

CONSTITUTION OF THE REPUBLIC OF BELARUS

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We, the People of the Republic of Belarus, (of Belarus),
proceeding from the assumption of responsibility for the present and future of Belarus,
recognizing ourselves as an equal subject of the international community and conforming our
adherence to values common to all mankind,
proceeding from our inalienable right to self-determination,
supported by the centuries-long history of the development of Belarusian statehood,
striving to secure the rights and freedoms of every citizen of the Republic of Belarus,

desiring to maintain civic concord, stable foundations of government by the people and a law-governed State,
hereby adopt this Constitution as the Fundamental Law of the Republic of Belarus.

SECTION I PRINCIPLES OF THE CONSTITUTIONAL SYSTEM

Article 1

The Republic of Belarus is a unitary, democratic, social law-governed State.

The Republic of Belarus exercises supreme control and absolute authority over the whole of its territory, and implements an independent internal and foreign policy.

The Republic of Belarus defends its independence and territorial integrity, its constitutional system, and safeguards legality and legal order [*pravaparadak*].

Article 2

The human being, his rights, freedoms and guarantees for their attainment are the supreme goal and value of society and the State.

The State bears responsibility towards the citizen to create the conditions for the free and honorable 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

The people are the sole source of State power and the repository of sovereignty in the Republic of Belarus. The people exercise their power directly through representative and other organs in the forms and within the bounds specified by the Constitution.

Any actions aimed at changing the constitutional system and seizing State power by forcible means or by way of any other violation of the laws of the Republic of Belarus are prosecuted in accordance with the law.

Article 4

Democracy in the Republic of Belarus is exercised on the basis of diversity of political institutions, ideologies and views.

The ideology of political parties, religious or other public associations, social groups may not be made mandatory for citizens.

Article 5

Political parties and other public associations acting within the framework of the Constitution and the laws of the Republic of Belarus, shall contribute towards ascertaining and expressing the political will of the citizens and participate in elections.

Political parties and other public associations have the right to use State mass media according to the procedures determined by law.

The establishment and activities of political parties and other public associations that aim to change the constitutional system by force, or conduct a propaganda of war, social, ethnic, religious and racial hatred, are prohibited.

Article 6

State power in the Republic of Belarus is exercised on the principle of the division of powers between the legislature, the executive and the judiciary. The State organs within the limits of their powers, are independent: they interact among themselves, check and balance each other.

Article 7

The Republic of Belarus is based on the principle of supremacy of law.

The State and all the organs and officials thereof shall operate within the confines of the Constitution and the laws enacted in accordance therewith.

Legal enactments or specific provisions thereof which are deemed under procedure specified in law to be contrary to the provisions of the Constitution have no legal force.

Enforceable enactments of State organs shall be published or promulgated by means specified in law.

Article 8

The Republic of Belarus recognizes the supremacy of the universally recognized principles of international law and ensures that its laws comply with such principles.

The Republic of Belarus in conformity with principles of international law may on a voluntary basis enter into interstate formations and withdraw from them.

The conclusion of international treaties that are contrary to the Constitution shall not be permitted.

Article 9

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.

The territory of Belarus shall be unified and inalienable.

The territory shall be divided into regions [*oblasts*], districts, cities and other administrative-territorial units. The administrative-territorial division of the State is determined by law.

Article 10

A citizen of the Republic of Belarus shall be guaranteed the protection and assistance of the State both on 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.

A citizen of the Republic of Belarus may not be extradited to a foreign State, unless otherwise agreed to in international treaties to which the Republic of Belarus is party.

Citizenship shall be acquired or lost in accordance with the law.

Article 11

Foreign nationals and stateless persons on the territory of Belarus shall enjoy rights and liberties and execute duties on equal terms with the citizens of the Republic of Belarus, unless otherwise specified in the Constitution, the laws and international treaties.

Article 12

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

Article 13

Property can be the ownership of the State or private.

The State grants equal rights to all to conduct economic and other activities, other than those prohibited by law, and guarantees equal protection and equal conditions for the development of all forms of ownership.

The State promotes the development of cooperation.

The State guarantees to everyone equal opportunities for the free utilization of abilities and assets for business and other types of economic activity which are not prohibited by the law.

The State regulates economic activities on behalf of the individual and society, and ensures the direction and coordination of State and private economic activity for social purposes.

The mineral wealth, waters and forests are the sole and exclusive property of the State. The land for agricultural use is the property of the State.

By law may also be specified other objects which are the property of the State alone, or may specify the special terms for their transition to private ownership, or grant the State an exclusive right to conduct certain types of activity.

The State guarantees the workers the right to participate in the management of enterprises, organizations and establishments to enhance their efficiency and improve social and economic standards of life.

Article 14

The State regulates 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.

The relations in the social sphere and in labor between the organs of State management, associations of employers and trade unions shall be exercised on the principles of social partnership and interaction of parties.

Article 15

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

Article 16

Religions and faiths are equal before the law.

Relations between the State and religious organizations are regulated by the law with regard to their influence on the formation of the spiritual, cultural and State traditions of the Belarusian people.

The activities of confessional organizations, their organs 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 of its citizens as well as impede the execution of State, public and family duties by its citizens or are detrimental to their health and morality are prohibited.

Article 17

The Belarusian and the Russian languages are the official languages of the Republic of Belarus.

Article 18

In its foreign policy the Republic of Belarus proceeds from the principles of the equality of States, the non-use of force or the threat of force, the inviolability of frontiers, the peaceful settlement of disputes, non-interference in internal affairs of States and other universally acknowledged principles and standards of international law.

The Republic of Belarus pledges itself to make its territory a neutral, nuclear-free State.

Article 19

The symbols of the Republic of Belarus as a sovereign State are its State flag, State emblem and State anthem.

Article 20

The capital of the Republic of Belarus is the city of Minsk.

The status of the city of Minsk is determined by law.

SECTION II THE INDIVIDUAL, SOCIETY AND THE STATE

Article 21

The safeguarding of the rights and freedoms of the citizens of the Republic of Belarus is the supreme goal of the State.

Everyone has the right to a dignified standard of living, including appropriate food, clothing, housing and likewise a continuous improvement of necessary living conditions.

The State guarantees the rights and freedoms of the citizens of Belarus that are enshrined in the Constitution and the laws, and specified in the State's international obligations.

Article 22

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

Article 23

Restriction of personal rights and freedoms 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 and the rights and freedoms of other persons.

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

Article 24

Every person has the right to life.

The State shall protect the life of the individual against any illegal infringements.

Until its abolition, the death sentence may be applied in accordance with the law as an exceptional penalty for especially grave crimes and only in accordance with the verdict of a court of law.

Article 25

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.

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

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

No one may be found guilty of a crime unless his guilt is proven under the procedure specified by law and established by the verdict of a court of law that has acquired legal force. A defendant shall not be required to prove one's innocence.

Article 27

No person can be compelled to be a witness against oneself, members of one's family or next of kin. Evidence obtained in violation of the law shall have no legal force.

Article 28

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

Article 29

The inviolability of the home and the legal possessions of citizens is guaranteed. No one has the right, save in due course of law to enter the premises or other legal property of a citizen against his will.

Article 30

Citizens of the Republic of Belarus 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

Everyone has the right to determine independently his attitude towards religion, to profess any religion individually or jointly with others, or to profess none at all, to express and to spread beliefs connected with one's attitude towards religion, and to participate in the performance of acts of worship and religious rituals and rites, which are not prohibited by the law.

Article 32

Marriage, the family, motherhood, fatherhood, and childhood are under the protection of the State.

On reaching the age of consent women and men have the right to enter into marriage on a voluntary basis and start a family. A husband and wife are equal in family relationships.

Parents or persons in loco parentis are 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.

Children may be separated from their family against the consent of their parents or persons in loco parentis only according to the verdict of the court of law, if the parents or persons in loco parentis fail in their duty towards their children.

Women are guaranteed equal rights with men in their opportunities to receive education and vocational training, promotion in labor, socio-political, cultural and other spheres of activity, as well as in creating conditions safeguarding their labor and health.

The young people are guaranteed the right for their spiritual, moral and physical development.

The State creates all necessary conditions for the free and effective participation of the young people in the political, social, economic and cultural development of society.

Article 33

Everyone is guaranteed freedom of thought and beliefs and their free expression.

No one can be forced to express one's beliefs or to deny them.

Monopolization of the mass media by the State, public associations or individual citizens and also censorship is not permitted.

Article 34

Citizens of the Republic of Belarus are guaranteed the right to receive, store and disseminate complete, reliable and timely information of the activities of State organs, public associations, on political, economic, cultural and international life, and on the state of the environment.

State organs, public associations and officials shall afford citizens of the Republic of Belarus an opportunity to familiarize themselves with materials that affects their rights and legitimate interests.

The use of information may be restricted by legislation with the purpose to safeguarding the honor, dignity, personal and family life of the citizens and the full implementation of their rights.

Article 35

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, are guaranteed by the State. The procedure for conducting the above events are determined by the law.

Article 36

Everyone has the right to freedom of association.

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

Article 37

Citizens of the Republic of Belarus have the right to participate in the management 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 are safeguarded by the holding of referenda, the discussion of draft laws and issues of national and local significance, and by other means specified by law.

In instances determined by the law the citizens of the Republic of Belarus take part in the discussion of issues of State and public life at republican and local meetings.

Article 38

Citizens of the Republic of Belarus have the right to vote freely and to be elected to State organs on the basis of universal, equal, direct or indirect suffrage by secret ballot.

Article 39

Citizens of the Republic of Belarus, in accordance with their capabilities and vocational training, have the right of equal access to any post in State organs.

Article 40

Everyone has the right to address personal or collective appeals to State organs.

State organs, as well as the officials, are obligated to consider any appeal and furnish a reply in point of substance within the period specified by law. Any refusal to consider an appeal that has been submitted must be justified in writing.

Article 41

Citizens of the Republic of Belarus are guaranteed the right to work as the worthiest means of human self affirmation, that is, the right to choose one's profession, the 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 creates conditions necessary for full employment of the population. Where a person is unemployed for reasons which are beyond his control, he is guaranteed training in new specializations and an upgrading of his qualifications having regard to social needs, and to unemployment benefits in accordance with the law.

Citizens have the right to protection of their economic and social interests, including the right to form trade unions and conclude collective labor agreements, and the right to strike.

Forced labor is prohibited, other than work or service specified in the verdict of a court of law or in accordance with the law on the state of emergency or martial law.

Article 42

Employees are guaranteed a just share of remuneration for the economic results of their labor in accordance with the quantity, quality and social significance of such work, but not less than the level which ensures them and their families an existence of independence and dignity.

Women and men and adults and minors are entitled to equal remuneration for work of equal value.

Article 43

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

Article 44

The State guarantees everyone the right of property and contributes to its acquisition.

A proprietor has 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 is protected by law.

Property acquired in accordance with the law is safeguarded by the State.

The State encourages and protects the savings of citizens and guarantees conditions for the return of deposits.

The compulsory alienation of assets is 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 ruling of a court of law.

The exercise of the right of property must not be contrary to social benefit and security, or be harmful to the environment or historical and cultural treasures, or infringe upon the rights and legally protected interests of others.

Article 45

Citizens of the Republic of Belarus are guaranteed the right to health care, including free treatment at State health care establishments.

The State makes health care facilities accessible to all of its citizens.

The right of citizens of the Republic of Belarus to health care is also secured by the development of physical training and sport, measures to improve the environment, the opportunity to use fitness establishments and improvements in occupational safety.

Article 46

Everyone is entitled to a wholesome environment and to compensation for loss or damage caused by the violation of this right.

The State supervises the rational utilization of natural resources, protects and improves living conditions, and preserves and restores the environment.

Article 47

Citizens of the Republic of Belarus are guaranteed the right to social security in old age, in the event of illness, disability, loss of fitness for work and loss of a breadwinner and in other instances specified by law. The State displays the particular concern for veterans of war and labor, as well as for those who lost their health in the defense of national and public interests.

Article 48

Citizens of the Republic of Belarus are entitled to housing. This right shall be safeguarded by the development of State, and private housing and assistance for citizens in the acquisition of housing.

The State and local self-government grant housing free of charge or at affordable prices in accordance with the law to citizens who are in need of social protection.

No one may be deprived of housing arbitrarily.

Article 49

Everyone has the right to education.

Accessible and free general, secondary and vocation-technical education is guaranteed.

Secondary specialized and higher education is 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

Everyone has the right to preserve his national affiliation, and equally, no one may be compelled to define or indicate his national affiliation.

Insults to national dignity are prosecuted by law.

Everyone has the right to use his native language and choose the language of communication. In accordance with the law, the State guarantees the freedom to choose the language of education and teaching.

Article 51

Everyone has the right to take part in cultural life. This right is safeguarded by universal accessibility to the treasures of domestic and world culture that are held in State and public funds and through the development of a network of cultural and educational establishments.

Freedom of artistic, scientific and technical creativity and teaching is guaranteed.

Intellectual property is protected by law.

The State contributes to the development of culture, scientific and technical research for the benefit of common interests.

Article 52

Everyone residing in the territory of the Republic of Belarus is obligated to observe the Constitution and laws and respect national traditions.

Article 53

Everyone must respect the dignity, rights, freedoms and legitimate interests of others.

Article 54

Everyone must preserve the historical, cultural and spiritual heritage and other national treasures.

Article 55

It is the duty of everyone to protect the environment.

Article 56

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

Article 57

It is the responsibility and sacred duty of every citizen of the Republic of Belarus to defend the Republic of Belarus.

The procedure governing military service, the grounds and conditions for exemption from military service and the substitution thereof by alternative service are determined by law.

Article 58

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

Article 59

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

State organs, officials and other persons who have been entrusted with the exercise State functions shall take necessary measures to implement and safeguard the rights and freedoms of individuals.

These organs and persons shall be held responsible for actions violating the rights and freedoms of individuals.

Article 60

Everyone is guaranteed protection of his rights and freedoms by a competent, independent and impartial court of law within time periods specified by law.

To defend their rights, liberties, honor and dignity, citizens are entitled in accordance with the law to recover, through the courts, both property damage and material compensation for moral injury.

Article 61

Everyone has the right in accordance with the international instruments ratified by the Republic of Belarus, to appeal to international organizations to protect their rights and freedoms, provided all available domestic means of legal defense have been exhausted.

Article 62

Everyone has the right to legal assistance to exercise and defend his rights and liberties, including the right, at any time, to the assistance of lawyers and one's other representatives in court, other State organs, local government organs, enterprises, establishments, organizations and public associations, and also in relations with officials and citizens. In the instances specified in law, legal assistance is rendered from public funds.

Opposition to the rendering of legal assistance is prohibited in the Republic of Belarus.

Article 63

The exercise of the personal rights and freedoms specified in this Constitution may be suspended only during a state of emergency or martial law according to the procedure and within the limits specified in the Constitution and the law.

In carrying out special measures during a state of emergency, the rights specified in Article 24, the third paragraph of Article 25 and Articles 26 and 31 of the Constitution cannot be restricted.

SECTION III

THE ELECTORAL SYSTEM. REFERENDUM

CHAPTER 1

THE ELECTORAL SYSTEM

Article 64

The elections of Deputies and other persons elected to State office by the people are universal: citizens of the Republic of Belarus who have reached the age of 18 are eligible to vote.

Citizens who are deemed incapable by a court of law or are held in places of confinement in accordance with a court decision do not take part in elections. Persons subject to preventive detention in accordance with the law on criminal procedure do not take part in voting. Any direct or indirect restriction on citizens' voting rights in other instances is impermissible and punishable by law.

The age qualification of Deputies and other persons elected to State positions is determined by corresponding laws, unless otherwise provided by the Constitution.

Article 65

Elections are free. A voter decides personally whether to take part in elections and for whom to vote.

The preparation and conduct of elections is open and in public.

Article 66

Elections are held according to the principle of equal suffrage. Voters shall have equal numbers of votes.

Candidates standing for public office take part in elections on an equal basis.

Article 67

Elections of Deputies are direct. Deputies are elected by citizens directly.

Article 68

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

Article 69

Public associations, work collectives and citizens have the right to nominate candidates for Deputy in accordance with the law.

Article 70

Expenditures incurred in the preparation and conduct of elections are covered by the State within the limits of the funds assigned for that purpose. In instances determined by the law, the expenditure for the preparation and conduct of elections may be carried out at the expense of public associations, enterprises, offices, organizations and citizens.

Article 71

Elections are conducted by electoral commissions, unless otherwise specified in the Constitution.

The procedure governing the conduct of elections is determined by the laws of the Republic of Belarus.

Elections are not held during a state of emergency or martial law.

Article 72

The recall of Deputies is exercised in the order and instances as determined by the law.

The voting for the recall of a Deputy is exercised in the order determined for the election of the Deputy, and on the initiative of no less than 20 percent of the citizens eligible to vote and resident in the corresponding area.

The reason and order for the recall of a member of the Council of the Republic is determined by the law.

CHAPTER 2 REFERENDUM (NATIONAL VOTING)

Article 73

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

Article 74

National referenda are called on the initiative of the President of the Republic of Belarus, as well as on the initiative of the Council of the Republic or Chamber of Representatives, which are taken at their separate sittings by a majority of the full number of Deputies of each Chamber, or on the initiative of no fewer than 450,000 citizens eligible to vote, including no fewer than 30,000 citizens from each of the regions [*oblasts*] and city of Minsk.

The President calls a national referendum after its submission by the Council of the Republic and Chamber of Representatives in accordance with the law, or by the citizens themselves.

The date of the referendum shall be no later than three months after the President issued the decree on holding a referendum.

The decisions taken by the national referendum are signed by the President of the Republic of Belarus.

Article 75

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

Article 76

Referenda are conducted by means of universal, free, equal and secret ballot.

Citizens of the Republic of Belarus eligible to vote take part in referenda.

Article 77

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

Article 78

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

SECTION IV

[THE] PRESIDENT, PARLIAMENT, GOVERNMENT,
[THE] COURT[S]

CHAPTER 3

[THE] PRESIDENT OF THE REPUBLIC OF BELARUS

Article 79

The President of the Republic of Belarus is the Head of State, the guarantor of the Constitution of the Republic of Belarus, the rights and freedoms of man and citizen.

The President personifies the unity of the Nation, guarantees the realization of the main guidelines of the domestic and foreign policy, represents the State in the relations with other States and international organizations. The President provides the protection of the sovereignty of the Republic of Belarus, its national security and territorial integrity, ensures its political and economic stability, continuity and interaction of organs of State power, maintains the intermediation among the organs of State power.

The President shall enjoy immunity, and his honor and dignity shall be protected by the law.

Article 80

Any citizen of the Republic of Belarus by birth 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 prior to the elections can be elected President.

Article 81

The President is elected directly by the people of the Republic of Belarus for a term of office of five years by universal, free, equal, direct and secret ballot. The same person may be President for no more than two terms.

Presidential candidates are nominated by citizens of the Republic of Belarus if the signatures of no less than 100,000 voters have been collected.

Presidential elections are called by the Chamber of Representatives no later than five months and shall be conducted no later than two months prior to the expiration of the term of office of the preceding 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 82

The elections are deemed to have taken place when over half the citizens of the Republic of Belarus on the electoral roll have taken part in the poll.

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.

If 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 elected.

The procedure governing the conduct of presidential elections is determined by the law of the Republic of Belarus.

Article 83

The President assumes office after taking the following Oath:

“Upon assuming the office of President of the Republic of Belarus, I solemnly swear to faithfully serve the people of the Republic of Belarus, to respect and safeguard the rights and freedoms of man and citizen, to abide by and protect the Constitution of the Republic of Belarus, and to discharge strictly and conscientiously the high duties that have been entrusted to me.”

The Oath shall be administered in a ceremonial atmosphere attended by members of the Chamber of Representatives and the Council of the Republic, the judges of the Constitutional Court, the Supreme Court and Economic Court no later than two months from the day on which the President is elected. The powers of the preceding President terminate the moment the President-elect takes the Oath.

Article 84

The President of the Republic of Belarus:

- 1) calls national referenda;
- 2) calls regular and extraordinary elections to the Chamber of Representatives, the Council of the Republic, and local representative organs;
- 3) dissolves the Chambers of the Parliament in the cases and the order determined by the Constitution;

- 4) appoints six members of the Central Commission of the Republic of Belarus on Elections and National Referenda;
- 5) forms, dissolves and reorganizes the Administration of the President of the Republic of Belarus, other organs of State administration, as well as consultative advisory councils, other organs attached to the Presidency;
- 6) with the consent of the Chamber of Representatives, appoints the Prime Minister of the Republic of Belarus;
- 7) determines the structure of the Government of the Republic of Belarus, appoints and dismisses the Deputy Prime Ministers, ministers and other members of the Government, takes the decision on the resignation of the Government, or any of its members;
- 8) appoints the Chairperson of the Constitutional Court, Supreme Court and Economic Court from among the judges of these courts with the consent of the Council of the Republic;
- 9) with the consent of the Council of the Republic appoints the judges of the Supreme Court and Economic Court, the Chairperson of the Central Commission of the Republic of Belarus on Elections and National Referenda, the Procurator General, the Chairperson and members of the Governing Board of the National Bank;
- 10) appoints six members of the Constitutional Court, and other judges of the Republic of Belarus;
- 11) dismisses the Chairperson and judges of the Constitutional Court, Supreme Court and Economic Court, the Chairperson of the Central Commission of the Republic of Belarus on Elections and National Referenda, the Procurator General, the Chairperson and members of the Board of the National Bank in the order determined by the law and with the notification of the Council of the Republic;
- 12) appoints and dismisses the Chairperson of the State Supervisory Committee;
- 13) delivers messages to the people of the Republic of Belarus on the state of the nation and on the guidelines of the domestic and foreign policy;
- 14) delivers annual messages to the Parliament which are not open to discussion at the sittings of the Chamber of Representatives and Council of the Republic; has the right to participate in the sessions of Parliament and its bodies; delivers speeches and addresses to Parliament at any requested time;
- 15) has the right to chair the meetings of the Government of the Republic of Belarus;
- 16) appoints leading officials of organs of State administration and determines their status; appoints official representatives of the President in the Parliament and other officials whose offices are determined by the law, unless otherwise specified in the Constitution;
- 17) resolves issues regarding the granting of citizenship of the Republic of Belarus, the termination thereof and the granting of asylum;

- 18) institutes State holidays and vacation days, bestows State awards, ranks and titles;
- 19) grants pardons to convicts;
- 20) conducts negotiations and signs international treaties, appoints and recalls diplomatic representatives of the Republic of Belarus in foreign countries and at international organizations;
- 21) receives the credentials and letters of recall of the accredited diplomatic representatives of foreign countries;
- 22) in the event of a natural disaster, a catastrophe, and also 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 threatens the territorial integrity and existence of the State, declares a state of emergency in the territory of the Republic of Belarus or in specific areas thereof and submits the decision to the Council of the Republic for approval within three days;
- 23) in cases specified by legislation, has the right to postpone a strike or suspend it for a period not exceeding three months;
- 24) signs bills and has the right in the order determined by the Constitution to return it or some of its provisions with the objections to the Chamber of Representatives;
- 25) has the right to abolish acts of the Government;
- 26) exercises supervision directly or through specially formed organs of observance of laws by local organs of administration or self-government and has the right to suspend decisions of local Councils of Deputies, or abolish decisions of local executive and administrative organs in cases when they do not conform to the requirements of the law;
- 27) forms and heads the Security Council of the Republic of Belarus, and appoints and dismisses the State Secretary of the Security Council;
- 28) is the Commander-in-Chief of the Armed Forces of the Republic of Belarus; appoints and dismisses the Supreme Command of the Armed Forces;
- 29) imposes, in the event of military threat or attack, martial law in the territory of the Republic of Belarus and announces general or partial mobilization with the submission within 3 days of the decision taken for approval by the Council of the Republic;
- 30) exercises other powers entrusted to him by the Constitution and the laws.

Article 85

On the basis and in accordance with the Constitution, the President issues decrees and orders which are obligatory in the territory of the Republic of Belarus.

In instances determined by the Constitution, the President issues decrees which have the force of the law. The President shall ensure directly or through specially formed organs the execution of the decrees, orders and instructions.

Article 86

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

The President shall suspend his membership in political parties and other public associations that pursue political goals during the whole term in office.

Article 87

The President can tender his resignation at any time. The President's resignation shall be accepted by the Chamber of Representatives.

Article 88

The President of the Republic of Belarus can be prematurely removed from office if he is persistently incapable to discharge his duties on account of the state of his health. The issue of removing the President shall be taken by a resolution of the Chamber of Representatives adopted by a majority of no less than two-thirds of the elected Deputies as determined by the Constitution and a majority of no less than two-thirds of the full composition as determined by the Constitution of the Council of the Republic on the basis of the findings of an ad hoc Commission formed by the Chambers of the Parliament.

The President can be removed from office for acts of State treason and other grave crimes. The decision to file a charge against the President shall be supported by a majority of the whole Chamber of Representatives on behalf of no less than one-third of the number of Deputies. The investigation of the charge shall be exercised by the Council of the Republic. The President shall be deemed removed from office if the decision is adopted by no less than two-thirds of the full composition of the Council of the Republic, and no less than two-thirds of the full Chamber of Representatives.

The failure of the Council of the Republic and Chamber of Representatives to take a decision to remove the President from office within a month after it was initiated shall make the motion invalid. The motion to remove the President from office may not be initiated in accordance with the provisions of the Constitution in the course of the hearings on the premature termination of the powers of Parliament.

If 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 89

In case the office of President falls vacant or if the President is unable to discharge his duties as determined by the Constitution, his powers shall be transferred to the Prime Minister until the President-elect is sworn in.

CHAPTER 4

PARLIAMENT—THE NATIONAL ASSEMBLY

Article 90

The Parliament—the National Assembly is a representative and legislative organ of the Republic of Belarus.

The Parliament consists of two Chambers—the Chamber of Representatives and the Council of the Republic.

Article 91

The Chamber of Representatives shall consist of 110 Deputies. The election of Deputies to the Chamber of Representatives shall be carried out in accordance with the law on the basis of universal, equal, free, direct electoral suffrage and by secret ballot.

The Council of the Republic is a chamber of territorial representation. The Council of the Republic consists of eight Deputies from every region [*oblast*] and the city of Minsk, elected at the meetings of Deputies of local Councils of Deputies of the basic level of every region and the city of Minsk from their ranks. Eight members of the Council of the Republic are appointed by the President of the Republic of Belarus.

Elections for a new composition of the Chambers of Parliament shall be set no later than four months and held no later than 30 days prior to the expiration of the powers of the current Parliament. Extraordinary elections for the Chambers of the Parliament shall be held within three months after the premature expiration of the powers of the Chambers of the Parliament.

Article 92

Any citizen of the Republic of Belarus who has reached the age of 21 may become a Deputy of the Chamber of Representatives.

Any citizen of the Republic of Belarus who has reached the age of 30, and who has been resident on the territory of a corresponding region, or the city of Minsk no less than five years may become a member of the Council of the Republic.

A Deputy of the Chamber of Representatives shall exercise his powers in the Parliament on a professional basis unless otherwise determined by the Constitution. A Deputy of the Chamber of Representatives may simultaneously be member of the Government.

No person may be simultaneously a member of both Chambers of the Parliament. A member of the Chamber of Representatives may not be a member of a local Council of Deputies. A member of the Council of the Republic may not simultaneously be a member of the Government. No person may exercise his duties as a member of the Chamber of Representatives, or as a member of the Council of the Republic and simultaneously hold the office of President or a judge.

Article 93

The term of the Parliament is four years. The powers of the Parliament may be extended by law only in the event of a war.

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

elections. The count of the thirty day period for calling and beginning of the first session of the Chamber of Representatives shall start from the day of the second round of elections for the new Parliament. If the second round of elections for the Chamber of Representatives is not held, then the count of the thirty day period shall start from the day of the first round of general elections in the Republic of Belarus. The count of the thirty day period for calling and convening the first session of the Council of the Republic shall start from the day of the first meeting of the Deputies of the local Councils of Deputies of basic level for the elections of the members of the Council of the Republic from the regions or the city of Minsk.

The powers of the Chamber of Representatives or the Council of the Republic may be terminated prematurely as determined by the Constitution. With the termination of the powers of the Chamber of Representatives or the Council of the Republic, the President may terminate the powers of the Chamber of Representatives or the Council of the Republic.

Article 94

The powers of the Chamber of Representatives may be terminated prematurely when no confidence is expressed or a non-confidence vote is expressed in the Government, or when the Chamber fails twice to give its consent to the appointment of the Prime Minister.

The powers of the Chamber of Representatives or the Council of the Republic may be prematurely terminated in accordance with the conclusion of the Constitutional Court in cases of systematic and gross violation of the Constitution by the Chambers of the Parliament.

The decision on this issue shall be taken by the President after official consultations with the Chairs of the Chambers.

The Chambers may not be dissolved during a state of emergency or martial law, in the last six months of the term of office of the President, in the course of proceedings of both Chambers on the premature removal of the President from office.

Both Chambers may not be dissolved in the course of the first year of the first sitting.

Article 95

The Chambers hold their regular sessions twice a year.

The first session opens on 2 October; its duration may not exceed 80 days.

The second session opens on 2 April and its duration may not exceed 90 days.

If 2 October or 2 April is a non-working day, then the session shall begin its proceedings on the first following day after the non-working day.

The Chamber of Representatives and the Council of the Republic may in instances of urgent necessity be convened for an extraordinary session at the request of the President, on initiative of no less than a two-thirds majority of the full composition of each Chamber for a special agenda.

The extraordinary sessions are called by the decrees of the President.

Article 96

The Chamber of Representatives elects from its ranks of the Deputies the Chairperson of the Chamber and his Deputy.

The Council of the Republic elects from the ranks of senators the Chairperson of the Council of the Republic and his Deputy.

The Chairpersons of the Chamber of Representatives and the Council of the Republic, their Deputies conduct the proceedings and are in charge of the regulations of the operation of the Chambers.

The Chamber of Representatives and the Council of the Republic shall elect from the ranks of the Deputies standing committees and other organs to draft laws, give preliminary consideration to, and prepare matters that fall within the competence of the Chambers.

Article 97

The Chamber of Representatives:

1) considers draft laws put forward by the President or are submitted by no less than 150 thousand citizens of the Republic of Belarus, who are eligible to vote, to make amendments and alterations in the Constitution and give its interpretation;

2) considers draft laws, including the guidelines of the domestic and foreign policy of the Republic of Belarus; the military doctrine; ratification and denunciation of international treaties; the fundamental concept and principles of execution of rights, freedoms and duties of its citizens; citizenship issues, the status of foreigners and persons without citizenship; the rights of ethnic minorities; the approval of the budget of the Republic and the account on its implementation; the introduction of national taxes and dues; the principles of ownership; the basics of social security; the principles regulating labor and employment, marriage, the family, childhood, maternity, paternity, education, upbringing, culture and public health; environmental protection and the rational utilization of natural resources; the determination of the procedure for resolving issues relating to the administrative-territorial structure of the State; local self-government; the administration of justice and the status of judges; issues of criminal responsibility and amnesty; declaration of war and conclusion of peace; martial law and a state of emergency; institution of State awards; interpretation of laws;

3) calls elections for the Presidency;

4) grants consent to the President concerning the appointment of the Prime Minister;

5) considers the report of the Prime Minister on the policy of the Government and approves or rejects it; a second rejection by the Chamber of the policy of the Government shall be deemed as an expression of non-confidence to the Government;

6) considers on the initiative of the Prime Minister a call for a vote of confidence;

7) on the initiative of no less than one-third of the full composition of the Chamber of Representatives expresses a non-confidence vote in the Government; the issue of liability of

the Government may not be discussed in the course of the year after the approval of the Program of government policy;

8) accepts the resignation of the President;

9) with a majority of the full composition of the Chamber of Representatives forwards charges of treason or of some other grave crime against the President; on the basis of the decision of the Council of the Republic and with no less than a two-thirds majority of the full composition of the Chamber take the decision to remove the President from office;

10) cancels the order of the Chairperson of the Chamber of Representatives.

The Chamber of Representatives may take decisions on other matters if provided for by the Constitution.

Article 98

The Council of the Republic:

1) approves or rejects draft laws adopted by the Chamber of Representatives with regard to alterations and additions to the Constitution; and on the interpretation of the Constitution, as well as other draft laws;

2) gives its consent to the appointment by the President of the Chairperson of the Constitutional Court, Chairperson and judges of the Supreme Court, the Chairperson and judges of the Supreme Economic Court, the Chairperson of the Central Commission on Elections and National Referenda, the Procurator General, the Chairperson and members of the National Bank;

3) elects six judges of the Constitutional Court;

4) elects six members of the Central Commission on Elections and National Referenda;

5) reverses decisions of local Councils of Deputies which do not conform to legislation;

6) adopts a resolution on the dissolution of a local Council of Deputies in case it systematically and flagrantly violates the requirements of the law and other instances determined by the law;

7) considers charges of treason or of some other grave crime forwarded by the Chamber of Representatives against the President and takes decision on its investigation. Given the presence of substantial evidence takes the decision to remove the President from office with no less than two-thirds of the full composition of the Chamber;

8) considers decrees of the President on the introduction of a state of emergency, martial law, general or partial mobilization no later than three days after their submission and takes the appropriate decision.

The Council of the Republic may take decisions on other matters provided for by the Constitution.

Article 99

The right of legislative initiative belongs to the President, the members of the Chamber of Representatives, the Council of the Republic, the Government as well as to citizens who are eligible to vote, in a number of no less than 50,000, and is implemented in the Chamber of Representatives.

Draft laws the adoption of which may reduce State resources, or increase expenditures may be introduced in the Chamber of Representatives only with the consent of the President or on his assignment by the Government.

The President or, on his assignment, the Government has the right to forward proposals to the Chamber of Representatives and to the Council of the Republic on the urgency of consideration of a draft law. The Chamber of Representatives and the Council of the Republic shall consider in the instance the latter in the course of ten days since its submission.

On the request of the President or with his consent the Government, the Chamber of Representatives and the Council of the Republic shall take decisions at their sessions voting in general for the whole draft law or a part of it, which was forwarded by the President or Government preserving only those amendments which were forwarded or accepted by the President or the Government.

Article 100

Any bill, unless otherwise specified by the Constitution, is initially considered in the Chamber of Representatives and then in the Council of the Republic.

A bill, unless otherwise specified in the Constitution, shall become law after its approval by a majority of votes of the full composition of the Chamber of Representatives and the Council of the Republic.

Bills adopted by the Chamber of Representatives are sent to the Council of the Republic for consideration within five days, where they are considered within no more than twenty days unless otherwise specified in the Constitution.

A bill shall be deemed to have been approved by the Council of the Republic provided that a majority of votes of the full composition of the Council of the Republic has been cast for it, or if within twenty days, and in instances of urgency within ten days since its submission, the Council of the Republic failed to consider it. If the bill is rejected by the Council of the Republic, both Chambers may form a conciliation commission on a parity basis to overcome the existing differences. The text of the bill drafted by the conciliation commission shall be submitted for approval to both Chambers.

If the conciliation commission fails to draft a compromise bill, the President or, on his assignment the Government, may request that the Chamber of Representatives take a final decision. The bill shall be deemed to have been adopted by the Chamber of Representatives if no less than two-thirds of its full composition has voted for it.

A bill [*zakon*] adopted by the Chamber of Representatives and approved by the Council of the Republic, or in the instance determined by the present article adopted by the Chamber of

Representatives, shall be submitted to the President for signature within ten days. If the President is in agreement with the bill, he signs it. If the President does not return whatever bill within two weeks from its submission, it shall be deemed to have been signed by the President. The bill [*zakon*] shall not be deemed to have been signed and shall not come into force if it could not be returned to Parliament because of the end of the session.

If the President does not agree with the text of the bill, he returns it together with his objections to the Chamber of Representatives, which shall consider it with the objections of the President within thirty days. If the bill has been adopted by the Chamber of Representatives by no less than two-thirds of its full composition, it together with the President's objections and within five days shall be submitted to the Council of the Republic, which shall consider it for a second hearing within twenty days. The bill shall be deemed to have been approved if no less than two-thirds of the full composition of the Council of the Republic has voted for it. The bill, after the Chamber of Representatives and the Council of the Republic have overruled the President's objections, shall be signed by the President within five days. The law enters into force [even] if it is not signed by the President within the assigned time.

The President's objections to the provisions of the bill, which are returned for a second hearing, shall be considered in the same order. In this instance, prior to the appropriate decision of the Chamber of Representatives and the Council of the Republic, the bill shall be signed by the President and become a law without the provisions which have been rejected by the President.

Article 101

The Chamber of Representatives and the Council of the Republic on the proposal of the President, may adopt a law supported by a majority of the full composition of both Chambers, delegating to him legislative powers to issue decrees which have the power of law. The latter determines the subject of the issue and the term of the powers of the President to issue such decrees.

Inadmissible are delegations of powers to the President to issue decrees which provide alterations and additions to the Constitution and its interpretation; alteration and addenda to policy laws; the approval of the national budget and an account of its implementation, alterations with regard to the election of the President and Parliament, limitation of constitutional rights and freedoms of the citizens. The law on delegating legislative powers to the President shall not permit him alteration of the said law, nor shall it permit to adopt regulations which are retroactive.

In instances of necessity the President may personally initiate or on the proposal of the Government may issue temporary decrees which have the force of law. If such decrees are issued on the initiative of the Government, they shall be signed by the Prime Minister. Temporary decrees are submitted for further approval within three days of their adoption to the Chamber of Representatives, and then to the Council of the Republic. These decrees are valid if they are not rejected by a majority of no fewer than two-thirds of votes of the full composition of both Chambers. The Chambers may regulate through legislation matters which have originated on the basis of decrees, which have been abolished.

Article 102

The Deputies of the Chamber of Representatives and members of the Council of the Republic enjoy immunity in the expression of their views and exercise of their powers. This does not refer to charges of slander and insult.

During the period they exercise their powers the Deputies and the members of the Council of the Republic may be arrested or deprived of personal liberty in other manner only with the prior consent of the appropriate Chamber with the exception of instances of high treason, or some other grave crime, as well as detention at the site where the crime was committed.

A criminal case involving a Deputy of the Chamber of Representatives or a member of the Council of the Republic is tried by the Supreme Court.

Article 103

Sittings of the Chambers are open. If the interests of the State require it, the Chambers may take the decision to hold a closed session by a majority of the full composition of the corresponding Chamber. The President, his representatives, the Prime Minister and members of the Government address the sessions, out of regular order, as many times as they deem necessary.

One sitting monthly is reserved for question time to the Government for the Deputies of the Chamber of Representatives and the members of the Council of the Republic.

A Deputy of the Chamber of Representatives, or member of the Council of the Republic has the right to make an inquiry to the Prime Minister or members of the Government and the heads of State organs which are formed or elected by Parliament. The inquiry must be included in the agenda of the Chamber. The answer to the inquiry must be given within twenty days of the current session in the order determined by the Chamber of the Parliament.

The sitting of the Chamber shall be deemed lawful if no less than two-thirds of the number of the elected Deputies of the Chamber of Representatives or members of the Council of the Republic are present.

Voting in the Chamber of Representatives and Council of the Republic is open and exercised by the Deputy of the Chamber or member of the Council of the Republic in person by a “for” vote or an “against” vote. A secret vote is held only in the instance of settling personnel issues.

Article 104

Decisions of the Chamber of Representatives are taken in the form of laws or enactments. Enactments of the Chamber of Representatives are taken with regard to issues of order and supervision.

The decisions of the Council of the Republic are taken in the form of enactments.

The decisions of the Chambers are deemed to have been adopted by a majority of the full composition of the Chambers unless otherwise specified in the Constitution.

Laws with regard to basic guidelines of domestic and foreign policy of the Republic of Belarus and military doctrine thereof are considered of a policy character and are deemed to have been adopted provided that a two-thirds majority of the elected Deputies of both Chambers has voted for them.

The laws are published immediately after their signature and become valid ten days after their publication unless the law determines another date. In the same order the decrees of the President come into force.

The law has no retroactive force except when it extenuates or revokes the responsibility of citizens.

Article 105

The procedure governing the activities of the Chamber of Representatives, the Council of the Republic, its organs, the Deputies and the members of the Council of the Republic are determined by the Rules of Procedure of the Chambers, which are signed by the Chairpersons of the Chambers.

CHAPTER 5

THE GOVERNMENT—THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS

Article 106

The executive power in the Republic of Belarus is exercised by the Government—the Council of Ministers of the Republic of Belarus—the central organ of State administration.

The Government in its activity is accountable to the President of the Republic of Belarus and responsible to the Parliament of the Republic of Belarus.

The Government relinquishes its powers to the President-elect of the Republic of Belarus.

The Government of the Republic of Belarus consists of the Prime Minister, his Deputies and ministers. The heads of other central organs of State administration may be members of the Government.

The Prime Minister is appointed by the President of the Republic of Belarus with the consent of the Chamber of Representatives. The decision to this order is taken by the Chamber of Representatives within two weeks from the nomination of the candidacy of the Prime Minister. In case the Chamber of Representatives rejects the submitted nomination of the Prime Minister twice, the President of the Republic appoints an acting Prime Minister on his own, and dissolves the Chamber of Representatives and calls new elections.

The Prime Minister directs the activities of the Government.

The Prime Minister:

- 1) directs the activities of the Government and holds personal responsibility for its work;

- 2) signs the acts of the Government;
- 3) submits to Parliament a report on the Program of the Government within two months after his appointment, and in case of its rejection submits a second report on the Program of the Government, within two months;
- 4) informs the President on the basic guidelines of the activities of the Government, and on all the most important decisions;
- 5) exercises other functions connected with the organization and activities of the Government.

The Government or any member of the Government is entitled to tender the resignation to the President, if he deems it impossible to discharge the duties entrusted to him. The Government tenders its resignation to the President if the Chamber of Representatives has passed a vote of no confidence in the Government.

The Prime Minister may request from the Chamber of Representatives a vote of confidence with regard to the governmental Program or any concrete matter submitted to the Chamber. If a non-confidence vote is passed by the Chamber of Representatives, the President is entitled to accept the resignation of the Government, or to dissolve the Chamber of Representatives within ten days, and call new elections. If the resignation of the Government is rejected the latter continues to discharge its duties.

The President is entitled to take the decision on the resignation of the Government on his own initiative, and dismiss any member of the Government.

In case of the resignation of the Government of the Republic of Belarus or termination of its powers, the latter on the assignment of the President shall continue to hold office until the formation of a new Government.

Article 107

The Government of the Republic of Belarus:

administers the system of subordinate organs of State administration and other executive organs;

elaborates the basic guidelines of the domestic and foreign policy, and takes measures for their implementation;

elaborates and submits to the President for further parliamentary consideration the draft national budget and an account of its implementation;

ensures the execution of a uniform economic, financial, credit and monetary policy, and State policy in the fields of science, culture, education, health care, ecology, social security and remuneration for labor;

takes measures to secure the rights and liberties of citizens, safeguards the interests of the State, national security and defense, protection of property, maintains public order and eliminates crime;

acts on behalf of property owner with regard to assets which are the sole property of the Republic of Belarus, and exercises management of State property;

ensures compliance with the Constitution, the laws, decrees, edicts and instructions of the President;

repeals acts of ministries and other central organs of State administration;

exercises other powers entrusted to it by the Constitution, laws and acts of the President.

Article 108

The Government of the Republic of Belarus issues acts, that have binding force in the entire territory of the Republic of Belarus.

The Prime Minister issues orders which are within his competence.

The competence, the procedure, the organization and activities of the Government are determined on the basis of the Constitution and the Law on the Council of Ministers of the Republic of Belarus.

CHAPTER 6 THE COURT[S]

Article 109

The judicial power in the Republic of Belarus is exercised by the courts.

The court system is based on the principles of territoriality and specialization.

The judicial system in the Republic of Belarus is determined by the law.

The formation of exceptional courts is prohibited.

Article 110

In administering justice judges are independent and subordinate only to the law.

Any interference in the activities of the administration of justice is impermissible and liable to legal action.

Article 111

Judges may not engage in business activities or perform any [other] paid work, apart from teaching and scientific research.

The grounds for selecting (appointing) judges and their dismissal is determined by the law.

Article 112

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

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

Article 113

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

Article 114

The trial of cases in all courts is open.

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

Article 115

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

The rulings of courts are mandatory for all citizens and officials.

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

Article 116

The control of the constitutionality of normative acts of the State is exercised by the Constitutional Court of the Republic of Belarus.

The Constitutional Court of the Republic of Belarus is formed of 12 judges from among highly qualified specialists in the field of law, who as a rule have an academic degree.

Six Judges of the Constitutional Court are appointed by the President of the Republic of Belarus and six are elected by the Council of the Republic. The Chairperson of the Constitutional Court is appointed by the President with the consent of the Council of the Republic. The term of the members of the Constitutional Court is 11 years. The permissible age limit of the members of the Court is 70 years.

The Constitutional Court on the recommendations of the President of the Republic of Belarus, the Chamber of Representatives, the Council of the Republic, the Supreme Court of the Republic of Belarus, the Supreme Economic Court of the Republic of Belarus, the Cabinet of Ministers of the Republic of Belarus provides rulings on:

the conformity of laws, decrees and edicts of the President, international agreements and other obligations of the Republic of Belarus with the Constitution and other instruments of international law ratified by the Republic of Belarus;

the conformity of acts of international organizations of which the Republic of Belarus is part, edicts of the President of the Republic of Belarus which are issued for the implementation of the law, the Constitution, the laws, decrees and instruments of international law ratified by the Republic of Belarus;

the conformity of the ordinances of the Council of Ministers and the orders of the Supreme Court, the Supreme Economic Court, the Procurator General with the Constitution, laws and acts of international law ratified by the Republic of Belarus, laws, decrees and edicts;

the conformity of enactments of any other State organ with the Constitution, laws and decrees as well as with the laws and acts of international law ratified by the Republic of Belarus.

Enforceable enactments or their particular provisions which are considered unconstitutional are deemed invalid in the order determined by the law.

In cases specified by the Constitution, the Constitutional Court on the proposal of the President gives its conclusions on the presence of instances of systematic or serious violation of the Constitution of the Republic of Belarus by the Chambers of Parliament.

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

SECTION V LOCAL GOVERNMENT AND SELF-ADMINISTRATION

Article 117

Local government and self-administration is exercised by citizens through local Councils of Deputies, executive and administrative organs, organs of public territorial self-administration, through local referenda, assemblies and other forms of direct participation in State and public affairs.

Article 118

Local Councils of Deputies are elected by the citizens of the respective administrative-territorial units for four-year terms.

Article 119

The heads of local executive and administrative organs are appointed and dismissed by the President of the Republic of Belarus or on the order determined by him, and their appointment is subject to the approval of the local Councils of Deputies.

Article 120

Local Councils of Deputies and executive and administrative organs, within the limits of their competence, resolve matters of local significance, proceeding from national interests and the interests of the people who reside in the respective territories, [and] implement the decisions of higher State organs.

Article 121

The following fall exclusively within the 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;

the calling of local referenda.

Article 122

Local Councils of Deputies and executive and administrative organs shall, on the basis of existing laws, adopt decisions that have binding force in the respective territories.

Decisions of local Councils of Deputies that are contrary to the law are reversed by higher representative organs.

Decisions of local executive and administrative authorities that are contrary to the law shall be reversed by the respective Councils of Deputies, superior executive and administrative organs and the President of the Republic of Belarus.

Decisions of local Councils of Deputies and their executive and administrative organs 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

If a local Council of Deputies systematically or seriously violates the requirements of the law, it may be dissolved by the Council of the Republic. Other grounds for the premature termination of the powers of local Councils of Deputies are determined by the law.

Article 124

The competence, the procedure governing the establishment and activities of organs of local government and self-administration is determined by the law.

SECTION VI

THE PROKURATURA [THE PROCURATOR'S OFFICE],
THE COMMITTEE OF STATE CONTROL

CHAPTER 7 THE PROCURATOR'S OFFICE

Article 125

The supervision over strict and uniform implementation of the laws, decrees, regulations and other enforceable enactments by ministers and other organs subordinate to the Council of Ministers, as well as local representative and executive organs, enterprises, organizations, establishments, public associations, officials and citizens are entrusted to the Procurator General of the Republic of Belarus and his subordinate procurators.

The Prokuratura exercises supervision over the implementation of the laws determining the execution of the verdict of the courts in civil, criminal and administrative cases in instances determined by the law, as well as carry out preliminary investigation and support State charges in the courts.

Article 126

The unified and centralized system of organs of the Prokuratura is headed by the Procurator General, appointed by the President with the consent of the Council of the Republic.

The subordinate public procurators are appointed by the Procurator General.

Article 127

The Procurator General and the subordinate public procurators are independent in the exercise of their powers and guided by the legislation. The Procurator General is accountable to the President.

Article 128

The competence, organization and procedure governing the activities of organs of the Prokuratura are determined by the law.

CHAPTER 8 THE STATE SUPERVISORY COMMITTEE

Article 129

The State Supervisory Committee shall monitor the implementation of the national budget, the use of public property and the implementation of the acts of the President, Parliament, Government and other State organs governing public property relationships and economic, financial and tax relations.

Article 130

The State Supervisory Committee shall be formed by the President.

The Chairman of the Supervisory Committee is appointed by the President.

Article 131

The competence, organization and procedure of the activities of the State Supervisory Committee are determined by legislation.

SECTION VII THE FINANCIAL AND CREDIT SYSTEM OF THE REPUBLIC OF BELARUS

Article 132

The financial and credit system of the Republic of Belarus includes the budget system, the banking system, as well as the financial resources of non-budget funds, funds of enterprises, establishments, organizations and citizens.

On the territory of the Republic of Belarus, a unified fiscal, tax, credit and currency policy is carried out.

Article 133

The budget system of the Republic of Belarus includes the national budget and the local budgets.

Budget revenues are raised from the taxes specified in law, other mandatory payments, as well as other receipts.

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

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

Article 134

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

Article 135

A national account is submitted to the Parliament for consideration no later than five months from the end of the fiscal year.

Local accounts are submitted to the relevant Councils of Deputies for the consideration within time specified in law.

Accounts of the implementation of national and local budgets are published.

Article 136

The banking system of the Republic of Belarus consists of the National Bank of the Republic of Belarus and other banks. The National Bank regulates credit relations and monetary

circulation, determines the procedure for making payments and has the exclusive right to issue money.

SECTION VIII

THE IMPLEMENTATION OF THE CONSTITUTION OF THE REPUBLIC OF BELARUS AND THE PROCEDURE FOR AMENDING THE CONSTITUTION

Article 137

The Constitution has supreme juridical force. Laws, decrees, ordinances and other instruments of State organs are promulgated on the basis of, and in accordance with the Constitution of the Republic of Belarus.

In case of a discrepancy between a law, decree or ordinance and the Constitution, the Constitution applies.

In case of a discrepancy between a decree or ordinance and a law, the law applies if the powers for the promulgation of the decree or ordinance were provided by the law.

Article 138

The issue of amending and supplementing the Constitution shall be considered by the Chambers of the Parliament on the initiative of the President or of no fewer than 150,000 citizens of the Republic of Belarus who are eligible to vote.

Article 139

A law on amending and supplementing the Constitution may be adopted after it has been debated and approved twice by both Chambers of the Parliament with an interval of at least three months.

The Constitution may not be amended or supplemented by the Parliament during a state of emergency or the last six months of the term of the Chamber of Representatives.

Article 140

The Constitution, laws on amendments and addenda thereto, on the entry into force of the said laws and instruments on the interpretation of the Constitution shall be deemed to have been adopted if no less than two-thirds of the elected Deputies of both Chambers of the Parliament have voted in favor of them.

The Constitution may be amended or supplemented by referendum. A decision to amend or supplement the Constitution by referendum shall be deemed adopted if a majority of citizens on the electoral roll have voted in favor of it.

Sections I, II, IV, VIII of the Constitution may be amended only by means of a referendum.

SECTION IX

FINAL AND TRANSITIONAL PROVISIONS

Article 141

The 1994 Constitution of the Republic of Belarus together with the changes and addenda, adopted by national referendum (the present Constitution) shall enter into force on the day on which it is promulgated, apart from the specific provisions that are to enter into force under the procedure and at the times specified in the present Constitution. Simultaneously the Law of the Republic of Belarus “On the Procedure Governing the Entry into Force of the Constitution of the Republic of Belarus” shall cease to apply.

Article 142

The laws, decrees and other acts which were applied in the territory of the Republic of Belarus prior to the entry into force of the present Constitution shall apply in the particular parts that are not contrary to the Constitution of the Republic of Belarus.

Article 143

Within a month of the entry into force of the Constitution of the Republic of Belarus the Supreme Council of the Republic of Belarus and the President of the Republic of Belarus shall form the Chamber of Representatives from among the Deputies of the Supreme Council who were elected by the appointed date of the referendum held in 1996. The Deputies of the Supreme Council of the Republic of Belarus shall retain their powers within the term specified by the present Constitution. The term of their powers shall be assessed from the day on which the present Constitution enters into force.

The Council of the Republic shall be formed to the order specified in Article 91 of the present Constitution.

If within the stated time the Chamber of Representatives is not formed due to controversies between the President and the Supreme Council, the former shall, in accord with points 2 and 3 of Article 84 of the present Constitution, the Supreme Council is dissolved and new elections to Parliament are called.

Article 144

The President of the Republic of Belarus retains his powers. The term of his powers is assessed from the day on which the present Constitution enters into force.

Article 145

The Government of the Republic of Belarus shall exercise its duties and powers from the day on which the present Constitution enters into force.

Article 146

The President, the Parliament and the Government within two months from the day the present Constitution enters into force shall form assigned organs of power in the order as determined by the present Constitution, unless otherwise specified by part 3 of Article 143 of the Constitution.

A. Lukashenko
President of the Republic of Belarus

27 November 1996
Minsk