

SUMMARY

Kyrychenko Yu. V. Right to freedom of movement: theoretical and legal aspects of improvement of Art. 33 Constitutions of Ukraine. The constitutional practice of normative regulation of the right to freedom of movement enshrined in Art. 33 of the Constitution of Ukraine and similar norms of the constitutions of the states of continental Europe. The necessity to make changes to Art. 33 of the Constitution of Ukraine.

An important guarantee of the freedom of the individual, the condition of his professional and spiritual development is the right to freedom of movement, which is a guaranteed by the state the possibility of free and unimpeded movement of a person in the necessary direction in any way and time in the territory of Ukraine. This right is enshrined in international human rights instruments and in the relevant norms of the vast majority of the constitutions of the states of continental Europe.

The right to free movement in international legal doctrine is regarded as a natural and inalienable human right, consisting of several well-defined and interdependent personal human rights. The same legal path went and domestic lawmaker, securing in Art. 33 of the Constitution of Ukraine, in addition to freedom of movement, a number of interrelated human rights, such as the right to freely choose their place of residence, the right to freely leave the territory of Ukraine, the right to return to Ukraine at any time. In the science of constitutional law, the question remains as to where the right to freedom of movement should be attributed to constitutional rights or constitutional freedoms.

There is no clear delineation of these concepts in the constitutions of some European countries. For example, in item 1 of Art. 23 of the Slovak Constitution states that “freedom of movement and residence is guaranteed” and in paragraph 2 of this article - “anyone lawfully resident in the territory of the Slovak Republic has the right to leave this territory freely”.

Therefore, taking into account the European experience in regulating the right to freedom of movement and in order to eliminate the contradictions between the provisions of international human rights instruments and national legislation, we propose Art. 33 of the Constitution of Ukraine shall be read as follows:

“Everyone who legally resides in the territory of Ukraine is guaranteed the right to freedom of movement, the right to freely choose his place of residence, the right to freely leave the territory of Ukraine, with the exception of restrictions established by law.

A citizen of Ukraine cannot be deprived of the right to return to Ukraine at any time”.

Keywords: *constitution, freedom of movement, right to freedom of movement, free choice of residence, right to freely leave the territory of Ukraine.*