

CONSTITUTION OF UKRAINE

Adopted at the Fifth Session
of the Verkhovna Rada of Ukraine
on 28 June 1996

- The Verkhovna Rada of Ukraine, on behalf of the Ukrainian people — citizens of Ukraine of all nationalities,
- expressing the sovereign will of the people,
- based on the centuries-old history of Ukrainian state-building and on the right to self-determination realised by the Ukrainian nation, all the Ukrainian people,
- providing for the guarantee of human rights and freedoms and of the worthy conditions of human life,
- caring for the strengthening of civil harmony on Ukrainian soil,
- striving to develop and strengthen a democratic, social, law-based state,
- aware of our responsibility before God, 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 of 1 December 1991,
- adopts this Constitution — the Fundamental Law of Ukraine.

Chapter I General Principles

Article 1

- Ukraine is a sovereign and independent, democratic, social, law-based state.

Article 2

- The sovereignty of Ukraine extends throughout its entire territory.
- Ukraine is a unitary state.
- The territory of Ukraine within its present border is indivisible and inviolable.

Article 3

- The human being, his or her life and health, honour and dignity, inviolability and security are recognised in Ukraine as the highest social value.
- Human rights and freedoms and their guarantees determine the essence and orientation of the activity of the State. The State is answerable to the individual for its activity. To affirm and ensure human rights and freedoms is the main duty of the State.

Article 4

- There is single citizenship in Ukraine. The grounds for the acquisition and termination of Ukrainian citizenship are determined by law.

Article 5

- Ukraine is a republic.
- The people are the bearers of sovereignty and the only source of power in Ukraine. The people exercise power directly and through bodies of state power and bodies of local self-government.
- The right to determine and change the constitutional order in Ukraine belongs exclusively to the people and shall not be usurped by the State, its bodies or officials.
- No one shall usurp state power.

Article 6

- State power in Ukraine is exercised on the principles of its division into legislative, executive and judicial power.
- Bodies of legislative, executive and judicial power exercise their authority within the limits established by this Constitution and in accordance with the laws of Ukraine.

Article 7

- In Ukraine, local self-government is recognised and guaranteed.

Article 8

- In Ukraine, the principle of the rule of law is recognised and effective.
- The Constitution of Ukraine has the highest legal force. Laws and other normative legal acts are adopted on the basis of the Constitution of Ukraine and shall conform to it.
- The norms of the Constitution of Ukraine are norms of direct effect. Appeals to the court in defence of the constitutional rights and freedoms of the individual and citizen directly on the grounds of the Constitution of Ukraine are guaranteed.

Article 9

- International treaties that are in force, agreed to be binding by the Verkhovna Rada of Ukraine, are part of the national legislation of Ukraine.
- The conclusion of international treaties that contravene the Constitution of Ukraine is possible only after introducing relevant amendments to the Constitution of Ukraine.

Article 10

- The state language of Ukraine is the Ukrainian language.
- The State ensures the comprehensive development and functioning of the Ukrainian language in all spheres of social life throughout the entire territory of Ukraine.
- In Ukraine, the free development, use and protection of Russian, and other languages of national minorities of Ukraine, is guaranteed.
- The State promotes the learning of languages of international communication.
- The use of languages in Ukraine is guaranteed by the Constitution of Ukraine and is determined by law.

Article 11

- The State promotes the consolidation and development of the Ukrainian nation, of its historical consciousness, traditions and culture, and also the development of the ethnic,

cultural, linguistic and religious identity of all indigenous peoples and national minorities of Ukraine.

Article 12

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

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Article 17

- To protect the sovereignty and territorial indivisibility of Ukraine, and to ensure its economic and informational security are the most important functions of the State and a matter of concern for all the Ukrainian people.
- The defence of Ukraine and the protection of its sovereignty, territorial indivisibility and inviolability, are entrusted to the Armed Forces of Ukraine.
- Ensuring state security and protecting the state border of Ukraine are entrusted to the respective military formations and law enforcement bodies of the State, whose organisation and operational procedure are 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 bodies of power or obstruct their activity.
- The State ensures the social protection of citizens of Ukraine who serve in the Armed Forces of Ukraine and in other military formations as well as of members of their families.
- The creation and operation of any armed formations not envisaged by law are prohibited on the territory of Ukraine.
- The location of foreign military bases shall not be permitted on the territory of Ukraine.

Chapter II

Human and Citizens' Rights, Freedoms and Duties

Article 21

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

Article 22

- Human and citizens' rights and freedoms affirmed by this Constitution are not exhaustive.
- Constitutional rights and freedoms are guaranteed and shall not be abolished.
- The content and scope of existing rights and freedoms shall not be diminished in the adoption of new laws or in the amendment of laws that are in force.

Article 23

- Every person has the right to free development of his or her personality if the rights and freedoms of other persons are not violated thereby, and has duties before the society in which the free and comprehensive development of his or her personality is ensured.

Article 24

- Citizens have equal constitutional rights and freedoms and are equal before the law.
- There shall be no privileges or restrictions based on race, colour of skin, political, religious and other beliefs, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics.
- Equality of the rights of women and men is ensured: by providing women with opportunities equal to those of men, in public and political, and cultural activity, in obtaining education and in professional training, in work and its remuneration; by special measures for the protection of work and health of women; by establishing pension privileges, by creating conditions that allow women to combine work and motherhood; by legal protection, material and moral support of motherhood and childhood, including the provision of paid leaves and other privileges to pregnant women and mothers.

Article 25

- A citizen of Ukraine shall not be deprived of citizenship and of the right to change citizenship.
- A citizen of Ukraine shall not be expelled from Ukraine or surrendered to another state.
- Ukraine guarantees care and protection to its citizens who are beyond its borders.

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Article 34

- Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs.
- Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice.
- The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crimes, protecting the health of the population, the reputation or rights of other persons, preventing the publication of information received confidentially, or supporting the authority and impartiality of justice.

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Article 36

- Citizens of Ukraine have the right to freedom of association in political parties and public organisations for the exercise and protection of their rights and freedoms and for the satisfaction of their political, economic, social, cultural and other interests, with the exception of restrictions established by law in the interests of national security and public order, the protection of the health of the population or the protection of rights and freedoms of other persons.

- Political parties in Ukraine promote the formation and expression of the political will of citizens, and participate in elections. Only citizens of Ukraine may be members of political parties. Restrictions on membership in political parties are established exclusively by this Constitution and the laws of Ukraine.
- Citizens have the right to take part in trade unions with the purpose of protecting their labour and socio-economic rights and interests. Trade unions are public organisations that unite citizens bound by common interests that accord with the nature of their professional activity. Trade unions are formed without prior permission on the basis of the free choice of their members. All trade unions have equal rights. Restrictions on membership in trade unions are established exclusively by this Constitution and the laws of Ukraine.
- No one may be forced to join any association of citizens or be restricted in his or her rights for belonging or not belonging to political parties or public organisations.
- All associations of citizens are equal before the law.

Article 37

- The establishment and activity of political parties and public associations are prohibited if their programme goals or actions are aimed at the liquidation of the independence of Ukraine, the change of the constitutional order by violent means, the violation of the sovereignty and territorial indivisibility of the State, the undermining of its security, the unlawful seizure of state power, the propaganda of war and of violence, the incitement of inter-ethnic, racial, or religious enmity, and the encroachments on human rights and freedoms and the health of the population.
- Political parties and public associations shall not have paramilitary formations.
- The creation and activity of organisational structures of political parties shall not be permitted within bodies of executive and judicial power and executive bodies of local self-government, in military formations, and also in state enterprises, educational establishments and other state institutions and organisations.
- The prohibition of the activity of associations of citizens is exercised only through judicial procedure.

Article 53

- Everyone has the right to education.
- Complete general secondary education is compulsory.
- The State ensures accessible and free pre-school, complete general secondary, vocational and higher education in state and communal educational establishments; the development of pre-school, complete general secondary, extra-curricular, vocational, higher and post-graduate education, various forms of instruction; the provision of state scholarships and privileges to pupils and students.
- Citizens have the right to obtain free higher education in state and communal educational establishments on a competitive basis.
- Citizens who belong to national minorities are guaranteed in accordance with the law the right to receive instruction in their native language, or to study their native language in state and communal educational establishments and through national cultural societies.

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Article 92

- The following are determined exclusively by the laws of Ukraine:

- 1) human and citizens' 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) the 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, transportation and communications;
- 6) the fundamentals of social protection, the forms and types of pension provision; 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 regime of property;
- 8) the legal principles and guarantees of entrepreneurship; the rules of competition and the norms of antimonopoly regulation;
- 9) the principles of foreign relations, foreign economic activity and customs;
- 10) the principles of the regulation of demographic and migration processes;
- 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 bodies of executive power, the fundamentals of civil service, the organisation of state statistics and informatics;
- 13) the territorial structure of Ukraine;
- 14) the judicial system, judicial proceedings, the status of judges, the principles of judicial expertise, the organisation and operation of the procuracy, the bodies of inquiry and investigation, the notary, the bodies and institutions for the execution of punishments; the fundamentals of the organisation and activity of the advocacy;
- 15) the principles of local self-government;
- 16) the status of the capital of Ukraine; the special status of other cities;
- 17) the fundamentals of national security, the organisation 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 a state of emergency, zones of an ecological emergency situation;
- 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 National Deputies of Ukraine;
- 22) the principles of civil legal liability; acts that are crimes, administrative or disciplinary offences, and liability for them.
- The following are established exclusively by the 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 also the status of foreign currencies on the territory of Ukraine; the procedure for the formation and payment of state domestic and foreign debt; the procedure for the issuance and circulation of state securities, their types and forms;
 - 2) the procedure for deploying units of the Armed Forces of Ukraine to other states; the 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; the procedure for establishing state standards;
 - 4) the procedure for the use and protection of state symbols;
 - 5) state awards;

- 6) military ranks, diplomatic and other special ranks;
- 7) state holidays;
- 8) the procedure for the establishment and functioning of free and other special zones that have an economic and migration regime different from the general regime.
- Amnesty is declared by the law of Ukraine.

Chapter IX

Territorial Structure of Ukraine

Article 132

- The territorial structure of Ukraine is based on the principles of unity and indivisibility of the state territory, the combination of centralisation and decentralisation in the exercise of state power, and the balanced socio-economic development of regions that takes into account their historical, economic, ecological, geographical and demographic characteristics, and ethnic and cultural traditions.

Article 133

- The system of the administrative and territorial structure of Ukraine is composed of the Autonomous Republic of Crimea, oblasts, districts, cities, city districts, settlements and villages.
- Ukraine is 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, Mykolaiv Oblast, Odesa Oblast, Poltava Oblast, Rivne Oblast, Sumy Oblast, Ternopil Oblast, Kharkiv Oblast, Kherson Oblast, Khmelnytskyi Oblast, Cherkasy Oblast, Chernivtsi Oblast and Chernihiv Oblast, and the Cities of Kyiv and Sevastopol.
- The Cities of Kyiv and Sevastopol have special status that is determined by the laws of Ukraine.

Chapter X

Autonomous Republic of Crimea

Article 134

- The Autonomous Republic of Crimea is an inseparable constituent part of Ukraine and decides on the issues ascribed to its competence within the limits of authority determined by the Constitution of Ukraine.

Article 135

- The Autonomous Republic of Crimea has the Constitution of the Autonomous Republic of Crimea that is adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by the Verkhovna Rada of Ukraine by no less than one-half of the constitutional composition of the Verkhovna Rada of Ukraine.

- Normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea and decisions of the Council of Ministers of the Autonomous Republic of Crimea shall not contradict the Constitution and the laws of Ukraine and are adopted in accordance with the Constitution of Ukraine, the laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, and for their execution.

Article 136

- The Verkhovna Rada of the Autonomous Republic of Crimea, within the limits of its authority, is the representative body of the Autonomous Republic of Crimea.
- The Verkhovna Rada of the Autonomous Republic of Crimea adopts decisions and resolutions that are mandatory for execution in the Autonomous Republic of Crimea.
- The Council of Ministers of the Autonomous Republic of Crimea is the government of the Autonomous Republic of Crimea. The Head of the Council of Ministers of the Autonomous Republic of Crimea is appointed to office and dismissed from office by the Verkhovna Rada of the Autonomous Republic of Crimea with the consent of the President of Ukraine.
- The authority, 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, are determined by the Constitution of Ukraine and the laws of Ukraine, and by normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea on issues ascribed to its competence.
- In the Autonomous Republic of Crimea, justice is administered by courts that belong to the unified system of courts of Ukraine.

Article 137

- The Autonomous Republic of Crimea exercises normative regulation on the following issues:
 - 1) agriculture and forestry;
 - 2) land reclamation and mining;
 - 3) public works, crafts and trades; charity;
 - 4) city construction and housing management;
 - 5) tourism, hotel business, fairs;
 - 6) museums, libraries, theatres, other cultural establishments, historical and cultural preserves;
 - 7) public transportation, roadways, water supply;
 - 8) hunting and fishing;
 - 9) sanitary and hospital services.
- For reasons of nonconformity of normative legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea with the Constitution of Ukraine and the laws of Ukraine, the President of Ukraine may suspend these normative 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 competence of the Autonomous Republic of Crimea comprises:
 - 1) designating elections of deputies to the Verkhovna Rada of the Autonomous Republic of Crimea, approving the composition of the electoral commission of the Autonomous Republic of Crimea;
 - 2) organising and conducting local referendums;

- 3) managing property that belongs to the Autonomous Republic of Crimea;
- 4) elaborating, approving and implementing the budget of the Autonomous Republic of Crimea on the basis of the uniform tax and budget policy of Ukraine;
- 5) elaborating, approving and realising programmes of the Autonomous Republic of Crimea for socio-economic and cultural development, the rational utilisation of nature, and environmental protection in accordance with national programmes;
- 6) recognising the status of localities as resorts; establishing zones for the sanitary protection of resorts;
- 7) participating in ensuring the rights and freedoms of citizens, national harmony, the promotion of the protection of legal order and public security;
- 8) ensuring the operation and development of the state language and national languages and cultures in the Autonomous Republic of Crimea; protection and use of historical monuments;
- 9) participating in the development and realisation of state programmes for the return of deported peoples;
- 10) initiating the introduction of a state of emergency and the establishment of zones of an ecological emergency situation in the Autonomous Republic of Crimea or in its particular areas.
- Other powers may also be delegated to the Autonomous Republic of Crimea by the laws of Ukraine.

Article 139

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

Chapter XI

Local Self-Government

Article 140

- Local self-government is 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 — to independently resolve issues of local character within the limits of the Constitution and the laws of Ukraine.
- Particular aspects of the exercise of local self-government in the Cities of Kyiv and Sevastopol are determined by special laws of Ukraine.
- Local self-government is exercised by a territorial community by the procedure established by law, both directly and through bodies of local self-government: village, settlement and city councils, and their executive bodies.
- District and oblast councils are bodies of local self-government that represent the common interests of territorial communities of villages, settlements and cities.
- The issue of organisation of the administration of city districts lies within the competence of city councils.
- Village, settlement and city councils may permit, upon the initiative of residents, the creation of house, street, block and other bodies of popular self-organisation, and to assign them part of their own competence, finances and property.

Article 141

- A village, settlement and city council is composed of deputies elected for a four-year term by residents of a village, settlement and city on the basis of universal, equal and direct suffrage, by secret ballot.
- Territorial communities elect for a four-year-term on the basis of universal, equal and direct suffrage, by secret ballot, the head of the village, settlement and city, respectively, who leads the executive body of the council and presides at its meetings.
- The status of heads, deputies and executive bodies of a council and their authority, the procedure for their establishment, reorganisation and liquidation, are determined by law.
- The chairman of a district council and the chairman of an oblast council are elected by the respective council and lead the executive staff of the council.

Article 142

- The material and financial basis for local self-government is movable and immovable property, revenues of local budgets, other funds, land, natural resources owned by territorial communities of villages, settlements, cities, city districts, and also objects of their common property that are managed by district and oblast councils.
- On the basis of agreement, territorial communities of villages, settlements and cities may join objects of communal property as well as budget funds, to implement joint projects or to jointly finance (maintain) communal enterprises, organisations and establishments, and create appropriate bodies and services for this purpose.
- The State participates in the formation of revenues of the budget of local self-government and financially supports local self-government. Expenditures of bodies of local self-government, that arise from the decisions of bodies of state power, are compensated by the state.

Article 143

- Territorial communities of a village, settlement and city, directly or through the bodies of local self-government established by them, manage the property that is in communal ownership; approve programmes of socio-economic and cultural development, and control their implementation; approve budgets of the respective administrative and territorial units, and control their implementation; establish local taxes and levies in accordance with the law; ensure the holding of local referendums and the implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions, and also exercise control over their activity; resolve other issues of local importance ascribed to their competence by law.
- Oblast and district councils approve programmes for socio-economic and cultural development of the respective oblasts and districts, and control their implementation; approve district and oblast budgets that are 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 their implementation; resolve other issues ascribed to their competence by law.
- Certain powers of bodies of executive power may be assigned by law to bodies of local self-government. The State finances the exercise of these powers from the State Budget of Ukraine in full or through the allocation of certain national taxes to the local budget, by the procedure established by law, transfers the relevant objects of state property to bodies of local self-government.
- Bodies of local self-government, on issues of their exercise of powers of bodies of executive power, are under the control of the respective bodies of executive power.

Article 144

- Bodies of local self-government, within the limits of authority determined by law, adopt decisions that are mandatory for execution throughout the respective territory.
- Decisions of bodies of local self-government, for reasons of nonconformity with the Constitution or the laws of Ukraine, are suspended by the procedure established by law with a simultaneous appeal to a court.

Article 145

- The rights of local self-government are protected by judicial procedure.

Article 146

- Other issues of the organisation of local self-government, the formation, operation and responsibility of the bodies of local self-government, are determined by law.