and on the appointment of the ministers on the submission by the Prime Minister of Ukraine.

If the Program of Activity of the Cabinet of Ministers of Ukraine has not been approved by the Verkhovna Rada of Ukraine within the specified period of time, the President of Ukraine terminates pre-term the authority of the Verkhovna Rada of Ukraine.

Following the pre-term termination of authority of the Verkhovna Rada of Ukraine, the President of Ukraine appoints within three days the Prime Minister of Ukraine and appoints the ministers on the submission by the Prime Minister of Ukraine. The Prime Minister of Ukraine and the ministers appointed thereby shall be responsible to the President of Ukraine and act until the new Cabinet of Ministers of Ukraine is established as prescribed in the first to third paragraphs of this Article.

Issuing of decrees by the President of Ukraine on appointment of the Prime Minister of Ukraine and the ministers pursuant to the third and fifth paragraph of this Article means that the new membership of Cabinet of Ministers of Ukraine has assumed its authority and the authority of the previous membership has been terminated.

Article 121

The Cabinet of Ministers of Ukraine tenders its resignation to the newly elected Verkhovna Rada of Ukraine at its first meeting.

Adoption of a resolution of no confidence in the Cabinet of Ministers of Ukraine by the Verkhovna Rada results in the resignation of the Cabinet of Ministers of Ukraine.

The Prime Minister of Ukraine has the right to tender his or her resignation to the Verkhovna Rada of Ukraine. The decision of resignation of the Prime Minister of Ukraine is adopted by the Verkhovna Rada of Ukraine. The resignation of the Prime Minister of Ukraine results in the resignation of the entire membership of the Cabinet of Ministers of Ukraine

A minister has the right to tender his or her resignation to the Prime Minister of Ukraine.

In event of resignation of the Cabinet of Ministers of Ukraine, the new membership of the Cabinet of Ministers of Ukraine shall be established within the period and by the procedure prescribed by Article 120 of the Constitution of Ukraine.

The Cabinet of Ministers who tendered resignation continues to exercise its authority until a newly established Cabinet of Ministers of Ukraine assumes its authority.

The right to resign prescribed by the third and fourth paragraphs of this Article shall not extend to the Prime Minister of Ukraine and the ministers appointed under the fifth paragraph of Article 120 of the Constitution of Ukraine.

Article 122

A member of the Cabinet of Ministers of Ukraine has no right to combine their activity with other work, carry out entrepreneurial or any other paid activity, or be a member of the management or governing board of a for-profit enterprise or organisation.

Article 123

The Cabinet of Ministers of Ukraine:

- 1) establishes, reorganises and liquidates, in accordance with the law, ministries and central executive authorities, acting within the limits of funding provided to support the executive authorities;
- 2) appoints to offices and dismisses from offices heads of central executive authorities, on the submission by the Prime Minister of Ukraine;
- 3) revokes acts of central executive authorities and the Council of Ministers of the Autonomous Republic of Crimea;

The Cabinet of Ministers of Ukraine exercises other authority prescribed by the Constitution of Ukraine and laws.

Article 124

The Prime Minister of Ukraine manages the work of the Cabinet of Ministers of Ukraine; directs it for the implementation of the Programme of Activity of the Cabinet of Ministers of Ukraine; and coordinated activity of the ministers and heads of central executive authorities.

In the absence of the Prime Minister of Ukraine, one of the ministers selected by the Cabinet of Ministers of Ukraine shall manage the work of the Cabinet of Ministers of Ukraine.

Article 125

The Cabinet of Ministers of Ukraine adopts decisions at its meetings by the majority of its votes.

The President of Ukraine may participate in the meetings of the Cabinet of Ministers of Ukraine. The President of Ukraine presides at the meetings of the Cabinet of Ministers of Ukraine held to discuss foreign policy of the State or national security and defence issues following the meeting agenda specified by the President of Ukraine.

Article 126

The Cabinet of Ministers of Ukraine, within its authority, issues resolutions and directives that are mandatory for compliance.

Acts of the Cabinet of Ministers of Ukraine are signed by the Prime Minister of Ukraine.

CHAPTER VII COURTS AND JUSTICE

Article 127

Justice in Ukraine is administered exclusively by the general courts. The delegation of the justice function or assumption of these functions by other authorities or officials shall not be permitted.

The people participate in the administration of justice through people's assessors and jurors.

Justice is administered by professional judges and, in instances specified by law, by people's assessors and jurors.

Article 128

The jurisdiction of courts extends to all legal relations that arise in the State.

Judicial decisions are adopted in the name of Ukraine and are mandatory for compliance throughout the territory of Ukraine.

Ukraine may recognise the jurisdiction of the International Criminal Court on conditions prescribed by the Rome Statute of the International Criminal Court.

Article 129

The system of general courts in Ukraine is based on territorial, specialisation and instance principles.

The system of general courts comprises local courts acting as first instance courts, appeal courts, and high specialised courts.

The Supreme Court of Ukraine is highest court in the system of general courts.

The establishment of extraordinary or special courts shall not be permitted.

Article 130

The State provides funding and adequate conditions for the operation of courts and the activity of judges. Expenditures to support courts are allocated separately in the State Budget of Ukraine and may not be decreased comparing to the previous fiscal year.

The judiciary is self-governed for the purpose of addressing the internal issues of the courts.

Article 131

Judicial proceedings are conducted by a single professional judge, by a panel of judges, or by a court of the jury.

The main principles of judicial proceedings are:

- 1) rule of law;
- 2) legality;
- 3) equality before the law and the court of all participants in a trial;

- 4) adversarial procedure and freedom of the parties to present their evidence to the court and to prove the weight of evidence before the court;
- 5) a public and open trial;
- 6) reasonable periods of proceedings;
- 7) ensuring the right to complaint against a judicial decision through an appeal or cassation procedure, except in cases prescribed by law;
- 8) judicial decisions being mandatory for enforcement.

The law may also specify other principles of judicial proceedings in courts of specific jurisdictions.

Article 132

In the administration of justice, judges shall be independent and abide only by the law.

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

Influencing judges in any manner is prohibited.

Persons guilty of disrespect to a court or a judge shall be legally liable.

Judges are guaranteed immunity in the scope specified by the Constitution of Ukraine. A judge shall not be detained or arrested without the consent of the Verkhovna Rada of Ukraine until a guilty verdict against him or her enters into legal force, unless he or she is detained at the crime scene.

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

The professional interests of judges shall be protected in the manner prescribed by law.

Article 133

Judges hold office for permanent terms, except judges appointed for the first time.

The first appointment of a professional judge to office for a five-year term and the subsequent appointment for permanent terms are made by the President of Ukraine on the submission by the High Council of Justice in the manner specified by the Constitution of Ukraine and the law.

Nominations of professional judges are proposed to the President of Ukraine by the High Council of Justice on the recommendation of the Qualification Commission of Judges based on results of an open competition.

A citizen of Ukraine, not younger than the age of thirty-five, who has a higher legal education and has not less than five years of professional experience, has high moral qualities and command of the state language, may be appointed to the office of a professional judge. Additional requirements to certain categories of judges, regarding their work experience, age and professional level are specified by the law.

Professional judges shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid positions, perform other remunerated work other than academic, teaching or creative activity.

The Chairman of the Supreme Court of Ukraine is elected to office and dismissed from office by

the Plenary Assembly of the Supreme Court of Ukraine by secret ballot under the procedure established by law.

The procedure for substitution of chairmen of other courts is specified by the law.

Article 134

A professional judge is dismissed from office by the President of Ukraine on the submission by the High Council of Justice in the following instances:

- 1) the term for which he or she was appointed expires;
- 2) the judge attains of the age of sixty-five;
- 3) the judge files a statement of retirement or voluntary resignation;
- 4) his or her citizenship is terminated;
- 5) the judge fails to comply with the requirements of incompatibility;
- 6) the judge breaches the oath;
- 7) the judge cannot exercise his or her authority for reasons of health;

The authority of a professional judge shall be terminated in accordance with the law in the following instances:

- 1) a verdict of guilty against him or her enters into legal force;
- 2) he or she is declared missing, or pronounced dead, or his or her death;

Article 135

The High Council of Justice is vested with the responsibility to form the professional judiciary.

The High Council of Justice:

- 1) submits proposals to the President of Ukraine regarding appointment of professional judges to office on the recommendation of the Qualification Commission of Judges;
- 2) submits proposals to the President of Ukraine regarding dismissal of professional judges from office in instances specified in the first paragraph of Article 134 of the Constitution of Ukraine;
- 3) terminates authority of professional judges in instances specified in the second paragraph of Article 134 of the Constitution of Ukraine;
- 4) adopts decisions regarding the failure of professional judges and prosecutors to comply with the requirements of incompatibility, breach of the oath, inability to exercise authority for reasons of health;
- 5) institutes disciplinary proceedings against judges of the Supreme Court of Ukraine and judges of high specialised courts;
- 6) reviews complaints against decisions on disciplinary liability of judges of appeal or local courts and prosecutors.

The High Council of Justice consists of fifteen members. The Verkhovna Rada of Ukraine, the President of Ukraine, and the congresses of judges of Ukraine, employees of prosecutorial authorities of Ukraine, and defence lawyers of Ukraine each appoint three members to the High Council of Justice. The Verkhovna Rada of Ukraine and the President of Ukraine appoint members of the High Council of Justice from among the retired judges. Members of the High Council of Justice shall not hold offices of judges or prosecutors or practice law.

The organisation and procedure of operation of the High Council of Justice are specified by the law.

Article 136

The Procuracy of Ukraine is vested with the responsibility of prosecuting in court on behalf of the State.

The Procuracy of Ukraine also:

- 1) represent the interests of a citizen or of the State in court in instances specified by law;
- 2) supervise the compliance with laws by operational investigation, pre-investigation inquiry and pre-trial investigation authorities;
- 3) supervise the compliance with laws during enforcement of judicial decisions in criminal cases and during the use of other coercive measures related to the restraint of personal liberty of citizens.

The Procuracy of Ukraine are headed by the Prosecutor General of Ukraine, who is appointed to office by the President of Ukraine with the consent of the Verkhovna Rada of Ukraine.

The Prosecutor General of Ukraine is dismissed from office by the President of Ukraine on the grounds specified by the law.

The term of authority of the Prosecutor General of Ukraine and his subordinated prosecutors is five years.

The organisation and procedure of operation of the Procuracy of Ukraine are specified by the law.

CHAPTER VIII THE CONSTITUTIONAL COURT

Article 137

The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction.

Organisation and procedure of operation of the Constitutional Court of Ukraine shall be prescribed by the Constitution of Ukraine and the law.

Article 138

The Constitutional Court of Ukraine is composed of twelve judges. Judges of the Constitutional Court of Ukraine are appointed on the submission of the President of Ukraine by no less than two-thirds of the total membership of the Verkhovna Rada of Ukraine for the term of nine years. Judges of the Constitutional Court of Ukraine may not be reappointed.

The membership of the Constitutional Court of Ukraine is renewed by one-third every three year.

A citizen of Ukraine who has attained the age of forty on the day of appointment, has a higher legal education, not less than fifteen years of professional experience, impeccable reputation, and command of the state language, may be a judge of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine assumes authority on the day of taking the oath at a special meeting of the Constitutional Court of Ukraine.

The Constitutional Court of Ukraine elects from its membership the Chairman of the Constitutional Court of Ukraine and the Deputy Chairman for one three year period.

Article 139

Judges of the Constitutional Court of Ukraine enjoy the guarantees of independence and immunity and shall be subject to the requirements on incompatibility and the grounds for dismissal from office as prescribed by Articles 132, 133 and 134 of the Constitution of Ukraine.

A judge of the Constitutional Court of Ukraine is dismissed from office by the Constitutional Court of Ukraine in the manner established by law in instances specified in subparagraphs 1 to 5 and 7 of the first paragraph of Article 134 of the Constitution of Ukraine.

In the instance specified in subparagraph 6 of the first paragraph of Article 134 of the Constitution of Ukraine, the judge of the Constitutional Court of Ukraine is dismissed from office by a decision adopted by no less than two-thirds of the total membership of the Verkhovna Rada of Ukraine based on an opinion of an *ad hoc* investigative commission of the Verkhovna Rada of Ukraine. The consideration of dismissal of a judge of the Constitutional Court of Ukraine in this instance is initiated by the President of Ukraine or no less than one-third of the total membership of the Verkhovna Rada of Ukraine.

The authority of a judge of the Constitutional Court of Ukraine is terminated by the Constitutional Court of Ukraine in the manner established by law in instances specified in the second paragraph of Article 134 of the Constitution of Ukraine.

Article 140

On the applications by the President of Ukraine, the Cabinet of Ministers of Ukraine, no less than 50 Deputies of the Verkhovna Rada of Ukraine, or the Supreme Court of Ukraine, the Constitutional Court of Ukraine adopts the following decisions:

1) on conformity of laws and other acts of the Verkhovna Rada of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, and acts of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine (constitutionality);

2) on the official interpretation of the Constitution of Ukraine.

The Constitutional Court of Ukraine finds laws and other acts unconstitutional, in whole or in part, if they are inconsistent with the Constitution of Ukraine or if there was a failure to comply with the procedure established by the Constitution of Ukraine for their deliberation, adoption or entry into force.

Laws and other acts, or their separate provisions, that were found unconstitutional, shall lose their legal force from the date of official publication of decisions of the Constitutional Court of Ukraine on their unconstitutionality.

Article 141

On the application by the President of Ukraine or the Cabinet of Ministers of Ukraine, or no less than 50 Deputies of the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine provides opinions on the consistency with the Constitution of Ukraine of international treaties of Ukraine submitted to the Verkhovna Rada of Ukraine for ratification.

On the application by the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine provides opinions:

1) on the compliance with the procedure established by Article 116 of the Constitution of Ukraine on investigation and consideration of the case of removing the President of Ukraine from office by impeachment;

2) on the consistency of a draft law amending the Constitution of Ukraine or a draft of the revised Constitution of Ukraine with the first paragraph of Article 163 of this Constitution.

On the application by the President of Ukraine, the Constitutional Court of Ukraine provides its opinions on the failure of the Verkhovna Rada of the Autonomous Republic of Crimea to comply with the Constitution of Ukraine.

Article 142

Decisions and opinions of the Constitutional Court of Ukraine are mandatory, final and shall not be appealed.

CHAPTER IX TERRITORIAL ORGANISATION OF POWER IN UKRAINE

Article 143

The territorial organisation of power in Ukraine is based on the principles of unity and integrity of the state territory, balanced socio-economic development of regions taking into account their historical, geographical, economic, environmental and demographic characteristics, and ethnic and cultural traditions.

Article 144

The system of the administrative-territorial structure of Ukraine comprises the Autonomous Republic of Crimea, oblasts, Kyiv City and Sevastopol City, districts, and communities.

Communities are cities, towns, villages or agglomerations of several populated areas.

Cities, which have the number of residents specified by law, shall have the status equal to that of an oblast or a district.

Boundaries of administrative-territorial units may be changed by a law adopted with account of decisions of local referenda.

Article 145

The Autonomous Republic of Crimea is an inseparable constituent part of Ukraine.

The Autonomous Republic of Crimea has the Constitution of the Autonomous Republic of Crimea that is adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by a law.

The competence of the Autonomous Republic of Crimea comprises the following:

- 1) calling elections of Deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, and approving the membership of the Electoral Commission of the Autonomous Republic of Crimea;
- 2) managing, in accordance with law, assets of state property and common property of communities within the Autonomous Republic of Crimea;
- 3) drafting, approving and implementing the Budget of the Autonomous Republic of Crimea on the basis of the uniform tax and budget policy of Ukraine;
- 4) drafting, approving and implementing programmes of the Autonomous Republic of Crimea for socio-economic and cultural development, rational nature management, and environmental protection in accordance with national programmes;
- 5) recognising the status of certain areas as resorts; and establishing zones for the sanitary protection of resorts;
- 6) participating in ensuring respect for the rights of citizens, national amity, and promoting the protection of legal order and public safety;
- 7) ensuring the operation and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protection and use of historical monuments;
- 8) participating in the development and implementation of state programmes for the return of deported peoples;
- 9) initiating the introduction of a state of emergency or the establishment of environmental emergency zones in the Autonomous Republic of Crimea or in its certain areas.

Other issues may also be ascribed to the competence of the Autonomous Republic of Crimea by laws.

Article 146

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 resolutions within the scope of its authority, which are mandatory for compliance in the Autonomous Republic of Crimea.

Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea are elected for a three-year term by residents of communities in the Autonomous Republic of Crimea, who are eligible to vote.

A resident of a respective community, who is eligible to vote, may be elected as a Deputy of the Verkhovna Rada 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 Head of the Council of Ministers of the Autonomous Republic of Crimea is appointed to office and dismissed from office by the Verkhovna Rada of the Autonomous Republic of Crimea with the consent of the President of Ukraine.

The procedure of formation and operation, and the authority of the Verkhovna Rada of the

Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea are established by the Constitution of Ukraine and laws and by decisions of the Verkhovna Rada of the Autonomous Republic of Crimea on issues ascribed to its authority.

Article 147

The Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea regulate on the following issues:

- 1) agriculture and forestry;
- 2) land reclamation and mining;
- 3) public works, crafts and trades; charity;
- 4) city construction and housing management;
- 5) public transport, roadways, and water supply;
- 6) museums, libraries, theatres, other cultural institutions, historical and cultural preserves;
- 7) tourism, hotel business, fairs;
- 8) hunting and fishing;
- 9) sanitary and hospital services;
- 10) other issues specified by laws.

Article 148

Acts of the Verkhovna Rada of the Autonomous Republic of Crimea and the Council of Ministers of the Autonomous Republic of Crimea are adopted in accordance with and for implementation of the Constitution of Ukraine, laws, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine.

The President of Ukraine may suspend regulatory acts of the Verkhovna Rada of the Autonomous Republic of Crimea for reasons of nonconformity with the Constitution of Ukraine and laws, and simultaneously apply to the Constitutional Court of Ukraine regarding their constitutionality or to the High Administrative Court regarding their consistency with law.

Article 149

The Representative Office of the President of Ukraine, whose status is determined by the law of Ukraine, operates in the Autonomous Republic of Crimea.

Article 150

The state administrations, whose heads are responsible to the President of Ukraine and are under control of the Cabinet of Ministers of Ukraine, operate in oblasts, Kyiv City and Sevastopol City.

The head of a state administration is appointed to office by the President of Ukraine on the submission by the Cabinet of Ministers of Ukraine and are dismissed from office by the President of Ukraine.

The head of a state administration forms the respective state administration.

Representative offices of the head of the state administration may be established within an oblast in accordance with law.

Organisation and procedure of operation of state administrations are specified by the Constitution of Ukraine and laws.

Article 151

The head of a state administration shall exercise the following within the respective administrative-territorial unit:

- 1) control the compliance of executive authorities and local government authorities and their officials with laws, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine;
- 2) control the implementation of the State Budget of Ukraine and state programmes;
- 3) coordinate activity of territorial offices of the ministries and central executive authorities, and ensure their interoperation with local government authorities;
- 4) other authority specified by the Constitution of Ukraine and laws.

Acts of the head of a state administration may be revoked by the Cabinet of Ministers of Ukraine.

Article 152

Local government is exercised by residents of communities both directly or through local government authorities.

The rights of local government can be protected in a court.

Specific aspects of local government in Kyiv City and Sevastopol City are prescribed by separate laws of Ukraine.

Article 153

The material and financial basis for local government is community owned movable and immovable property, revenues of local budgets, other funds, land, and natural resources.

The State participates in the generation of revenues of local government budgets and financially supports the local government.

Expenditures of local government authorities resulting from decisions of state authorities shall be compensated by the State.

Article 154

The community council is the representative body of a community. Deputies of a community council are elected for a three-year term by community residents eligible to vote. A resident of a respective community, who is eligible to vote, may be elected as a deputy of the community council.

The community head presides at the meetings of the community council, heads the executive office of the community council, which is formed by the community council on his or her submission. The community head is elected for a three-year term by community residents eligible to vote. A resident of a respective community, who is eligible to vote, may be elected as

the community head.

The procedure of formation and the authority of community councils and their executive offices, and the status of community heads and deputies of community councils are established by the Constitution of Ukraine and laws.

Article 155

Common interests of residents of communities are represented by an oblast and district councils. Deputies of oblast and district councils are elected for a three-year term by community residents eligible to vote within the respective oblast or district. A resident of a respective community, who is eligible to vote, may be elected as a deputy of the oblast or district council.

The oblast or district council elects the chairman of the respective council from its membership, forms an executive committee of the council headed by the executive committee chairman appointed by the council.

The procedure of formation and the authority of oblast and district councils and their executive committees are established by the Constitution of Ukraine and laws.

Article 156

The oblast or district council:

- 1) approves the oblast or district budget, and controls its implementation;
- 2) approves oblast or district programmes of socio-economical and cultural development, rational nature management, and environmental protection, and controls their implementation;
- 3) manages, in accordance with law, assets of common property of communities;
- 4) decides, in accordance with law, on the use of natural resources of local importance;
- 5) adopts decisions on arranging the natural conservation areas or items of local importance and other specially protected areas;
- 6) decides on issues relating to the development of educational, cultural and healthcare institutions;
- 7) adopts decisions to ensure the protection of legal order and public safety;
- 8) initiates the introduction of a state of emergency or the establishment of environmental emergency zones in appropriate areas;
- 9) addresses other issues ascribed to its authority by laws.

Article 157

Certain powers of executive authorities may be delegated to local government authorities in accordance with law.

The State fully funds the exercise of these powers from the State Budget of Ukraine or through the allocation of certain national taxes to the local budget by the procedure established by law, and transfers assets of state property to local government authorities.

Local government authorities shall be controllable by the respective executive authorities with regard to the exercise of delegated powers.

Article 158

Local government authorities adopt acts mandatory for compliance throughout the respective administrative-territorial units.

The Representative of the President of Ukraine in the Autonomous Republic of Crimea or the head of a state administration may suspend acts of local government authorities for reasons of nonconformity with the Constitution or laws, and simultaneously apply to a court.

CHAPTER X AMENDING AND REVISING THE CONSTITUTION OF UKRAINE

Article 159

A draft law amending Chapters I, III or X of the Constitution of Ukraine or a draft of the revised Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by no fewer than 200 Deputies of the Verkhovna Rada of Ukraine, by the President of Ukraine, or on the people's initiative supported by no less than one and a half million citizens of Ukraine eligible to vote.

A draft law amending the Constitution of Ukraine, except Chapters I, III or X, may be submitted to the Verkhovna Rada of Ukraine by no fewer than 100 Deputies of the Verkhovna Rada of Ukraine, by the President of Ukraine, or on the people's initiative supported by no less than one million citizens of Ukraine eligible to vote.

Article 160

A draft law amending Chapters I, III or X of the Constitution of Ukraine or a draft of the revised Constitution of Ukraine is reviewed by the Verkhovna Rada of Ukraine article by article and is adopted provisionally by no less than two-thirds of its total membership.

A draft law amending the Constitution of Ukraine or a draft of the revised Constitution of Ukraine shall be readopted by the Verkhovna Rada of Ukraine of the next convocation during the first two sessions by no less than two-thirds of its total membership.

The law amending the Constitution of Ukraine or the revised Constitution of Ukraine shall be adopted by an All-Ukrainian referendum called by the President of Ukraine. The referendum is held not sooner than in six months but not later than one year after the readoption by the Verkhovna Rada of Ukraine of the draft law amending the Constitution of Ukraine or the draft of the revised Constitution of Ukraine.

Article 161

A draft law amending the Constitution of Ukraine, except Chapters I, III or X, is reviewed and adopted by the Verkhovna Rada of Ukraine under the procedure prescribed in the first paragraph of Article 160 of this Constitution.

The law amending the Constitution of Ukraine or the revised Constitution of Ukraine shall be adopted by the Verkhovna Rada of Ukraine of the next convocation during the first two sessions by no less than two-thirds of its total membership.

Article 162

The law amending the Constitution of Ukraine or the revised Constitution of Ukraine shall be signed and officially published by the President of Ukraine within three days after adoption.

The law amending the Constitution of Ukraine shall enter into force in fifteen days from its official publication, unless otherwise prescribed by the law itself, but not prior to the day of its publication.

The revised Constitution of Ukraine shall enter into force in thirty days from its official publication.

Article 163

The Constitution of Ukraine shall not be amended, if the amendments abolish or restrict the constitutional rights and freedoms of a human being and citizen,

A draft law amending the Constitution of Ukraine is reviewed by the Verkhovna Rada of Ukraine upon the availability of an opinion of the Constitutional Court of Ukraine on consistency with the requirements of the first paragraph of this Article.

The Constitution of Ukraine shall not be amended during the effective period of martial law or a state of emergency in Ukraine.

CHAPTER XI FINAL PROVISIONS

Article 164

June 28 is a national holiday - the Day of the Constitution of Ukraine.

CHAPTER XII TRANSITIONAL PROVISIONS

Prepared by the Work Group consisting of:
V. B. Averianov, M.I. Koziubra, A.V. Korneyev, R.M. Mykheyenko, and V.M. Shapoval (work group leader).