

KONSTITUTSIJA RESPUBLIKI BELARUS'

<http://www.belarus.net/conendru.htm>

CONSTITUTION OF THE REPUBLIC OF BELARUS

PREAMBLE

We, the People of the Republic of Belarus, emanating from the responsibility for the present and future of Belarus;
recognizing ourselves as a subject, with full rights, of the world community and confirming our adherence to values common to all mankind;
founding ourselves on our inalienable right to self-determination;
supported by the centuries-long history of development of Belarusian statehood;
striving to assert the rights and freedoms of every citizen of the Republic of Belarus;
desiring to maintain civic harmony, stable foundations of democracy, and a state based on the rule of law;
hereby adopt this Constitution as the Basic Law of the Republic of Belarus.

Section I Principles of the Constitutional System

Article 1 [Principles]

- (1) The Republic of Belarus shall be a unitary, democratic, social state based on the rule of law. The Republic of Belarus shall have supreme control and absolute authority in its territory and shall implement domestic and foreign policy independently.
- (2) The Republic of Belarus shall defend its independence and territorial integrity, its constitutional system, and safeguard legality and law and order.

Article 2 [Individualism]

- (1) The individual shall be of supreme importance to society and the State.
- (2) The State shall bear responsibility towards the citizen to create the conditions for the free and dignified development of his identity. The citizen bears a responsibility towards the State to discharge unwaveringly the duties imposed upon him by the Constitution.

Article 3 [Democracy]

- (1) The people shall be the sole source of state power in the Republic of Belarus. The people shall exercise their power directly and through representative bodies in the forms and within the limits specified in the Constitution.
- (2) Any actions aimed at seizing state power by forcible means or by way of any other violation of the laws shall be punishable by law.

Article 4 [Multi-Party System]

- (1) Democracy in the Republic of Belarus shall be exercised on the basis of a variety of political institutions, ideologies, and views.
- (2) The ideology of political parties, religious or other public associations, and social groups may not be made compulsory for citizens.

Article 5 [Political Parties]

- (1) Political parties and other public associations acting within the framework of the Constitution and laws shall contribute to ascertaining and expressing the political will of citizens and participate in elections.
- (2) Political parties and other public associations shall have the right to use state mass media under the procedure determined by the law.
- (3) The creation and activities of political parties and other public associations that aim at changing the constitutional system by force, or conduct propaganda of war, ethnic, religious, or racial hatred, shall be prohibited.

Article 6 [Separation of Powers]

The State shall rely on the principle of dividing power into legislative, executive, and judicial power. State bodies, within the limits of their powers, shall be independent. They shall cooperate among themselves and check and counterbalance one another.

Article 7 [Rule of Law]

- (1) The State and all the bodies and officials thereof shall be bound by the law and operate within the limits of the Constitution and the laws adopted in accordance with it.
- (2) Legal enactments or specific provisions thereof which are deemed under the procedure specified in law to be contrary to the provisions of the Constitution shall have no legal force.
- (3) Enforceable enactments of state bodies shall be promulgated or published by some means specified in law.

Article 8 [International Law]

- (1) The Republic of Belarus shall recognize the supremacy of the universally acknowledged principles of international law and ensure that its laws comply with such principles.
- (2) The conclusion of international agreements that are contrary to the Constitution shall not be permitted.

Article 9 [Self-Determination, Territory]

- (1) The territory of the Republic of Belarus shall be the natural condition of the existence and spatial limit of the people's self-determination, and the basis for its prosperity and the sovereignty of the Republic of Belarus.
- (2) The territory of Belarus shall be unified and inalienable.
- (3) The territory shall be divided into regions, districts, cities, and administrative territorial units. The administrative territorial division of the state is determined by the law.

Article 10 [Citizenship]

- (1) A citizen of the Republic of Belarus shall be guaranteed the protection and patronage of the State both in the territory of Belarus and beyond. No one may be deprived of citizenship of the Republic of Belarus or the right to change his citizenship.
- (2) A citizen of the Republic of Belarus may not be extradited to a foreign state, unless otherwise stipulated in international agreements to which the Republic of Belarus is party.
- (3) Citizenship shall be acquired or lost in accordance with the law.

Article 11 [Equal Rights of Foreigners]

Foreign nationals and stateless persons in the territory of Belarus shall enjoy rights and liberties and discharge duties on a par with the citizens of the Republic of Belarus, unless otherwise specified in the Constitution, the laws, and international agreements.

Article 12 [Asylum]

The Republic of Belarus may grant the right of asylum to persons persecuted in other states for political or religious beliefs or their ethnic affiliation.

Article 13 [Economic Activities]

- (1) The State shall grant equal rights to all to conduct economic and other activities, other than those prohibited by law, and guarantee equal protection and equal conditions for the development of all forms of ownership.
- (2) The State shall regulate economic activities on behalf of the individual and society.
- (3) The law may specify facilities that may be the property of the State alone and grant the State an exclusive right to conduct certain types of activity.

Article 14 [Group Equality]

The State shall regulate relations among social, ethnic, and other communities on the basis of the principles of equality before the law and respect of their rights and interests.

Article 15 [Heritage, Cultural Development]

The State shall bear responsibility for preserving the historic and cultural heritage, and the free development of the cultures of all the ethnic communities that live in the Republic of Belarus.

Article 16 [Religions]

- (1) All religions and faiths shall be equal before the law. The establishment of any privileges or restrictions with regard to a particular religion or faith in relation to others shall not be permitted.

(2) The activities of denominational organizations, their bodies and representatives, that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony, or involve a violation of civil rights and liberties, shall be prohibited.

(3) Relations between the State and religious denominations shall be governed by the law.

Article 17 [Language]

(1) The official language of the Republic of Belarus shall be Belarusian.

(2) The Republic of Belarus shall safeguard the right to use the Russian language freely as a language of inter-ethnic communication.

Article 18 [International Policies]

(1) In its foreign policy the Republic of Belarus shall proceed from the principles of the equality of states, the non-use or threatening of use of force, the inviolability of frontiers, the peaceful settlement of disputes, non-interference in internal affairs, and other universally acknowledged principles and standards of international law.

(2) The Republic of Belarus shall endeavour to make its territory a nuclear-free zone and the State neutral.

Article 19 [Flag, Emblem, Anthem]

The symbols of the Republic of Belarus as a sovereign state shall be its national flag, national emblem, and national anthem.

Article 20 [Capital]

(1) The capital of the Republic of Belarus is the city of Minsk.

(2) The status of the city of Minsk shall be determined by the law.

Section II The Individual, Society, and the State

Article 21 [Protection of Rights and Liberties]

Safeguarding the rights and liberties of citizens of the Republic of Belarus shall be the supreme goal of the State. The State shall guarantee the rights and liberties of the citizens of Belarus that are enshrined in the Constitution and the laws, and specified in the State's international obligations.

Article 22 [Equality]

All shall be equal before the law and entitled, without discrimination, to equal protection of their rights and legitimate interests.

Article 23 [Restrictions]

(1) Restriction of personal rights and liberties shall be permitted only in the instances specified in law, in the interest of national security, public order, the protection of the morals and health of the population, as well as rights and liberties of other persons.

(2) No one may enjoy advantages and privileges that are contrary to the law.

Article 24 [Right to Life, Death Penalty]

(1) Everyone shall have the right to life.

(2) The State shall protect the life of the individual against any unlawful threat.

(3) Until its abolition, the death penalty may be applied in accordance with the law as an exceptional penalty for particularly serious crimes and only in accordance with the verdict of a court of law.

Article 25 [Personal Liberty, Dignity]

(1) The State shall safeguard personal liberty, inviolability, and dignity. The restriction or denial of personal liberty is possible in the instances and under the procedure specified in law.

(2) A person who has been taken into custody shall be entitled to a judicial investigation into the legality of his detention or arrest.

(3) No one shall be subjected to torture or cruel, inhuman, or undignified treatment or punishment, or be subjected to medical or other experiments without his consent.

Article 26 [Presumption of Innocence]

No one may be found guilty of a crime unless his guilt is proven under the procedure

specified in law and established by the verdict of a court of law that has acquired legal force. A defendant shall not be required to prove his innocence.

Article 27 [Evidence]

No one shall be forced to give evidence or provide explanations against himself, members of his family or close relations. Evidence obtained in violation of the law shall have no legal force.

Article 28 [Privacy, Secrecy of Communication]

Everyone shall be entitled to protection against unlawful interference with his private life, including encroachments on the privacy of his correspondence and telephone and other communications, and on his honor and dignity.

Article 29 [Home]

The inviolability of the home and other legitimate property of citizens shall be guaranteed. No one shall have the right, without just cause; enter the dwelling and other lawful property of a citizen against his will.

Article 30 [Movement]

Citizens of the Republic of Belarus shall have the right to move freely and choose their place of residence within the Republic of Belarus, to leave it, and to return to it without hindrance.

Article 31 [Religion]

Everyone shall have the right independently to determine his attitude towards religion, to profess any religion individually or jointly with others, or to profess none at all, to express and spread beliefs connected with his attitude towards religion, and to participate in the performance of acts of worship and religious rituals and rites.

Article 32 [Marriage, Family]

(1) Marriage, the family, motherhood, fatherhood, and childhood shall be under the protection of the State.

(2) On reaching the age of consent, women and men shall have the right to enter into marriage on a voluntary basis and start a family. A husband and wife shall be equal in family relationships. Parents or persons *in loco parentis* shall be entitled and required to raise their children and to take care of their health, development, and education. No child shall be subjected to cruel treatment or humiliation or used for work that may be harmful to its physical, mental, or moral development. Children shall care for their parents or persons *in loco parentis* and render them assistance.

Article 33 [Expression]

(1) Everyone is guaranteed freedom of thoughts and beliefs and their free expression.

(2) No one shall be forced to express his beliefs or to deny them.

(3) No monopolization of the mass media by the State, public associations or individual citizens and no censorship shall be permitted.

Article 34 [Information]

(1) Citizens of the Republic of Belarus shall be guaranteed the right to receive, store, and disseminate complete, reliable, and timely information on the activities of state bodies and public associations, on political, economic, and international life, and on the state of the environment.

(2) State bodies, public associations, and officials shall afford citizens of the Republic of Belarus an opportunity to familiarize themselves with material that affects their rights and legitimate interests.

Article 35 [Assembly]

The freedom to hold assemblies, rallies, street marches, demonstrations, and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus, shall be guaranteed by the State. The procedure for conducting the above events shall be determined by the law.

Article 36 [Association]

(1) Everyone shall be entitled to freedom of association.

(2) Judges, employees of the Procurator's Office, the staff of bodies of internal affairs, the Supervisory Authority and security bodies, as well as servicemen may not be members of political parties or other public associations that pursue political goals.

Article 37 [Political Participation, Direct Democracy]

Citizens of the Republic of Belarus shall have the right to participate in the solution of state matters, both directly and through freely elected representatives. The direct participation of citizens in the administration of the affairs of society and the State shall be safeguarded by the holding of referenda, the discussion of draft laws, and issues of national and local significance, and by other means specified in law.

Article 38 [Electoral Rights]

Citizens of the Republic of Belarus shall have the right to vote freely and to be elected to state bodies on the basis of universal, equal, and direct suffrage by secret ballot.

Article 39 [Access to Public Posts]

Citizens of the Republic of Belarus, in accordance with their capabilities and vocational training, shall be entitled to equal access to any post in state bodies.

Article 40 [Petition, Appeal]

(1) Everyone shall have the right to address personal or collective appeals to state bodies.

(3) State bodies, as well as the officials thereof, shall consider to any appeal and furnish a reply in point of substance within the period specified in law. Any refusal to consider an appeal that has been submitted shall be justified in writing.

Article 41 [Work, Unions, No Forced Labour]

(1) Citizens of the Republic of Belarus shall be guaranteed the right to work as the worthiest means of an individual's self-assertion, that is, the right to choose a profession, type of occupation, and work in accordance with one's vocation, capabilities, education, and vocational training, and having regard to social needs, and the right to healthy and safe working conditions. The State shall create the conditions necessary for full employment of the population. Where a person is unemployed for reasons which are beyond his control, he shall be guaranteed training in new specializations and an upgrading of his qualifications having regard to social needs, and to unemployment benefit in accordance with the law.

(2) Citizens shall have the right to protection of their economic and social interests, including the right to form trade unions and conclude collective contracts (agreements), and the right to strike.

(3) Forced labour shall be prohibited, other than work or service specified in the verdict of a court of law or in accordance with the law on state of emergency or martial law.

Article 42 [Minimum Wages, Equal Remuneration]

Employees shall be entitled to remuneration for the work they have done in accordance with the quantity, quality, and social significance of such work, but it shall not be less than the minimum specified by the State. Women and men and adults and minors shall be entitled to equal remuneration for work of equal value.

Article 43 [Holidays, 40 Hour Maximum, Vacation, Rest Days]

Working people shall be entitled to holidays. For employees, this right shall be safeguarded by the establishment of a working week of no more than 40 hours, shorter working hours at night, and the provision of annual paid leave and weekly rest days.

Article 44 [Property]

(1) The State shall guarantee everyone the right of property.

(2) A proprietor shall have the right to possess, enjoy, and dispose of assets either individually or jointly with others. The inviolability of property and the right to inherit property shall be protected by law.

(3) The compulsory alienation of assets shall be permitted only by reason of public need,

under the conditions and the procedure specified by law, with timely and full compensation for the value of the alienated assets, and in accordance with a verdict of a court of law.

(3) The exercise of the right of property shall not be harmful to the environment or historical and cultural treasures, or infringe upon the rights and legally protected interests of others.

Article 45 [Health]

Citizens of the Republic of Belarus shall be guaranteed the right to health care, including free treatment at state health-care establishments. The right of citizens of the Republic of Belarus to health care shall also be secured by the development of physical training and sport, means to improve the environment, the opportunity to use fitness establishments, and improvements in occupational safety.

Article 46 [Environment]

Everyone shall be entitled to a pleasant environment and to compensation for loss or damage caused by the violation of this right.

Article 47 [Social Security]

Citizens of the Republic of Belarus shall be guaranteed the right to social security in old age, in the event of illness, disability, loss of fitness for work, and loss of a bread-winner and in other instances specified in law. The State shall display particular concern for those who lost their health in the defence of national and public interests.

Article 48 [Housing]

(1) Citizens of the Republic of Belarus shall be entitled to housing. This right shall be safeguarded by the development of state, public, and private housing and assistance for citizens in the acquisition of housing.

(2) No one may be deprived of housing arbitrarily.

Article 49 [Free Education]

(1) Everyone shall have the right to education.

(2) Accessible and free general, secondary, and vocational-technical education shall be guaranteed.

(3) Secondary specialized and higher education shall be accessible to all in accordance with the capabilities of each individual. Everyone may, on a competitive basis, obtain the appropriate education at state educational establishments free of charge.

Article 50 [Ethnicity]

(1) Everyone shall have the right to preserve his ethnic affiliation, and equally, no one may be compelled to define or indicate his ethnic affiliation.

(2) Insults to ethnic dignity shall be prosecuted by law.

(3) Everyone shall have the right to use his native language and to choose the language of communication. In accordance with the law, the State shall guarantee the freedom to choose the language of education and teaching.

Article 51 [Cultural Life, Intellectual Property]

(1) Everyone shall have the right to take part in cultural life. This right shall be safeguarded by universal accessibility to the treasures of domestic and world culture that are held in state and public collections and by the development of a network of cultural and educational establishments.

(2) Freedom of artistic, scientific, and technical creativity and teaching shall be guaranteed.

(3) Intellectual property shall be protected by law.

Article 52 [Supreme Constitution, National Traditions]

Everyone in the territory of the Republic of Belarus shall abide by its Constitution and laws and respect national traditions.

Article 53 [Rights of Others]

Everyone shall respect the dignity, rights, liberties, and legitimate interests of others.

Article 54 [Historical and Cultural Heritage]

Everyone shall preserve the historical and cultural heritage and other cultural treasures.

Article 55 [Environment]

It shall be the duty of everyone to protect the environment.

Article 56 [Taxes]

Citizens of the Republic of Belarus shall contribute towards the funding of public expenditure through the payment of state taxes, dues, and other payments.

Article 57 [Defence, Military Service]

(1) It shall be the responsibility and sacred duty of every citizen of the Republic of Belarus to defend the Republic of Belarus.

(2) The procedure governing military service, the grounds and conditions for exemption from military service, and the substitution thereof by alternative service shall be determined by law.

Article 58 [Constitutional Duties, Inalienable Rights]

No one shall be compelled to discharge duties that are not specified in the Constitution and its laws or renounce his rights.

Article 59 [State Order]

The State shall take all measures at its disposal to create the domestic and international order necessary for the exercise in full of the rights and liberties of the citizens of the Republic of Belarus that are specified in the Constitution.

Article 60 [Protection of Rights, Official Liability]

(1) State bodies as well as official and other persons that are entrusted with the discharge of state functions shall, within the limits of their competence, take measures necessary for the exercise and protection of personal rights and liberties.

(2) These bodies and persons shall be held liable for actions that violate personal rights and liberties.

Article 61 [Recourse to the Courts]

(1) Everyone shall be guaranteed protection of his rights and liberties by a competent, independent, and impartial court of law within time periods specified in law.

(2) To defend their rights, liberties, honour and dignity, citizens shall be entitled to recover, through the courts, both property damage and financial compensation for moral injury.

Article 62 [Right to Counsel]

(1) Everyone shall have the right to legal assistance to exercise and defend his rights and liberties, including the right to make use, at any time, of the assistance of lawyers and one's other representatives in court, other state bodies, bodies of local government, enterprises, establishments, organizations and public associations, and also in relations with officials and citizens. In the instances specified by law, legal assistance shall be rendered from public funds.

(2) Opposition to the rendering of legal assistance shall be prohibited in the Republic of Belarus.

Article 63 [Emergency, Martial Law]

(1) The exercise of the personal rights and liberties specified in this Constitution may be suspended only during a state of emergency or martial law under the procedure and within the limits specified in the Constitution and the law.

(2) In carrying out special measures during a state of emergency, the rights specified in Articles 24, 25 (3), 26 and 31 of the Constitution may not be restricted.

Section III Electoral System, Referendum**Chapter 1 Electoral System****Article 64 [Constituency, Electoral Rights]**

(1) The elections of deputies and other persons elected to state office by the people shall be universal; citizens of the Republic of Belarus who have reached the age of 18 shall be eligible to vote.

(2) Citizens who are deemed incapable by a court of law or held in places of confinement in accordance with the verdict of a court shall not take part in elections. Persons in respect of

whom preventive punishment-detention is selected under the procedure specified in the law on criminal proceedings shall not take part in voting. Any direct or indirect restrictions on citizens' voting rights in other instances shall be impermissible and punishable by law.

Article 65 [Eligibility]

The age qualifications of deputies and other persons elected to state office shall be determined by the relevant laws, unless otherwise specified in the Constitution.

Article 66 [Free and Open Elections]

(1) Elections shall be free. A voter shall decide personally whether to take part in elections and for whom to vote.

(2) The preparation and conduct of elections shall be open and in public.

Article 67 [Electoral Equality]

(1) Elections shall be held according to the principle of equal suffrage. Voters shall have equal number of votes.

(2) The number of the voters in each constituency shall be approximately equal.

(3) Candidates standing for public office shall take part in elections on an equal basis.

Article 68 [Direct Elections]

Elections shall be direct. Deputies shall be elected by citizens directly.

Article 69 [Secrecy of Elections]

Voting at elections shall be secret. The monitoring of voters' preferences while voting is in progress shall be prohibited.

Article 70 [Nomination]

Public associations, individual work forces, and citizens shall have the right to nominate candidates for deputy in accordance with the law.

Article 71 [Expenditure]

Expenditure incurred in the preparation and conduct of elections shall be covered by the State within the limits of the funds assigned for that purpose.

Article 72 [Procedure]

(1) Elections shall be conducted by electoral commissions.

(2) The procedure governing the conduct of elections shall be determined by the laws.

(3) No elections shall be held during a state of emergency or martial law.

Chapter 2 Referendum (*plebiscite*)

Article 73 [Important Issues]

National and local referenda may be held to resolve the most important issues of the State and society.

Article 74 [National Referenda]

(1) National referenda shall be called by the Supreme Council of the Republic of Belarus, on the recommendation of the President or no fewer than 450,000 citizens eligible to vote.

(2) The Supreme Council shall set the date of a national referendum within thirty days of the submission, for consideration in accordance with the law, of a recommendation by the President or no fewer than 450,000 citizens eligible to vote.

(3) The issue of holding a national referendum may also be considered by the Supreme Council on the initiative of no fewer than 70 deputies of the Supreme Council.

Article 75 [Local Referenda]

Local referenda shall be called by the relevant local representative bodies on their initiative or on the recommendation of no less than ten per cent of the citizens who are eligible to vote and resident in the area concerned.

Article 76 [Electoral Rights]

(1) Referenda shall be conducted by means of universal, free, equal, and secret ballot.

(2) Citizens of the Republic of Belarus eligible to vote shall take part in referenda.

Article 77 [Amending Decisions]

The decisions adopted by referendum may be reversed or amended only by means of another referendum, unless otherwise specified by the referendum.

Article 78 [Procedure]

The procedure governing the conduct of national and local referenda and a list of issues that may not be put to a referendum shall be determined by the law.

Section IV Legislative, Executive, and Judicial Power**Chapter 3 The Supreme Council of the Republic of Belarus****Article 79 [Legislative Power]**

The Supreme Council of the Republic of Belarus shall be the highest representative, standing, and sole legislative body of state power.

Article 80 [Membership, Eligibility]

(1) The Supreme Council shall consist of 260 deputies elected by the citizens of the Republic of Belarus.

(2) Any citizen of the Republic of Belarus who is eligible to vote and has reached the age of 21 may become a deputy of the Supreme Council.

Article 81 [Term, Dissolution, Re-election]

(1) The term of the Supreme Council shall be five years.

(2) The powers of the Supreme Council may be terminated prematurely in accordance with a resolution of the Supreme Council that is adopted by a majority of no less than two-thirds of the elected deputies.

(3) Elections for a new Supreme Council shall be called no later than three months prior to the expiry of the powers of the current Supreme Council.

Article 82 [First Session]

The first session of the Supreme Council shall be convened by the Central Commission on Elections and National Referenda no later than 30 days after the elections.

Article 83 [Competences]

(1) The Supreme Council shall:

- 1) call national referenda;
- 2) adopt and amend the Constitution;
- 3) adopt laws and resolutions and monitor their implementation;
- 4) provide interpretation of the Constitution and laws;
- 5) call regular elections of deputies of the Supreme Council and local councils of deputies as well as presidential elections;
- 6) form the Central Commission on Elections and National Referenda;
- 7) elect the Constitutional Court, the Supreme Court, the Supreme Economic Court, the Procurator-General, and the chairman and the council of the Supervisory Authority as well as the chairman and members of the board of the National Bank;
- 8) determine the procedure for resolving issues relating to the administrative-territorial structure of the State;
- 9) determine the guidelines of the domestic and foreign policy;
- 10) approve the national budget, the national account, and the allowance quotas from national taxes and revenue to local budgets;
- 11) set national taxes and dues and monitor the issue of money;
- 12) ratify and denounce international treaties;
- 13) adopt decisions on amnesty;
- 14) determine military doctrine;
- 15) declare war and conclude peace;
- 16) institute state awards, ranks, and titles;
- 17) adopt resolutions on the dissolution of local councils of deputies and call new elections where they systematically and flagrantly violate the requirements of the law; and

18) repeal orders of the Chairman of the Supreme Council where they are contrary to the laws and resolutions of the Supreme Council.

(2) The Supreme Council may resolve other issues in accordance with the Constitution.

Article 84 [Vote, Majority, Promulgation]

(1) Deputies shall vote in person at sessions of the Supreme Council.

(2) Laws and resolutions of the Supreme Council shall be deemed to have been adopted provided that a majority of elected deputies has voted for them, unless otherwise specified in the Constitution.

(3) Adopted laws shall be sent to the President for signature within ten days of their adoption.

Article 85 [Chairmen]

The Supreme Council shall elect, from the ranks of the deputies of the Supreme Council, a Chairman, a First Vice-Chairman, and vice-chairmen.

Article 86 [Election of the Chairman]

The Chairman shall be elected by secret ballot. He shall be accountable to the Supreme Council.

Article 87 [Competences of the Chairmen]

(1) The Chairman shall:

1) exercise general leadership in the preparation of issues to be considered by the Supreme Council;

2) chair sittings of the Supreme Council;

3) represent the Supreme Council in relations with bodies and organizations within the country and abroad;

4) sign resolutions adopted by the Supreme Council;

5) put forward to the Supreme Council nominations for the posts of First Vice-Chairman and vice-chairmen, the Procurator-General and the Chairman of the Supervisory Authority; and

6) manage the work of the staff of the Supreme Council.

(2) The Chairman of the Supreme Council shall issue orders.

(3) The First Vice-Chairman and the vice-chairmen shall, on the instructions of the Chairman, discharge certain of his duties and stand in for the Chairman where he is unavailable or unable to discharge his duties.

Article 88 [Committees, Commissions]

(1) The Supreme Council shall elect, from the ranks of the deputies, standing committees and other bodies to draft laws, give preliminary consideration to, and prepare, issues that fall within the jurisdiction of the Supreme Council, and monitor the implementation of laws.

(2) Where necessary, the Supreme Council may set up investigatory, audit, and other *ad hoc* commissions.

Article 89 [Presidium]

(1) A Presidium shall be set up to organize the work of the Supreme Council.

(2) The Presidium shall include the Chairman, the First Vice-Chairman, the vice-chairmen, and deputies in accordance with the Rules of Procedure by the Supreme Council.

(3) The Chairman shall be the head of the Presidium.

Article 90 [Initiative, Public Initiative]

The right of legislative initiative in the Supreme Council shall belong to deputies, standing committees, the President, the Supreme Court, the Supreme Economic Court, the Procurator-General, the Supervisory Authority, the National Bank, and citizens who are eligible to vote, in a number of no less than 50.000.

Article 91 [Continuation of Supreme Council]

The powers of the Supreme Council shall be retained until the opening of the first session of the Supreme Council of a new convocation.

Article 92 [Incompatibilities]

(1) A deputy of the Supreme Council shall exercise his powers in the Supreme Council on a

professional basis or, if he so desires, without suspending his activity in industry or administration.

(2) The President, members of the Cabinet of Ministers, judges, and other persons appointed to posts by the President, or following consultation with the President, may not become deputies of the Supreme Council.

Article 93 [Indemnity, Immunity]

(1) A deputy of the Supreme Council may not be held legally liable for his activity in the Supreme Council which is carried out in accordance with the Constitution both during the period he exercises his powers and after the termination of such powers.

(2) A deputy of the Supreme Council may not be arraigned on criminal charges, arrested, or otherwise deprived of his personal liberty without consent of the Supreme Council, except where he is detained at the scene of a crime.

(3) Criminal proceedings against a deputy of the Supreme Council may be instituted by the Procurator-General with the consent of the Supreme Council, and in the period between sessions, with consent of the Presidium of the Supreme Council.

Article 94 [Procedure]

The procedure governing the activities of the Supreme Council, the bodies thereof, and the deputies shall be determined by the Rules of Procedure of the Supreme Council, which shall be adopted by the Supreme Council and signed by its Chairman, and other legislative instruments.

Chapter 4 The President

Article 95 [Head of State, Head of Government]

The President of the Republic of Belarus shall be the Head of State and the Executive.

Article 96 [Eligibility]

Any citizen of the Republic of Belarus at least 35 years of age who is eligible to vote and has been resident in the Republic of Belarus for at least ten years may be elected President

Article 97 [Election, Term, Re-election]

(1) The President shall be elected directly by the people of the Republic of Belarus. The President's term of office shall be five years. The same person may be President for no more than two terms.

(2) Presidential candidates shall be nominated by no fewer than 70 deputies of the Supreme Council or by citizens of the Republic of Belarus where the signatures of no less than 100,000 voters have been collected.

(3) Presidential elections shall be called by the Supreme Council no later than five months and held no later than two months prior to the expiry of the term of office of the previous President. Where the office of the President becomes vacant, elections shall be held no sooner than 30 days, and no later than 70 days from the day on which the office fell vacant.

Article 98 [Quorum, Majority, Rounds]

(1) The elections shall be deemed to have taken place where over half the citizens of the Republic of Belarus on the electoral roll have taken part in the poll.

(2) The President shall be deemed elected where over half the citizens of the Republic of Belarus who took part in the poll voted for him.

(3) Where no candidate polls the requisite number of votes, within two weeks a second round of voting shall be conducted between the two candidates who obtained the largest number of votes. The presidential candidate who obtains more than half the votes of those who took part in the second poll shall be deemed to be elected. The procedure governing the conduct of presidential elections shall be determined by the law.

Article 99 [Oath, Continuing Presidency]

(1) The President shall take office after taking the following Oath:

"Assuming the office of President of the Republic of Belarus, I solemnly swear to serve the

people of the Republic of Belarus, to abide by the Constitution and laws of the Republic of Belarus, and to discharge conscientiously the high duties that have been imposed upon me."

(2) The oath shall be administered in a ceremonial setting at a special session of the Supreme Council no later than two months from the day on which the President is elected. The powers of the previous President shall terminate the moment the President-elect takes the oath.

Article 100 [Competences]

(1) The President shall:

- 1) take measures to protect the sovereignty, national security, and territorial integrity of the Republic of Belarus and safeguard political and economic stability and the respect of civil rights and liberties;
- 2) manage the system of bodies of executive power and ensure their cooperation with the representative bodies;
- 3) set up and abolish ministries, state committees, and other central bodies of administration of the Republic of Belarus;
- 4) appoint and dismiss, with the consent of the Supreme Council, the Prime Minister, his deputies, ministers of foreign affairs, finance, defence, internal affairs, and chairman of the Committee for State Security; appoint and dismiss other members of the Cabinet of Ministers as well as accept the resignation of the persons referred to in this paragraph;
- 5) introduce to the Supreme Council candidates for election for the post of chairman of the Constitutional Court, chairman of the Supreme Court, chairman of the Supreme Economic Court, chairman of the board of the National Bank;
- 6) annually present to the Supreme Council reports on the state of the nation, on his own initiative or on the recommendation of the Supreme Council, inform the Supreme Council of the implementation of the domestic and foreign policy;
- 7) deliver addresses to the people of the Republic of Belarus and the Supreme Council;
- 8) report to the Supreme Council on the Program of Action of the Cabinet of Ministers;
- 9) have the right to take part in the work of the Supreme Council and its bodies and make a speech or deliver a report to them at any time;
- 10) appoint judges of the Republic of Belarus, other than those whose election falls within the competence of the Supreme Council;
- 11) appoint other officials whose offices are determined by the law, unless otherwise specified in the Constitution;
- 12) resolve issues regarding the granting of citizenship of the Republic of Belarus, the termination thereof, and the granting of asylum;
- 13) confer state awards and bestow ranks and titles;
- 14) grant pardons to convicted citizens;
- 15) represent the State in relations with other countries and international organizations;
- 16) conduct negotiations and sign international treaties and appoint and recall diplomatic representatives of the Republic of Belarus in foreign countries and at international organizations;
- 17) receive the credentials and letters of recall of the accredited diplomatic representatives of foreign countries;
- 18) in the event of a natural disaster, a catastrophe, or unrest involving violence or the threat of violence on the part of a group of persons or organizations that endangers peoples' lives and health or jeopardizes the territorial integrity and existence of the State, declare a state of emergency in the territory of the Republic of Belarus or in specific areas thereof and submit the decision to the Supreme Council for approval within three days;
- 19) have the right, in instances specified in law, to defer a strike or suspend it for a period not exceeding two months;
- 20) sign laws and have the right, within ten days of receiving a law, to return it with his

objections to the Supreme Council for further discussion and a second vote. Where, by a majority of no less than two-thirds of the elected deputies, the Supreme Council upholds the decision it had adopted previously, the President shall be required to sign the law within three days. Any law that is not returned within the above period shall be deemed to be signed;

- 21) be entitled to repeal instruments of bodies of executive power subordinate to him;
- 22) suspend the decisions of local councils of deputies where they are contrary to the law;
- 23) head the Security Council;
- 24) be the Commander-in-Chief of the Armed Forces;
- 25) impose, in the event of military threat or attack, martial law in the territory of the Republic of Belarus and announce general or partial mobilization; and
- 26) exercise other powers entrusted to him by the Constitution and the laws.

(2) The President shall have no right to delegate to any bodies or officials his powers as the Head of State.

Article 101 [Edicts, Orders]

The President shall, within the limits of his powers, issue edicts and orders and organize and monitor their implementation.

Article 102 [Incompatibilities]

(1) The President may not hold other offices or receive any monetary remuneration other than his salary, apart from royalties for works of science, literature and art.

(2) The President shall suspend his membership of political parties and other public associations that pursue political goals for the whole of his term in office.

Article 103 [Resignation]

The President may tender his resignation at any time. The President's resignation shall be accepted by the Supreme Council

Article 104 [Removal]

(1) The President may be removed from office where he violates the Constitution or commits a crime and relieved of office prematurely, where he is unable to discharge his duties on account of the state of his health, by a resolution of the Supreme Council adopted by a majority of no less two-thirds of the elected deputies of the Supreme Council.

(2) The issue of removing the President may be raised on the recommendation of no fewer than 70 deputies of the Supreme Council. Findings concerning a violation by the President of the Constitution shall be provided by the Constitutional Court, and on the commission of a crime, by an *ad hoc* commission of the Supreme Council. From the moment the Constitutional Court presents its findings concerning a violation of the Constitution, or an *ad hoc* commission presents its finding concerning the commission of a crime, the President may not discharge his duties until the Supreme Council pronounces a corresponding decision.

(3) Where the President is removed in connection with the commission of a crime, the case shall be examined on the merits of the charge by the Supreme Court.

Article 105 [Vacancy]

(1) Whether the office of President falls vacant or he is unable to discharge his duties, his powers shall be transferred to the Chairman of the Supreme Council until the President-elect is sworn in.

(2) In that case, the duties of the Chairman of the Supreme Council shall be transferred to the First Vice-Chairman of the Supreme Council.

Article 106 [Cabinet of Ministers]

A Cabinet of Ministers shall be formed under the auspices of the President to exercise the powers of the executive in the fields of economy, foreign policy, defence, national security, maintenance of public order, and other spheres of state administration.

Article 107 [Appointment, Dismissal, Competences, Duties]

(1) The Cabinet of Ministers shall relinquish its powers to the President-elect.

(2) Members of the Cabinet of Ministers shall be appointed and dismissed by the President.

The Prime Minister, his deputies, ministers of foreign affairs, finance, defence, and internal affairs, and the chairman of the Committee for State Security shall be appointed and dismissed by the President with the consent of the Supreme Council.

(3) The Prime Minister shall manage directly the activities of the Cabinet of Ministers, sign the acts of the Cabinet of Ministers that have binding force in the entire territory of the Republic of Belarus, and discharge other functions entrusted to him.

(4) The Supreme Council shall be entitled to obtain a report from any member of the Cabinet of Ministers regarding the implementation of the laws. Where a member of the Cabinet of Ministers violates the Constitution and the laws, the Supreme Council shall be entitled to raise the issue of his premature dismissal with the President.

Article 108 [Law on Competences and Procedure]

The competence of the Cabinet of Ministers and the procedure governing its activities shall be determined on the basis of the Constitution and the Law on the Cabinet of Ministers.

Chapter 5 The Courts

Article 109 [Judicial Power, Rule of Law, No Special Courts]

(1) The courts shall exercise judicial power in the Republic of Belarus.

(2) The judicial system in the Republic of Belarus shall be determined by the law.

(3) The formation of special courts shall be prohibited.

Article 110 [Independence]

(1) In administering justice judges shall be independent and subordinate to law alone.

(2) Any interference in judges' activities in the administration of justice shall be impermissible and liable to legal action.

Article 111 [Incompatibilities]

(1) Judges may not engage in business activities or perform any paid work apart from teaching and scientific research that does not involve holding a regular staff position.

(2) The grounds for electing and appointing judges and their dismissal shall be determined by the law.

Article 112 [Supreme Constitution, Review of Enactments]

(1) The courts shall administer justice on the basis of the Constitution, the laws, and other enforceable enactments adopted in accordance therewith.

(2) If, during the hearing of a specific case, a court concludes that an enforceable enactment is contrary to the Constitution or other law, it shall make a ruling in accordance with the Constitution and the law, and raise, under the established procedure, the issue of whether the enforceable enactment in question should be deemed unconstitutional.

Article 113 [Collegiality]

Cases before a court shall be tried collegially and in the instances specified in law, by judges individually.

Article 114 [Publicity]

The trial of cases in all courts shall be open. The hearing of cases in closed court session shall be permitted only in the instances specified in law and in accordance with all the rules of legal procedure.

Article 115 [Adversarial Process]

Justice shall be administered on the basis of the adversarial proceedings and equality of the parties involved in the trial.

Article 116 [Right to Appeal]

The parties have the right to appeal rulings, sentences, and other judicial decisions.

Section V Local Government and Self-Government

Article 117 [Local Institutions]

Citizens shall exercise local government and self-government through local councils of deputies, executive, and administrative bodies, bodies of public territorial self-government, local referenda assemblies, and other forms of direct participation in state and public affairs.

Article 118 [Local Councils of Deputies, Term]

Local councils of deputies shall be elected by the citizens of the relevant administrative territorial units for a four-year term.

Article 119 [General Competence]

Local councils of deputies and executive and administrative bodies shall, within the limits of their competences, resolve issues of local significance, proceeding from national interests, and the interests of the people who reside in the relevant territory, and implement the decisions of higher state bodies.

Article 120 [Exclusive Competences]

The following shall fall exclusively within the exclusive competence of the local councils of deputies:

- the approval of programs of economic and social development, and local budgets and accounts;
- the setting of local taxes and dues in accordance with the law;
- the determination, within the limits specified by law, of the procedure governing the management and disposal of municipal property; and
- the calling of local referenda.

Article 121 [Binding Decisions]

Local councils of deputies and executive and administrative bodies shall, on the basis of existing laws, adopt decisions that have binding force in the relevant territory.

Article 122 [Control]

(1) Decisions of local councils of deputies that are contrary to the law shall be reversed by higher councils of deputies.

(2) Decisions of local executive and administrative authorities that are contrary to the law shall be reversed by the relevant councils of deputies, higher executive and administrative bodies, and the President.

(3) Decisions of local councils of deputies and their executive and administrative bodies that restrict or violate civil rights and liberties and the legitimate interests of citizens, and in other instances specified in law, may be challenged in a court of law.

Article 123 [Dissolution]

Where a local council of deputies systematically or flagrantly violates the requirements of the law, it may be dissolved by the Supreme Council. Other grounds for the premature termination of the powers of local councils of deputies shall be determined by the law.

Article 124 [Law on Competence and Procedure]

The competence and the procedure governing the establishment and activities of bodies of local government and self-government shall be determined by the law.

Section VI State Monitoring and Supervision**Chapter 6 Constitutional Court****Article 125 [Monitoring Competence]**

The Constitutional Court of the Republic of Belarus shall monitor the constitutionality of enforceable enactments in the State.

Article 126 [Composition, Term, Age Limit, Protection]

(1) The Constitutional Court shall be elected by the Supreme Council from among qualified specialists in the field of law and shall be comprised of 11 judges. The term of the members of the Constitutional Court shall be 11 years. The age limit for members of the Constitutional Court shall be 60.

(2) Persons elected to the Constitutional Court may not engage in business activities or perform any other paid work, apart from teaching and scientific research that does not involve holding a regular staff position.

(3) Persons elected to the Constitutional Court shall be entitled to tender their resignation at any.

(4) Direct or indirect pressure on the Constitutional Court or its members in connection with the monitoring of the Constitution shall be impermissible and liable to legal action.

Article 127 [Specific Competences]

(1) On the recommendation of the President, the Chairman of the Supreme Council, standing committees of the Supreme Council, no fewer than 70 deputies of the Supreme Council, the Supreme Court, the Supreme Economic Court, or the Procurator-General, the Constitutional Court shall produce a ruling on:

- the conformity of laws, international agreements, other obligations of the Republic of Belarus to the Constitution, and other instruments of international law ratified by the Republic of Belarus; and

- the conformity of the legal instruments of interstate formations of which the Republic of Belarus is part, edicts of the President, ordinances of the Cabinet of Ministers, and orders of the Supreme Court, the Supreme Economic Court, and the Procurator-General that are of a proscriptive nature to the Constitution, the laws and instruments of international law ratified by the Republic of Belarus.

(2) The Constitutional Court shall be entitled, at its discretion, to examine the question of whether the enforceable enactments of a state body or public association conform to the Constitution, the laws, and instruments of international law ratified by the Republic of Belarus.

Article 128 [Voiding Enactments, Majority]

(1) Enforceable enactments, international agreements, and other obligations that are deemed by the Constitutional Court to be unconstitutional because they violate human rights and liberties shall be deemed as having no legal force as a whole or in a particular part thereof from the time the relevant enactment is adopted.

(2) Other enforceable enactments of state bodies and public associations, international treaty, or other obligations that are deemed by the Constitutional Court to be contrary to the Constitution, the laws or instruments of international law ratified by the Republic of Belarus shall be deemed invalid as a whole or in a particular part thereof from a time determined by the Constitutional Court.

(3) Prescriptive legal instruments of interstate formations of which the Republic of Belarus is part that are deemed by the Constitutional Court to be contrary to the Constitution, the laws, or instruments of international law shall be deemed null and void in the territory of the Republic of Belarus as a whole or in a particular part thereof from a time determined by the Constitutional Court.

(4) The Constitutional Court shall make rulings by a simple majority of votes of the full complement of judges.

Article 129 [Finality of Judgement]

The findings of the Constitutional Court shall be final and not subject to appeal or protest.

Article 130 [Court Initiatives]

The Constitutional Court shall be entitled to submit proposals to the Supreme Council on the need for amendments and addenda to the Constitution and on the adoption and amendment of laws. Such proposals shall be subject to compulsory consideration by the Supreme Council.

Article 131 [Immunity of Judges]

(1) Persons elected to the Constitutional Court may not be arraigned on criminal charges, arrested or otherwise deprived of their personal liberty without the consent of the Supreme Council, except where they are detained at the scene of the crime.

(2) Criminal proceedings against members of the Constitutional Court may be instituted by the Procurator-General with the consent of the Supreme Council.

Article 132 [Law on Competences and Procedure]

The competence, organization, and procedure governing the activities of the Constitutional Court shall be determined by the law.

Chapter 7 The Procurator's Office

Article 133 [General Competences]

(1) Supervision of the strict and uniform implementation of the laws by ministries and other bodies subordinate to the Cabinet of Ministers, local representative, and executive bodies, enterprises, organizations, and establishments, public associations, officials, and citizens shall be entrusted to the Procurator-General and the procurators subordinate to him.

(2) The Procurators Office shall supervise the implementation of laws in the investigation of crimes, the conformity to the law of judicial decisions in civil and criminal cases and cases involving administrative offences, and in the instances specified in law, conduct preliminary inquiries and support public prosecutions in the courts.

Article 134 [Election, Appointment]

(1) The Procurator-General, elected by the Supreme Council, shall be the head of the uniform and centralized system of bodies of the Procurator's Office.

(2) Subordinate procurators shall be appointed by the Procurator-General.

Article 135 [Independence, Accountability]

The Procurator-General and the subordinate procurators shall be independent in the exercise of their powers and guided by the law alone. The Procurator-General shall be accountable in his activities to the Supreme Council.

Article 136 [Law on Competences and Procedure]

The competence, organization, and procedure governing the activities of bodies of the Procurator's Office shall be determined by the law.

Chapter 8 The Supervisory Authority

Article 137 [General Competences]

The Supervisory Authority shall monitor the implementation of the national budget, the use of public property, and the implementation of the acts of the Supreme Council governing public property relationships and economic, financial, and tax relations.

Article 138 [Formation, Control]

The Supervisory Authority shall be formed by the Supreme Council, operate under its direction, and be accountable to it.

Article 139 [Chairman]

The Chairman of the Supervisory Authority shall be elected by the Supreme Council for a five-year term.

Article 140 [Law on Competences and Procedure]

The competence, organization, and procedure governing the activities of the Supervisory Authority shall be determined by the law.

Section VII Financial and Credit System

Article 141 [Definition, Unified Policy]

(1) The financial and credit system of the Republic of Belarus shall include the budget system, the banking system, as well as the financial resources of non-budget funds, funds of enterprises, establishments, organizations, and citizens.

(2) A unified fiscal, tax, credit, and currency policy shall be pursued in the territory of the Republic of Belarus.

Article 142 [Budget, Funds]

(1) The budget system shall include the national budget and local budgets.

(2) Budget revenue shall be raised from the taxes specified in law, other mandatory payments, as well as other receipts.

(3) National expenditure shall be covered by the national budget on its expenditure side.

(4) In accordance with the law, non-budgetary funds may be created in the Republic of Belarus.

Article 143 [Budget Law]

The procedure for drawing up, approving, and implementing budgets and public non-budgetary funds shall be determined by the law.

Article 144 [Accounts]

- (1) A national account shall be submitted to the Supreme Council for consideration no later than five months from the end of the fiscal year in review.
- (2) Local accounts shall be submitted to the relevant councils of deputies for the consideration within time specified in law.
- (3) National and local accounts shall be published.

Article 145 [Banking System]

The banking system shall consist of the National Bank and other banks. The National Bank shall regulate credit relations and monetary circulation, determine the procedure for making payments, and have an exclusive right to issue money.

Section VIII Application and Amendment of the Constitution**Article 146 [Supreme Constitution]**

- (1) The Constitution shall have the supreme legal force. Laws and other instruments of state bodies shall be promulgated on the basis of, and in accordance with, the Constitution.
- (2) Where there is a discrepancy between a law and the Constitution, the Constitution shall apply, and where there is a discrepancy between an enforceable enactment and a law, the law shall apply.

Article 147 [Initiative]

The issue of amending and supplementing the Constitution shall be considered by the Supreme Council on the initiative of no fewer than 150,000 citizens of the Republic of Belarus who are eligible to vote, no fewer than 40 deputies of the Supreme Council, the President, or the Constitutional Court.

Article 148 [Debate]

- (1) A law on amending or supplementing the Constitution may be adopted after it has been debated and approved twice by the Supreme Council with at least three months' interval.
- (2) The Constitution shall not be amended or supplemented during a state of emergency or the last six months of the term of a Supreme Council.

Article 149 [Majority, Referendum]

- (1) The Constitution, laws on amendments and addenda thereto, on the entry into force on the Constitution and the said laws and instruments on interpretation of the Constitution shall be deemed to have been adopted where no less than two-thirds of the elected deputies of the Supreme Council have voted in favour of them.
- (2) The Constitution may be amended or supplemented via a referendum. A decision to amend or supplement the Constitution by means of a referendum shall be deemed adopted where a majority of citizens on the electoral roll have voted in favour of it.