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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

COMPARATIVE TABLE¹

**REVISED PROPOSALS ON AMENDING
THE CONSTITUTION
PREPARED BY THE WORKING GROUP ON THE JUDICIARY
OF THE CONSTITUTIONAL COMMISSION
OF UKRAINE**

¹ Changes compared to document [CDL-REF\(2015\)024](#) are shaded.

**Draft Amendments to the Constitution of Ukraine (regarding justice) as approved by the Constitutional Commission
on September 4th, 2015 (Attachment #1)**

THE CONSTITUTION OF UKRAINE IN FORCE

PROPOSED AMENDMENTS

Chapter II

HUMAN AND CITIZEN'S RIGHTS, FREEDOMS AND DUTIES

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HUMAN AND CITIZEN'S RIGHTS, FREEDOMS AND DUTIES

Article 55. Human and citizens' rights and freedoms shall be protected by court.

Everyone shall be guaranteed the right to challenge in the court decisions, actions or inaction of bodies of state power, bodies of local self-government, officials and officers.

Everyone has the right to apply for the protection of his or her rights to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine.

To be added

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

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

Article 59. Everyone has the right to **legal assistance**. Such assistance is provided free of charge in cases prescribed by law. Everyone is free to choose the defender of his or her rights.

To ensure the right to defence against prosecution and to provide for legal assistance in deciding cases in courts and other state bodies in Ukraine there shall operate the bar.

Article 55. Human and citizens' rights and freedoms shall be protected by court.

Everyone shall be guaranteed the right to challenge in the court decisions, actions or inaction of bodies of state power, bodies of local self-government, officials and officers.

Everyone has the right to apply for the protection of his or her rights to the Commissioner for Human Rights of the Verkhovna Rada of Ukraine.

Everyone shall be guaranteed the right to apply with a constitutional complaint to the Constitutional Court of Ukraine on grounds defined in the Constitution and under the procedure prescribed by law.

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

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

Article 59. Everyone has the right to **professional legal assistance**. Such assistance is provided free of charge in cases prescribed by law. Everyone is free to choose the defender of his or her rights.

To be deleted

**Chapter IV
VERKHOVNA RADA OF UKRAINE**

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VERKHOVNA RADA OF UKRAINE**

Article 85. The competence of the Verkhovna Rada of Ukraine shall include:

...

25) granting consent for appointment and dismissal by the President of Ukraine of the Prosecutor General **of Ukraine; declaring no confidence in the Prosecutor General of Ukraine leading to his or her resignation from office;**

26) appointment **and dismissal** of one-third of the composition of the Constitutional Court of Ukraine;

27) election of judges for unlimited term;

Article 92. The following shall be established exclusively by laws:

...

14) the judiciary, judicial proceedings, the status of judges, the principles of judicial expertise, the organization and operation of the prosecution, the bodies of inquiry and investigation, the notary, the bodies and institutions for the execution of punishments; the fundamentals of the organization and activity of the bar;

...

Article 85. The competence of the Verkhovna Rada of Ukraine shall include:

...

25) granting consent for appointment and dismissal by the President of Ukraine of the Prosecutor General;

26) appointment of one-third of the composition of the Constitutional Court of Ukraine;

To be deleted

Article 92. The following shall be established exclusively by laws:

...

14) the judiciary, judicial proceedings, the status of judges, the principles of judicial expertise, the organization and operation of the prosecution, the bodies of inquiry and investigation, the notary, the bodies and institutions for the execution of punishments, **procedure for enforcement of the court decisions;** the fundamentals of the organization and activity of the bar;

...

**Chapter V
PRESIDENT OF UKRAINE**

**Chapter V
PRESIDENT OF UKRAINE**

Article 106. The President of Ukraine:

...

11) appoints and dismisses the Prosecutor General **of Ukraine** with the consent of the Verkhovna Rada of Ukraine;

...

22) appoints **and dismisses** one-third of the composition to the Constitutional Court of Ukraine;

Article 106. The President of Ukraine:

...

11) appoints and dismisses the Prosecutor General with the consent of the Verkhovna Rada of Ukraine;

...

22) appoints one-third of the composition to the Constitutional Court of Ukraine;

23) establishes courts by the procedure determined by law;

To be deleted

...
Acts of the President of Ukraine, issued under his or her authority as envisaged in subparagraphs 5, 18, 21, **23** of this Article, shall be countersigned by the Prime Minister of Ukraine and the Minister responsible for the act and its execution.

...
Acts of the President of Ukraine, issued under his or her authority as envisaged in subparagraphs 5, 18, 21 of this Article, shall be countersigned by the Prime Minister of Ukraine and the Minister responsible for the act and its execution.

**Chapter VII
THE PROSECUTION**

Chapter VII to be deleted

Article 121. The public prosecution of Ukraine shall constitute a single system entrusted with:

To be deleted

1) exercising public prosecution in the court on behalf of the State;

2) representation of the interests of a citizen or of the State in the court in cases prescribed by law;

3) supervision over the observance of laws by bodies that conduct operative-investigative activities, inquiry, and pre-trial investigations;

4) supervision over the observance of laws in the course of enforcement of court decisions in criminal cases and application of other measures of coercion in relation to the restraint of personal freedoms of citizens;

5) supervision over the observance of human and civil rights and freedoms and over the observance of laws regulating these matters by executive power bodies, by local self-government bodies, their officials, and officers.

Article 122. The public prosecution of Ukraine shall be chaired by the Prosecutor General of Ukraine, appointed to or removed from the office by the President of Ukraine on the consent of the Verkhovna Rada of Ukraine. The Verkhovna Rada of Ukraine may express the non-confidence in the Prosecutor General of Ukraine, which shall entail his resignation from the office.

To be deleted

The term of the office of the Prosecutor General of Ukraine shall be five years.	
Article 123. Organization and operation of the public prosecution bodies of Ukraine shall be defined by law.	To be deleted
Chapter VIII JUSTICE	Chapter VIII JUSTICE
Article 124. Justice in Ukraine shall be administered exclusively by courts. Delegation of court's functions as well as appropriation of these functions by other bodies or officials shall not be permitted.	Article 124. Justice in Ukraine shall be administered exclusively by courts. Delegation of court's functions as well as appropriation of these functions by other bodies or officials shall not be permitted.
The jurisdiction of the courts shall cover all legal relations that arise in the State.	The jurisdiction of the courts shall cover disputes regarding rights and obligations of a person and any criminal charge against him or her. Courts shall consider also other matters in cases prescribed by the law.
To be added	Mandatory pre-trial dispute resolution procedures may be provided for in the law.
Justice shall be administered by the Constitutional Court of Ukraine and courts of general jurisdiction.	To be deleted
The people shall directly participate in the administration of justice through people's assessors and jurors.	The people shall directly participate in the administration of justice through people's assessors and jurors.
Decisions shall be rendered by courts in the name of Ukraine and shall be legally binding for enforcement within the entire territory of Ukraine.	To be deleted
To be added	Ukraine may recognize the jurisdiction of the International Criminal Court as provided for by the Rome Statute of the International Criminal Court.
Article 125. The system of courts of general jurisdiction in Ukraine shall be based on the principles of territoriality and specialization.	Article 125. The judiciary system in Ukraine shall be based on the principles of territoriality and specialization and is defined by the law.
To be added	Court shall be established and dissolved on the ground and under the procedure in accordance with the law, which draft shall be introduced to the Verkhovna Rada of Ukraine by the President of

	Ukraine on proposal of the High Council of Justice.
The Supreme Court of Ukraine shall be the highest judicial body in the system of courts of general jurisdiction.	The Supreme Court shall be the highest court in the system of judiciary in Ukraine.
The respective high courts shall be the highest judicial bodies of specialized courts.	The higher specialized courts may function in accordance with the law.
To be added	Administrative courts shall function aimed to protect human rights and freedoms of a person in the sphere of public law.
Courts of appeal and local courts shall function in accordance with the law.	To be deleted
Establishment of extraordinary and special courts shall not be permitted.	Establishment of extraordinary and special courts shall not be permitted.
Article 126. Independence and inviolability of judges are guaranteed by the Constitution and the laws of Ukraine.	Article 126. Independence and inviolability of a judge are guaranteed.
Any influence on judges is prohibited.	Any influence on a judge is prohibited.
Judge shall not be detained or arrested without the consent of the Verkhovna Rada of Ukraine , until a guilty verdict is rendered by a court.	Judge shall not be detained or kept under custody without the consent of the High Council of Justice until a guilty verdict is rendered by a court, except for detention of a judge caught <i>in flagrante delicto</i> or immediately after it.
To be added	Judge shall not be held liable for the decision rendered by him or her, except the cases of committing a crime or a disciplinary offence.
Judges shall hold an office for unlimited term, except judges of the Constitutional Court of Ukraine, and judges appointed to the office of judge for the first time.	Judge shall hold an office for unlimited term.
A judge shall be dismissed from office by the body that elected or appointed him or her in case of:	The grounds to dismiss a judge are the following:
1) expiration of the term for which he or she was elected or appointed;	To be deleted
2) the judge's attainment of the age of sixty-five;	To be deleted
3) inability to exercise his or her powers for health reasons;	1) inability to exercise his or her powers for health reasons;
4) violation by a judge of incompatibility requirements;	2) violation by a judge of incompatibility requirements;
5) breach of oath by the judge;	3) commission by a judge of a disciplinary offence, flagrant or permanent disregard of his or her duties to be incompatible with the status of judge or apparent non-conformity with being in the office;

6) taking effect of a guilty verdict against him or her;	To be deleted
7) termination of his or her citizenship;	To be deleted
8) recognition that he or she is missing, or declaring that he or she is dead;	To be deleted
9) submission by a judge of a statement of resignation or of voluntary dismissal from office;	4) submission by a judge of statement of resignation or of voluntary dismissal from office;
To be added	5) refusal of a judge to be removed from one court to another in case the court in which a judge holds the office is to be dissolved or reorganized.
The powers of a judge shall be terminated in case of his or her death.	The grounds to terminate the powers of a judge are the following:
To be added	1) the judge's attainment of the age of sixty-five;
To be added	2) termination of Ukraine's citizenship or acquiring by a judge citizenship of another state;
To be added	3) taking effect of a court decision on recognition or declaration of a judge missing or dead, or on recognition of a judge to be legally incapable or partially legally incapable;
To be added	4) death of a judge;
To be added	5) taking effect of a guilty verdict against him or her for committing a crime.
The State shall ensure the personal security of judges and their families.	The State shall ensure the personal security of judges and their families.
Article 127. Justice shall be administered by professional judges and, by people's assessors and jurors as prescribed by law.	Article 127. Justice shall be administered by judges and, by people's assessors and jurors as prescribed by 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 office, and perform other remunerated work except scholarly, teaching and creative activity.	Judge shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid office, and perform other remunerated work except scholarly, teaching or creative activity.
A citizen of Ukraine, not younger than the age of twenty-five , who has a higher legal education and has work experience in the sphere of law for no less than three years , has resided in Ukraine for no less than ten years and has command of the state language, may be recommended to the office of a judge by the Qualification Commission of Judges.	A citizen of Ukraine, not younger than the age of thirty and not older than sixty five , who has a higher legal education and has work experience in the sphere of law for no less than five years , has resided in Ukraine for no less than ten years and has command of the state language, may be appointed to the office of a judge. Additional requirements to be appointed to the office of a judge may be

	provided for in the law.
Persons with professional training in issues of jurisdiction of specialized courts may be judges of these courts. These judges administer justice only as members of a panel of judges.	As for judges of specialized courts, other requirements with regard to education and work experience may be provided for in the law.
Additional requirements for certain categories of judges in terms of experience, age and their professional level shall be prescribed by law.	To be deleted
Protection of judges' professional interests shall be exercised according to the procedure prescribed by law.	To be deleted
Article 128. The first appointment of a professional judge to office for a five-year term shall be made by the President of Ukraine. All other judges, except the judges of the Constitutional Court of Ukraine, are elected by the Verkhovna Rada of Ukraine for unlimited term according to the procedure established by law.	Article 128. Judges shall be appointed and dismissed by the President of Ukraine on submission of the High Council of Justice due to the procedure prescribed by law.
To be added	Judges shall be appointed on competition basis, except the cases provided for in the law.
The Chairman of the Supreme Court of Ukraine shall be elected to office and dismissed from office at the Plenary Sitting of the Supreme Court of Ukraine by secret ballot, due to the procedure prescribed by law.	The Chairman of the Supreme Court shall be elected to office and dismissed from office at the Plenary Sitting of the Supreme Court by secret ballot, due to the procedure prescribed by law.
Article 129. While administering justice, judges shall be independent and are subject only to the law.	Article 129. While administering justice, a judge shall be independent and governed by the rule of law.
Justice shall be administered by a single judge, by a panel of judges, or by juries.	Justice shall be administered by a single judge, by a panel of judges, or by juries.
The main principles of justice are:	The main principles of justice are:
To be added	1) the rule of law;
1) legality;	To be deleted
2) equality of all participants in a trial before the law and the court;	2) equality of all participants in a trial before the law and the court;
3) ensuring the guilt to be proved;	3) ensuring the guilt to be proved;
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;	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) exercising prosecution by the public prosecutor in court on behalf of the State;	5) exercising prosecution by the public prosecutor in court on behalf of the State;

6) ensuring to an accused the right to defence;	6) ensuring to an accused the right to defence;
7) openness of a trial and its complete recording by technical means;	7) openness of a trial and its complete recording by technical means;
8) ensuring complaint from of a court decision by appeal and cassation, except in cases prescribed by law;	8) ensuring a court decision to be challenged in cases and under the procedure prescribed by law;
9) the legally binding nature of a court decision.	9) the legally binding nature of a court decision.
Other principles of justice in courts of specific judicial jurisdiction can also be determined by law.	Other principles of justice can be determined by law.
Persons found guilty of contempt of court or against a judge shall be held legally liable.	Persons found guilty of contempt of court or against a judge shall be held legally liable.
To be added	Article 129-1. A court shall render the decision in the name of Ukraine. The court decision shall be legally binding and is to be enforced.
To be added	The State ensures that a court decision is enforced due to the procedure prescribed by law.
To be added	The court shall supervise the enforcement of the court decision.
Article 130. The State shall ensure funding and proper conditions for the operation of courts and the activity of judges. Expenditures for the maintenance of courts shall be allocated separately in the State Budget of Ukraine.	Article 130. The State shall ensure funding and proper conditions for the operation of courts and the activity of judges. Expenditures for the maintenance of courts shall be allocated separately in the State Budget of Ukraine, taking into account proposals of the relevant authority in the judiciary system defined by the law.
To be added	Remuneration of judges shall be defined by the law on judiciary.
To be added	Article 130-1. Judicial self-governance shall operate pursuant to the law protecting professional interests of judges and regulating internal organizational activity of the courts.
Article 131. The High Council of Justice shall function in Ukraine and have the following competences:	Article 131. In Ukraine, the High Council of Justice shall function having powers:
1) submitting proposals on the appointment of judges to office or on their dismissal from office;	1) to present submission for the appointment of a judge to office or for his or her dismissal from office;
2) adopting decisions on the violation by judges and prosecutors of the incompatibility requirements;	2) to decide on the violation by a judge or a prosecutor of the incompatibility requirements;
3) conducting disciplinary proceedings in regard to judges of the	3) to review complaints as regards decisions of the relevant body

<p>Supreme Court of Ukraine and judges of high specialised courts, and reviewing complaints over decisions on imposing disciplinary liability on judges of courts of appeal and local courts, as well as of prosecutors.</p>	<p>imposing disciplinary liability on a judge or a prosecutor;</p>
<p>To be added</p>	<p>4) to decide on dismissal of a judge from office;</p>
<p>To be added</p>	<p>5) to decide on termination the powers of a judge;</p>
<p>To be added</p>	<p>6) to grant consent for detention of a judge and taking him or her into custody;</p>
<p>To be added</p>	<p>7) to decide on temporal withdrawal the powers of a judge to administer justice;</p>
<p>To be added</p>	<p>8) to take measures to ensure independence of a judge;</p>
<p>To be added</p>	<p>9) to exercise other powers defined by the Constitution and the laws of Ukraine.</p>
<p>The High Council of Justice shall consist of twenty members. The Verkhovna Rada of Ukraine, the President of Ukraine, the Congress of Judges of Ukraine, the Congress of Advocates of Ukraine, and the Congress of Representatives of Higher Legal Educational Establishments and Scientific Institutions, each appoint three members to the High Council of Justice, and the All-Ukrainian Conference of Employees of the Public Prosecution — two members of the High Council of Justice.</p>	<p>The High Council of Justice shall consist of twenty one members: ten of them shall be elected by the Congress of Judges of Ukraine among judges or retired judges; two of them shall be appointed by the President of Ukraine; two of them shall be elected by the Verkhovna Rada of Ukraine; two of them shall be elected by the Congress of Advocates of Ukraine; two of them shall be elected by the All-Ukrainian Conference of Public Prosecutors; two of them shall be elected by the Congress of Representatives of Law Schools and Law Academic Institutions among law scholars. The procedure for election and appointment of members of the High Council of Justice shall be prescribed by law.</p>
<p>To be added</p>	<p>The Chairman of the Supreme Court shall be a member of the High Council of Justice <i>ex officio</i>.</p>
<p>To be added</p>	<p>Term of the office for elected or appointed members of the High Council of Justice shall be four years. The same person can not hold the office for two consecutive terms.</p>
<p>To be added</p>	<p>A member of the High Council of Justice shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid office (except for the Chairman of the Supreme Court, who is a member of the High Council of Justice <i>ex officio</i>) and perform other remunerated work except scholarly, teaching or creative activity.</p>

<p>To be added</p>	<p>Requirements to be elected or appointed a member of the High Council of Justice shall be prescribed by law.</p>
<p>The Chairman of the Supreme Court of Ukraine, the Minister of Justice of Ukraine and the Prosecutor General of Ukraine shall be members of the High Council of Justice <i>ex officio</i>.</p>	<p>To be deleted</p>
<p>To be added</p>	<p>The High Council of Justice shall be authoritative as if not less than fifteen its members the majority of which being judges are elected and/or appointed.</p>
<p>To be added</p>	<p>In the system of the judiciary, according to the law there shall be established bodies and institutions which provide selection of judges, prosecutors, their professional training, assessment, consider disciplinary liability cases, provide financial and organizational support for the courts.</p>
<p>To be added</p>	<p>Article 131-1. In Ukraine, public prosecutor's office shall function with the powers of:</p>
	<p>1) public prosecution in the court;</p>
	<p>2) organizing and procedurally directing during pre-trial investigation, deciding other matters in criminal proceedings in accordance with the law, supervising undercover operations of law enforcement agencies;</p>
	<p>3) representing interests of the State in the court in exceptional cases and under procedure prescribed by law.</p>
	<p>Organization and functioning of the public prosecutor's office shall be determined by law.</p>
	<p>Public prosecutor's office shall be chaired by the Prosecutor General who shall be appointed and dismissed by the President of Ukraine on the consent of the Verkhovna Rada of Ukraine.</p>
	<p>The term of the office of the Prosecutor General shall be six years. The same person can not hold the post of the Prosecutor General for two consecutive terms.</p>

	The Prosecutor General shall be early dismissed from his or her office exclusively in cases and on grounds prescribed by law.
To be added	Article 131-2. In Ukraine, the bar is functioning to provide professional legal assistance. The independence of the bar is guaranteed.
	The basics of organization and functioning of the bar and advocates' activities in Ukraine shall be defined by law.
	Only an advocate shall represent a person before the court, and defend a person against prosecution.
	Specific rules on representation in the court of minors, adolescents, legally incapable or partially legally incapable shall be defined by law.
Chapter X AUTONOMOUS REPUBLIC OF CRIMEA	Chapter X AUTONOMOUS REPUBLIC OF CRIMEA
Article 136. ... In the Autonomous Republic of Crimea, justice shall be administered by courts that belong to the unified system of courts of Ukraine.	Article 136. ... In the Autonomous Republic of Crimea, justice shall be administered by courts of Ukraine.
Chapter XII CONSTITUTIONAL COURT OF UKRAINE	Chapter XII CONSTITUTIONAL COURT OF UKRAINE
Article 147. The Constitutional Court of Ukraine shall be the sole body of constitutional jurisdiction in Ukraine.	Article 147. The Constitutional Court of Ukraine shall decide on compliance of laws and other normative acts with the Constitution of Ukraine and shall provide official interpretation of the Constitution of Ukraine as well as exercise other powers in accordance with the Constitution.
The Constitutional Court of Ukraine shall decide on matters of compliance of laws and other legal acts with the Constitution of Ukraine and shall provide official interpretation of the Constitution of Ukraine and laws of Ukraine.	To be deleted
To be added	The Constitutional Court of Ukraine shall act on the basis of principles of the rule of law, independence, collegiality,

	transparency, reasonableness and binding nature of its decisions and opinions.
Article 148. The Constitutional Court of Ukraine shall be composed of eighteen judges of the Court.	Article 148. The Constitutional Court of Ukraine shall be composed of eighteen judges of the Court.
The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each shall appoint six judges to the Constitutional Court of Ukraine.	The President of Ukraine, the Verkhovna Rada of Ukraine and the Congress of Judges of Ukraine each shall appoint six judges to the Constitutional Court of Ukraine.
To be added	Selection of candidates for the post of judge of the Constitutional Court of Ukraine shall be conducted on competitive basis under the procedure prescribed by the law.
A citizen of Ukraine who has attained the age of forty on the day of appointment, has a higher legal education and professional experience of not less than ten years , has resided in Ukraine for the last twenty years, and has command of the state language, can be a judge of the Constitutional Court of Ukraine.	A citizen of Ukraine who has attained the age of forty on the day of appointment, has a higher legal education and experience as a legal scholar or professional experience as a judge or an advocate of not less than fifteen years , has resided in Ukraine for the last twenty years, and has command of the state language, can be a judge of the Constitutional Court of Ukraine.
To be added	A judge of the Constitutional Court of Ukraine shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid office, and perform other remunerated work except scholarly, teaching or creative activities.
A judge of the Constitutional Court of Ukraine shall be appointed for nine years without the right of reappointment.	A judge of the Constitutional Court of Ukraine shall be appointed for nine years without the right of reappointment.
To be added	A judge of the Constitutional Court of Ukraine shall step in his or her office as of the date of taking the oath at the special plenary sitting of the Court.
The Chairman of the Constitutional Court of Ukraine shall be elected by secret ballot only for one three-year term at a special plenary sitting of the Constitutional Court of Ukraine among the judges of the Constitutional Court of Ukraine.	The Constitutional Court of Ukraine shall elect the Chairman of the Court among the judges of the Court at a special plenary sitting of the Court by secret ballot only for one three-year term.

<p style="text-align: center;">To be added</p>	<p>Article 148-1. The State shall ensure funding and proper conditions for operation of the Constitutional Court of Ukraine. Expenditures for operation of the Court shall be allocated separately in the State budget of Ukraine, taking into account proposals of its Chairman.</p>
	<p>Remuneration of judges of the Constitutional Court of Ukraine shall be defined by the law on the Constitutional Court of Ukraine.</p>
<p>Article 149. Judges of the Constitutional Court of Ukraine shall enjoy the guarantees of independence and inviolability and be subject to the grounds for dismissal from office envisaged by Article 126 of this Constitution, and the requirements concerning incompatibility as determined in Article 127, paragraph two of this Constitution.</p>	<p>Article 149. Independence and inviolability of a judge of the Constitutional Court of Ukraine are guaranteed.</p>
<p style="text-align: center;">To be added</p>	<p>Any influence on a judge of the Constitutional Court of Ukraine is prohibited.</p>
<p style="text-align: center;">To be added</p>	<p>A judge of the Constitutional Court of Ukraine shall not be detained or kept under custody without the consent of the Constitutional Court of Ukraine until a guilty verdict is rendered by a court, except for detention of a judge caught <i>in flagrante delicto</i> or immediately after it.</p>
<p style="text-align: center;">To be added</p>	<p>A judge of the Constitutional Court of Ukraine shall not be legally liable for voting on decisions or opinions of the Court, except the cases of committing a crime or a disciplinary offence.</p>
<p style="text-align: center;">To be added</p>	<p>The State shall ensure the personal security of judges of the Constitutional Court of Ukraine and their families.</p>
<p style="text-align: center;">To be added</p>	<p>Article 149-1. The grounds to terminate the powers of a judge of the Constitutional Court of Ukraine are the following:</p> <ol style="list-style-type: none"> 1) expiry of the term of his or her office; 2) his or her attainment of the age of seventy; 3) termination of Ukraine's citizenship or acquiring citizenship of another state; 4) taking effect of a court's decision on recognition or declaration of a judge of the Court missing or dead, or on recognition of a judge of the Court to be legally incapable or partially legally incapable;

	<p>5) taking effect of a guilty verdict against him or her for committing a crime;</p> <p>6) death of a judge of the Court.</p>
	<p>The grounds to dismiss a judge of the Constitutional Court of Ukraine are the following:</p> <p>1) inability to exercise his or her powers for health reasons;</p> <p>2) violation by a judge of the Court of incompatibility requirements;</p> <p>3) commission by a judge of the Court of a disciplinary offence, flagrant or permanent disregard of his or her duties to be incompatible with the status of judge of the Court or apparent non-conformity with being in the office;</p> <p>4) submission by a judge of statement of resignation or of voluntary dismissal from office.</p>
	<p>Termination of powers of a judge of the Constitutional Court of Ukraine or dismissal of a judge of the Constitutional Court of Ukraine from his or her office shall be decided by not less than two third votes of full Court.</p>
<p>Article 150. The competence of the Constitutional Court of Ukraine includes:</p> <p>1) deciding on matter of compliance with the Constitution of Ukraine (constitutionality) of the following:</p> <p>laws and other legal acts of the Verkhovna Rada of Ukraine;</p> <p>acts of the President of Ukraine;</p> <p>acts of the Cabinet of Ministers of Ukraine;</p> <p>legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea;</p> <p>These issues shall be considered on submissions of: the President of Ukraine; no less than forty-five People’s Deputies of Ukraine; the Supreme Court of Ukraine; the Commissioner for Human Rights of the Verkhovna Rada of Ukraine; the Verkhovna Rada of the Autonomous Republic of Crimea;</p>	<p>Article 150. The competence of the Constitutional Court of Ukraine includes:</p> <p>1) deciding on matter of compliance with the Constitution of Ukraine (constitutionality) of the following:</p> <p>laws and other normative acts of the Verkhovna Rada of Ukraine;</p> <p>normative acts of the President of Ukraine;</p> <p>normative acts of the Cabinet of Ministers of Ukraine;</p> <p>normative acts of the Verkhovna Rada of the Autonomous Republic of Crimea;</p>
	<p>To be deleted</p>

	<p>1-1) deciding on appeal of the President of Ukraine as for compliance to the Constitution of Ukraine of an act of the head of <i>hromada</i>, of council of <i>hromada</i>, of <i>rayon</i> or <i>oblast'</i> council;</p> <p><i>This subparagraph is taken from the Bill On Amending the Constitution of Ukraine (as to decentralization of power).</i></p>
<p>2) official interpretation of the Constitution of Ukraine and laws of Ukraine;</p>	<p>2) official interpretation of the Constitution of Ukraine;</p>
<p>To be added</p>	<p>3) exercising other powers defined by the Constitution of Ukraine.</p>
<p>To be added</p>	<p>Matters under sub-paragraphs 1, 2 of the first paragraph of this Article shall be decided following submissions of: the President of Ukraine; not less than forty-five People's Deputies of Ukraine; the Supreme Court; the Commissioner for Human Rights of the Verkhovna Rada of Ukraine; the Verkhovna Rada of the Autonomous Republic of Crimea.</p>
<p>On matters envisaged by this Article, the Constitutional Court of Ukraine shall adopt decisions that shall be legally binding for enforcement within the territory of Ukraine, that shall be final and cannot be challenged.</p>	<p>To be deleted</p>
<p>Article 151. The Constitutional Court of Ukraine, on submission of the President of Ukraine or the Cabinet of Ministers of Ukraine, shall provide opinions on compliance with the Constitution of Ukraine of international treaties of Ukraine that are in effect, or the international treaties submitted to the Verkhovna Rada of Ukraine for granting agreement on their binding nature.</p>	<p>Article 151. The Constitutional Court of Ukraine, on submission of the President of Ukraine or not less than forty-five People's Deputies of Ukraine or the Cabinet of Ministers of Ukraine, shall provide opinions on compliance with the Constitution of Ukraine of international treaties of Ukraine that are in effect, or the international treaties submitted to the Verkhovna Rada of Ukraine for granting agreement on their binding nature.</p>
<p>To be added</p>	<p>The Constitutional Court of Ukraine on submission of the President of Ukraine or not less than forty-five People's Deputies of Ukraine shall provide opinions on compliance with the Constitution of Ukraine (constitutionality) of questions that are proposed to be put for the all-Ukrainian referendum on people's initiative.</p>

The Constitutional Court of Ukraine on the submission of the Verkhovna Rada of Ukraine **shall provide** an opinion on the observance of the constitutional procedure of investigation and consideration of the case of removing the President of Ukraine from office by the impeachment procedure.

To be added

The Constitutional Court of Ukraine on the submission of the Verkhovna Rada of Ukraine **shall provide** an opinion on the observance of the constitutional procedure of investigation and consideration of the case of removing the President of Ukraine from office by the impeachment procedure.

Article 151-1. The Constitutional Court of Ukraine shall decide on compliance with the Constitution of Ukraine (constitutionality) of a law of Ukraine on constitutional complaint of a person alleging that the law of Ukraine applied to render a final decision in his or her case contravenes the Constitution of Ukraine. A constitutional complaint may be logged after exhaustion of the domestic remedies.

To be added

Article 151-2. Decisions and opinions adopted by the Constitutional Court of Ukraine on matters envisaged in sub-paragraphs 1, 2 of the first paragraph of Article 150, paragraph 2 of Article 151, Article 151-1 of the Constitution shall be binding for enforcement within the territory of Ukraine, and shall be final and can not be challenged.

Article 152. Laws and other **legal** acts shall be declared by the decision of the Constitutional Court of Ukraine, to be unconstitutional, in whole or in part, in case they do not comply with the Constitution of Ukraine, or if there was a violation of the procedure prescribed by the Constitution of Ukraine for their review, adoption or their entry into force.

Laws and other **legal** acts, or their particular provisions, declared to be unconstitutional, shall lose legal effect from the day the Constitutional Court of Ukraine adopts the decision on their unconstitutionality.

Material or moral damages, inflicted on natural and legal persons by acts or actions deemed to be unconstitutional, shall be compensated by the State according to the procedure prescribed by law.

Article 152. Laws and other **normative** acts shall be declared by the decision of the Constitutional Court of Ukraine, to be unconstitutional, in whole or in part, in case they do not comply with the Constitution of Ukraine, or if there was a violation of the procedure prescribed by the Constitution of Ukraine for their review, adoption or their entry into force.

Laws and other **normative** acts, or their particular provisions, declared to be unconstitutional, shall lose legal effect from the day the Constitutional Court of Ukraine adopts the decision on their unconstitutionality, **unless otherwise provided for in the decision of the Court.**

Material or moral damages, inflicted on natural and legal persons by acts or actions deemed to be unconstitutional, shall be compensated by the State according to the procedure prescribed by law.

Article 153. Organization and operation of the Constitutional Court of Ukraine, and consideration procedure of cases, shall be defined by law.

Article 153. Organization and operation of the Constitutional Court of Ukraine, status of judges of the Court, grounds to apply to the Court and application procedure, case consideration procedure and enforcement of decisions of the Court shall be defined by the Constitution of Ukraine and by law.

**CHAPTER XV
TRANSITIONAL PROVISIONS**

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TRANSITIONAL PROVISIONS**

To be added

“19. Upon taking effect of the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)”:

1) Prior to the establishment of the High Council of Justice (*Vyscha Rada Pravosuddya*) its competence shall be exercised by the High Council of Justice (*Vyscha Rada Justytsii*). The High Council of Justice (*Vyscha Rada Pravosuddya*) shall be established through reorganizing the High Council of Justice (*Vyscha Rada Justytsii*) and prior to election and appointment of members of the High Council of Justice (*Vyscha Rada Pravosuddya*) it shall be composed of members of the High Council of Justice (*Vyscha Rada Justytsii*) during their term in office. Election (appointment) of members of the High Council of Justice (*Vyscha Rada Pravosuddya*) shall be conducted not later than by April 30, 2019.

2) Powers of judges appointed for the first time before taking effect of the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)” shall end with the expiration of the term for which they were appointed.

3) Judges who were elected for unlimited term by the day the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)” taking effect shall exercise their powers until being dismissed or their powers terminated on grounds defined in the Constitution of Ukraine as amended by the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)”.

4) Conformity with being in the office of a judge, who was appointed or elected to the office before the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)” taking effect should be assessed due to the procedure prescribed by the law. Apparent non-conformity of the judge with being in the office based on criteria of professionalism, ethics, or honesty revealed in view of such assessment shall constitute a ground to dismiss a judge.

5) Judges of the Constitutional Court of Ukraine shall exercise their powers until being dismissed or their powers being terminated in accordance with the procedure prescribed in Article 149-1 of the Constitution of Ukraine without the right of reappointment.

6) Powers of a judge of the Constitutional Court of Ukraine who as of the day of the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)” taking effect has attained the age of sixty-five, but the decision on his or her dismissal from office has not been taken, shall be terminated as from the day of the Law of Ukraine “On Amending the Constitution of Ukraine (on justice)” taking effect.

7) Until administrative-territorial system of Ukraine is changed in accordance with article 133 of the Constitution of Ukraine as amended by the Law of Ukraine “On Amending the Constitution of Ukraine (regarding decentralization of power)” *but in any case not later than January 1, 2017*, the establishment, reorganization, and dissolution of courts shall be conducted by the President of Ukraine on the basis and under the procedure prescribed by the law.

8) Representation before the Supreme Court and courts of cassation shall be exercised exclusively by an advocate as from 1 January 2017; before appellate courts – as from 1 January 2018; before the first instance courts – as from 1 January 2019.

Representation of the state and local authorities before courts shall be

	exercised exclusively by an advocate as from 1 January 2019.
	9) Paragraphs 6, 9, 12 of Chapter XV “Transitional Provisions” of the Constitution of Ukraine shall expire.
6. The Constitutional Court of Ukraine shall be formed in accordance with this Constitution, within three months after it takes effect. The Verkhovna Rada of Ukraine shall interpret the laws prior to the appointment of the Constitutional Court of Ukraine.	To be expired
9. The public prosecution shall, in accordance with effective laws, continue to perform the function of overseeing the observance and implementation of laws and the function of preliminary investigation, until putting into force of laws regulating the activity of state bodies regarding control over the observance of laws, until the formation of a system of pre-trial investigation, and putting into force of laws regulating its functioning.	To be expired
12. The Supreme Court of Ukraine and the High Court of Arbitration of Ukraine shall exercise their powers in accordance with effective legislation of Ukraine, until the formation in Ukraine of a system of courts of general jurisdiction in accordance with Article 125 of this Constitution, provided that the period of such powers shall not exceed five years. Judges of all courts in Ukraine elected or appointed prior to the date of entry of this Constitution into force shall continue to exercise their powers in accordance with the effective legislation until the expiration of the period for which they are elected or appointed. Judges whose powers have terminated on the day this Constitution takes effect, shall continue to exercise their powers for a period of one year.	To be expired
	II. FINAL AND TRANSITORY PROVISIONS
	1. This Law shall take effect in three months as from the day following the day of its publication.
	2. As from the day of this Law taking effect, appointment, termination of powers and dismissal of judges shall be conducted in accordance with the Constitution of Ukraine as amended by this Law.
	3. The office of the Minister of Justice of Ukraine and of the Prosecutor

	<p>General of Ukraine as members of the High Council of Justice (<i>Vyscha Rada Justytsii</i>) shall be ceased on the day of this Law taking effect.</p>
	<p>The Congress of Judges of Ukraine shall elect three members of the High Council of Justice (<i>Vyscha Rada Pravosuddya</i>) not later than three months after the relevant law regulating on the High Council of Justice (<i>Vyscha Rada Pravosuddya</i>) takes effect.</p>
	<p>4. The members of the High Council of Justice (<i>Vyscha Rada Justytsii</i>) appointed by the Verkhovna Rada of Ukraine prior to this Law taking effect shall exercise their powers of members of the High Council of Justice (<i>Vyscha Rada Pravosuddya</i>) during the term for which they were appointed.</p> <p>In case of termination of the powers of a member of the High Council of Justice (<i>Vyscha Rada Pravosuddya</i>) appointed by the Verkhovna Rada of Ukraine or his or her dismissal from the office, the Congress of Judges of Ukraine shall elect new member of the High Council of Justice (<i>Vyscha Rada Pravosuddya</i>).</p>
	<p>5. The Prosecutor General of Ukraine appointed to the office prior to this Law taking effect shall exercise his or her powers within the term for which he or she was appointed and may not hold the office for two consecutive terms.</p>
	<p>6. The Verkhovna Rada of Ukraine within thirty days after this Law taking effect shall transfer submissions of the High Qualification Commission of Judges of Ukraine along with relevant documents concerning election of judges for unlimited term which have not been considered by the Verkhovna Rada of Ukraine to the High Council of Justice (<i>Vyscha Rada Pravosuddya</i>) for taking decision on appointment of judges for unlimited term.</p>
	<p>7. As from the day of this Law taking effect the High Qualification Commission of Judges of Ukraine shall provide selection of judges, their professional training, assessment, consider the cases on disciplinary liability of judges as provided for by law.</p>
	<p>8. Not later than one month after this Law taking effect the High</p>

Council of Justice (*Vyscha Rada Pravosuddya*) shall transfer initiated disciplinary proceedings with regard to judges of the Supreme Court of Ukraine and to judges of the higher specialized courts to the High Qualification Commission of Judges of Ukraine for consideration and taking decision on merits.

9. Cases pending before the court as of the day of this Law taking effect shall be considered in accordance with the rules and under procedures that have been effective prior to this Law taking effect.
