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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**STUDY**

**CONSTITUTIONAL PROVISIONS  
FOR AMENDING THE CONSTITUTION**

**THE ROLE OF CONSTITUTIONAL COURTS  
IN AMENDING THE CONSTITUTION**

### **1) The Constitution of the Republic of Azerbaijan**

#### “Article 153

If proposals about changes in the text of Constitution of the Azerbaijan Republic are presented by Milli Majlis of the Azerbaijan Republic or the President of the Azerbaijan Republic, then Constitutional Court of the Azerbaijan Republic should give its conclusion beforehand.

#### Article 154

Constitutional Court of the Azerbaijan Republic shall not take decisions concerning changes in the text of Constitution of the Azerbaijan Republic made by way of referendum.”

### **2) The Constitution of Kyrgyzstan**

#### “Article 96

1. Amendments and supplements to the present Constitution are adopted by referendum called by the President of the Kyrgyz Republic.

2. Amendments and supplements may be adopted in the houses of the Jogorku Kenesh after a proposal by the President of the Kyrgyz Republic, by a majority of the total number of deputies of the Legislative Assembly and Assembly of People’s Representatives, or by no fewer than 300,000 voters.

3. Proposals on introducing amendments and supplements to the Constitution of the Kyrgyz Republic shall be considered by the Legislative Assembly and Assembly of People’s Representatives, taking into account the ruling of the Constitutional Court of the Kyrgyz Republic, no earlier than three months and no later than six months from the day of submission of the proposal to the Legislative Assembly and Assembly of People’s Representatives.

4. The text of a draft law on introducing amendments and supplements to the Constitution of the Kyrgyz Republic may not be altered during discussion on it in the Legislative Assembly and Assembly of People’s Representatives.”

### **3) The Constitution of the Republic of Moldova**

#### “Article 141

#### Initiatives for Constitutional Revision

(1) The revision of the Constitution may be initiated by:

a) at least 200,000 voting citizens of the Republic of Moldova. The citizens initiating the revision of the Constitution must come from at least half of the nation’s level 2 administrative and territorial districts, and in each of these districts at least 20,000 signatures must have been registered in support of this initiative;

b) no less than a third of the members of Parliament;

c) the Government.

(2) Constitutional law projects shall be submitted to Parliament on condition that the Constitutional Court issues the appropriate recommendation supported by at least 4 judges.”

#### **4) The Constitution of Ukraine**

##### “Article 154

A draft law on introducing amendments to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no fewer National Deputies of Ukraine than one-third of the constitutional composition of the Verkhovna Rada of Ukraine.

##### Article 155

A draft law on introducing amendments to the Constitution of Ukraine, with the exception of Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," previously adopted by the majority of the constitutional composition of the Verkhovna Rada of Ukraine, is deemed to be adopted, if at the next regular session of the Verkhovna Rada of Ukraine, no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine have voted in favour thereof.

##### Article 156

A draft law on introducing amendments to Chapter I - "General Principles," Chapter III - "Elections. Referendum," and Chapter XIII - "Introducing Amendments to the Constitution of Ukraine," is submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and on the condition that it is adopted by no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine, and is approved by an All-Ukrainian referendum designated by the President of Ukraine.

The repeat submission of a draft law on introducing amendments to Chapters I, III and XIII of this Constitution on one and the same issue is possible only to the Verkhovna Rada of Ukraine of the next convocation.

##### Article 157

The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizens' rights and freedoms, or if they are oriented toward the liquidation of the independence or violation of the territorial indivisibility of Ukraine.

The Constitution of Ukraine shall not be amended in conditions of martial law or a state of emergency.

##### Article 158

The draft law on introducing amendments to the Constitution of Ukraine, considered by the Verkhovna Rada of Ukraine and not adopted, may be submitted to the Verkhovna Rada of Ukraine no sooner than one year from the day of the adoption of the decision on this draft law.

Within the term of its authority, the Verkhovna Rada of Ukraine shall not amend twice the same provisions of the Constitution.

Article 159

A draft law on introducing amendments to the Constitution of Ukraine is considered by the Verkhovna Rada of Ukraine upon the availability of an opinion of the Constitutional Court of Ukraine on the conformity of the draft law with the requirements of Articles 157 and 158 of this Constitution.”