

CONSTITUTION OF UKRAINE

The Verkhovna Rada (the Parliament) of Ukraine on behalf of the Ukrainian people – Ukrainian citizens of all nationalities,
expressing the sovereign will of the people,
relying on the centuries-old history of Ukrainian state-building and upon the right to self-determination realised by the Ukrainian nation, all the Ukrainian people,
aspiring to ensure human rights and freedoms, and life conditions worthy of human dignity,
supporting the strengthening of civil harmony on the Ukrainian soil,
striving to develop and strengthen a democratic, social, law-based state,
realizing the responsibility in the eyes of God, before our own conscience, past, present and future generations,
guided by the Act of Declaration of the Independence of Ukraine of 24 August 1991, approved by the national vote on 1 December 1991,
adopts this Constitution as the Fundamental Law of Ukraine.

Title I

GENERAL PRINCIPLES

Article 1. Ukraine shall be a sovereign and independent, democratic, social, law-based state.

Article 2. The sovereignty of Ukraine shall extend throughout its entire territory.

Ukraine shall be a unitary state.

The territory of Ukraine within its present borders shall be indivisible and inviolable.

Article 3. An individual, his life and health, honour and dignity, inviolability and security shall be recognised in Ukraine as the highest social value.

Human rights and freedoms, and guarantees thereof shall determine the essence and course of activities of the State. The State shall be responsible to the individual for its activities. Affirming and ensuring human rights and freedoms shall be the main duty of the State.

Article 4. There shall be a single form of citizenship in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship shall be determined by law.

Article 5. Ukraine shall be a republic.

The people shall be the bearer of sovereignty and the sole source of power in Ukraine. The people shall exercise power directly or through the state authorities and local self-government bodies.

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

No one shall usurp the State power.

Article 6. The State power in Ukraine shall be exercised with the consideration of its division into legislative, executive, and judicial branches.

Legislative, executive, and judicial bodies shall exercise their authority within the limits determined by this Constitution and in accordance with the laws of Ukraine.

Article 7. Local self-governance shall be recognised and guaranteed in Ukraine.

Article 8. The rule of law shall be recognised and effective in Ukraine.

The Constitution of Ukraine shall be regarded as superior law. Laws and other regulatory legal acts shall be adopted on the basis of the Constitution of Ukraine and shall conform to it.

Norms of the Constitution of Ukraine shall be the norms of direct effect. Recourse to the court for protection of constitutional rights and freedoms of an individual and citizen directly on basis of the Constitution of Ukraine shall be guaranteed.

Article 9. International treaties in force, consented by the Verkhovna Rada of Ukraine as binding, shall be an integral part of the national legislation of Ukraine.

Conclusion of international treaties, contravening the Constitution of Ukraine, shall be possible only after introducing relevant amendments to the Constitution of Ukraine.

Article 10. The State language of Ukraine shall be the Ukrainian language.

The State shall ensure comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.

Free development, use, and protection of Russian and other languages of national minorities of Ukraine shall be guaranteed in Ukraine.

The State shall promote the learning of languages of international communication.

The use of languages in Ukraine shall be guaranteed by the Constitution of Ukraine and shall be determined by law.

Article 11. The State shall promote the consolidation and development of the Ukrainian nation, its historical consciousness, traditions, and culture, as well as development of ethnic, cultural, linguistic, and religious identity of all indigenous peoples and national minorities of Ukraine.

Article 12. Ukraine shall provide for meeting the national, cultural, and linguistic needs of Ukrainians residing beyond the borders of the State.

Article 13. The land, its subsoil, atmosphere, water and other natural resources within the territory of Ukraine, natural resources of its continental shelf and of the exclusive (maritime) economic zone shall be the objects of property rights of the Ukrainian people. State authorities and local self-government bodies shall exercise the ownership rights on behalf of the Ukrainian people within the limits determined by this Constitution.

Every citizen shall have the right to utilise the natural objects of the people's property rights in accordance with the law.

Property entails responsibility. Property shall not be used to the detriment of the individual or the society.

The State shall ensure protection of rights of all property rights holders and economic operators, and the social orientation of the economy. All the property rights holders shall be equal before the law.

Article 14. Land shall be the main national asset and as such shall be under special protection of the State.

The property right for the land shall be guaranteed. This right shall be acquired and realised by citizens, legal persons, and the State exclusively in accordance with the law.

Article 15. Social life in Ukraine shall be based on the principles of political, economic, and ideological diversity.

No ideology shall be recognised as mandatory by the State.

Censorship shall be prohibited.

The State shall guarantee the freedom of political activities, not prohibited by the Constitution and the laws of Ukraine.

Article 16. Ensuring environmental safety, maintaining ecological balance in the territory of Ukraine, overcoming the aftermath of the Chernobyl catastrophe – the catastrophe of global scale – and preserving the gene pool of the Ukrainian people, shall be the duty of the State.

Article 17. Protecting the sovereignty and territorial integrity of Ukraine, ensuring its economic and information security, shall be the most important function of the State and a matter of concern for all the Ukrainian people.

The defence of Ukraine and protection of its sovereignty, territorial integrity and inviolability shall be entrusted to the Armed Forces of Ukraine.

Ensuring the security of the State and protecting the State borders of Ukraine shall be entrusted to respective military formations and law enforcement bodies of the State, whose organisation and operational procedure shall be determined by law.

The Armed Forces of Ukraine and other military formations shall not be used by anyone to restrict the rights and freedoms of citizens or with the intent to overthrow the constitutional order, subvert the public authorities or obstruct their activity.

The State shall ensure social protection of citizens of Ukraine who serve in the Armed Forces of Ukraine and in other military formations as well as members of their families.

Establishment and operation of any armed formations not envisaged by law are prohibited in the territory of Ukraine.

The location of foreign military bases in the territory of Ukraine shall not be permitted.

Article 18. The foreign political activity of Ukraine shall be aimed at ensuring its national interests and security by maintaining peaceful and mutually beneficial co-operation with members of the international community in compliance with the generally acknowledged principles and norms of international law.

Article 19. The legal order in Ukraine shall be based on the principles according to which no one shall be forced to do what is not stipulated by law.

Public authorities and bodies of local self-government and their officials shall be obliged to act only on the grounds, within the powers, and in the way determined by the Constitution and the laws of Ukraine.

Article 20. The National Flag of Ukraine, the National Coat of Arms of Ukraine, and the National Anthem of Ukraine shall be the State symbols of Ukraine.

The National Flag of Ukraine shall be a banner of two equally sized horizontal stripes of blue and yellow.

The Great National Coat of Arms of Ukraine shall be established incorporating the elements of the Small National Coat of Arms of Ukraine and the Coat of Arms of the Zaporizhia Host, and shall be approved by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The Princely State Symbol of Volodymyr the Great (the Small National Coat of Arms of Ukraine) shall be the main element of the Great National Coat of Arms of Ukraine.

The State Anthem of Ukraine shall be the national anthem to the music of M. Verbytskyi, with the words, approved by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The description of the State symbols of Ukraine and procedure for their use shall be determined by the law, adopted by at least two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine.

The City of Kyiv shall be the capital of Ukraine.

Title II

HUMAN AND CITIZEN RIGHTS, FREEDOMS, AND DUTIES

Article 21. All people shall be free and equal in their dignity and rights. Human rights and freedoms shall be inalienable and inviolable.

Article 22. Human and citizen rights and freedoms affirmed by this Constitution shall not be exhaustive.

The constitutional rights and freedoms shall be guaranteed and shall not be abolished.

The content and scope of the existing rights and freedoms shall not be diminished by an adoption of new laws or by introducing amendments to the effective laws.

Article 23. Every person shall have the right to free development of his personality, provided that the rights and freedoms of other persons are not thus violated, and shall have duties to society, in which free and comprehensive development of his personality shall be guaranteed.

Article 24. Citizens shall have equal constitutional rights and freedoms and shall be equal before the law.

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

Equality of the rights of women and men shall be ensured by providing women with opportunities equal to those of men in public, political and cultural activities, in obtaining education and in professional training, in work and remuneration for it; by taking special measures for the protection of work and health of women; by establishing pension privileges; by creating conditions that make it possible for women to combine work and motherhood; by adopting legal protection, material and moral support of motherhood and childhood, including the provision of paid leave and other privileges to pregnant women and mothers.

Article 25. No citizen of Ukraine shall be deprived of citizenship or of the right to change citizenship.

No citizen of Ukraine shall be exiled from Ukraine or surrendered to another state.

Ukraine shall guarantee care and protection to its citizens staying abroad.

Article 26. Foreigners and stateless persons staying in Ukraine on legal grounds shall enjoy the same rights and freedoms and bear the same duties as citizens of Ukraine, except as restricted by the Constitution, laws, or international treaties of Ukraine.

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

Article 27. Every person shall have the inalienable right to life.

No one shall be arbitrarily deprived of life. Protection of human life shall be the duty of the State.

Everyone shall have the right to protect his life and health, and lives and health of other people against unlawful encroachments.

Article 28. Everyone shall have the right to have his dignity respected.

No one shall be subjected to torture, cruel, inhumane, or degrading treatment or punishment that violates his dignity.

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

Article 29. Every person shall have the right to freedom and personal inviolability.

No one shall be arrested or held in custody except under a substantiated court decision and 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, bodies authorised by law may hold a person in custody as a temporary preventive measure, the reasonable grounds for which shall be verified by court within seventy two hours. The detained person shall be immediately released if a substantiated court decision regarding his detention is not served to them within seventy-two hours.

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

Every person detained shall have the right to challenge his detention in court at any time.

Relatives of an arrested or detained person shall be informed immediately of such an arrest or detention.

Article 30. Everyone shall be guaranteed the inviolability of his domicile.

Intrusion into a person's domicile or other property, inspection or search thereof, shall not be permitted except when under a substantiated court decision.

In urgent cases related to preservation of human life and property or to the direct pursuit of persons suspected of committing a crime, other procedures of entering a person's domicile or other property, inspecting or searching thereof, determined by law, shall be allowed.

Article 31. Everyone shall be guaranteed privacy of his correspondence, telephone conversations, telegraph, and other communications. Exceptions shall be established only by court in cases stipulated by law for the purposes of preventing crime or ascertaining the truth during the investigation of a criminal case, if it is not possible to obtain information by other means.

Article 32. No one shall be subjected to interference in his private life and family matters, except when such interference is stipulated by the Constitution of Ukraine.

The collection, storage, use, and dissemination of confidential information about a person without his consent shall not be permitted, except for the cases determined by law and only in the interests of national security, economic welfare, and human rights.

Every citizen shall have the right to have access to the information about himself/herself possessed by public authorities and bodies of local self-government, institutions, and organisations unless such information is considered a state or other secret protected by law.

Everyone shall be guaranteed judicial protection of the right to rectify unauthentic information about himself/herself and members of his family, the right to demand the expungement of any type of information, as well as the right to compensation for material and moral damages caused by the collection, storage, use, and dissemination of such unauthentic information.

Article 33. Every person, legally staying in the territory of Ukraine shall be guaranteed freedom of movement and travel, free choice of place of residence, and the right to freely leave the territory of Ukraine, with the exception of restrictions stipulated by law.

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

Article 34. Everyone shall be guaranteed the right to freedom of thought and speech, and to free expression of his views and beliefs.

Everyone shall have the right to freely collect, store, use, and disseminate information by oral, written, or other means at his discretion.

The exercise of such rights may be restricted by law in the interests of national security, territorial integrity, or public order, for the purposes of preventing disturbances or crimes, protecting the health of the population, protecting the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

Article 35. Everyone shall have right to freedom of beliefs and religion. This right shall include the freedom to profess any religion or profess no religion, to freely practice religious rites and ceremonial rituals, alone or collectively, and to pursue religious activities.

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

The Church and religious organisations in Ukraine shall be separated from the State, and school shall be separated from the Church. No religion shall be recognised by the State as mandatory.

No one shall be exempt from his duties to the State or refuse to abide by laws on religious grounds. If the performance of military duty contradicts the religious beliefs of a citizen, the performance of this duty shall be replaced by alternative (non-military) service.

Article 36. Citizens of Ukraine shall have the right to freedom of association into political parties and public organisations for exercising and protecting their rights and freedoms and for satisfying 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, protection of public health, or protection of rights and freedoms of other persons.

Political parties in Ukraine shall promote the formation and expression of political will of citizens and shall participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership in political parties shall be determined exclusively by this Constitution and laws of Ukraine.

Citizens shall have the right to take part in trade unions with the purpose of protecting their labour and socio-economical rights and interests. Trade unions shall be public organisations uniting citizens bound by common interests in accordance with the nature of their professional activity. Trade unions shall be formed without prior permission on the basis of the free choice of their members. All trade unions shall have equal rights. Restrictions on membership in trade unions shall be determined exclusively by this Constitution and laws of Ukraine.

No one may be forced to join any association of citizens or be restricted in his right to belong or not to belong to political parties or public organisations.

All associations of citizens shall be equal before the law.

Article 37. Foundation and activity of political parties and public associations shall be prohibited if their programme goals or actions are aimed at the liquidation of the independence of Ukraine, change of the constitutional order by force, violation of the sovereignty and territorial indivisibility of the State, undermining national security, unlawful seizure of the state power, the propaganda

of war or violence, fomentation of inter-ethnic, racial, or religious enmity, or infringement of human rights and freedoms or the health of the population.

Political parties and public associations shall not have paramilitary formations.

Foundation and activities of organizational structures of political parties shall not be permitted within the bodies of executive and judicial power or the executive bodies of local self-government, in military formations, as well as at state enterprises, educational establishments, or other state institutions and organisations.

Prohibition of the activities of associations of citizens, shall be possible only through a judicial procedure.

Article 38. Citizens shall have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to the bodies of State power and local self-government.

Citizens shall enjoy equal rights of access to the civil service and to the service in local self-government bodies.

Article 39. Citizens shall have the right to assemble peacefully without arms and to hold rallies, meetings, processions, and demonstrations upon notifying executive or local self-government bodies in advance.

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

Article 40. Everyone shall have the right to address individual or collective petitions, or to personally recourse to public authorities, local self-government bodies, officials, and officers of these bodies obliged to consider the petitions, and to provide a substantiated reply within the period determined by law.

Article 41. Everyone shall have the right to own, use, or dispose of his property and the results of his intellectual or creative activities.

The right for private property shall be acquired in compliance with the procedure established by law.

Citizens may use the objects of state or communal property in accordance with law in order to satisfy their needs.

No one shall be unlawfully deprived of the right for property. The right for private property shall be inviolable.

The expropriation of private property objects may be applied only as an exception for the reasons of social necessity, on the grounds of, and in the order established by law, and on terms of advance and complete compensation of the value of such objects. The expropriation of such objects with subsequent complete compensation of their value shall be permitted only under conditions of martial law or a state of emergency.

Confiscation of property may be applied only pursuant to a court decision, in the cases, to the extent, and in compliance with the procedure established by law.

The use of property shall not prejudice the rights, freedoms, and dignity of citizens, the interests of society or aggravate the environmental situation and the natural qualities of land.

Article 42. Everyone shall have the right to entrepreneurial activity that is not prohibited by law.

The entrepreneurial activity of deputies, officials, and officers of the bodies of State power and local self-government shall be restricted by law.

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

The State shall protect the rights of consumers, exercise control over the quality and safety of products and all types of services and works, and promote the activities of public consumer associations.

Article 43. Everyone shall have the right to work, including a possibility to earn a living by labour that he freely chooses or to which he freely agrees.

The State shall create conditions for citizens that will make it possible to fully realise their right to work, guarantee equal opportunities in the choice of profession and of types of labour activities, and implement programmes for vocational education, training, and retraining of personnel according to the needs of society.

The use of forced labour shall be prohibited. Military or alternative (non-military) service, work or service carried out by a person in compliance with a verdict or other court decision, or in accordance with the martial or state of emergency laws, shall not be considered the forced labour.

Everyone shall have the right to proper, safe, and healthy labour conditions and to remuneration no less than the minimum wage determined by law.

The employment of women and minors for work hazardous to their health shall be prohibited.

Citizens shall be guaranteed protection from unlawful dismissal.

The right to timely payment for work performed shall be protected by law.

Article 44. Those who are employed shall have the right to strike in order to protect their economic and social interests.

A procedure for exercising the right to strike shall be established by law taking into account the necessity to ensure national security, public health protection, and rights and freedoms of others.

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

The prohibition of a strike shall be possible only on the basis of the law.

Article 45. Everyone who is employed shall have the right to rest.

This right shall be ensured by providing weekly rest days, paid annual vacation, and by establishing a shorter working day for certain professions and industries, as well as reducing working hours at night.

The maximum duration of work time, the minimum duration of rest and of paid annual vacation, days off and holidays, as well as other conditions for exercising this right shall be determined by law.

Article 46. Citizens shall have the right to social protection including the right to financial security in cases of complete, partial, or temporary disability, loss of the principal wage-earner, unemployment due to circumstances beyond their control, old age, and in other cases determined by law.

This right shall be guaranteed by the mandatory state social insurance based on insurance payments made by citizens, enterprises, institutions, and organisations, as well as by budgetary and other sources of social security; and by establishing a network of state, communal, and private institutions caring for incapacitated persons.

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

Article 47. Everyone shall have the right to housing. The State shall create conditions enabling every citizen to build, purchase, or rent housing.

Citizens in need of social protection shall be provided with housing by the bodies of State power and local self-government, free of charge or at a price affordable for them in accordance with law.

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

Article 48. Everyone shall have the right to a standard of living sufficient for themselves and their families including adequate nutrition, clothing, and housing.

Article 49. Everyone shall have the right to health protection, medical care and medical insurance.

Health protection shall be ensured through state funding of the relevant socio-economic, medical and sanitary, health improvement and prevention programmes.

The State shall create conditions for effective medical service accessible to all citizens. State and communal health protection institutions shall render medical care free of charge; the existing network of such institutions shall not be reduced. The State shall promote the development of medical institutions under all forms of ownership.

The State shall provide for the development of physical culture and sports, and ensure sanitary-epidemic welfare.

Article 50. Everyone shall have the right to an environment that is safe for life and health, and to compensation for damages caused by violation of this right.

Everyone shall be guaranteed the right of free access to information about the environmental situation, the quality of foodstuffs and consumer goods, as well as the right to disseminate such information. No one shall make such information secret.

Article 51. Marriage shall be based on free consent between a woman and a man. Each of the spouses shall have equal rights and duties in the marriage and family.

Parents shall be obliged to sustain their children until they are of full age. Adult children shall be obliged to care for their parents who are incapable to work.

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

Article 52. Children shall be equal in their rights regardless of their origin and whether they are born in or out of wedlock.

Any violence against a child or his exploitation shall be prosecuted by law.

The subsistence and upbringing of orphans and children deprived of parental care shall be entrusted to the State. The State shall encourage and support charitable activity in regard to children.

Article 53. Everyone shall have the right to education.

Complete general secondary education shall be compulsory.

The State shall ensure accessible and free pre-school, complete general secondary, vocational and higher education at the state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of study; the provision of state scholarships and privileges to pupils and students.

Citizens shall have the right to obtain free higher education at the state and communal educational establishments on a competitive basis.

Citizens belonging to national minorities shall be guaranteed, in accordance with law, the right to education in their native language, or to study their native language at the state and communal educational establishments or through national cultural societies.

Article 54. Citizens shall be guaranteed the freedom of literary, artistic, scientific, and technical creative activities, protection of intellectual property, their copyright, moral and material interests arising in connection with various types of intellectual activity.

Every citizen shall have the right to the product of his intellectual, creative activity; no one shall use or distribute them without his consent, except for the cases established by law.

The State shall promote the development of science and the establishment of scientific relations of Ukraine with the world community.

Cultural heritage shall be protected by law.

The State shall ensure the preservation of historical monuments and other objects of cultural value, and take measures to return to Ukraine the cultural treasures of the nation located beyond its borders.

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

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

Everyone shall have the right to appeal for the protection of his rights to the Authorised Human Rights Representative (Ombudsman) to the Verkhovna Rada of Ukraine.

After exhausting all domestic legal instruments, everyone shall have the right to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone shall have the right to protect his rights and freedoms from violations and illegal encroachments by any means other than prohibited by law.

Article 56. Everyone shall have the right to compensation, at the expense of the State authorities or local self-government bodies, for material and moral damages caused by unlawful decisions, actions, or inactivity of State power, local self-government bodies, officials, or officers while exercising their powers.

Article 57. Everyone shall be guaranteed the right to know his rights and duties.

Laws and other regulatory legal acts defining the rights and duties of citizens shall be brought to the notice of the population in compliance with the procedure established by law.

Laws and other regulatory legal acts defining the rights and duties of citizens, which have not been brought to the notice of the population in compliance with the procedure established by law, shall be invalid.

Article 58. Laws and other regulatory legal acts shall have no retroactive force, unless they mitigate or nullify the responsibility of a person.

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

Article 59. Everyone shall have the right to legal assistance. Such assistance shall be rendered free of charge in cases stipulated by law. Everyone shall be free to choose the defender of his rights.

In Ukraine, the advocate shall act to ensure the right to defence against accusations and to provide legal assistance during the hearing of cases in courts and other state bodies.

Article 60. No one shall be obliged to execute directions or orders that are manifestly criminal.

For the issue or execution of a manifestly criminal ruling or order, legal liability shall arise.

Article 61. No person may be brought to legal liability of the same type for the same offence twice.

The legal liability of a person shall be of an individual character.

Article 62. A person shall be presumed innocent of committing a crime and shall not be subjected to criminal punishment until his guilt is proved through a legal procedure and established by a court verdict of guilty.

No one shall be obliged to prove his innocence of committing a crime.

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

In the event of revocation of a court verdict as unjust, the State shall compensate the material and moral damages caused by the groundless conviction.

Article 63. A person shall not bear responsibility for refusing to testify or to provide explanations about himself/herself, members of his/her family, or close relatives, the circle of whom is determined by law.

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

A convicted person shall enjoy all human and civil rights, with the exception of restrictions determined by law and established by a court verdict.

Article 64. Constitutional human and civil rights and freedoms shall not be restricted, unless a restriction is stipulated by the Constitution of Ukraine.

Under the conditions of martial law or a state of emergency, specific restrictions on rights and freedoms may be established with the indication of the period of effect for such restrictions. The rights and freedoms stipulated in Articles 24, 25, 27, 28, 29, 40, 47, 51, 52, 55, 56, 57, 58, 59, 60, 61, 62 and 63 of this Constitution shall not be restricted.

Article 65. Defence of the Motherland, independence and territorial integrity of Ukraine, respect for its State symbols shall be the duty of the citizens of Ukraine. Citizens shall perform military service in accordance with law.

Article 66. Everyone shall be obliged not to harm nature or cultural heritage, and to compensate for any damage he/she inflicted.

Article 67. Everyone shall be obliged to pay taxes and levies in accordance with the procedure and to the extent established by law.

All citizens shall annually file declarations to the tax authorities at their place of residence on their property status and income for the past year, in compliance with the procedure established by law.

Article 68. Everyone shall be obliged to strictly abide by the Constitution of Ukraine and laws of Ukraine, and not to encroach upon the rights, freedoms, honour, or dignity of other persons.

Ignorance of laws shall not exempt one from legal liability.

Title III

ELECTIONS. REFERENDUM

Article 69. The expression of the will by the people shall be exercised through elections, referendum and other forms of direct democracy.

Article 70. Citizens of Ukraine who have attained to the age of eighteen as of the day of elections or referendums, shall have the right to vote.

Citizens found legally incapable by a court shall not have the right to vote.

Article 71. Elections to the State and local self-government bodies shall be free and shall be held on the basis of universal, equal and direct suffrage by secret ballot.

Voters shall be guaranteed the free expression of their will.

Article 72. The All-Ukrainian referendum shall be called by the Verkhovna Rada of Ukraine or by the President of Ukraine in accordance with their powers determined by this Constitution.

The All-Ukrainian referendum shall be convened as a popular initiative at the request of at least three million citizens of Ukraine eligible to vote, provided that the signatures in favour of the referendum have been collected in at least two-thirds of the oblasts with at least 100,000 signatures gathered in each oblast.

Article 73. Alterations to the territory of Ukraine shall be resolved exclusively by the All-Ukrainian referendum.

Article 74. A referendum shall not be permitted with regard to draft laws on taxation, budgetary or amnesty issues.

Title IV

THE VERKHOVNA RADA OF UKRAINE

Article 75. The sole body of legislative power in Ukraine shall be the parliament – the Verkhovna Rada of Ukraine.

Article 76. The constitutional membership of the Verkhovna Rada of Ukraine shall comprise 450 people's deputies of Ukraine elected on the basis of universal, equal and direct suffrage by secret ballot.

A citizen of Ukraine having attained to the age of twenty-one as of the day of elections, having the right to vote, and having resided in the territory of Ukraine for the past five years, may be elected people's deputy of Ukraine.

A citizen who has a criminal record of committing an intentional crime shall not be elected to the Verkhovna Rada of Ukraine if the record has not been nullified in compliance with a procedure established by law.

The powers of the people's deputies of Ukraine shall be determined by the Constitution and the laws of Ukraine.

The Verkhovna Rada of Ukraine shall retain its power for a five-year term.

Article 77. Regular elections to the Verkhovna Rada of Ukraine shall be held on the last Sunday of the last month of the fifth year of the term of the Verkhovna Rada of Ukraine.

Early elections to the Verkhovna Rada of Ukraine shall be appointed by the President of Ukraine and shall be held within sixty day period from the day of publication of the decision on the early termination of the powers of the Verkhovna Rada of Ukraine.

The procedure for electing the people's deputies of Ukraine shall be established by law.

Article 78. The people's deputies of Ukraine shall exercise their powers on a permanent basis.

The people's deputies of Ukraine shall not have another representative mandate or be involved in the civil service or hold another office of profit or undertake other paid or entrepreneurial activity (other than teaching, research or creative activities) or be a member of a management body or a supervisory board of an enterprise or a profit making organisation.

Requirements concerning the incompatibility of the mandate of the deputy with other types of activities shall be established by law.

Should any circumstances arise to be in breach with the requirements concerning the incompatibility of the mandate of the deputy with other types of activity, the people's deputy of Ukraine shall, within twenty days after the commencement of such circumstances, terminate his activities or file a personal application to abdicate his position as the people's deputy of Ukraine.

Article 79. Prior to assuming office, people’s deputies of Ukraine shall take the following oath before the 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 Motherland and for the welfare of the Ukrainian people.

“I swear to abide by the Constitution of Ukraine and the laws of Ukraine, to discharge my duties in the interests of all fellow-citizens.”

The oath shall be read by the oldest people’s deputy of Ukraine before the opening of the first session of the newly elected Verkhovna Rada of Ukraine, upon which the deputies shall affirm the oath with their signatures below the text of the oath.

A refusal to take the oath shall result in the loss of the deputy’s mandate.

The powers of people’s deputies of Ukraine shall commence immediately upon taking of the oath.

Article 80. The people’s deputies of Ukraine shall be guaranteed immunity of a deputy.

The people’s deputies of Ukraine shall not be held legally liable for the results of voting or for statements made in the parliament and in its bodies, save as the liability for an insult or defamation.

The people’s deputies of Ukraine shall not be held criminally liable, detained or arrested without the consent of the Verkhovna Rada of Ukraine.

Article 81. The powers of the people’s deputies of Ukraine shall terminate with the termination of the powers of the Verkhovna Rada of Ukraine.

The powers of a people’s deputy of Ukraine shall be subject to early termination in the event of:

- 1) resignation by virtue of a personal statement;
- 2) guilty verdict against him/her entering into legal force;
- 3) court declaring them legally incapable or missing;
- 4) termination of his citizenship or his departure from Ukraine for permanent residence abroad;
- 5) failure of the deputy to remedy the circumstances causing a breach in the incompatibility requirements of his mandate with other activities within twenty days after the commencement of such circumstances;
- 6) failure of the deputy elected as a member of a political party (an electoral block of parties) to join a deputy faction of such political party (an electoral block of parties) or the termination of the membership of such deputy in such faction;
- 7) his/her death.

The powers of a people’s deputy of Ukraine shall be terminated in case of early termination of powers of the Verkhovna Rada of Ukraine in compliance with the Constitution of Ukraine on the opening day of the first meeting of the Verkhovna Rada of Ukraine of the new convocation.

A decision about early termination of a people's deputy's powers in cases stipulated in items 1 and 4 of the second paragraph of this Article shall be adopted by the Verkhovna Rada of Ukraine, whereas in cases stipulated by the item 5 of the second paragraph of this Article – by the court.

Should a guilty verdict against a people's deputy of Ukraine enter into legal force or should a people's deputy of Ukraine be found legally incapable or missing, the powers of the people's deputy shall be terminated when the relevant court decision comes into force, and in case of the death of a people's deputy of Ukraine – from the date of death confirmed by the certificate of death.

In case of a failure by a people's deputy of Ukraine elected as a member of a political party (an electoral block of parties) to join a deputy faction of such political party (an electoral block of parties) or in case of termination of the membership of people's deputy of Ukraine in such faction, the power of such deputy shall be subject to an early termination on the basis of a law by virtue of a decision of the supreme body of the relevant political party (an electoral block of parties) from the date of adoption of such decision.

Article 82. The Verkhovna Rada of Ukraine shall work in sessions.

The Verkhovna Rada of Ukraine shall be legally constituted provided that at least two-thirds of its constitutional membership has been elected.

The Verkhovna Rada of Ukraine shall convene its first session no later than on the thirtieth day after the official announcement of the election results.

The first meeting of the newly elected Verkhovna Rada of Ukraine shall be opened by the oldest people's deputy of Ukraine.

Article 83. Regular sessions of the Verkhovna Rada of Ukraine shall commence on the first Tuesday of February and on the first Tuesday of September each year.

Extraordinary sessions of the Verkhovna Rada of Ukraine shall be convened, mentioning the agenda, by the Chairman of the Verkhovna Rada of Ukraine, at the request of the President of Ukraine or at the request of at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

Should a Decree of the President of Ukraine declare an introduction of martial law or a state of emergency in Ukraine or in certain regions of Ukraine, the Verkhovna Rada of Ukraine shall hold a meeting within two days without convocation.

If the term of powers of the Verkhovna Rada of Ukraine expires while martial law or a state of emergency is in effect, its powers shall be 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 of the state of emergency.

A procedure for the operation of the Verkhovna Rada of Ukraine shall be established by the Constitution of Ukraine and Rules of Procedure of the Verkhovna Rada of Ukraine.

A coalition of deputy factions comprising a majority of people's deputies of Ukraine in the constitutional membership of the Verkhovna Rada of Ukraine

shall be formed in the Verkhovna Rada of Ukraine on the basis of the results of election and on the basis of the harmonisation of the political platforms.

A coalition of deputy factions in the Verkhovna Rada of Ukraine shall be formed within one month from the date of opening of the first meeting of the Verkhovna Rada of Ukraine held upon regular or extraordinary elections to the Verkhovna Rada of Ukraine or within one month after the date of termination of the activity of a coalition of deputy factions in the Verkhovna Rada of Ukraine.

A coalition of deputy factions in the Verkhovna Rada of Ukraine shall, in accordance with this Constitution, present to the President of Ukraine for his approval a candidate for the position of the Prime Minister of Ukraine as well as in accordance with this Constitution shall present candidates for the Cabinet of Ministers of Ukraine.

The basis for the formation, organisation of operation, and termination of activities of coalition of deputy factions in the Verkhovna Rada of Ukraine shall be established by the Constitution of Ukraine and Rules of Procedure of the Verkhovna Rada of Ukraine.

The deputy faction of the Verkhovna Rada of Ukraine, comprising the majority of the constitutional membership of the Verkhovna Rada of Ukraine, shall have the rights of a coalition of deputy factions in the Verkhovna Rada of Ukraine envisaged by this Constitution.

Article 84. Sittings of the Verkhovna Rada of Ukraine shall be held openly. A closed sitting shall be held subject to a decision of the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

Decisions of the Verkhovna Rada of Ukraine shall be adopted exclusively at its plenary sittings by voting.

Voting at the meetings of the Verkhovna Rada of Ukraine shall be performed by a people's deputy of Ukraine in person.

Article 85. The Verkhovna Rada of Ukraine shall have the following powers:

- 1) to introduce amendments to the Constitution of Ukraine within the limits and in compliance with the procedure stipulated in Title XIII of this Constitution;
- 2) to call the All-Ukrainian referendum on issues indicated in Article 73 of this Constitution;
- 3) to adopt laws;
- 4) to approve the State Budget of Ukraine and amend it; to supervise the execution of the State Budget of Ukraine and adopt decisions on reporting concerning its execution.
- 5) to establish the principles of domestic and foreign policy;
- 6) to approve national programmes for economic, scientific, technical, social, national, and cultural development and protection of the environment;
- 7) to call elections for the President of Ukraine within the period stipulated by this Constitution;

8) to hear annual and extraordinary addresses of the President of Ukraine on the domestic and foreign situation of Ukraine;

9) to declare war, upon the recommendation made by the President of Ukraine, and make peace, approve a decision of the President of Ukraine on the use of the Armed Forces of Ukraine and other military formations in the event of armed aggression against Ukraine;

10) to remove the President of Ukraine from the office in accordance with a special procedure (impeachment) established by the Article 111 of this Constitution;

11) to consider and adopt decisions on the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine;

12) to appoint on a recommendation made by the President of Ukraine, of the Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Minister of Foreign Affairs of Ukraine, and appoint, on the recommendation made by the Prime Minister of Ukraine, of other members of the Cabinet of the Ministers of Ukraine, the Chairman of the Antimonopoly Committee of Ukraine, the Chairman of the State Committee for Television and Radio Broadcasting of Ukraine, the Chairman of the State Property Fund of Ukraine; and remove the aforementioned persons from their offices; and resolve resignation of the Prime Minister of Ukraine and the members of the Cabinet of Ministers of Ukraine;

12-1) to appoint and remove from the office the Chairman of the Security Service of Ukraine upon the recommendation made by the President of Ukraine;

13) to monitor the activities of the Cabinet of Ministers of Ukraine in accordance with this Constitution and law;

14) to approve decisions on granting loans and economic aid by Ukraine to foreign states and international organisations as well as decisions on receiving loans by Ukraine, other than those stipulated by the State Budget of Ukraine, from foreign countries, banks, and international financial organisations, and oversee the utilisation of such loans;

15) to adopt the Rules of Procedure of the Verkhovna Rada of Ukraine;

16) to appoint and remove from the office the Chairman and other members of the Chamber of Accounts;

17) to appoint and remove from the office the Authorised Human Rights Representative to the Verkhovna Rada of Ukraine; and to hear the Representative's annual reports on the state of affairs in the sphere of observance and protection of human rights and freedoms in Ukraine;

18) to appoint and remove from the office the Chairman of the National Bank of Ukraine upon the recommendation made by the President of Ukraine;

19) to appoint and remove from the office half the total members of the Council of the National Bank of Ukraine;

20) to appoint and remove from the office half the total members of the National Council of Ukraine on Television and Radio Broadcasting;

21) to appoint and remove from the office the members of the Central Election Commission on the recommendation made by the President of Ukraine;

22) to approve the general structure, and number of staff of the Security Service of Ukraine, the Armed Forces of Ukraine, and other military formations established in accordance with the laws of Ukraine, as well as of the Ministry of Interior of Ukraine, and specification of the functions of the same;

23) to approve decisions on military assistance to other states, on dispatching the Ukrainian Armed Forces units to another states or on admitting units of armed forces of other states to the territory of Ukraine;

24) to designate the State symbols of Ukraine;

25) to grant consent for the appointment and removal from the office by the President of Ukraine of the Prosecutor General of Ukraine; to declare no confidence in the Prosecutor General of Ukraine resulting in his resignation from the office;

26) to appoint and remove from the office one-third of the members of the Constitutional Court of Ukraine;

27) to elect judges for indefinite terms;

28) to terminate early the powers of the Verkhovna Rada of the Autonomous Republic of Crimea on the basis of an opinion of the Constitutional Court of Ukraine concerning the violation of the Constitution or laws of Ukraine by the Verkhovna Rada of the Autonomous Republic of Crimea; to call extraordinary elections for the Verkhovna Rada of the Autonomous Republic of Crimea;

29) to establish and abolish rayons (districts), to establish and alter rayons and cities boundaries, as well as to grant the status of city to inhabited localities, name and rename of inhabited localities and rayons;

30) to call regular and extraordinary elections to local self-government bodies;

31) to approve, within a two day period from the date of submission by the President of Ukraine of the decrees on introduction of martial law or the state of emergency in Ukraine or in its particular areas, on total or partial mobilisation, and on declaring particular areas as zones of ecological emergency situations;

32) to grant by the law the consent to the binding character of international treaties of Ukraine, and to denounce international treaties of Ukraine;

33) to exercise parliamentary control within the limits established by this Constitution and law;

34) to adopt decisions on forwarding an inquiry to the President of Ukraine at the request of a people's deputy of Ukraine, a group of people's deputies, or a Committee of the Verkhovna Rada of Ukraine previously supported by at least one-third of the constitutional members of the Verkhovna Rada of Ukraine;

35) to appoint and remove from the office the Head of Staff of the Verkhovna Rada of Ukraine; approve the budget of the Verkhovna Rada of Ukraine and the structure of its staff;

36) to adopt the list of objects of the state property not subject to privatisation and establish legal principles regarding the expropriation of private property;

37) to approve by the law the Constitution of the Autonomous Republic of Crimea and amendments thereto.

The Verkhovna Rada of Ukraine shall exercise other powers specified within the frame of reference of the Verkhovna Rada in accordance with the Constitution of Ukraine.

Article 86. At a session of the Verkhovna Rada of Ukraine, a people's deputy of Ukraine shall have the right to make inquiries to bodies of the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, heads of other state and local self-government bodies, as well as heads of enterprises, institutions, and organisations located in the territory of Ukraine, irrespective of their subordination and forms of ownership.

Heads of state power and local self-government bodies, heads of enterprises, institutions, and organisations shall be obliged to notify a people's deputy of Ukraine of the results of their inquiry.

Article 87. The Verkhovna Rada of Ukraine, upon the proposal of the President of Ukraine or of at least one-third of the constitutional membership of the people's deputies of Ukraine, may consider an issue concerning responsibility of the Cabinet of Ministers of Ukraine or adopt a resolution of non-confidence in the Cabinet of Ministers of Ukraine by the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The issue of the responsibility of the Cabinet of Ministers of Ukraine shall not be considered by the Verkhovna Rada of Ukraine more than once during same regular session, or within one year after the approval of the Programme of Activity of the Cabinet of Ministers of Ukraine, or in course of the last session of the Verkhovna Rada of Ukraine.

Article 88. The Verkhovna Rada of Ukraine shall elect from among its members the Chairman of the Verkhovna Rada of Ukraine, the First Vice-Chairman and the Vice-Chairman of the Verkhovna Rada of Ukraine, and shall recall them from their respective offices.

The Chairman of the Verkhovna Rada of Ukraine shall:

- 1) preside at the meetings of the Verkhovna Rada of Ukraine;
- 2) organise the operation and proceedings of the Verkhovna Rada of Ukraine and co-ordinate the activities of its bodies;
- 3) sign acts adopted by the Verkhovna Rada of Ukraine;
- 4) represent the Verkhovna Rada of Ukraine in relations with other State power bodies of Ukraine and with the agencies of other states;
- 5) organise the work of the staff of the Verkhovna Rada of Ukraine.

The Chairman of the Verkhovna Rada of Ukraine shall exercise the powers, stipulated by this Constitution in compliance with the procedure established by the Rules of Procedure of the Verkhovna Rada of Ukraine.

Article 89. The Verkhovna Rada of Ukraine, for the purposes of law drafting, preparation, and preliminary consideration of issues within the frame of reference of the Verkhovna Rada, and to exercise the supervisory functions

in compliance with the Constitution of Ukraine, shall form the Committees of the Verkhovna Rada of Ukraine from among people's deputies of Ukraine and shall elect the chairmen, first vice-chairmen, vice-chairmen and secretaries of such Committees.

The Verkhovna Rada of Ukraine, within the limits of its powers, may establish *ad hoc* Special Commissions for the preparation and preliminary consideration of issues.

To investigate issues of public interest, the Verkhovna Rada of Ukraine shall establish the *ad hoc* Commissions of Inquiry, provided that at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine has voted in favour thereof.

The conclusions and proposals of the *ad hoc* Commissions of Inquiry shall not be decisive for investigation or court.

The organisation and operational procedure of Committees of the Verkhovna Rada of Ukraine, and its *ad hoc* Special Commissions and the *ad hoc* Commissions of Inquiry shall be determined by law.

Article 90. The powers of the Verkhovna Rada of Ukraine shall be terminated on the day of the opening of the first meeting of the Verkhovna Rada of Ukraine of a new convocation.

The President of Ukraine shall have the right to an early termination of powers of the Verkhovna Rada in the following cases:

- 1) the Verkhovna Rada of Ukraine fails to form a coalition of deputy factions in compliance with Article 83 of this Constitution within one month;
- 2) no new Cabinet of Ministers of Ukraine has been formed within sixty days after the resignation of the Cabinet of Ministers of Ukraine ;
- 3) plenary sessions fail to commence within thirty days of a single regular session.

A decision on an early termination of the powers of the Verkhovna Rada of Ukraine shall be taken by the President of Ukraine upon consultations with the Chairman of the Verkhovna Rada of Ukraine, vice-chairmen, and leaders of deputy factions in the Verkhovna Rada of Ukraine.

The powers of the Verkhovna Rada of Ukraine elected at extraordinary elections held after the early termination of powers of the Verkhovna Rada of Ukraine of the previous convocation by the President of Ukraine shall not be terminated within one year from the date of its election.

The powers of the Verkhovna Rada of Ukraine may not be subject to an early termination at the initiative of the President of Ukraine within the last six months of the term of powers of the Verkhovna Rada of Ukraine or the President of Ukraine.

Article 91. The Verkhovna Rada of Ukraine shall adopt laws, resolutions, and other acts by the majority of its constitutional membership, unless otherwise stipulated by this Constitution.

Article 92. The following matters shall be determined exclusively by laws of Ukraine:

- 1) human and citizen rights and freedoms, the guarantees of these rights and freedoms; the main duties of the citizen;
- 2) citizenship, the legal personality of citizens, the status of foreigners and stateless persons;
- 3) the rights of indigenous peoples and national minorities;
- 4) a procedure for the use of languages;
- 5) the principles of the use of natural resources, the exclusive (maritime) economic zone and the continental shelf, the exploration of outer space, the organisation and operation of power supply systems, transport, and communications;
- 6) the fundamentals of social protection, the forms and types of pension; the principles of the regulation of labour and employment, marriage, family, the protection of childhood, motherhood, and fatherhood; upbringing, education, culture, and health care; ecological safety;
- 7) the legal framework for property;
- 8) legal principles and guarantees for entrepreneurship; rules of competition and provisions on antimonopoly regulation;
- 9) the principles of foreign relations, foreign economic activity, and customs practices;
- 10) the principles of demographic and migration processes regulation;
- 11) the principles of the establishment and activity of political parties, other associations of citizens, and the mass media;
- 12) the organisation and activity of executive power bodies, the fundamentals of civil service, the organisation of state statistics and information;
- 13) the territorial structure of Ukraine;
- 14) the judicial system, judiciary, the status of judges, the principles of judicial expertise, the organisation and operation of the prosecutor's office, the bodies of inquisition and investigation, the notary, the bodies and institutions for the enforcement of punishments; the fundamentals of the organisation and activity of advocates;
- 15) the principles of local self-governance;
- 16) the status of the capital of Ukraine; the special status of other cities;
- 17) the fundamentals of national security, the formation of the Armed Forces of Ukraine and ensuring public order;
- 18) the legal regime of the state border;
- 19) the legal regime of martial law and state of emergency, zones of ecological emergency situations;
- 20) the organisation and procedure for conducting elections and referendums;
- 21) the organisation and operational procedure of the Verkhovna Rada of Ukraine, the status of people's deputies of Ukraine;
- 22) the principles of civil legal liability; acts deemed crimes, administrative or disciplinary offences, and liability for the same.

The following matters shall be established exclusively by laws of Ukraine:

1) the State Budget of Ukraine and the budgetary system of Ukraine; the system of taxation, taxes and levies; the principles of the formation and operation of financial, monetary, credit, and investment markets; the status of the national currency and the status of foreign currencies on the territory of Ukraine; a procedure for the formation and settlement of state domestic and foreign debt; and a procedure for the issue and circulation of state securities, and their types and forms;

2) a procedure for dispatching units of the Armed Forces of Ukraine to other states; and a procedure for admitting and the terms for stationing units of armed forces of other states on the territory of Ukraine;

3) units of weight, measure and time; a procedure for the establishment of state standards;

4) a procedure for the use and protection of State symbols;

5) state awards;

6) military, diplomatic, and other special ranks;

7) public holidays;

8) a procedure for the establishment and functioning of free and other special zones having an economic and migration regime other than the general regime.

Amnesty shall be declared by a law of Ukraine.

Article 93. The right of legislative initiative in the Verkhovna Rada of Ukraine shall be vested in the President of Ukraine, people's deputies of Ukraine, and the Cabinet of Ministers of Ukraine.

Draft laws defined by the President of Ukraine as urgent shall be considered out of turn by the Verkhovna Rada of Ukraine.

Article 94. The Chairman of the Verkhovna Rada of Ukraine shall sign a law and forward it without delay to the President of Ukraine.

The President of Ukraine shall sign such law within fifteen days of its receipt, accepting it for execution, and shall officially promulgate it or return to the Verkhovna Rada of Ukraine with substantiated and formulated proposals for reconsideration.

Should the President of Ukraine fail to return a law for reconsideration within the established period, such law shall be deemed approved by the President of Ukraine and shall be signed and officially promulgated.

Should the Verkhovna Rada of Ukraine adopt a law during its reconsideration by at least two-thirds of the constitutional membership of people's deputies, the President of Ukraine shall be obliged to sign and officially promulgate such law within ten days. Should the President fail to sign such law, it shall be immediately promulgated by the Chairman of the Verkhovna Rada of Ukraine and published with the signature of the Chairman of the Verkhovna Rada of Ukraine.

A law shall enter into force in ten days after the date of its official promulgation, unless otherwise stipulated by such law, provided that such other date shall not be earlier than the date of publication of such law.

Article 95. The budgetary system of Ukraine shall be based on the principles of fair and impartial distribution of social wealth among citizens and territorial communities.

Any state expenditures for the needs of the entire society, and the extent and purposes of such expenditures shall be determined exclusively by the law on the State Budget of Ukraine.

The State shall strive for balanced budget of Ukraine.

Regular reports on revenues and expenditures of the State Budget of Ukraine shall be made public.

Article 96. The State Budget of Ukraine shall be annually approved by the Verkhovna Rada of Ukraine for the period from the 1 January to 31 December, or for a different period under special circumstances.

The Cabinet of Ministers of Ukraine shall submit a draft law on the State Budget of Ukraine for the succeeding year to the Verkhovna Rada of Ukraine not later than 15 September of each year. The report on the course of the execution of the State Budget of Ukraine in the current year shall be submitted along with the draft law.

Article 97. The Cabinet of Ministers of Ukraine shall submit a report on the execution of the State Budget of Ukraine to the Verkhovna Rada of Ukraine in accordance with law.

The submitted report shall be made public.

Article 98. The Chamber of Accounts shall, on behalf of the Verkhovna Rada of Ukraine, exercise the control over the revenue to the State Budget of Ukraine and the use thereof.

Article 99. The currency unit of Ukraine shall be hryvnia.

Ensuring the stability of the currency unit shall be the major function of the central bank of the State – the National Bank of Ukraine.

Article 100. The Council of the National Bank of Ukraine shall develop the basic principles of monetary and credit policy, and control its implementation.

The legal status of the Council of the National Bank of Ukraine shall be determined by law.

Article 101. Parliamentary oversight of the protection of human and citizen constitutional rights and freedoms shall be conducted by the Authorized Representative to the Verkhovna Rada of Ukraine on Human Rights.

Title V

THE PRESIDENT OF UKRAINE

Article 102. The President of Ukraine shall be the Head of the State and shall act on behalf of the State.

The President of Ukraine shall be the guarantor of the state sovereignty and territorial integrity of Ukraine, the observance of the Constitution of Ukraine, human and citizen rights and freedoms.

Article 103. The President of Ukraine shall be elected by the citizens of Ukraine for a five-year period on the basis of universal, equal, and direct suffrage by secret ballot.

A citizen of Ukraine, having attained the age of thirty-five, having the right to vote, residing in Ukraine for the past ten years prior to the day of elections, and having command of the state language, may be elected the President of Ukraine.

The same person may not serve as the President of Ukraine for more than two consecutive terms.

The President of Ukraine shall not have another representative mandate, hold office in State power bodies or associations of citizens, perform any other paid or entrepreneurial activity, and shall not be a member of an administrative body or board of supervisors of an enterprise aimed at making profit.

Regular elections of the President of Ukraine shall be held on the last Sunday of the last month of the fifth year of authority of the President of Ukraine. In case of an early termination of the authority of the President of Ukraine, elections of the President of Ukraine shall be held within ninety days from the day of termination of the authority.

A procedure for holding elections for the President of Ukraine shall be established by law.

Article 104. The newly elected President of Ukraine shall assume office within thirty days after the official announcement of the results of the election upon taking the oath to the people at a ceremonial meeting of the Verkhovna Rada of Ukraine.

The Chairman of the Constitutional Court of Ukraine shall administer the oath to the President of Ukraine.

The President of Ukraine shall take the following oath:

“I, (name and surname), elected by the will of the people as the President of Ukraine, assuming this high office, do 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 Motherland and the welfare of the Ukrainian people, to protect the rights and freedoms of citizens, to abide by the Constitution of Ukraine and laws of Ukraine, 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 election shall take the oath within five days after the official announcement of the election results.

Article 105. The President of Ukraine shall enjoy the right of immunity for the period of his authority.

Persons guilty of infringing upon the honour and dignity of the President of Ukraine shall be liable according to law.

The title of the President of Ukraine shall be protected by law and shall be reserved for the President for life, unless the President of Ukraine has been removed from the office in compliance with a procedure of impeachment.

Article 106. The President of Ukraine shall:

- 1) ensure the independence, national security, and legal succession of the State;
- 2) address the people, deliver annual and extraordinary speeches on the domestic and foreign situation of Ukraine to the Verkhovna Rada of Ukraine;
- 3) represent the State in international relations, administer the foreign political activity of the State, conduct negotiations and conclude international treaties;
- 4) adopt decisions on the recognition of foreign states;
- 5) appoint and dismiss heads of diplomatic missions of Ukraine to other states and to international organisations; accept credentials and letters of recall of diplomatic representatives of foreign states;
- 6) appoint the All-Ukrainian referendum regarding amendments to the Constitution of Ukraine in accordance with Article 156 of this Constitution, and proclaim the All-Ukrainian referendum initiated through the popular initiative;
- 7) designate extraordinary elections to the Verkhovna Rada of Ukraine within the period determined by this Constitution;
- 8) terminate the authority of the Verkhovna Rada of Ukraine in cases stipulated by this Constitution;
- 9) submit, on the basis of a proposal made by the coalition of deputy factions in the Verkhovna Rada of Ukraine, formed in compliance with Article 83 of the Constitution of Ukraine, the proposal regarding the appointment by the Verkhovna Rada of Ukraine of the Prime Minister of Ukraine within fifteen days after a receipt of such proposal;
- 10) submit the proposal to the Verkhovna Rada of Ukraine regarding the appointment of the Minister of Defence of Ukraine and the Minister of Foreign Affairs of Ukraine;
- 11) appoint and dismiss, subject to an approval by the Verkhovna Rada of Ukraine, the Prosecutor General of Ukraine;
- 12) appoint and dismiss one half of the membership of the Council of the National Bank of Ukraine;
- 13) appoint and dismiss one half of the membership of the National Council of Ukraine on Television and Radio Broadcasting;

14) submit to the Verkhovna Rada of Ukraine the proposal regarding appointment or dismissal of the Head of the Security Service of Ukraine;

15) revoke acts of the Cabinet of Ministers of Ukraine on the ground of their non-compliance with this Constitution and simultaneously appeal to the Constitutional Court of Ukraine for the verification of the constitutionality of such acts;

16) revoke acts of the Council of Ministers of the Autonomous Republic of Crimea;

17) be the Commander-in-Chief of the Armed Forces of Ukraine; appoint and dismiss the high command of the Armed Forces of Ukraine and other military formations; administer the national security and defence of the State;

18) be the Head of the National Security and Defence Council of Ukraine;

19) submit to the Verkhovna Rada of Ukraine a declaration of a state of war, and adopt a decision on the use of the Armed Forces and other military formations established in compliance with laws of Ukraine in the event of armed aggression against Ukraine;

20) adopt, in accordance with law, a decision on the general or partial mobilisation and the introduction of martial law in Ukraine or in its particular territories, in the event of a threat of aggression, or danger to the independence of Ukraine;

21) adopt, if necessary, a decision on the introduction of a state of emergency in Ukraine or in its particular territories, or declare certain territories of Ukraine as zones of ecological emergency situation with the subsequent confirmation of such decisions by the Verkhovna Rada of Ukraine;

22) appoint and remove from the office one-third of the members of the Constitutional Court of Ukraine;

23) establish courts in compliance with a procedure determined by law;

24) confer high military, high diplomatic, and other high special ranks and class orders;

25) confer state awards; establish presidential distinctions and confer them;

26) adopt decisions on granting the citizenship of Ukraine, termination of the citizenship of Ukraine, and on granting asylum in Ukraine;

27) grant pardons;

28) create, within the limits of the funds stipulated in the State Budget of Ukraine, consultative, advisory, and other subsidiary bodies and services assisting in the exercise of Presidential authority;

29) sign laws adopted by the Verkhovna Rada of Ukraine;

30) have the right to veto laws adopted by the Verkhovna Rada of Ukraine (except for the laws on introducing amendments to the Constitution of Ukraine) with their subsequent return for reconsideration by the Verkhovna Rada of Ukraine;

31) exercise other powers determined by the Constitution of Ukraine.

The President of Ukraine shall not delegate his powers to other persons or bodies.

The President of Ukraine shall issue decrees and directives mandatory for the execution on the territory of Ukraine on the basis and in pursuance of the Constitution and laws of Ukraine.

Acts of the President of Ukraine issued within the limits of authority stipulated in items 5, 18, 21, and 23 of this Article shall be countersigned by the Prime Minister of Ukraine and the Minister responsible for the act and its implementation.

Article 107. The National Security and Defence Council of Ukraine shall be the co-ordinating body to the President of Ukraine on the issues of national security and defence.

The National Security and Defence Council of Ukraine shall co-ordinate and control the activity of executive power bodies in the area of national security and defence.

The President of Ukraine shall be the Head of the National Security and Defence Council of Ukraine.

The President of Ukraine shall form the personal membership of the National Security and Defence Council of Ukraine.

The Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Head of the Security Service of Ukraine, the Minister of Internal Affairs of Ukraine, and the Minister of Foreign Affairs of Ukraine, shall be *ex officio* members of the National Security and Defence Council 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 shall be put into effect by decrees of the President of Ukraine.

The competence and functions of the National Security and Defence Council of Ukraine shall be determined by law.

Article 108. The President of Ukraine shall exercise his powers until the assumption of office by the newly elected President of Ukraine.

The authority of the President of Ukraine shall be subject to an early termination in cases of:

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

Article 109. The resignation of the President of Ukraine shall enter into force from the moment when he personally announces the statement of resignation at a meeting of the Verkhovna Rada of Ukraine.

Article 110. Incapability of the President of Ukraine to exercise his authority for health reasons shall be determined at a meeting of the Verkhovna Rada of Ukraine and confirmed by a decision adopted by the majority of its

constitutional membership on the basis of a written petition of the Supreme Court of Ukraine, upon a recourse of the Verkhovna Rada of Ukraine and a medical opinion.

Article 111. The President of Ukraine may be removed from the office by the Verkhovna Rada of Ukraine in compliance with a procedure of impeachment if he commits treason or other crime.

The issue of the removal of the President of Ukraine from the office in compliance with a procedure of impeachment shall be initiated by the majority of the constitutional membership of the Verkhovna Rada of Ukraine.

The Verkhovna Rada of Ukraine shall establish a special *ad hoc* investigating commission, composed of special prosecutor and special investigators to conduct an investigation.

The conclusions and proposals of the *ad hoc* investigating commission shall be considered at the meeting of the Verkhovna Rada of Ukraine.

On the ground of evidence, the Verkhovna Rada of Ukraine shall, by at least two-thirds of its constitutional membership, adopt a decision to bring charges against the President of Ukraine.

The decision on the removal of the President of Ukraine from the office in compliance with the procedure of impeachment shall be adopted by the Verkhovna Rada of Ukraine by at least three-quarters of its constitutional membership upon a review of the case by the Constitutional Court of Ukraine, and receipt of its opinion on the observance of the constitutional procedure of investigation and consideration of the case of impeachment, and upon a receipt of the opinion of the Supreme Court of Ukraine to the effect that the acts, of which the President of Ukraine is accused, contain elements of treason or other crime.

Article 112. In the event of an early termination of the authority of the President of Ukraine in accordance with Articles 108, 109, 110 and 111 of this Constitution, the discharge of the duties of the President of Ukraine, for the period pending the elections and the assumption of the office by the next President of Ukraine, shall be vested in the Chairman of the Verkhovna Rada of Ukraine. The Chairman of the Verkhovna Rada of Ukraine, for the period of discharge of the duties of the President of Ukraine, shall not exercise the powers stipulated by items 2, 6 to 8, 10 to 13, 22, 24, 25, 27 and 28 of Article 106 of the Constitution of Ukraine.

Title VI

THE CABINET OF MINISTERS OF UKRAINE. OTHER EXECUTIVE AUTHORITIES

Article 113. The Cabinet of Ministers of Ukraine shall be the highest body in the executive branch.

The Cabinet of Ministers of Ukraine shall be responsible to the President of Ukraine and the Verkhovna Rada of Ukraine, under the control of, and accountable to the Verkhovna Rada of Ukraine within the limits stipulated by this Constitution.

The Cabinet of Ministers of Ukraine shall be guided in its activities by the Constitution and laws of Ukraine, as well as by decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine, adopted in compliance with the Constitution and laws of Ukraine.

Article 114. The Cabinet of Ministers of Ukraine shall be comprised of the Prime Minister of Ukraine, the First Vice-Prime Minister, Vice-Prime Ministers and Ministers.

The Prime Minister of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of proposal by the President of Ukraine.

The candidature for the appointment as the Prime Minister of Ukraine shall be introduced by the President of Ukraine on the basis of a proposal of the coalition of deputy factions of the Verkhovna Rada of Ukraine formed in compliance with Article 83 of the Constitution of Ukraine, or of a deputy faction comprising the majority of the people's deputies of the constitutional membership of the Verkhovna Rada of Ukraine.

The Minister of Defence of Ukraine and the Minister of Foreign Affairs of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of proposal by the President of Ukraine, whereas other members of the Cabinet of Ministers of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of proposal by the Prime Minister of Ukraine.

The Prime Minister of Ukraine shall manage the work of the Cabinet of Ministers of Ukraine and direct such work at the implementation of the Programme of Activity of the Cabinet of Ministers of Ukraine adopted by the Verkhovna Rada of Ukraine.

Article 115. The Cabinet of Ministers of Ukraine shall abdicate responsibility to the newly elected Verkhovna Rada of Ukraine.

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

The resignation of the Prime Minister of Ukraine or adoption of the Cabinet of Ministers of Ukraine non-confidence resolution by the Verkhovna Rada of Ukraine, shall entail the resignation of the entire Cabinet of Ministers of Ukraine. In such cases, the Verkhovna Rada of Ukraine shall form new Cabinet of Ministers of Ukraine within a period and in compliance with the procedure determined by this Constitution.

The Cabinet of Ministers of Ukraine who abdicated responsibility to the newly elected Verkhovna Rada of Ukraine or the resignation of which has been accepted by the Verkhovna Rada of Ukraine, shall continue to exercise its powers until a newly formed Cabinet of Ministers of Ukraine commence its activity.

Article 116. The Cabinet of Ministers of Ukraine shall:

- 1) ensure the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy of the State, and the execution of the Constitution, laws of Ukraine, and acts of the President of Ukraine;
- 2) take measures to ensure human and citizen rights and freedoms;
- 3) ensure the implementation of financial, pricing, investment, and taxation policy; the policy in the areas of labour and employment, social security, education, science and culture, environmental protection, ecological safety, and exploitation of natural resources;
- 4) develop and implement national programmes of economic, scientific and technical, social and cultural development of Ukraine;
- 5) ensure equal conditions of development of all forms of ownership; effect management of the state property in accordance with law;
- 6) elaborate a draft law on the State Budget of Ukraine, ensure the implementation of the State Budget of Ukraine approved by the Verkhovna Rada of Ukraine, and submit a report on its implementation to the Verkhovna Rada of Ukraine;
- 7) take measures to ensure the defence potential and national security of Ukraine, public order, and fight against crime;
- 8) organise and ensure realization of foreign economic activity of Ukraine and the customs practice;
- 9) direct and co-ordinate the work of ministries and other executive authorities;
- 9-1) form, reorganise, and liquidate in compliance with law, Ministries and other central executive authorities, acting within the limits of funds allocated to the maintenance of executive authorities;
- 9-2) appoint to and remove from the office chief officers of central executive authorities not included in the Cabinet of Ministers of Ukraine, upon the submission of proposal by the Prime Minister of Ukraine;
- 10) exercise other powers determined by the Constitution and laws of Ukraine.

Article 117. The Cabinet of Ministers of Ukraine shall, within the limits of its competence, issue directives and resolutions mandatory for execution.

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

Regulatory legal acts of the Cabinet of Ministers of Ukraine, ministries and other central executive authorities shall be subject to registration in compliance with a procedure established by law.

Article 118. The executive power in oblasts and rayons, and in the cities of Kyiv and Sevastopol shall be exercised by the local state administrations.

Particular aspects of exercising executive power in the cities of Kyiv and Sevastopol shall be determined by special laws of Ukraine.

Local state administration bodies shall be formed by the heads of the local state administrations.

Heads of local state administrations shall be appointed to and removed from their office by the President of Ukraine upon the submission of proposal by the Cabinet of Ministers of Ukraine.

In the exercise of their duties, heads of local state administrations shall be responsible to the President of Ukraine and to the Cabinet of Ministers of Ukraine, and shall be accountable to, and under the control of, executive authorities of a higher level.

Local state administrations shall be accountable to, and under the control of, radas (councils) in the part of the powers delegated to them by the respective rayon or oblast radas.

Local state administrations shall be accountable to, and under the control of, the executive authorities of a higher level.

Decisions of the heads of local state administrations contradicting the Constitution and laws of Ukraine or other acts of legislation of Ukraine, may be revoked by the President of Ukraine or by the head of the local state administration of a higher level in accordance with law.

An oblast or rayon rada may express non-confidence in the head of the respective local state administration, and on the basis of which the President of Ukraine shall adopt a decision and provide a substantiated reply.

If two-thirds of the deputies of the membership of the respective rada express non-confidence in the head of a rayon or oblast state administration, the President of Ukraine shall adopt a decision on the resignation of the head of the local state administration.

Article 119. Local state administrations in their respective territory shall ensure:

1) the execution of the Constitution and laws of Ukraine, acts of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and other executive power bodies;

2) legality and legal order; the observance of rights and freedoms of citizens;

3) the implementation of state and regional programmes for socio-economic and cultural development, programmes for environmental protection, and, in areas where indigenous peoples and national minorities reside, programmes for their national and cultural development;

4) preparation and execution of respective oblast and rayon budgets;

5) reporting on the execution of respective budgets and programmes;

6) interaction with local self-government bodies;

7) the realisation of other powers vested by the State and delegated by the respective radas.

Article 120. Members of the Cabinet of Ministers of Ukraine and heads of central and local executive power bodies shall have no right to combine their office with other work (except for teaching, research, and creative activities outside

of working hours), or to be members of an administrative body or board of supervisors of an enterprise aimed at making profit.

The organisation, powers, and operational procedure of the Cabinet of Ministers of Ukraine, and other central and local executive power bodies shall be determined by the Constitution and laws of Ukraine.

Title VII

PUBLIC PROSECUTION

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

- 1) prosecution in court on behalf of the State;
- 2) representation of the interests of a citizen or of the State in court in cases determined 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 execution 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 issues by executive power bodies, by local self-government bodies, their officials, and officers.

Article 122. The public prosecution of Ukraine shall be headed by the Prosecutor General of Ukraine, appointed to or removed from the office by the President of Ukraine subject to 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.

The term of powers of the General Prosecutor of Ukraine shall be five years.

Article 123. The structure and operational procedures of the public prosecution bodies of Ukraine shall be determined by law.

Title VIII

JUSTICE

Article 124. Justice in Ukraine shall be administered exclusively by the courts. Delegation of the functions of courts or appropriation of such functions by other bodies or officials shall be prohibited.

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

Judicial proceedings shall be performed by the Constitutional Court of Ukraine and courts of general jurisdiction.

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

Court decisions shall be adopted by the courts in the name of Ukraine and shall be mandatory for execution throughout the entire territory of Ukraine.

Article 125. In Ukraine, the system of courts of general jurisdiction shall be formed in accordance with the territorial principle and the principle of specialisation.

The Supreme Court of Ukraine shall be the highest judicial body in the system of courts of general jurisdiction.

The respective high courts shall be the highest judicial bodies of specialised courts.

Courts of appeal and local courts shall operate in accordance with law.

Establishment of extraordinary and special courts shall not be permitted.

Article 126. The independence and immunity of judges shall be guaranteed by the Constitution and laws of Ukraine.

Any influence on judges shall be prohibited.

A judge shall not be detained or arrested without the consent of the Verkhovna Rada of Ukraine, until a verdict of guilty is rendered by a court.

Judges shall hold office for unlimited term, except for the judges of the Constitutional Court of Ukraine and judges appointed as such for the first time.

A judge shall be dismissed from office by the body having elected or appointed him in the event of:

- 1) the expiration of the term, for which he has been elected or appointed;
- 2) attaining the age of sixty-five;
- 3) incapability to exercise his powers for health reasons;
- 4) violation by the judge of requirements concerning incompatibility;
- 5) a breach of oath by the judge;
- 6) the entry into legal force of a verdict of guilty against him;
- 7) the termination of his citizenship;
- 8) declaring the judge as missing, or pronouncing him dead;
- 9) the submission by a judge of a statement of resignation or of voluntary dismissal from the office.

The authority of a judge shall be terminated in the event of his death.

The State shall ensure the personal security of judges and their families.

Article 127. Justice shall be administered by professional judges and, in cases determined by law, people's assessors and jurors.

Professional judges may not belong to political parties or trade unions, or take part in any political activity, hold a representative mandate, hold any other paid offices, perform other remunerated work except for research, teaching, or creative activities.

A citizen of Ukraine having attained at least twenty five years of age, having a higher legal education, three years of work experience in the legal profession,

having resided in Ukraine for at least ten years, and having command of the state language may be recommended for the office of a judge by the Qualification Commission of Judges.

Persons having a professional training in issues of jurisdiction of specialised courts may become judges of such courts. Such judges shall administer justice only as members of a judicial chamber.

Additional requirements to certain categories of judges in terms of experience, age, and their professional level shall be established by law.

Protection of the professional interests of judges shall be provided in compliance with a procedure established by law.

Article 128. The first appointment as a professional judge to the office for a five-year term shall be made by the President of Ukraine. All other judges, except for the judges of the Constitutional Court of Ukraine, shall be elected by the Verkhovna Rada of Ukraine for unlimited term in compliance with a procedure established by law.

The Chairman of the Supreme Court of Ukraine shall be elected to his office and dismissed from such office by the Plenary Assembly of the Supreme Court of Ukraine by secret ballot in compliance with a procedure established by law.

Article 129. Administering justice, judges shall be independent and abide only by law.

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

The main principles of judicial proceedings shall be:

- 1) legality;
- 2) equality of all participants of a trial under the law and before the court;
- 3) ensuring that the guilt is proved;
- 4) adversarial procedure and freedom of the parties in presenting their evidence to the court and in proving the cogency of the evidence before the court;
- 5) prosecution by the prosecutor in court on behalf of the State;
- 6) ensuring the right of an accused person to a defence;
- 7) openness of trial and its complete recording by technical means;
- 8) ensuring appeal and cassation against a court decision, save as in cases established by law;
- 9) the mandatory nature of court decisions.

The law may also determine other principles of judicial proceedings in courts of specific judicial jurisdiction.

Persons guilty of contempt of court or of showing disrespect towards the judge shall be held legally responsible.

Article 130. The State shall ensure funding and proper conditions for the functioning of courts and the activity of judges. Expenditures for the maintenance of courts shall be allocated separately in the State Budget of Ukraine.

Judicial self-governance shall operate to resolve issues of the internal affairs of courts.

Article 131. The High Council of Justice shall operate in Ukraine with the following issues being under its authority:

- 1) submit a proposals for the appointment of judges to office or for their dismissal from office;
- 2) adopt decisions on the violation by judges and prosecutors of the incompatibility requirements;
- 3) execute disciplinary proceedings regarding judges of the Supreme Court of Ukraine and judges of high specialised courts, and the consideration of complaints regarding decisions on bringing judges of courts of appeal and local courts, and prosecutors to disciplinary liability.

The High Council of Justice shall comprise twenty members. Each of 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 Research Institutions shall appoint three members to the High Council of Justice, and the All-Ukrainian Conference of Employees of the Public Prosecution – two members to the High Council of Justice.

The Chairman of the Supreme Court of Ukraine, the Minister of Justice of Ukraine and the Prosecutor General of Ukraine shall be *ex officio* members of the High Council of Justice.

Title IX

TERRITORIAL STRUCTURE OF UKRAINE

Article 132. The territorial structure of Ukraine shall be based on the principles of unity and integrity of the State territory, the combination of centralization and decentralization in the exercise of the state power, and the balanced socio-economic development of regions taking into consideration their historical, economic, ecological, geographic, and demographic characteristics as well as ethnic and cultural traditions.

Article 133. The system of the administrative and territorial structure of Ukraine shall include: the Autonomous Republic of Crimea, oblasts, rayons, cities, city districts, settlements and villages.

Ukraine shall be composed of the Autonomous Republic of Crimea, Vinnytsia Oblast, Volyn Oblast, Dnipropetrovsk Oblast, Donetsk Oblast, Zhytomyr Oblast, Zakarpattia Oblast, Zaporizhia Oblast, Ivano-Frankivsk Oblast, Kyiv Oblast, Kirovohrad Oblast, Luhansk Oblast, Lviv Oblast, Mykolayiv Oblast, Odesa Oblast, Poltava Oblast, Rivne Oblast, Sumy Oblast, Ternopil Oblast, Kharkiv Oblast, Kherson Oblast, Khmelnytskyi Oblast, Cherkasy Oblast,

Chernivtsi Oblast and Chernihiv Oblast, the City of Kyiv, and the City of Sevastopol.

The cities of Kyiv and Sevastopol shall have special status determined by the law of Ukraine.

Title X

THE AUTONOMOUS REPUBLIC OF CRIMEA

Article 134. The Autonomous Republic of Crimea shall be an integral constituent part of Ukraine and shall resolve issues relegated to its authority within the frame of its reference, determined by the Constitution of Ukraine.

Article 135. The Autonomous Republic of Crimea shall have the Constitution of the Autonomous Republic of Crimea adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by the Verkhovna Rada of Ukraine by no less than one half of the constitutional membership of the Verkhovna Rada of Ukraine.

Regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea and decisions of the Council of Ministers of the Autonomous Republic of Crimea shall not contradict the Constitution and laws of Ukraine and shall be adopted in accordance with and in pursuance of the Constitution of Ukraine, laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine.

Article 136. The Verkhovna Rada of the Autonomous Republic of Crimea shall be the representative body of the Autonomous Republic of Crimea.

The Verkhovna Rada of the Autonomous Republic of Crimea shall, within its competence, adopt decisions and resolutions mandatory for execution in the Autonomous Republic of Crimea.

The Council of Ministers of the Autonomous Republic of Crimea shall be the government of the Autonomous Republic of Crimea. The Chairman of the Council of Ministers of the Autonomous Republic of Crimea shall be appointed or dismissed by the Verkhovna Rada of the Autonomous Republic of Crimea subject to the consent of the President of Ukraine.

The powers and the procedure for the formation and operation of the Verkhovna Rada of the Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea shall be determined by the Constitution of Ukraine and laws of Ukraine, and by regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea in relation to the issues within its competence.

In the Autonomous Republic of Crimea justice shall be administered by courts belonging to the single system of courts of Ukraine.

Article 137. The Autonomous Republic of Crimea shall effect normative regulation in the following areas:

- 1) agriculture and forestry;
- 2) land improvement and surface mining;
- 3) public works, crafts and trades; charity;
- 4) urban construction and housing management;
- 5) tourism, hotel business, fairs;
- 6) museums, libraries, theatres, other cultural establishments, historical and cultural conservation areas;
- 7) public transportation, roadways, water supply;
- 8) hunting and fishing;
- 9) sanitary and hospital services.

In case of nonconformity of regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and laws of Ukraine, the President of Ukraine may suspend such regulatory legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with a simultaneous appeal to the Constitutional Court of Ukraine in regard to their constitutionality.

Article 138. The following issues shall be under the authority of the Autonomous Republic of Crimea:

- 1) call elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, approve of the membership of the electoral commission of the Autonomous Republic of Crimea;
- 2) organise and hold of local referendums;
- 3) manage property that belongs to the Autonomous Republic of Crimea;
- 4) elaborate, approve, and execute the budget of the Autonomous Republic of Crimea on the basis of the uniform tax and budget policy of Ukraine;
- 5) develop, approve, and implement programmes of the Autonomous Republic of Crimea for socio-economic and cultural development, rational exploiting of natural resources and environmental protection in accordance with national programmes;
- 6) grant the resort status for localities; establish zones for the sanitary protection of resorts;
- 7) participate in ensuring the rights and freedoms of citizens, national harmony, and promote the protection of legal order and public security;
- 8) ensure the functioning and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protect and use of historical monuments;
- 9) participate in the development and realisation of state programmes for the return of deported peoples;
- 10) initiate the introduction of a state of emergency and establish zones of ecological emergency as needed in the Autonomous Republic of Crimea or in its particular areas.

Other powers may also be delegated to the Autonomous Republic of Crimea by laws of Ukraine.

Article 139. The status of the Representative Office of the President of Ukraine operating in the Autonomous Republic of Crimea shall be determined by the law of Ukraine.

Title XI

LOCAL SELF-GOVERNMENT

Article 140. Local self-governing shall be the right of a territorial community – residents of a village or a voluntary association of residents of several villages into one village community, residents of a settlement, and of a city – for the purposes of an independent settlement of issues of local character in compliance with the Constitution and laws of Ukraine.

Particular aspects of the exercise of local self-governing in the cities of Kyiv and Sevastopol shall be determined by the special laws of Ukraine.

Local self-governing shall be exercised by a territorial community in compliance with a procedure established by law, both directly and through local self-government bodies: village, settlement and city radas, and their executive bodies.

Rayon and oblast radas shall be the bodies of local self-government representing the common interests of territorial communities of villages, settlements, and cities.

The issues of organisation of the administration of city districts shall fall within the competence of city radas.

Village, settlement, and city radas may permit, at the initiative of residents, the establishment of house, street, block, or other bodies of popular self-organisation, and assign them a part of their own competence, finances, or property.

Article 141. Village, settlement, city, rayon or oblast radas shall comprise deputies elected for a five-year term by residents of village, settlement, city, rayon or oblast on the basis of universal, equal, and direct suffrage by secret ballot.

Territorial communities shall elect respectively the head of the village, settlement, or city, who shall lead the executive body of the rada and preside at its meetings, for a four-year term, on the basis of universal, equal, and direct suffrage by secret ballot.

The status of heads, deputies, and executive bodies of a rada, their powers, and procedures of their establishment, reorganisation, and liquidation shall be determined by law.

The head of a rayon rada and the head of an oblast rada shall be elected by the respective rada and shall lead the executive staff of the council.

Article 142. Personal and real estate, revenues of local budgets, other funds, land, natural resources owned by territorial communities of villages, settlements,

cities, city districts, and objects of their common property managed by rayon and oblast radas shall be the material and financial basis for local self-government.

Territorial communities of villages, settlements, and cities may combine objects of communal property as well as budget funds on the basis of agreements in order to implement joint projects or to jointly finance (maintain) communal enterprises, organisations, or establishments, and create appropriate bodies and services for this purpose.

The State shall participate in the collection of revenues for budgets of local self-governments and financially support local self-governments. Expenditures of local self-government bodies arising from the decisions of state power bodies shall be reimbursed by the State.

Article 143. Territorial communities of a village, settlement, and city, directly or through the local self-government bodies established by them, shall manage the property in communal ownership; approve programmes of socio-economic and cultural development and control the implementation of such programmes; approve budgets of respective administrative and territorial units and control the execution of such budgets; establish local taxes and levies in accordance with law; ensure holding of local referendums and implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions and supervise their activity; and settle other issues of local importance assigned to their competence by law.

Oblast and rayon radas shall approve programmes for socio-economic and cultural development of respective oblasts and rayons and control the implementation of such programmes; approve rayon and oblast budgets formed from the funds of the State budget for their appropriate distribution among territorial communities or for the implementation of joint projects and from the funds drawn on the basis of agreement from local budgets for the realisation of joint socio-economic and cultural programmes, and control the execution of such budgets; settle other issues delegated to their competence by law.

Certain powers of executive power bodies may be assigned by law to local self-government bodies. The State shall finance the exercise of such powers from the State Budget of Ukraine in full or through the allocation of certain national taxes to a local budget in compliance with a procedure established by law, and transfer the relevant objects of state property to local self-government bodies.

Local self-government bodies shall be under the control of respective executive power bodies in connection with the exercise of powers of executive power bodies by such bodies.

Article 144. Local self-government bodies, within the scope determined by law, shall adopt decisions mandatory for execution throughout the respective territory.

In case of nonconformity of decisions of local self-government bodies with the Constitution or laws of Ukraine, such decisions shall be suspended

in compliance with the procedure established by law with a simultaneous appeal to a court.

Article 145. The rights of local self-government shall be protected by judicial procedure.

Article 146. Other issues of the organisation of local self-government, and formation, operation and responsibilities of local self-government bodies shall be determined by law.

Title XII

THE CONSTITUTIONAL COURT OF UKRAINE

Article 147. The Constitutional Court of Ukraine shall be the sole body of constitutional jurisdiction in Ukraine.

The Constitutional Court of Ukraine shall resolve the issues of conformity of laws and other legal acts with the Constitution of Ukraine and provide the official interpretation of the Constitution of Ukraine and laws of Ukraine.

Article 148. The Constitutional Court of Ukraine shall comprise eighteen judges of 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.

A citizen of Ukraine having forty years of age on the day of appointment, having a higher legal education and professional experience of no less than ten years, having resided in Ukraine for the past twenty years, and having command of the state language may be a judge of the Constitutional Court of Ukraine.

A judge of the Constitutional Court of Ukraine shall be appointed for a single and non-renewable nine-year term.

The Chairman of the Constitutional Court of Ukraine shall be elected by secret ballot only for one three-year term at a special plenary meeting of the Constitutional Court of Ukraine from among the judges of the Constitutional Court of Ukraine.

Article 149. Guarantees of independence and immunity, grounds for dismissal from the office stipulated by Article 126 of this Constitution, and the requirements concerning incompatibility as determined in paragraph two Article 127 of this Constitution shall apply to the judges of the Constitutional Court of Ukraine.

Article 150. The Constitutional Court of Ukraine shall have the following powers:

1) resolve issues of compliance with the Constitution of Ukraine (constitutionality) of:

laws and other legal acts of the Verkhovna Rada of Ukraine;

acts of the President of Ukraine;

acts of the Cabinet of Ministers of Ukraine;

legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea.

Such issues shall be considered upon request from: the President of Ukraine; no less than forty five people's deputies of Ukraine; the Supreme Court of Ukraine; the Authorised Human Rights Representative to the Verkhovna Rada of Ukraine; or the Verkhovna Rada of the Autonomous Republic of Crimea;

2) the official interpretation of the Constitution of Ukraine and laws of Ukraine;

On matters stipulated by this Article, the Constitutional Court of Ukraine shall adopt decisions mandatory for execution throughout the territory of Ukraine, and such decisions shall be final and shall not be appealed.

Article 151. The Constitutional Court of Ukraine shall, upon request of the President of Ukraine or the Cabinet of Ministers of Ukraine, provide opinions on the conformity with the Constitution of Ukraine of the effective international treaties of Ukraine, or of international treaties submitted to the Verkhovna Rada of Ukraine for approval of their binding nature.

The Constitutional Court 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 procedure of impeachment upon request of the Verkhovna Rada of Ukraine.

Article 152. Laws and other legal acts, according to a decision of the Constitutional Court of Ukraine, shall be deemed unconstitutional, whether in whole or in part, should such laws and legal acts fail to comply with the Constitution of Ukraine, or in case of a violation of a procedure established by the Constitution of Ukraine for the review, adoption, or entry into force of such laws and legal acts.

Laws and other legal acts or their particular provisions being deemed unconstitutional shall lose their legal force from the day of adoption of the decision on their unconstitutionality by the Constitutional Court of Ukraine.

Material or moral damages caused to physical or juridical persons by the acts or actions deemed to be unconstitutional shall be compensated for by the State in compliance with a procedure established by law.

Article 153. A procedure for the organisation and operation of the Constitutional Court of Ukraine, and a procedure for consideration of cases by the Constitutional Court of Ukraine, shall be determined by law.

Title XIII

MAKING AMENDMENTS TO THE CONSTITUTION OF UKRAINE

Article 154. A draft law on making amendments to the Constitution of Ukraine may be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine or by the people's deputies of Ukraine comprising at least one-third of the constitutional membership of the Verkhovna Rada of Ukraine.

Article 155. A draft law on making amendments to the Constitution of Ukraine, except for Title I *General Principles*, Title III *Elections, Referendum*, and Title XIII *Making Amendments to the Constitution of Ukraine*, previously adopted by the majority of the constitutional membership of the Verkhovna Rada of Ukraine, shall be deemed adopted, if at least two-thirds of the constitutional members of the Verkhovna Rada of Ukraine vote in its favour at the succeeding regular session of the Verkhovna Rada of Ukraine.

Article 156. A draft law on making amendments to Title I *General Principles*, Title III *Elections, Referendum*, and Title XIII *Making Amendments to the Constitution of Ukraine*, shall be submitted to the Verkhovna Rada of Ukraine by the President of Ukraine, or by not less than two-thirds of the constitutional membership of the Verkhovna Rada of Ukraine, provided that it is adopted by at least two-thirds of the constitutional members of the Verkhovna Rada of Ukraine, be approved by an All-Ukrainian referendum called by the President of Ukraine.

Resubmission of a draft law on making amendments to Titles I, III and XIII of this Constitution, addressing the same issue, shall be possible only at a succeeding convocation of the Verkhovna Rada of Ukraine.

Article 157. The Constitution of Ukraine shall not be amended, if the amendments foresee the abolition or restriction of human and citizen rights and freedoms, or if they are aimed at the liquidation of the independence or violation of the territorial integrity of Ukraine.

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

Article 158. The draft law on making amendments to the Constitution of Ukraine, having been considered by the Verkhovna Rada of Ukraine and failing to be adopted, may be submitted to the Verkhovna Rada of Ukraine no sooner than in one year from the day of the adoption of the decision on this draft law.

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

Article 159. A draft law on making amendments to the Constitution of Ukraine shall be considered by the Verkhovna Rada of Ukraine upon the

availability of an opinion of the Constitutional Court of Ukraine on the conformity of such draft law with the requirements of Articles 157 and 158 of this Constitution.

Title XIV

FINAL PROVISIONS

Article 160. The Constitution of Ukraine shall enter into effect on the day of its adoption.

Article 161. The day of adoption of the Constitution of Ukraine shall be the State holiday – Ukrainian Constitution Day.

Title XV

TRANSITIONAL PROVISIONS

1. Laws and other regulatory acts adopted prior to the day the Constitution entered into effect, shall be in force to the extent they do not contradict the Constitution of Ukraine.

2. After the adoption of the Constitution of Ukraine, the Verkhovna Rada of Ukraine shall exercise the powers stipulated by this Constitution.

Regular elections to the Verkhovna Rada of Ukraine shall be held in March 1998.

3. Regular elections for the President of Ukraine shall be held on the last Sunday of October 1999.

4. The President of Ukraine, within three years after the date the Constitution of Ukraine entered into force, shall have the right to issue decrees approved by the Cabinet of Ministers of Ukraine and signed by the Prime Minister of Ukraine on economic issues not regulated by laws, with simultaneous submission of the respective draft law to the Verkhovna Rada of Ukraine in compliance with a procedure established by Article 93 of this Constitution.

Such a decree of the President of Ukraine shall take effect if within thirty calendar days from the day of submission of the draft law (except for the days between sessions), the Verkhovna Rada of Ukraine fail to adopt the law or fail to reject the submitted draft law by the majority of its constitutional membership, and be effective until a law adopted by the Verkhovna Rada of Ukraine on these issues enters into force.

5. The Cabinet of Ministers of Ukraine shall be formed in accordance with this Constitution within three months after its entry into force.

6. The Constitutional Court of Ukraine shall be formed in accordance with this Constitution, within three months after its entry into force. The Verkhovna Rada of Ukraine shall interpret the laws prior to the appointment of the Constitutional Court of Ukraine.

7. Heads of local state administrations, upon the entry of this Constitution into force, shall acquire the status of heads of local state administrations in accordance with Article 118 of this Constitution, and after the election of chairmen of respective radas, resign from the chairmen positions of these radas.

8. Village, settlement, and city radas and the chairmen of these radas, upon entry of this Constitution of Ukraine into force, shall exercise the powers as determined by this Constitution until the election of new members of such radas in March 1998.

Rayon and oblast radas, elected prior to the entry of this Constitution into force, shall exercise the powers as determined by this Constitution, until the formation of the new membership of such radas in accordance with the Constitution of Ukraine.

City district radas and their chairmen, upon entry of this Constitution into force, shall exercise their powers in accordance with law.

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.

10. Prior to the adoption of laws determining the particular aspects of the exercise of executive power in the cities of Kyiv and Sevastopol, in accordance with Article 118 of this Constitution, the executive power in these cities shall be exercised by the respective state administrations.

11. Paragraph one of Article 99 of this Constitution shall be put into force upon the introduction of the national monetary unit – the hryvnia.

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 enters into force, shall continue to exercise their powers for a period of one year.

13. The effective procedures for arrest, retaining in custody, and detention of persons suspected of a crime, and also for the examination and search of a domicile or other property of a person, shall be preserved for five years after this Constitution enters into effect.

14. The use of the existing military bases in the territory of Ukraine for the temporary stationing of foreign military formations shall be possible on the terms of lease, in compliance with a procedure determined by the international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

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The Constitution of Ukraine
was adopted at the Fifth Session of the Verkhovna Rada of Ukraine
on 28 June 1996
