

## CONSTITUTION OF THE REPUBLIC OF BELARUS OF 1994

(with changes and additions adopted at the republican referenda of November 24, 1996\* and of October 17, 2004)

\* Entered into force from the day of its publication in accordance with Article 1 of the Law of the Republic of Belarus "On Procedure of Entry into Force of the Constitution of the Republic of Belarus".

We, the People of the Republic of Belarus (of Belarus),  
proceeding from the responsibility for the present and future of Belarus,  
recognising ourselves a full-fledged subject of the international community and confirming our adherence to the values common to all mankind,  
founding ourselves on our inalienable right to self-determination,  
supported by the centuries-old 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 concord, firm foundations of government by the people and a state based on the rule of law,  
adopt hereby this Constitution – the Fundamental Law of the Republic of Belarus.

### SECTION I

#### FUNDAMENTALS OF THE CONSTITUTIONAL SYSTEM

**Article 1.** The Republic of Belarus is a unitary, democratic, social state based on the rule of law.

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

The Republic of Belarus shall defend its independence and territorial integrity, its constitutional system, and safeguard lawfulness and law and order.

**Article 2.** The individual, his rights, freedoms and guarantees to secure them are the supreme value and goal of the society and the State.

The State shall assume responsibility before the citizen to create the conditions for free and dignified development of his personality. The citizen shall assume responsibility before the State to duties imposed upon him by the Constitution.

**Article 3.** The people shall be the sole source of state power and the bearer of sovereignty in the Republic of Belarus. The people shall exercise their power directly, through representative and other forms within the confines determined 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 laws of the Republic of Belarus shall be punishable by law.

**Article 4.** Democracy in the Republic of Belarus shall be exercised on the basis of diversity of political institutions, ideologies and opinions.

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 laws of the Republic of Belarus shall contribute to ascertaining and expressing the political will of the people and shall participate in elections.

Political parties and other public associations shall have the right to use state mass media under the procedure determined by the legislation.

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

**Article 6.** State power in the Republic of Belarus shall be exercised on the principle of its separation into legislative, executive and judicial powers. State bodies within the confines of their powers, shall interact among themselves, check and balance one another.

**Article 7.** The Republic of Belarus shall be bound by the principle of supremacy of law.

The State and all the bodies and officials thereof shall operate within the confines of the Constitution and acts of legislation adopted in accordance therewith.

Legal acts or specific provisions thereof which have been recognised under the procedure specified by law as contradicting the provisions of the Constitution shall have no legal force.

Normative acts of state bodies shall be published or promulgated by other means specified by law.

**Article 8.** The Republic of Belarus shall recognise the supremacy of the generally recognised principles of international law and shall ensure the compliance of laws therewith.

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

Conclusion of 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 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 integral and inalienable.

The territory shall be divided into regions (*oblasts*), districts, cities and other administrative and territorial units. The administrative and territorial division of the State shall be determined by the legislation.

**Article 10.** A citizen of the Republic of Belarus shall be guaranteed 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.

A citizen of the Republic of Belarus may not be extradited to a foreign state, unless otherwise provided by treaties to which the Republic of Belarus is a party.

Acquisition and loss of the citizenship shall be carried out in accordance with the law.

**Article 11.** Foreign nationals and stateless persons in the territory of Belarus shall enjoy the rights and freedoms and execute duties on equal terms with citizens of the Republic of Belarus, unless otherwise provided by the Constitution, laws and 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 their ethnic identity.

**Article 13.** Property may be state-owned or private.

The State shall grant equal rights to all to conduct economic and other activities, except for those prohibited by law, and guarantee equal protection and equal conditions for development of all forms of economic activity.

The State shall promote development of co-operation.

The State shall guarantee to all equal opportunities for free utilisation of abilities and property for entrepreneurial and other types of economic activities which are not prohibited by law.

The State shall regulate economic activities in the interests of the individual and society, and shall ensure the direction and co-ordination of state and private economic activity for social purposes.

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

Law may determine facilities that are in the ownership of the State only, or establish a special procedure for their transfer to private ownership, or grant the State an exclusive right to conduct certain t

The State shall guarantee the working people the right to participate in management of enterprises, organisations and institutions to enhance their efficiency and improve social and economic living st

**Article 14.** 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.

Relations in social and labour sphere between the bodies of state administration, associations of employers and trade unions shall be exercised on the principles of social partnership and interaction of

**Article 15.** The State shall bear responsibility for preserving the historic, cultural and spiritual heritage, and for free development of the cultures of all ethnic communities residing in the Republic of I

**Article 16.** Religions and faiths shall be equal before the law.

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

The activities of religious organisations, their bodies and representatives that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic concord, or involve v freedoms of its citizens as well as impede execution of state, public and family duties by its citizens or are detrimental to their health and morality shall be prohibited.

**Article 17.** The Belarusian and Russian languages shall be the official languages of the Republic of Belarus.

**Article 18.** In its foreign policy the Republic of Belarus shall proceed from the principles of equality of states, non-use of force or threat of force, inviolability of frontiers, peaceful settlement of di internal affairs and other generally recognised principles and norms of the international law.

The Republic of Belarus aims at making its territory a nuclear-free zone, and the state –neutral.

**Article 19.** The symbols of the Republic of Belarus as a sovereign state shall be its national flag, national emblem and national anthem.

**Article 20.** The capital of the Republic of Belarus is the city of Minsk.

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

## SECTION II

### INDIVIDUAL, SOCIETY AND THE STATE

**Article 21.** Safeguarding the rights and freedoms of citizens of the Republic of Belarus shall be the supreme goal of the State.

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

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

**Article 22.** All shall be equal before the law and have the right to equal protection of their rights and legitimate interests without any discrimination.

**Article 23.** Restriction of personal rights and freedoms shall be permitted only in the instances specified by law, in the interests of national security, public order, protection of the morals and health c rights and freedoms of other persons.

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

**Article 24.** Everyone has the right to life.

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

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

**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 by law.

A person who has been taken into custody shall have the right to a judicial review of the legality of his detention or arrest.

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

**Article 26.** No one may be found guilty of crime unless his guilt is proven under the procedure specified by law and established by a court sentence that has come into legal force. Accused perso prove their innocence.

**Article 27.** No one shall be compelled to be a witness against oneself, members of his family or close relatives. Evidence obtained in violation of the law shall have no legal force.

**Article 28.** Everyone shall have the right to protection against unlawful interference with his private life, including encroachments on the privacy of his correspondence and telephone and other cc honour and dignity.

**Article 29.** Inviolability of home and other legitimate possessions of citizens shall be guaranteed. No one shall have the right without a lawful ground to enter home or other legitimate possession of a

**Article 30.** The 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 thereto without hindr

**Article 31.** Everyone shall have the right to determine independently his attitude towards religion, to manifest any religion alone or in community with others, or to manifest none at all, to express an with his attitude towards religion, and to participate in the performance of acts of worship and religious rituals and rites, which are not prohibited by law.

**Article 32.** Marriage, family, motherhood, fatherhood, and childhood shall be under the protection of the State.

On reaching the age of consent a woman and a man shall have the right to enter into marriage on a voluntary basis and found a family. Spouses shall have equal rights in family relationships.

Parents or persons acting as parents have the right and are obliged to raise their children and to take care of their health, development and education. No child shall be subjected to cruel treatment or work that may be harmful to its physical, mental or moral development. Children shall take care of their parents or persons acting as parents and render them assistance.

Children may be separated from their family against the will of their parents or persons acting as parents only according to a court decision if the parents or persons acting as parents fail to perform th

Women shall be guaranteed equal rights with men in their opportunities to receive education and vocational training, promotion in labour, social and political, cultural and other spheres of acti conditions safeguarding their occupational safety and health.

Young people shall be guaranteed the right to their spiritual, moral and physical development.

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

**Article 33.** Everyone is guaranteed freedom of thoughts and beliefs and their free expression.

No one may be forced to express his beliefs or to deny them.

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

**Article 34.** 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 economic, cultural and international life, and on the state of the environment.

State bodies, public associations and officials shall provide citizens of the Republic of Belarus with an opportunity to familiarise themselves with materials that affect their rights and legitimate interes

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

**Article 35.** The freedom to hold assemblies, meetings, street marches, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus, State. The procedure for holding the above-mentioned events shall be determined by law.

**Article 36.** Everyone shall have the right to freedom of association.

Judges, employees of the Prosecutor's Office, the staff of bodies of internal affairs, the Committee of State Control and security bodies as well as servicemen may not be members of political parties c that pursue political goals.

**Article 37.** Citizens of the Republic of Belarus shall have the right to participate in settlement of state affairs, both directly and through freely elected representatives.

The direct participation of citizens in administration of affairs of the society and the State shall be safeguarded by holding referenda, discussion of draft laws and issues of republican and local significance specified by law.

The citizens of the Republic of Belarus shall take part in discussion of issues of state and public life at republican and local meetings, under the procedure established by the legislation.

**Article 38.** 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, direct or indirect suffrage by secret ballot.

**Article 39.** Citizens of the Republic of Belarus, in accordance with their abilities and professional training, shall have the right to equal access to any office in state bodies.

**Article 40.** Everyone shall have the right to address personal or collective appeals to state bodies.

State bodies as well as the officials thereof shall consider any appeal and furnish a reply thereto within the period determined by law. Any refusal to consider an appeal that has been submitted shall be

**Article 41.** 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 profession, type of occupation with his vocation, capabilities, education and professional training, and with regard to social needs, and the right to healthy and safe working conditions.

The State shall create conditions necessary for full employment of the population. If a person is unemployed for reasons which are beyond his control, he shall be guaranteed training in new specialist qualifications with regard to social needs, and to an unemployment benefit in accordance with the law.

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.

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

**Article 42.** Employees shall be guaranteed a just share of remuneration for the economic results of their labour in accordance with the quantity, quality and social significance of such work, but it shall ensure an independent and dignified living for them and their families.

Women and men, adults and minors shall have the right to equal remuneration for work of equal value.

**Article 43.** Working people shall have the right to rest. For employees, this right shall be ensured by the establishment of a working week of no more than 40 hours, shorter working hours at night, annual paid leave and weekly days off.

**Article 44.** The State shall guarantee everyone the right of property and shall contribute to its acquisition.

A proprietor shall have the right to possess, enjoy and dispose of property either individually or jointly with others. The inviolability of property and the right to inherit property shall be safeguarded by the State. Property acquired in accordance with the law shall be protected by the State.

The State shall encourage and protect the savings of citizens and guarantee conditions for return of deposits.

Compulsory alienation of property 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 property in accordance with a court ruling.

The exercise of the right of property shall 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 shall be guaranteed the right to health care, including free treatment at state health care institutions.

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

The right of citizens of the Republic of Belarus to health care shall also be secured by development of physical training and sport, measures to improve the environment, the opportunity to improve occupational safety.

**Article 46.** Everyone shall have the right to a conducive environment and to a compensation for the loss or damage caused by violation of this right.

The State shall supervise the rational utilisation of natural resources to protect and improve living conditions, and to preserve and restore the environment.

**Article 47.** Citizens of the Republic of Belarus shall be guaranteed the right to social security in old age, in the event of illness, disability, incapability to work, loss of the bread-winner and in other cases. The State shall display particular care for veterans of war and labour as well as for those who undermined their health defending national and public interests.

**Article 48.** Citizens of the Republic of Belarus shall have the right to housing. This right shall be ensured by development of state and private residential housing and assistance to citizens in acquisition of housing. The State and local self-government shall grant housing to citizens who are in need of social protection free of charge or at prices affordable to them in accordance with the legislation.

No one may be arbitrarily deprived of housing.

**Article 49.** Everyone shall have the right to education.

Accessible and free general, secondary and vocational and technical education shall be guaranteed.

Secondary specialised and higher education shall be accessible to all in accordance with the capabilities of each individual. Everyone may, on a competitive basis, get appropriate education at state expense or at charge.

**Article 50.** Everyone shall have the right to preserve his ethnic identity, and equally, no one may be compelled to determine or indicate his ethnic identity.

Insults to ethnic dignity shall be prosecuted by law.

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 upbringing and education.

**Article 51.** 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 kept in state and by development of a network of cultural and educational institutions.

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

Intellectual property shall be protected by law.

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

**Article 52.** Everyone in the territory of the Republic of Belarus is obliged to observe its Constitution and laws and to respect national traditions.

**Article 53.** Everyone shall respect dignity, rights, freedoms and legitimate interests of others.

**Article 54.** Everyone shall preserve the historical, cultural and spiritual heritage and other national treasures.

**Article 55.** Protection of the environment shall be the duty of everyone.

**Article 56.** Citizens of the Republic of Belarus shall contribute to funding public expenditure by means of state taxes, duties and other payments.

**Article 57.** Defence of the Republic of Belarus shall be the responsibility and sacred duty of the citizen of the Republic of Belarus.

The procedure regulating military service, grounds and conditions for exemption from military service or its substitution by alternative service shall be determined by law.

**Article 58.** No one may be compelled to perform 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 shall take all measures at its disposal to establish the domestic and international order necessary for the full exercise of the rights and freedoms of the citizens of the Republic of Belarus by the Constitution.

State bodies, officials and other persons who have been entrusted to exercise state functions shall, within their competence, take necessary measures to implement and protect personal rights and freedoms. These bodies and persons shall bear responsibility for the actions violating the rights and freedoms of the individual.

**Article 60.** Everyone shall be guaranteed protection of his rights and freedoms by a competent, independent and impartial court within the time limits specified by law.

In order to protect their rights, freedoms, honour and dignity in accordance with law, citizens shall be entitled to claim, through courts, both property damage and financial compensation for moral injury.

**Article 61.** Everyone shall have the right in accordance with the international legal acts ratified by the Republic of Belarus to appeal to international organisations to defend his rights and freedoms if domestic legal remedies have been exhausted.

**Article 62.** Everyone shall have the right to legal assistance to exercise and protect his rights and freedoms, including the right to make use, at any time, of assistance of lawyers and his other representatives, bodies of local government, enterprises, institutions, organisations and public associations, and also in relations with officials and citizens. In the instances specified by law, legal assistance shall be provided at expense of state funding.

Obstruction to rendering legal assistance shall be prohibited in the Republic of Belarus.

**Article 63.** The exercise of the personal rights and freedoms specified by the present Constitution may be suspended only under a state of emergency or martial law under the procedure and within the limits specified by the Constitution and law.

In carrying out special measures during a state of emergency, the rights specified in Article 24, part three of Article 25 and Articles 26 and 31 of the Constitution may not be restricted.

### SECTION III

#### ELECTORAL SYSTEM. REFERENDUM

#### CHAPTER 1

##### ELECTORAL SYSTEM

**Article 64.** Elections of deputies and other persons elected to state offices by the people shall be general: citizens of the Republic of Belarus who have reached the age of 18 shall be eligible to vote. Citizens who are deemed incapable by a court or kept in places of confinement in accordance with a court sentence shall not take part in elections. Persons in respect of whom detention, as a measure under the procedure established by the criminal procedural legislation shall not take part in voting. Any direct or indirect restrictions on voting rights of citizens in other instances shall be inadmissible. The age qualification of deputies and other persons to be elected to state offices shall be determined by the corresponding laws, unless otherwise provided by the Constitution.

**Article 65.** Elections shall be free: a voter shall decide personally whether to take part in elections and for whom to vote.

The preparation and holding of elections shall be open and public.

**Article 66.** Elections shall be equal: voters shall have an equal number of votes.

Candidates elected to state offices shall take part in elections on the equal basis.

**Article 67.** Elections of deputies shall be direct: deputies shall be elected by citizens directly.

**Article 68.** Voting in elections shall be secret: control over expression of the will of voters during voting shall be prohibited.

**Article 69.** Public associations, work collectives and citizens shall have the right to nominate candidates for deputies in accordance with the law.

**Article 70.** Expenditures for preparation and holding of elections shall be covered by the State within the limits of the funds assigned for this purpose. In instances determined by the law, expenditure on holding of elections may be covered at the expense of funds of public associations, enterprises, institutions, organisations and citizens.

**Article 71.** Electoral commissions shall ensure holding of elections, unless otherwise provided by the Constitution.

The procedure regulating holding of elections shall be determined by laws of the Republic of Belarus.

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

**Article 72.** Recall of deputies shall be carried out on the grounds specified by law.

Voting for the recall of a deputy shall be conducted according to the procedure determined for election of a deputy, and on the initiative of no less than 20 percent of the citizens eligible to vote in the corresponding territory.

The grounds and procedure for the recall of members of the Council of the Republic shall be established by law.

#### CHAPTER 2

##### REFERENDUM (POPULAR VOTE)

**Article 73.** Republican and local referenda may be held to resolve the most important issues of the State and society.

**Article 74.** Republican referenda shall be called by the President of the Republic of Belarus on his own initiative as well as on the proposal of the House of Representatives and the Council of the Republic at separate sittings by a majority of votes of the composition (full composition) of each House established by the Constitution, or on the proposal of no less than 450 thousand citizens eligible to vote from each of the regions (*oblasts*) and the city of Minsk.

The President shall, after the submission in accordance with the law for his consideration of the proposals on holding the referendum of the House of Representatives and the Council of the Republic, call a republican referendum.

The date of referendum shall be set no later than three months from the day of issuing the edict of the President on holding the referendum.

The decisions adopted by the republican referendum shall be signed by the President of the Republic of Belarus.

**Article 75.** Local referenda shall be called by the corresponding local representative bodies on their initiative or on the proposal of no less than ten percent of the citizens eligible to vote and residing in the territory.

**Article 76.** Referenda shall be held 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 a referendum may be abolished or changed only by means of another referendum, unless the referendum determines otherwise.

**Article 78.** The procedure of holding republican and local referenda and a list of issues that may not be put to a referendum shall be determined by the law of the Republic of Belarus.

### SECTION IV

#### PRESIDENT, PARLIAMENT, GOVERNMENT, COURT

#### CHAPTER 3

##### PRESIDENT OF THE REPUBLIC OF BELARUS

**Article 79.** The President of the Republic of Belarus shall be the Head of the State, the guarantor of the Constitution of the Republic of Belarus, the rights and freedoms of man and of the citizen.

The President shall personify the unity of the nation, guarantee the implementation of the main guidelines of the domestic and foreign policy, represent the Republic of Belarus in relations with other states and international organisations. The President shall take measures on protection of sovereignty of the Republic of Belarus, its national security and territorial integrity, ensure its political and economic stability, continuity of state power, maintain the intermeditation among the bodies of state power.

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

**Article 80.** Any citizen of the Republic of Belarus by birth of at least 35 years of age who is eligible to vote and has been residing in the Republic of Belarus for at least ten years prior to the elections

**Article 81.** The President shall be elected directly by the people of the Republic of Belarus for a term of office of five years on the basis of universal, free, equal, direct suffrage by secret ballot.

Presidential candidates shall be nominated by citizens of the Republic of Belarus provided the signatures of no less than 100 thousand voters have been collected.

Presidential elections shall be called by the House of Representatives no later than five months and shall be held no later than two months prior to the expiration of the term of office of the previous P

If the office of the President falls 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 shall be deemed to have taken place if over half of the citizens of the Republic of Belarus on the electoral roll have taken part in the voting.

The President shall be deemed elected if over half of the citizens of the Republic of Belarus who took part in the voting voted for him.

If none of the candidates gets the required number of votes, a second round of voting between the two candidates who have obtained the largest number of votes shall be conducted within two weeks. who obtains more than half of the votes of those who took part in the second voting shall be deemed elected.

The procedure of holding presidential elections shall be determined by the law of the Republic of Belarus.

**Article 83.** The President shall assume the office after taking the following Oath:

"Assuming the office of the President of the Republic of Belarus, I solemnly swear to faithfully serve the people of the Republic of Belarus, to respect and protect the rights and freedoms of man and protect the Constitution of the Republic of Belarus, and to fulfil strictly and conscientiously the lofty duties that have been bestowed upon me".

The Oath shall be taken in a solemn ceremony in the presence of deputies of the House of Representatives and members of the Council of the Republic, the judges of the Constitutional, Supreme and no later than two months from the day on which the President has been elected. The powers of the previous President shall terminate from the moment the President-elect has taken the Oath.

**Article 84.** The President of the Republic of Belarus shall:

- 1) call republican referenda;
- 2) call regular and extraordinary elections to the House of Representatives, the Council of the Republic and local representative bodies;
- 3) dissolve the Houses of the Parliament in the instances and according to the procedure determined by the Constitution;
- 4) appoint six members of the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda;
- 5) form, dissolve and reorganise the Administration of the President of the Republic of Belarus, other bodies of state administration as well as consultative advisory councils, other bodies at the Presid
- 6) appoint the Prime Minister with the consent of the House of Representatives;
- 7) determine the structure of the Government of the Republic of Belarus, appoint and dismiss Deputies Prime Minister, ministers and other members of the Government, take decision on resignation of its members;
- 8) appoint the Chairperson of the Constitutional, Supreme and Supreme Economic Courts from among the judges of these courts with the consent of the Council of the Republic;
- 9) appoint judges of the Supreme and Supreme Economic Courts, the Chairperson of the Central Commission of the Republic of Belarus on Elections and Holding Republican Referenda, th Chairperson and members of the Board of the National Bank with the consent of the Council of the Republic ;
- 10) appoint six judges of the Constitutional Court and other judges of the Republic of Belarus;
- 11) dismiss the Chairperson and judges of the Constitutional, Supreme and Supreme Economic Courts, the Chairperson of the Central Commission of the Republic of Belarus on Elections and Hold the Prosecutor General, the Chairperson and members of the Board of the National Bank on the grounds provided by the law and with notification of the Council of the Republic;
- 12) appoint and dismiss the Chairperson of the Committee of State Control;
- 13) address the people of the Republic of Belarus with messages on the state of the nation and on the guidelines of the domestic and foreign policy;
- 14) address the Parliament with annual messages which are presented without discussion at the sittings of the House of Representatives and the Council of the Republic; have the right to participate in and its bodies; deliver speeches and addresses to the Parliament and its bodies at any requested time;
- 15) have the right to chair meetings of the Government of the Republic of Belarus;
- 16) appoint heads of the republican bodies of state administration and determine their status; appoint official representatives of the President in the Parliament and other officials whose offices are det unless otherwise provided by the Constitution;
- 17) resolve issues on granting citizenship of the Republic of Belarus, the termination thereof and granting asylum;
- 18) institute state holidays and red-letter days, honour with state awards, confer ranks and titles;
- 19) grant pardons to convicted persons;
- 20) conduct negotiations and sign treaties, appoint and recall diplomatic representatives of the Republic of Belarus to/from foreign states and international organisations;
- 21) receive letters of credence and of recall from diplomatic representatives of foreign states accredited to him;
- 22) in the event of a natural disaster, a catastrophe, or unrest involving violence or threat of violence on the part of a group of persons or organisations that endangers people's life and health or 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 within three days submit the decision to the Council of the R
- 23) in instances specified by law, be entitled to defer a strike or suspend it for a period not exceeding three months;
- 24) sign laws; have the right, under the procedure established by the Constitution, to return a law or some of its provisions with his objections to the House of Representatives;
- 25) have the right to abolish acts of the Government;
- 26) exercise control directly or through specially formed bodies over the observance of laws by local bodies of government and self-government; have the right to suspend decisions of local cour decisions of local executive and administrative bodies if they do not conform to the requirements of the legislation;
- 27) form and head the Security Council of the Republic of Belarus, and appoint and dismiss the State Secretary of the Security Council;
- 28) be the Commander-in-Chief of the Armed Forces of the Republic of Belarus; appoint and dismiss the high command of the Armed Forces;
- 29) impose, in the event of a military threat or attack, martial law in the territory of the Republic of Belarus and declare general or partial mobilisation with submission within three days of the taken d Council of the Republic;
- 30) exercise other powers entrusted to him by the Constitution and laws.

**Article 85.** The President shall, on the basis of and in accordance with the Constitution, issue edicts and executive orders which are binding in the territory of the Republic of Belarus.

In instances provided by the Constitution the President shall issue decrees having the force of laws. The President shall directly or through specially formed bodies ensure execution of decrees, edicts .

**Article 86.** 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.

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

**Article 87.** The President may tender his resignation at any time. The President's resignation shall be accepted by the House of Representatives.

**Article 88.** The President of the Republic of Belarus may be dismissed from office prematurely in the event of his permanent inability to discharge his duties on health grounds. The decision on j President shall be taken by a majority of no less than two thirds of votes of the full composition of the House of Representatives and a majority of no less than two thirds of votes of the full compos Republic on the basis of the conclusion of an ad hoc Commission formed by the Houses of Parliament.

The President may be removed from office due to the acts of state treason and any other grave crime. The decision on bringing charges and their investigation is deemed to be taken if it has been vot full composition of the House of Representatives on proposal of no less than one third of its deputies. The investigation of the charge shall be organised by the Council of the Republic. The President from office if the decision is voted for by no less than two thirds of the full composition of the Council of the Republic, and also no less than two thirds of the full composition of the House of Repres

The failure of the Council of the Republic and the House of Representatives to take decision to remove the President from office within one month from the day of bringing the charge shall mean that proposal to remove the President from office may not be initiated during the period of consideration, in accordance with the Constitution, of the issue of premature termination of powers of the Parliar

If the President is removed due to commission of a crime, the case shall be examined on the merits of the charge by the Supreme Court.

**Article 89.** If the office of the President falls vacant or the President is unable to discharge his duties on the grounds provided by the Constitution, his powers shall be transferred to the Prime Minister sworn in.

## CHAPTER 4

### PARLIAMENT – THE NATIONAL ASSEMBLY

**Article 90.** The Parliament - the National Assembly of the Republic of Belarus is a representative and legislative body of the Republic of Belarus.

The Parliament shall consist of two Houses - the House of Representatives and the Council of the Republic.

**Article 91.** The House of Representatives shall be composed of 110 deputies. The election of deputies to the House of Representatives shall be carried out in accordance with the law on the basis of universal suffrage and by secret ballot.

The Council of the Republic shall be a house of territorial representation. The Council of the Republic shall be composed of eight deputies from every region (oblast) and the city of Minsk, elected by deputies of local councils of deputies of base level of every region (oblast) and the city of Minsk. Eight members of the Council of the Republic shall be appointed by the President of the Republic.

Elections for a new composition of the Houses of the Parliament shall be called no later than four months and held no later than 30 days prior to the expiration of the powers of the current Houses.

Extraordinary elections for the Houses of the Parliament shall be held within three months from the day of the premature termination of the powers of the Houses of Parliament.

**Article 92.** Any citizen of the Republic of Belarus who has reached the age of 21 may become a deputy of the House of Representatives.

Any citizen of the Republic of Belarus who has reached the age of 30, and who has been residing in the territory of the corresponding region (*oblast*), or the city of Minsk for no less than five years shall be eligible for election to the House of Representatives or the Council of the Republic.

Deputies of the House of Representatives shall exercise their powers in the Parliament on a professional basis unless otherwise provided by the Constitution. A deputy of the House of Representatives shall not be a member of the Government.

No person may simultaneously be a member of both Houses of the Parliament. A member of the House 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 duties of a deputy of the House of Representatives, or a member of the Council of the Republic and simultaneously hold a judicial office.

**Article 93.** The term of powers of the Parliament shall be four years. The powers of the Parliament may be prolonged by law only in the event of war.

The first session of the Parliament after the elections shall be called by the Central Commission on Elections and Holding Republican Referenda and shall be convened no later than 30 days after the end of the thirty-day period for convening and beginning of the first session of the House of Representatives shall start from the day of the second round of elections for its new composition. If the second round of elections for the House of Representatives is not held, then the countdown of the thirty-day period shall start from the day of the first round of the general elections in the Republic of Belarus. The countdown of the period for convening and beginning of the first session of the Council of the Republic shall start from the day of the first sitting of the deputies of the local councils of deputies of base level for the elections of the Council of the Republic from the regions (*oblasts*) or the city of Minsk.

The powers of the House of Representatives or the Council of the Republic may be terminated prematurely in the instances and under the procedure provided by the Constitution. Upon the premature termination of the powers of the House of Representatives or the Council of the Republic, the President may take decision to terminate the powers of the Council of the Republic or the House of Representatives respectively.

**Article 94.** The powers of the House of Representatives may be terminated prematurely where the Government is refused a vote of confidence or a no-confidence vote is expressed to the Government twice to give its consent to the appointment of the Prime Minister.

The powers of the House of Representatives or the Council of the Republic may be prematurely terminated in accordance with the conclusion of the Constitutional Court due to systematic violation of the Constitution by the Houses of the Parliament.

The decisions on these issues shall be taken by the President, after official consultations with the Chairpersons of the Houses, no later than within a two-month period.

The Houses 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, during the period when the Houses decide on the premature termination of the powers of the President from office.

The Houses may not be dissolved within the first year from the day of their first sittings.

**Article 95.** The Houses shall hold their regular sessions twice a year.

The first session shall open on October 2; its duration may not exceed eighty days.

The second session shall open on April 2; its duration may not exceed ninety days.

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

The House of Representatives and the Council of the Republic may in instances of urgent necessity be convened for an extraordinary session on the initiative of the President, and also at the request of not less than two thirds of votes of the full composition of each House for a special agenda.

Extraordinary sessions shall be convened by edicts of the President.

**Article 96.** The House of Representatives shall elect the Chairperson of the House of Representatives and his Deputy from among its composition.

The Council of the Republic shall elect the Chairperson of the Council of the Republic and his Deputy from among its composition.

The Chairpersons of the House of Representatives and the Council of the Republic, their Deputies shall conduct sittings and shall be in charge of internal operation of the Houses.

The House of Representatives and the Council of the Republic, from among their composition, shall elect standing committees and other bodies to draft laws, preliminarily consider and prepare for the Houses.

**Article 97.** The House of Representatives shall:

- 1) consider, on the proposal of the President or on the initiative of no less than 150 thousand citizens of the Republic of Belarus eligible to vote, draft laws on introducing changes and additions into the Constitution and their interpretation;
- 2) consider draft laws, including the guidelines of domestic and foreign policy of the Republic of Belarus; military doctrine; ratification and denunciation of treaties; fundamental concepts and principles of rights, freedoms and duties of citizens; citizenship issues, the status of foreigners and stateless persons; rights of ethnic minorities; approval of the republican budget and the report on its implementation; republican taxes and dues; principles of ownership; basics of social security; principles regulating labour and employment; marriage, family, childhood, maternity, paternity, upbringing, education, environmental protection and rational utilisation of natural resources; determination of the procedure for resolving issues relating to the administrative and territorial structure of the State; local self-government system, judicial proceedings and status of judges; issues of criminal liability; amnesty; declaration of war and conclusion of peace; martial law and state of emergency; institution of state awards; international relations;
- 3) call elections of the President;
- 4) give consent to the President to the appointment of Prime Minister;
- 5) consider the report of the Prime Minister on the governmental policy programme and approve or reject it; a repeated rejection of the programme by the House shall be deemed as an expression of no confidence in the Government;
- 6) consider, on the initiative of the Prime Minister, the issue of a vote of confidence to the Government;
- 7) on the initiative of no less than one third of the full composition of the House of Representatives, express a no-confidence vote to the Government; the issue of liability of the Government may not be raised before the approval of its policy programme;
- 8) accept the resignation of the President;
- 9) bring, by a majority of votes of the full composition of the House of Representatives, charges of state treason or of any other grave crime against the President; on the basis of the corresponding decision of the House of Representatives and take, by a majority of no less than two thirds of votes of the full composition, decision to remove the President from office;
- 10) cancel executive orders of the Chairperson of the House of Representatives.

The House of Representatives may take decisions on other issues if it is provided by the Constitution.

**Article 98.** The Council of the Republic shall:

- 1) approve or reject draft laws adopted by the House of Representatives on the introduction of changes and additions into the Constitution; on the interpretation of the Constitution; other draft laws;

- 2) give consent to the appointment by the President of the Chairperson of the Constitutional Court, Chairperson and judges of the Supreme Court, Chairperson and judges of the Supreme Economic Central Commission on Elections and Holding Republican Referenda, the Prosecutor General, the Chairperson and members of the Board of the National Bank;
- 3) elect six judges of the Constitutional Court;
- 4) elect six members of the Central Commission on Elections and Holding Republican Referenda;
- 5) cancel decisions of local councils of deputies which do not conform to legislation;
- 6) take decision on dissolution of a local council of deputies if it systematically and flagrantly violates the requirements of the legislation and in other instances provided by law;
- 7) consider charges of state treason or any other grave crime brought by the House of Representatives against the President, take decision on their investigation. Upon availability of grounds to President from office by a majority of votes of no less than two thirds of the full composition;
- 8) consider edicts of the President on introduction of a state of emergency, martial law, general or partial mobilisation and take the appropriate decision no later than three days after their submission.

The Council of the Republic may take decisions on other issues if it is provided by the Constitution.

**Article 99.** The right of legislative initiative shall belong to the President, deputies of the House of Representatives, the Council of the Republic, the Government as well as to citizens eligible to vote more than 50 thousand, and is exercised in the House of Representatives.

Draft laws the adoption of which may entail reducing state funds, creating or increasing expenditures may be introduced into the House of Representatives only with the consent of the President or on consent of the Government.

The President or on his instructions the Government shall have the right to introduce proposals on the urgency of consideration of a draft law to the House of Representatives and the Council of the Republic. The House of Representatives and the Council of the Republic shall consider the draft law within ten days from the day of its submission for their consideration.

At the request of the President or of the Government with his consent, the House of Representatives and the Council of the Republic shall, at their sittings, take decisions voting generally for the whole introduced by the President or Government, maintaining only those amendments which were proposed or accepted by the President or the Government.

**Article 100.** Any draft law, unless otherwise provided by the Constitution, shall be initially considered in the House of Representatives and then in the Council of the Republic.

A draft law, except for the instances specified by the Constitution, shall become law after its adoption by the House of Representatives and approval by the Council of the Republic by a majority of votes of each House.

Draft laws adopted by the House of Representatives shall be sent to the Council of the Republic for consideration within five days, where they shall be considered within no more than twenty days under the Constitution.

A law shall be deemed to be 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 of urgency within ten days from the day of its submission, the Council of the Republic failed to consider it. If a draft law is rejected by the Council of the Republic, both Houses may form a conciliatory commission on the basis to overcome the existing disagreement. The text of the draft law agreed by the conciliatory commission shall be submitted for approval to both Houses.

If the conciliatory commission fails to pass a compromise draft law, the President or the Government on his instructions may request that the House of Representatives take a final decision. The House of Representatives shall adopt the draft law if no less than two thirds of the full composition of the House of Representatives voted for it.

A law adopted by the House of Representatives and approved by the Council of the Republic, or in the instance determined by the present article adopted by the House of Representatives shall be signed by the President within ten days. If the President agrees with the text of the law, he shall sign it. If the President does not return the law within two weeks from its submission, it shall be deemed to be signed and shall not enter into force if it cannot be returned to the Parliament due to the end of the session.

If the President does not agree with the text of the law, he shall return it with his objections to the House of Representatives, which shall consider the law with the President's objections within thirty days. If the House of Representatives, adopted by the House of Representatives by a majority of no less than two thirds of the full composition, it with the President's objections shall be submitted within five days to the Council of the Republic. If the Council of the Republic, adopted by the House of Representatives and the Council of the Republic have overruled the President's objections, the law shall be signed by the President within five days. The law shall enter into force even if it is not signed within this term.

The President's objections to certain provisions of the law, which are returned for the second vote, shall be considered in the same order. In this instance, prior to the appropriate decision of the House of Representatives the Council of the Republic the law shall be signed by the President and enter into force except for the provisions which have been objected by the President.

**Article 101.** On the proposal of the President, the House of Representatives and the Council of the Republic may, by a law adopted by a majority of votes of the full composition of both Houses, issue decrees having the force of law. This law shall determine the subject of regulation and the term of powers of the President to issue such decrees.

There shall be no delegation of powers to the President to issue decrees providing for changes and additions to the Constitution and its interpretation; changes and additions to programme laws; the budget and the report on its implementation; changing the procedure of elections of the President and the Parliament; restrictions of constitutional rights and freedoms of the citizens. The law on delegation of powers may not permit him to change the said law, nor shall it empower him to adopt retroactive norms.

Due to special necessity the President, on his own initiative or on the proposal of the Government, may issue temporary decrees having the force of law. If such decrees are issued on the proposal of the Government they shall be signed by the Prime Minister. Temporary decrees shall be submitted, within three days, for subsequent consideration by the House of Representatives, and then by the Council of the Republic. Temporary decrees shall be in force unless they are abolished by a majority of no less than two thirds of votes of the full composition of each House. The Houses may regulate relations which have arisen on the basis of the abolished decrees.

**Article 102.** The deputies of the House of Representatives and members of the Council of the Republic shall enjoy immunity in expressing their opinions and exercising their powers. This shall not apply to defamatory and insulting statements.

During their term of office deputies of the House of Representatives and members of the Council of the Republic may be arrested or otherwise deprived of personal liberty only with the prior consent of the House of Representatives with the exception of instances of state treason, or any other grave crime as well as when detained at the scene of crime.

A criminal case against a deputy of the House of Representatives or a member of the Council of the Republic shall be tried by the Supreme Court.

**Article 103.** Sittings of the Houses shall be open. The Houses may, if it is required by state interests, take decision to hold a closed sitting by a majority of votes of their full composition. At the sittings, the President, his representatives, the Prime Minister and members of the Government may take the floor out of turn as many times as they request.

One sitting a month shall be reserved for questions of deputies of the Houses of Representatives and members of the Council of the Republic and answers of the Government.

A deputy of the House of Representatives or member of the Council of the Republic shall be entitled to make an inquiry to the Prime Minister or members of the Government and the heads of state bodies elected by the Parliament. The inquiry shall be included in the agenda of the House. The answer to the inquiry shall be given within twenty session days under the procedure established by the House of Representatives.

The sitting of the House shall be deemed qualified provided that no less than two thirds of the deputies of the House of Representatives or members of the Council of the Republic of the full composition are present.

Voting in the House of Representatives and the Council of the Republic shall be open and exercised by a deputy of the House or a member of the Council of the Republic in person by a 'yes' vote or 'no' vote. Voting shall be held only when addressing personnel issues.

**Article 104.** Decisions of the House of Representatives shall be taken in the form of laws or resolutions. Resolutions of the House of Representatives shall be taken on issues of administration and supervision. Decisions of the Council of the Republic shall be taken in the form of resolutions.

Decisions of the Houses shall be deemed adopted if a majority of the full composition of the Houses voted for them unless otherwise provided by the Constitution.

Laws regarding basic guidelines of domestic and foreign policy of the Republic of Belarus and the military doctrine of the Republic of Belarus shall be considered programme laws and shall be deemed adopted by a majority of no less than two thirds of the full composition of the Houses voted for them.

Laws shall be published immediately after their signing and shall enter into force ten days after their publication unless the law determines another term. Decrees of the President shall be published in the same procedure.

A law shall have no retroactive effect unless it extenuates or revokes liability of citizens.

**Article 105.** The procedure governing the activities of the House of Representatives, the Council of the Republic, the bodies thereof, deputies of the House of Representatives and members of the Council of the Republic shall be determined by the Rules of Procedure of the Houses, which shall be signed by the Chairpersons of the Houses.

**Article 106.** Executive power in the Republic of Belarus shall be exercised by the Government - the Council of Ministers of the Republic of Belarus - the central body of state administration. The Government shall be accountable in its activity to the President of the Republic of Belarus and responsible to the Parliament of the Republic of Belarus.

The Government shall relinquish powers to the President-elect of the Republic of Belarus.

The Government of the Republic of Belarus shall consist of the Prime Minister, his Deputies and ministers. The heads of other republican bodies of state administration may be members of the Govern

The Prime Minister shall be appointed by the President of the Republic of Belarus with the consent of the House of Representatives. The decision on this issue shall be taken by the House of Representatives from the day of submitting a proposal on the candidacy of Prime Minister. If the House of Representatives rejects the submitted candidacy of Prime Minister twice, the President shall be entitled to dismiss the Prime Minister, dissolve the House of Representatives and call new elections.

The Prime Minister shall direct the operation of the Government.

The Prime Minister shall:

- 1) carry out immediate direction of the activities of the Government and hold personal responsibility for its operation;
- 2) sign resolutions of the Government;
- 3) submit a report on the programme of the Government policy to the Parliament within two months after his appointment, and in the instance of its rejection submit a new programme of the Government within two months;
- 4) inform the President on the basic guidelines of the activities of the Government and on all most important decisions;
- 5) exercise other functions connected with the organisation and activities of the Government.

The Government or any member of the Government shall be entitled to tender their resignation to the President, if they deem it impossible to discharge the duties entrusted to them. The Government shall be dismissed by the President if the House of Representatives has expressed a vote of no-confidence to the Government.

The Prime Minister may request from the House of Representatives a vote of confidence to the Government with regard to the submitted programme or any other issue. If a no-confidence vote is expressed by the House of Representatives, the President shall be entitled, within ten days, to accept resignation of the Government or dissolve the House of Representatives and call new elections. If the resignation is rejected, the President shall continue to exercise its powers.

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

In the instance of resignation or termination of the powers, the Government of the Republic of Belarus, on the instruction of the President, shall continue to hold office until a new Government is formed.

**Article 107.** The Government of the Republic of Belarus shall:

direct the system of subordinate bodies of state administration and other executive bodies;

elaborate the basic guidelines of domestic and foreign policy and take measures for their implementation;

elaborate and submit to the President for further parliamentary consideration a draft republican budget and a report on its implementation;

ensure implementation of a uniform economic, financial, credit and monetary policy, and state policy in the field of science, culture, education, health care, ecology, social security and remuneration of employees;

take measures to secure the rights and freedoms of citizens, protect the interests of the state, national security and defence, protect property, maintain public order and combat crime;

act on behalf of the property owner with regard to assets which are the sole property of the Republic of Belarus, and organise management of state property;

ensure execution of the Constitution, laws, decrees, edicts and executive orders of the President;

abolish acts of ministries and other republican bodies of state administration;

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

**Article 108.** The Government of the Republic of Belarus shall issue resolutions that have binding force in the entire territory of the Republic of Belarus.

The Prime Minister shall issue executive orders within his competence.

The competence of the Government and the procedure of its organisation and activities shall be determined on the basis of the Constitution by the Law on the Council of Ministers of the Republic of Belarus.

## CHAPTER 6

### COURT

**Article 109.** Judicial power in the Republic of Belarus shall reside in the courts.

The judicial system shall be based upon the principles of territorial delineation and specialisation.

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

The formation of extraordinary courts shall be prohibited.

**Article 110.** In administering justice judges shall be independent and obey only the law.

Any interference in activities of a judge in the administration of justice shall be inadmissible and entail liability according to law.

**Article 111.** Judges may not carry out entrepreneurial activities or perform other paid work, apart from teaching and scientific research.

Grounds for election (appointment) of judges and their dismissal shall be provided by law.

**Article 112.** The courts shall administer justice on the basis of the Constitution and other normative acts adopted in accordance therewith.

If, during the hearing of a specific case, a court concludes that a normative act does not conform to the Constitution, it shall take decision in accordance with the Constitution and raise, under the establishment of whether the normative act should be deemed unconstitutional.

**Article 113.** Cases before a court shall be tried collegially, and in the instances specified by law, by judges individually.

**Article 114.** The trial of cases in all courts shall be open.

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

**Article 115.** Justice shall be administered on the basis of the adversarial proceedings and equality of the parties to the trial.

The court rulings are binding upon all citizens and officials.

The parties and the persons participating in the proceedings shall have the right to appeal decisions, sentences and other court rulings.

**Article 116.** Review of the constitutionality of normative acts in the State shall be exercised by the Constitutional Court of the Republic of Belarus.

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

Six judges of the Constitutional Court shall be appointed by the President of the Republic of Belarus and six – elected by the Council of the Republic. The Chairperson of the Constitutional Court shall be appointed by the President of the Republic of Belarus with the consent of the Council of the Republic. The term of office of the members of the Constitutional Court shall be 11 years. The retirement age of the members of the Constitutional Court shall be 70 years.

The Constitutional Court shall, on the proposals of the President of the Republic of Belarus, the House of Representatives, the Council of the Republic, the Supreme Court of the Republic of Belarus, the Constitutional Court of the Republic of Belarus, the Council of Ministers of the Republic of Belarus deliver judgements on:

conformity of laws, decrees and edicts of the President, obligations under treaties and other international commitments of the Republic of Belarus to the Constitution and international legal acts of the Republic of Belarus;

conformity of acts of interstate formations to which the Republic of Belarus is a party, of edicts of the President of the Republic of Belarus issued to the execution of the law with the Constitution of the Republic of Belarus.



ratified by the Republic of Belarus, laws and decrees;

conformity of resolutions of the Council of Ministers and acts of the Supreme Court, the Supreme Economic Court, the Prosecutor General to the Constitution, international legal acts ratified by the decrees and edicts;

conformity of acts of any other state body to the Constitution, international legal acts ratified by the Republic of Belarus, laws, decrees and edicts.

The normative acts or their particular provisions which have been found unconstitutional shall cease to be in force under the procedure determined by law.

In instances specified by the Constitution, the Constitutional Court, on the proposal of the President, shall give its conclusion on existence of facts of systematic or gross violations of the Constitution by the Houses of the Parliament.

The competence, organisation and operating procedure of the Constitutional Court shall be determined by law.

## SECTION V

### LOCAL GOVERNMENT AND SELF-GOVERNMENT

**Article 117.** Citizens shall exercise local government and self-government through local councils of deputies, executive and administrative bodies, bodies of public territorial self-government, local other forms of direct participation in state and public affairs.

**Article 118.** Local councils of deputies shall be elected by the citizens of the corresponding administrative and territorial units for a four-year term.

**Article 119.** The heads of local executive and administrative bodies shall be appointed and dismissed by the President of the Republic of Belarus or under the procedure determined by him, and subject to approval of the local councils of deputies.

**Article 120.** Local councils of deputies and executive and administrative bodies shall, within their competence, resolve issues of local significance, proceeding from national interests and interests of the corresponding territory, and implement decisions of higher state bodies.

**Article 121.** The following shall fall within the exclusive competence of the local councils of deputies:

approval of programmes of economic and social development, and local budgets and reports on their implementation;

setting of local taxes and dues in accordance with law;

determination, within the limits specified by law, of the procedure regulating management and disposal of municipal property;

calling of local referenda.

**Article 122.** Local councils of deputies, executive and administrative bodies shall, on the basis of the existing laws, adopt decisions that have binding force in the corresponding territory.

Decisions of local councils of deputies that are contrary to the legislation shall be reversed by higher representative bodies.

Decisions of local executive and administrative bodies that are contrary to the legislation shall be reversed by the corresponding councils of deputies, superior executive and administrative bodies of the Republic of Belarus.

Decisions of local councils of deputies, executive and administrative bodies that restrict or violate civil rights, freedoms, and legitimate interests of citizens as well as in other instances specified by law shall be reversed by the corresponding courts.

**Article 123.** If a local council of deputies systematically or flagrantly violates the requirements of the legislation, it may be dissolved by the Council of the Republic. Other grounds for premature termination of councils of deputies shall be determined by law.

**Article 124.** The competence and the procedure of the formation and operation of bodies of local government and self-government shall be determined by the legislation.

## SECTION VI

### PROSECUTOR'S OFFICE. COMMITTEE OF STATE CONTROL

#### CHAPTER 7

##### PROSECUTOR'S OFFICE

**Article 125.** Supervision of strict and uniform implementation of laws, decrees, edicts and other normative acts by ministries and other bodies subordinate to the Council of Ministers as well as to executive bodies, enterprises, organisations and institutions, public associations, officials and citizens shall be entrusted to the Prosecutor General of the Republic of Belarus and subordinate prosecutors.

The prosecutor's office shall exercise supervision of implementation of laws at investigation of crimes, of the conformity to the law of court decisions in civil, criminal cases and administrative offences by law, shall carry out preliminary investigation, and present state charges in the courts.

**Article 126.** The Prosecutor General appointed by the President with the consent of the Council of the Republic shall head the unified and centralised system of bodies of the prosecutor's office.

The subordinate prosecutors shall be appointed by the Prosecutor General.

**Article 127.** The Prosecutor General and subordinate prosecutors shall be independent in the exercise of their powers and guided by the legislation. The Prosecutor General shall be accountable to the President.

**Article 128.** The competence, organisation and operating procedure of bodies of the prosecutor's office shall be determined by the legislation.

#### CHAPTER 8

##### COMMITTEE OF STATE CONTROL

**Article 129.** The Committee of State Control shall exercise state control over implementation of the republican budget, use of state property and implementation of the acts of the President, the Parliament and other state bodies, regulating state property relations and economic, financial and tax relations.

**Article 130.** The Committee of State Control shall be formed by the President.

The Chairperson of the Committee of State Control shall be appointed by the President.

**Article 131.** The competence, organisation and operating procedure of the Committee of State Control shall be determined by the legislation.

## SECTION VII

### FINANCIAL AND CREDIT SYSTEM OF THE REPUBLIC OF BELARUS

**Article 132.** 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-budgetary funds, enterprises, institutions and citizens.

A uniform fiscal, tax, credit and currency policy shall be pursued in the territory of the Republic of Belarus.

**Article 133.** The budget system of the Republic of Belarus shall include the republican budget and local budgets.

Budget revenues shall be formed from taxes determined by law, other obligatory payments as well as other receipts.

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

In accordance with the law non-budgetary funds may be established in the Republic of Belarus.

**Article 134.** The procedure for drawing up, approving and implementing budgets and public non-budgetary funds shall be determined by law.

**Article 135.** The report on implementation of the republican budget shall be submitted to the Parliament for consideration no later than five months from the end of the reporting financial year.

Reports on implementation of local budgets shall be submitted to the corresponding councils of deputies for consideration within the term determined by the legislation.

Reports on implementation of the republican and local budgets shall be published.

**Article 136.** The banking system of the Republic of Belarus shall consist of the National Bank of the Republic of Belarus and other banks. The National Bank shall regulate credit relations, monetary procedure for making settlements and have an exclusive right to issue money.

## SECTION VIII

### EFFECT OF THE CONSTITUTION OF THE REPUBLIC OF BELARUS AND PROCEDURE OF ITS CHANGING

**Article 137.** The Constitution shall have the highest legal force. Laws, decrees, edicts and other acts of state bodies shall be issued on the basis of and in accordance with the Constitution of the Republic of Belarus. If there is inconsistency between a law, decree or edict and the Constitution, the Constitution shall be applied.

If there is inconsistency between a decree or an edict and a law, the law shall have the supremacy only when the powers for the issue of the decree or edict were provided by law.

**Article 138.** The issue of changing and adding the Constitution shall be considered by the Houses of the Parliament on the initiative of the President or of no less than 150 thousand citizens of the Republic of Belarus to vote.

**Article 139.** A law on changing and adding the Constitution may be adopted after it has been discussed and approved twice by the Parliament with at least a three-month interval.

The Constitution shall not be changed or added by the Parliament during a state of emergency or within the last six months of the term of powers of the House of Representatives.

**Article 140.** The Constitution, laws on changes and additions thereto, on the entry into force of the said laws, acts on interpretation of the Constitution shall be deemed to be adopted if no less than two-thirds composition of each House of the Parliament voted for them.

The Constitution may be changed or added through a referendum. A decision on changing or adding the Constitution by means of a referendum shall be deemed to be adopted if the majority of citizens voted for it.

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

## SECTION IX

### FINAL AND TRANSITIONAL PROVISIONS

**Article 141.** The Constitution of the Republic of Belarus of 1994 with changes and additions, adopted at the republican referendum (the present Constitution) shall enter into force from the day of its adoption. Specific provisions thereof that enter into force within the terms specified by the present Constitution. Simultaneously the Law of the Republic of Belarus "On Procedure of Entry into Force of the Constitution of Belarus" shall cease to be in force.

**Article 142.** Laws, edicts and other acts which were effective in the territory of the Republic of Belarus prior to the entry into force of the present Constitution shall be applied in the part not contrary to the Constitution of the Republic of Belarus.

**Article 143.** Within a month from the day on which the present Constitution enters into force the Supreme Council of the Republic of Belarus and the President of the Republic of Belarus shall be elected. Representatives from among the deputies of the Supreme Council who had been elected by the appointed date of the republican referendum held in 1996. The deputies of the Supreme Council of the Republic of Belarus shall retain their powers within the term stipulated by the present Constitution. The term of their powers shall commence from the day on which the present Constitution enters into force.

The Council of the Republic shall be formed under the procedure specified in Article 91 of the present Constitution.

If within the specified term the House of Representatives is not formed due to disagreements between the President and the Supreme Council, the President shall in accordance with clauses 2 and 3 of Article 91 of the Constitution dissolve the Supreme Council and call new elections to the Parliament.

**Article 144.** The President of the Republic of Belarus shall retain his powers. The term of his office shall commence from the day on which the present Constitution enters into force.

**Article 145.** The Government of the Republic of Belarus shall have its rights and duties from the day on which the present Constitution enters into force.

**Article 146.** The President, the Parliament and the Government shall, within two months from the day on which the present Constitution enters into force, establish and form the bodies specified therein established by the present Constitution, unless otherwise provided by part 3 of Article 143 of the Constitution.

President of the Republic of Belarus

A. Lukashenko

\*unofficial translation\*