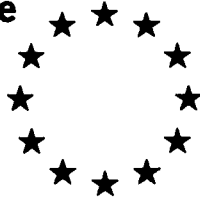


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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**REPUBLIC OF BELARUS**

**DRAFT REVISED CONSTITUTION  
PROPOSED BY THE AGRARIAN  
AND COMMUNIST GROUPS OF PARLIAMENTARIANS**

(Draft)

## **Constitution of the Republic of Belarus**

Amendments proposed by the Agrarian and Communist groups of parliamentarians

We, the People of the Republic of Belarus (of Belarus),  
emanating from the responsibility for the present and future of Belarus;  
recognizing ourselves as a subject, with full rights, of the world  
community and confirming our adherence to values common to all mankind;  
founding ourselves on our inalienable right to self-determination;  
supported by the centuries-long history of development of Belarusian  
statehood;

striving to assert the rights and freedoms of every citizen of the Republic  
of Belarus;

wishing to guarantee civil concord, the unshakable foundation of  
democracy and of a State ruled by law;

hereby adopt this Constitution as the Fundamental Law of the Republic of  
Belarus.

### **Chapter 1. Principles of the constitutional system**

**Article 1.** The Republic of Belarus shall be a unitary, democratic, social  
State governed by the rule of law.

The Republic of Belarus shall possess supremacy and complete authority  
in its territory, and shall independently pursue domestic and foreign policy.

The Republic of Belarus shall defend its independence and territorial  
integrity, its constitutional system; it shall guarantee legality and law and order.

**Article 2.** The individual shall be the highest value of society and the  
State.

The State shall be responsible before a citizen for the creation of  
conditions for the free and adequate development of the personality. A citizen is  
responsible before the State for the rigorous fulfillment of responsibilities laid  
upon him(her) by the Constitution.

**Article 3.** The people shall be the single source of State power in the  
Republic of Belarus. The people exercise their power directly and through  
representative bodies in the forms and within the limits established by the  
Constitution.

Any actions aimed at seizing State power through violent force or through  
any other violation of the Republic of Belarus laws shall be punishable by law.

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

The ideology of political parties, religious or other public associations, social groups may not be established compulsory for the citizens.

**Article 5.** Political parties and other public associations acting within the framework of the Constitution and laws of the Republic of Belarus shall promote the appearance and expression of the political will of the citizens and participate in elections.

Political parties and other public associations shall have the right to use state mass media according to rules established by the law.

The creation, as well as activity of political parties, including other public associations, which have as a goal a violent change in the constitutional system, or those conducting propaganda of war, national, religious and racial hostility, shall be prohibited.

**Article 6.** The State shall be founded on the principle of separation of powers: legislative, executive and judicial. State bodies, within the limits of their authorities, shall act independently and cooperate with one another, and restrain and counterbalance one another.

**Article 7.** The State and all of its bodies and officials shall be bound by the law and act within the limits of the Constitution and the laws adopted in accordance therewith.

Legal acts or separate provisions thereof which are recognized, according to rules established by the law, as contradicting the provisions of the Constitution shall not be valid in law.

Regulatory enactments of state bodies shall be published or become general knowledge by means envisaged by the law.

**Article 8.** The Republic of Belarus shall recognize the priority of universally-acknowledged principles of international law and ensure that its legislation conform to these principles.

The conclusion of international agreements which contradict the Constitution shall not be admissible.

**Article 9.** The territory of the Republic of Belarus shall be a framework of natural existence and a space of self-determination of the people, a basis of their well-being and the sovereignty of the Republic of Belarus.

The territory of Belarus shall be an inalienable entity.

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

**Article 10.** The protection, as well as the patronage of the State, in the territory of Belarus, and beyond its borders, shall be guaranteed to a citizen of the Republic of Belarus.

No one may be revoked of citizenship of the Republic of Belarus or of the right to change citizenship.

A citizen of the Republic of Belarus may not be expelled to a foreign State, unless otherwise stipulated in international agreements signed by the Republic of Belarus.

The procedure for the acquisition and forfeiture of citizenship shall be carried out in accordance with the law.

**Article 11.** Citizens of foreign States and stateless persons shall exercise their rights and freedoms and fulfill their responsibilities in the territory of Belarus on a par with the citizens of the Republic of Belarus, if not otherwise established by the Constitution, laws and international agreements.

**Article 12.** The Republic of Belarus may grant the right of asylum to persons persecuted in other countries for political and religious convictions or because of their national identity.

**Article 13.** The State shall grant to all equal rights for carrying out economic and other activity, except for that which is forbidden by the law; and it shall guarantee equal protection and equal conditions for the development of all forms of property.

The State shall carry out the regulation of economic activity in the interest of the individual and society.

Legislation may specify the entities to be owned only by the State; and it shall also ensure that the State has the exclusive right to carry out certain types of activities.

**Article 14.** The State shall regulate relations between social, national and other communities on the basis of the principle of equality before the law and respect of their rights and interests.

**Article 15.** The State shall be responsible for the maintenance of the historic-cultural heritage and the free development of the cultures of all national communities living in the Republic of Belarus.

**Article 16.** All religions and denominations shall be equal before the law. The establishment of any sort of advantages or restrictions for a religion or denomination in relation to another religion or denomination is not allowed.

The activity of religious organizations, their bodies and representatives, which is directed against the sovereignty of the Republic of Belarus, its constitutional system or civil concord, or which entails a violation of civil rights and freedoms, shall be forbidden.

Relations between the State and religions shall be regulated by the law.

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

**Article 18.** In its foreign policy, the Republic of Belarus shall be inspired by the principles of the equality of States, non-use of force or threat of force, inviolability of frontiers, peaceful settlement of disputes, non-interference in internal affairs and other universally-acknowledged principles and rules of international law.

The Republic of Belarus has a goal to make its territory into a non-nuclear zone, with its State having a status of neutrality.

**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 the law.

## **Chapter 2. The Individual, Society and the State**

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

The State shall guarantee to the citizens of Belarus the rights and freedoms secured in its Constitution and laws, and in international commitments of the State.

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

**Article 23.** Restriction of personal rights and freedoms shall be only admissible in cases stipulated by the law, in the interest of national security, public order, protection of citizens' morality and health, as well as rights and freedoms of other persons.

No one shall make use of advantages and privileges which contradict the law.

**Article 24.** Every person shall have the right to life.

The State shall protect the life of the individual against illegal assaults.

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

**Article 25.** The State shall safeguard personal liberty, inviolability, and dignity. The restriction or forfeiture of personal liberty may only occur in the cases and according to the rules established by the law.

A person held in custody shall have the right to judicial examination of the legality of his (her) detention or arrest.

No one shall be subject to torture or any treatment or punishment that is cruel, inhumane, damaging to one's human dignity; no medical or other experiments shall be carried out on a person without his (her) consent.

**Article 26.** No one shall be considered guilty of a crime until his guilt is proven in law and determined by a court judgement which has come into effect. A defendant shall not be required to prove his (her) innocence.

**Article 27.** No one shall be forced to give testimony and explanations against himself, members of his family, near relations. Evidence obtained through the violation of the law shall not be valid.

**Article 28.** Every person shall have the right to seek protection from illegal interference with his (her) private life, including from an invasion of the privacy of his (her) correspondence, telephone and other communications, as well as from interference with his honour and dignity.

**Article 29.** The inviolability of the home and other legitimate property of citizens shall be guaranteed. No one shall, without lawful grounds, enter a dwelling and other legal property of a citizen against such citizen's will.

**Article 30.** Citizens of the Republic of Belarus shall have the right to freely move and choose their place of residence within the borders of the Republic of Belarus, to leave it and to return to Belarus unimpeded.

**Article 31.** Every person shall have the right to independently determine his (her) relation to religion, to individually or together with others profess any religion or not profess any, to express and disseminate his (her) religious convictions, and to take part in the religious services and ceremonies.

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

Woman and man, upon reaching matrimonial age, shall have the right to enter into marriage and found a family based on voluntary consent. The spouses shall have equal rights in family relationships.

Parents or persons in loco parentis shall have the right and are expected to rear their children, take care of their health, development and tuition. No child shall be subject to cruel treatment or humiliation, forced to engage in work which could harm his (her) physical, mental or moral development. Children are expected to care for their parents, as well as persons in loco parentis, and to render them assistance.

**Article 33.** Every person is guaranteed freedom of opinions and convictions and has the right to freely voice them.

No one may be forced to express his convictions or to abandon them.

Monopolization of mass media by the State, by public associations or individuals, as well as censorship shall not be admissible.

**Article 34.** Citizens of the Republic of Belarus shall be guaranteed the right to receive, retain and disseminate complete, reliable and timely information on the activity of State bodies, public associations, on political, economic and international life and on the state of the environment.

State bodies, public associations and officials shall grant a citizen of the Republic of Belarus an opportunity to acquaint himself (herself) with materials which concern his (her) rights and legitimate interests.

**Article 35.** The freedom of assembly, meetings, street processions, demonstrations and picketing, not violating law and order and the rights of other citizens, shall be guaranteed by the State. The procedure for carrying out the above activities shall be established by the law.

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

Judges, procurators, officers of the bodies of internal affairs, Supervisory Authority of the Republic of Belarus and the bodies of State security, as well as the military may not join any political parties and other public associations having political aims.

**Article 37.** Citizens of the Republic of Belarus shall have the right to participate in the solution of State matters, both directly and through freely elected deputies. The direct participation of the citizens in the administration of the affairs of society and the State shall be through referenda, discussions of draft laws and issues of national and local significance, and through other activities provided for by the law.

**Article 38.** Citizens of the Republic of Belarus shall have the right to freely elect and be elected to State bodies on the basis of general, equal and direct suffrage by secret ballot.

**Article 39.** Citizens of the Republic of Belarus, irrespective of their race, sex, ethnic origins and religious beliefs, in accordance with their capabilities and professional training, shall have the right to equal access to any offices in State bodies.

**Article 40.** Everyone shall have the right to submit personal or collective addresses to State bodies.

State bodies, as well as their officials, are expected to consider an address and give an answer on its merits within a time period set by the law. A refusal to consider a forwarded address shall be justified in writing.

**Article 41.** Citizens of the Republic of Belarus shall be guaranteed the right to employment as the most suitable means for the self-affirmation of a person, that is the right to choose one's profession, occupation and job in accordance with one's calling, capabilities, education, professional training and with due regard for public demand, as well as the right to healthy and safe conditions of work.

The government shall create conditions for full employment of the population. In case of a person not being employed for reasons beyond his (her) control, he (she) shall be guaranteed training in new specialities and raising the level of his (her) skill with due regard for societal needs, as well as an unemployment compensation in accordance with the law.

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

**Article 42.** Citizens shall have the right to protection of their economic and social interests, including the right to form professional unions, to conclude collective contracts (agreements) and the right to strike.

**Article 43.** Employees shall have the right to remuneration for fulfilled work in accordance with its quantity, quality and social significance, but the pay shall not be below the government-indicated minimum. Women and men, adults and minors shall have the right to equal compensation for equal work.

**Article 44.** All working people shall have the right to rest. For employees, this right shall be secured by the establishment of a working week of no longer than 40 hours, by shorter-time night work, by the granting of annual paid leaves and weekly rest-days.

**Article 45.** The State shall guarantee every person the right to property. An owner shall have the right to possess, use and dispose of assets individually, as well as jointly with other persons. The inviolability of property and the right to inherit shall be guaranteed. The content and the amount of property shall be specified by the law.

Forced alienation of assets for grounds of societal necessity shall be authorized only under the conditions of and in conformity with the law, with timely and complete compensation for the value of the alienated assets, as well as in conformity with a judgement of a court.

The exercise of the right to property should not cause damage to the environment or to historic-cultural valuables, nor should it infringe upon the legitimate rights and interests of other persons.

**Article 46.** Citizens of the Republic of Belarus shall be guaranteed the right to health care, including free treatment in state health care institutions.

The right of the citizens of the Republic of Belarus to health care shall also be secured through stimulation of physical training and sports, by improving environment, by the opportunity to use fitness institutions and by improving safety at work.

**Article 47.** Everyone shall have the right to favorable environment and to compensation for damage caused by the violation of this right.



**Article 48.** Citizens of the Republic of Belarus shall be guaranteed the right to social security in old age, in case of illness, disability, loss of fitness for work and loss of a bread-winner and in other cases stipulated by the law. The State shall show particular concern for persons whose health has been damaged in the defense of state and societal interests.

**Article 49.** Citizens of the Republic of Belarus shall have the right to housing. This right shall be secured by the development of state, communal and private housing, and by providing state assistance to citizens in acquisition of dwellings.

No one shall be arbitrarily deprived of a dwelling, except by a court decision or in accordance with the law prescribing a different procedure which is not in conflict with the principles of social justice.

**Article 50.** Everyone shall have the right to education.

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

Secondary specialized and higher education shall be accessible for all in accordance with the capabilities of each. Each person may, on a competitive basis, receive the corresponding free education in state educational institutions.

**Article 51.** Everyone shall have the right to maintain his national (ethnic) identity and, at the same time, no one shall be forced towards the determination or indication of any particular national (ethnic) identity.

Putting an insult upon national dignity shall be prosecuted by law.

Everyone shall have the right to use his native language and to choose a language for communication. The State shall guarantee, in accordance with the law, freedom of the choice of the language for education and teaching.

**Article 52.** Everyone shall have the right to participate in cultural life. This right shall be secured by the accessibility of the values of home and world culture available through state and public collections, and by the development of a network of cultural and educational institutions.

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

Intellectual property shall be protected by the law.

**Article 53.** Every one, when in the territory of the Republic of Belarus, shall be obliged to observe its Constitution and laws and to respect its national traditions.

**Article 54.** Everyone must respect the dignity, rights, freedoms and legitimate interests of others.

**Article 55.** Everyone is expected to cherish historic-cultural heritage and other cultural valuables.

**Article 56.** It shall be the duty of every person to protect the environment.

**Article 57.** Citizens of the Republic of Belarus should take part in providing money for public expenditures by paying state taxes, duties and other payments.

**Article 58.** It shall be the responsibility and sacred duty of a citizen of the Republic of Belarus to defend the Republic of Belarus.

The mode of military service, the grounds and conditions for exemption from military service or its replacement with an alternative shall be determined by the law.

**Article 59.** No one shall be forced to fulfill duties which are not envisaged by the Constitution and the laws of the Republic of Belarus, nor shall he be forced to abandon his rights.

**Article 60.** The State is obliged to take all possible measures to maintain internal and international order necessary to ensure in full the exercise of rights and freedom of citizens of the Republic of Belarus provided for in the Constitution.

**Article 61.** State bodies, officials and other persons entrusted with the fulfillment of state functions shall be obliged, within the limits of their jurisdiction, to take necessary measures for the exercise and protection of personal rights and freedoms. These bodies and persons shall be liable for actions which violate personal rights and freedoms.

**Article 62.** Everyone shall be guaranteed judicial defense of his rights and freedoms before a competent, independent and impartial court within time periods established by the law.

To protect their rights, freedoms, honour and dignity, citizens shall have the right to recover, through judicial settlement, both property damage and material compensation for moral injury.

**Article 63.** Everyone shall have the right to legal assistance in the exercise and protection of his rights and freedoms, including the right to make use, at any time, of a counsel and one's other representatives in court, before other State bodies, local government authorities, at enterprises, institutions, organizations, public associations, and in relations with officials and citizens. In cases envisaged by the law, legal assistance may be payable at the expense of the State.

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

**Article 64.** The exercise of the envisaged by the present Constitution personal rights and freedoms may be suspended only in the period of a state of emergency or a state of war, according to the procedure and within the limits established by the Constitution and by the law.

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

### **Chapter 3. Electoral System**

**Article 65.** The elections of deputies and other persons, who are elected to State service by the people, shall be held according to the principle of universal suffrage: citizens of the Republic of Belarus who have reached the age of 18 shall have the right to vote.

Citizens recognized by court as incapacitated from voting and persons held in places of confinement as a result of a judgement of a court shall not participate in election. Persons, in respect of whom a detention as a measure of preventive restriction is taken according to the rules of criminal procedure, shall not participate in voting. Any direct or indirect limitation of the right of citizens to vote in other cases shall not be authorized and shall be punishable by law.

**Article 66.** The age qualifications of the deputies and other persons elected to State service shall be determined by the relevant laws, if not otherwise stipulated by the Constitution.

**Article 67.** Elections shall be held according to the principle of free suffrage: an elector personally decides whether he (she) will participate in election and for whom he (she) will vote.

Arrangements for and holding of elections shall be open and in public.

**Article 68.** Elections shall be held according to the principle of equal suffrage: the electorate shall have equal number of votes.

The number of the electors in each constituency shall be approximately equal.

Candidates elected to State service by the people, shall participate in elections on an equal basis.

**Article 69.** Elections shall be held according to the principle of direct suffrage: deputies shall be elected by the citizens directly.

**Article 70.** Voting in elections shall be secret: control over voting preferences while voting is in progress shall be prohibited.

**Article 71.** The right to nominate candidates for deputies shall be vested in public associations, workers' collectives and citizens in accordance with the law.

**Article 72.** Expenses incurred in preparing for and holding of elections shall be covered by the State within the limits of the funds allotted for the purpose.

**Article 73.** The holding of elections shall be ensured by election-committees.

The electoral procedures shall be specified by the laws of the Republic of Belarus.

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

**Article 74.** National and local referenda may be held to resolve the most important problems of the State and society. The procedure of holding republican and local referenda shall be determined by a law of the Republic.

#### **Chapter 4. The Supreme Council of the Republic of Belarus**

**Article 75.** The highest standing representative and the unique legislative body of state authority of the Republic of Belarus shall be the Supreme Council of the Republic of Belarus.

**Article 76.** The Supreme Council of the Republic of Belarus shall be composed of 260 deputies elected by the citizens of the Republic of Belarus.

Any citizen of the Republic of Belarus who has a right to vote and has entered the age of 21 shall be eligible for a deputy.

**Article 77.** The term of powers of the Supreme Council of the Republic of Belarus shall be five years.

The powers of the Supreme Council of the Republic of Belarus may be discontinued before their termination, by means of a resolution of the Supreme Council of the Republic of Belarus adopted by a majority of no less than two-thirds of the elected deputies.

Election of a new membership of the Supreme Council of the Republic of Belarus shall be fixed no later than three months before the expiration of the term of powers of the current Supreme Council of the Republic of Belarus.

**Article 78.** The first session of the Supreme Council of the Republic of Belarus shall be summoned by the Central Commission of the Republic of Belarus on Elections and National Referenda no later than thirty days after at least 173 deputies of the Supreme Council have been elected.

**Article 79.** The Supreme Council of the Republic of Belarus shall have exceptional jurisdiction to:

- 1) adopt the Constitution of the Republic and amend it unless otherwise prescribed therein;
- 2) adopt laws of the Republic;
- 3) call national referenda;

4) decide on holding elections of deputies of the Supreme Council and local councils, as well as set up the Central electoral Committee and hold national referenda;

5) appoint the Prime Minister, approve the appointments for the Cabinet of Ministers and the program of its activities;

6) set up and dissolve ministries of the Republic;

7) elect members of the Constitutional Court of the Republic of Belarus;

8) elect the Supreme Court of the Republic of Belarus, the Supreme Economic Court of the Republic of Belarus, the Procurator General of the Republic of Belarus;

9) elect the Chairman and the members of the Board of Managers of the National Bank of the Republic of Belarus, the Chairman and members of the Supervisory Authority of the Republic;

10) determine the priorities in foreign and domestic policy;

11) approve the Republic's plan of economic and social development, the state budget, as well as reports thereupon;

12) set the Republican taxes and duties, exercise control over currency issue;

13) decide upon the military policy;

14) ratify and denounce international treaties to which the Republic of Belarus is a party;

15) determine the procedure of solving the problems of the administrative-territorial structure of the Republic;

16) institute State awards, ranks and titles of the Republic of Belarus;

17) take decisions on amnesty;

18) veto instructions by the Chairman of the Supreme Council, presidium thereof, as well as resolutions and instructions of the Cabinet;

19) veto resolutions passed by Councils of local deputies in cases when they are inconsistent with the Republican Constitution and laws. The Supreme Council of the Republic of Belarus may resolve other issues in accordance with the Constitution.

**Article 80** The Supreme Council of the Republic adopts laws and resolutions. The Supreme Council shall be empowered to pass acts on condition that at least 50 % of the listed deputies are present at the sitting unless otherwise provided for by the Constitution. The adopted laws and resolutions shall be signed by the Chairperson of the Supreme Council.

**Article 81.** The Supreme Council shall elect, from among its members, the Chairperson of the Supreme Council, First Vice-Chairperson of the Supreme Council and Vice-Chairpersons of the Supreme Council.

**Article 82.** The Chairperson of the Supreme Council shall be the highest official of the Republic representing it while dealing with other countries. The Chairperson of the Supreme Council of the Republic of Belarus shall be elected by secret ballot from among the deputies for a term of 5 years and not more than for two consecutive terms.

The Chairperson of the Supreme Council is answerable to the Supreme Council. In case the Chairperson violates the Republic' Constitution he or she can be recalled by the decision of at least two-thirds (173) deputies.

A conclusion on whether the Chairperson has violated the Constitution shall be given by the Republic's Constitutional Court after at least 70 deputies or two Standing Parliamentary Committees apply to it.

**Article 83.** The Chairperson of the Supreme Council shall:

- 1) execute general leadership in the elaboration of the issues subject to consideration of the Supreme Council;
- 2) sign the laws of the Republic and other acts adopted by the Supreme Council and its Presidium;
- 3) report at least once a year to the Supreme Council on the situation in the Republic and on the most important issues of home and foreign affairs;
- 4) represent the country in the relations with organisations and bodies inside the country and abroad;
- 5) conduct the sittings of the Supreme Council or assign some of his deputies to do so;
- 6) submit to the Supreme Council nominations for First Vice-Chairman and Vice-Chairmen of the Supreme Council, Procurator General, Chairman of the Supervisory Authority;
- 7) conduct negotiations and sign international treaties;
- 8) issue instructions;
- 9) appoint judges of the regional city and district courts as well as judges of the regional and city economic courts;

The First Vice-Chairperson and Vice-Chairpersons of the Supreme Council of the Republic of Belarus shall fulfill, on the instructions of the Chairperson of the Supreme Council, some of his/her functions and substitute the Chairperson of the Supreme Council if he/she temporarily is not available or unable to carry out his duties.

**Article 84.** The right of legislative initiative in the Supreme Council of the Republic of Belarus shall be vested in deputies of the Supreme Council, permanent committees of the Supreme Council, the Cabinet, the Supreme Court, the Supreme Economic Court, the Procurator General, as well as in the citizens, who have the right to vote, in the number of no fewer than 50 000 persons.

**Article 85.** The Supreme Council shall elect, from among the deputies, permanent committees and other bodies for doing law-drafting work, for the preliminary consideration and elaboration of issues relating to the jurisdiction of the Supreme Council, and for control over the observance of laws.

If necessary, the Supreme Council may establish investigatory, audit and other ad hoc commissions.

**Article 86.** A Presidium of the Supreme Council of the Republic of Belarus shall be established to organize the activities of the Supreme Council.

The Presidium of the Supreme Council shall be composed of the Chairperson of the Supreme Council, the First Vice-Chairperson of the Supreme Council, the Vice-Chairpersons, Chairpersons of the Standing Committees and other deputies, in accordance with the Rules of Procedure envisaged by the Supreme Council.

The Presidium of the Supreme Council shall be headed by the Chairperson of the Supreme Council.

The Presidium of the Supreme Council shall retain its jurisdiction until the opening of the first session of the next convocation's Supreme Council.

**Article 87.** The jurisdiction of the deputies shall terminate as soon as a new Supreme Council valid for the opening of the first session is elected.

**Article 88.** A deputy of the Supreme Council shall exercise his (her) powers in the Supreme Council on full-time basis or, upon his (her) desire, without suspending his (her) activities at an enterprise or in the civil service.

**Article 89.** A deputy of the Supreme Council shall not bear legal responsibility for his (her) activity in the Supreme Council which is carried out in accordance with the Constitution both during his (her) term of office and after it comes to an end.

A deputy of the Supreme Council may not be arraigned on criminal charges, arrested or otherwise deprived of his (her) personal liberty without the consent of the Supreme Council, except in the cases of detainment at the crime scene.

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

**Article 90.** Activities of the Supreme Council, bodies thereof and the deputies shall be determined by the Rules of Procedure of the Supreme Council and other laws of the Republic.

## **Chapter 5. Cabinet of Ministers of the Republic of Belarus**

**Article 91.** The Republic's Cabinet of Ministers shall be the supreme executive and administrative body of state power in the Republic.

**Article 92.** The candidatures to the Cabinet of Ministers shall be proposed by the Chairperson thereof.

The Chairperson of the Cabinet of Ministers shall submit the work-programme of the government for the Supreme Council's approval.

The Cabinet of Ministers shall terminate its office at the first session of the new Parliament.

**Article 93.** The Cabinet of Ministers shall bear responsibility before the Parliament and shall report to it.

**Article 94.** The Parliament can pronounce a vote of no-confidence to the Cabinet's entire body or to some of its individual members.

In case a vote of no-confidence is pronounced to the entire Cabinet, the Chairperson of the Parliament nominates a new candidature for the Head of the Cabinet to be approved by the Parliament.

The Cabinet in its entirety or individual members thereof can submit their resignation to the Supreme Council any time.

**Article 95.** The Cabinet of Ministers of the Republic shall:

- 1) take measures to secure the protection of citizen's rights and liberties, interests of the state, property, public order, national security and defense;
- 2) elaborate and submit for the Parliament's approval the priorities of economic and social development, the Republic's state budget, take action to implement the Parliament's decisions;
- 3) in accordance with the Republic's laws, exercise the state management of the country's economy and social welfare, provide for rational use and conservation of natural resources, take measures to consolidate the currency and credit system, organize management of state-run enterprises, institutions and organisations;
- 4) set up, if need be, committees, chief organs and other agencies under its own jurisdiction;
- 5) exercise control over the executive and administrative activities of the local Soviets of deputies;
- 6) abolish regulations issued by ministries and agencies of the Republic, by executive and administrative bodies of the local Soviets of deputies;
- 7) deal with other issues of state government.

**Article 96.** The Cabinet of Ministers, within its jurisdiction, may issue resolutions and instructions which are to be fulfilled by all on the Republic's territory.



**Article 97.** Ministries of the Republic shall govern the industries of which they are in charge or exercise inter-branch government, while reporting to the Council of Ministers.

Ministries shall bear responsibility for the condition and progress in the branches and fields of government they run.

**Article 98.** The jurisdiction of the Cabinet of Ministers, its rules of procedure, Cabinet's relationship with other state bodies as well as the list of Ministries to be shall be defined on the basis of the Constitution by the Law on the Cabinet of Ministers.

## **Chapter 6. Court of Justice**

**Article 99.** Judicial power in the Republic of Belarus shall be vested in courts. The judicature, within the Republic of Belarus, shall be determined by the law.

The establishment of extraordinary courts shall be prohibited.

**Article 100.** In administering justice, judges are independent and abide by the law only.

Any interference in judge's activities in the administration of justice shall be inadmissible and shall involve responsibility in law.

**Article 101.** Judges may not engage in business or carry out other paid work except teaching and research provided that they are not on the staff. The reasons for election (appointment) of judges and their dismissal shall be determined by the law.

**Article 102.** The courts shall administer justice in conformity with the Constitution, laws and other ensuing regulatory enactments.

If in trial of a specific case, a court comes to the conclusion that a regulatory enactment is in conflict with the Constitution or other law, the court makes a ruling in accordance with the Constitution and the law, and brings up a question, in the established procedure, for the recognition of the given regulatory enactment as unconstitutional.

**Article 103.** A trial in court shall be conducted collegially and, in cases stipulated by law, by a judge individually.

**Article 104.** Trials in all courts shall be open.

A hearing in camera shall be admissible only in cases established by the law, with the observance of all rules of judicial proceedings.

**Article 105.** Justice shall be administered on the basis of the competition and equality of the parties involved in the trial.

**Article 106.** The parties shall have the right to appeal judicial decisions, sentences and other rulings.

## **Chapter 7 Constitutional Supervision**

**Article 107.** Control over the constitutionality of regulatory enactments in the State shall be exercised by the Constitutional Court of the Republic of Belarus.

**Article 108.** The Constitutional Court of the Republic of Belarus shall be elected by the Supreme Council of the Republic of Belarus from among qualified lawyers in the number of 11 judges. The term of office for the members of the Constitutional Court shall be 11 years. The age limit of a member of the Constitutional Court shall be 70 years.

Candidatures for a judge of the Constitutional Court can be nominated by the members of Parliament themselves or they may be asked to do so by state bodies of republican level, as well as by the Standing Committees of the Parliament.

Judges of the Constitutional Court may not engage in business or carry out other paid activities except teaching or research work. Judges of the Constitutional Court shall be entitled to resign at any time. Direct or indirect pressure on the Constitutional Court or its members in connection with the execution of constitutional supervision shall be inadmissible and shall involve responsibility in law.

**Article 109.** The Constitutional Court, on proposals of the Chairperson of the Parliament, permanent committees of the Supreme Council, at least 40 deputies of the Supreme Council, the Supreme Court, the Supreme Economic Court, the Procurator General, public associations of republican level as well as citizens following the procedure established by law, shall decide on:

- the conformity between the laws, international agreements, other obligations of the Republic of Belarus and the Constitution, international legal acts ratified by the Republic of Belarus;
- the conformity between the legal inter-state acts, to which the Republic of Belarus is a party, the resolutions by the Cabinet of Ministers, as well as the orders of the Supreme Court, of the Supreme Economic Court, of the Procurator General, and the Constitution, laws, international legal acts ratified by the Republic of Belarus;
- whether the Chairperson of the Parliament has violated the Constitution.

**Article 110.** The Constitutional Court shall invariably make conclusions on whether issues put to a republican referendum are not in conflict with the Constitution and whether they are correctly stated Constitution-wise.

The Constitutional Court shall be entitled, at its discretion, to consider the issue on the conformity between the regulatory enactments of a State body,

public association and the Constitution, laws, international legal acts ratified by the Republic of Belarus.

**Article 111.** Regulatory enactments, international agreements and other obligations recognized by the Constitutional Court as unconstitutional, so far as they violate human rights and freedoms, shall be considered null and void, totally or in a special part of them, from the moment of the adoption of the relevant act.

Other regulatory enactments of state bodies and public associations, other international agreements or obligations recognized by the Constitutional Court as inconsistent with the Constitution, the laws or international legal acts ratified by the Republic of Belarus shall be considered vitiated, totally or in a special part thereof, from the moment determined by the Constitutional Court.

The regulatory and legal inter-state acts to which the Republic of Belarus is a party recognized by the Constitutional Court as inconsistent with the Constitution, laws or international legal acts shall be regarded as invalid in the territory of the Republic of Belarus, totally or in special part thereof, from the moment determined by the Constitutional Court.

The Constitutional Court shall pass decisions by a simple majority of votes of full court.

**Article 112.** Judgments of the Constitutional Court shall be final and subject to no appeal or protest.

**Article 113.** The Constitutional Court may submit proposals to the Parliament on the necessity of amending and changing the Constitution and on adopting and changing laws. Such proposals shall be invariably considered by the Parliament.

**Article 114.** Judges elected to the Constitutional Court may not be arraigned on criminal charges, arrested or otherwise deprived of personal liberty without the consent of the Supreme Council, except in the cases of their detainment at the crime scene. Criminal proceedings against a member of the Constitutional Court may be instituted by the Procurator General with the consent of the Supreme Council.

**Article 115.** The Chairperson of the Constitutional Court and his/her deputies shall be elected by members thereof for a term of three years. The jurisdiction, structure and activities procedures of the Court shall be determined by law.

## **Chapter 8. The Procurator's Office**

**Article 116.** Supervision over the strict and uniform observance of laws by all ministries and other subordinate to the Cabinet of Ministers bodies, local

representative and administrative bodies, enterprises, organizations and institutions, public associations, officials and citizens shall be vested in the Procurator General of the Republic of Belarus and procurators subordinate to him.

The Procurator's Office shall supervise the process of law in investigation of crimes, the conformity between the law and the judgements in civil and criminal cases and cases involving administrative offences; in the instances envisaged by the law carry out preliminary inquiry, support public prosecution in courts.

**Article 117.** The unified and centralized system of the bodies of the Procurator's Office shall be with the Procurator General at the head, who is elected by the Supreme Council.

Subordinate procurators shall be appointed by the Procurator General.

**Article 118.** The Procurator General and subordinate procurators shall be independent in the exercise of their powers and are guided only by the law. The Procurator General shall be accountable to the Supreme Council.

**Article 119.** The jurisdiction, administration and activities of the bodies of the Procurator's Office shall be determined by the law.

## **Chapter 9. The Supervisory Authority of the Republic of Belarus**

**Article 120.** Supervision over the national budget execution, use of state property, observance of the acts of the Supreme Council governing state property relationships, as well as economic, fiscal and tax relations shall be exercised by the Supervisory Authority.

**Article 121.** The Supervisory Authority shall be established by the Supreme Council; it shall function under its administration and be accountable to it.

**Article 122.** The Chairperson of the Supervisory Authority shall be elected by the Supreme Council for the term of five years.

**Article 123.** The jurisdiction, administration and activities of the Supervisory Authority shall be determined by the law.

## **Chapter 10. Local Government and Self-Government**

**Article 124.** Local government, as well as self-government shall be exercised by the citizens through local councils, executive and administrative bodies, and through bodies of public territorial self-government, local referenda, meetings and other forms of direct participation in state and public affairs.

**Article 125.** Local councils of deputies shall be elected by the citizens of the relevant administrative-territorial units for a term of four years.

**Article 126.** Local councils of deputies, executive and administrative bodies, within the limits of their jurisdiction, shall resolve issues of local significance, proceeded from national interests and the interests of the population residing in the relevant territory, and execute decisions of higher state authorities.

**Article 127.** The following issues shall come within the exclusive jurisdiction of local councils of deputies:

- the approval of the programmes of economic and social development, local budgets and accounts;
- election of administrative bodies and officials of the local Soviets of deputies;
- the imposition of local taxes and duties in conformity with the law;
- the establishment, within the legally defined limits, of the rules of the management and disposal of municipal property;
- the calling for local referenda.

**Article 128.** Local councils of deputies, executive and administrative bodies, on the basis of legislation in force, shall adopt decisions which are valid in the corresponding territory.

**Article 129.** Decisions of local councils of deputies which are inconsistent with the legislation shall be repealed by higher councils of deputies.

Decisions of local executive and administrative bodies which are inconsistent with the legislation shall be repealed by the relevant councils of deputies and by higher executive and administrative bodies, as well as by the President of the Republic of Belarus.

Decisions of local councils of deputies, their executive and administrative bodies which are limiting or breaking civil rights and freedoms and legitimate interests of the citizens, as well as in other envisaged by the legislation cases, may be appealed in court.

**Article 130.** In case of the systematic and obvious non-fulfillment, by a local council of deputies, of the legislation, this body may be dissolved by the Supreme Council. Other grounds for the early discontinuance of the powers of local councils of deputies shall be determined by the law.

**Article 131.** The jurisdiction, rules of establishment and activities of the bodies of local government and self-government shall be determined by the law.

## **Chapter 11 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 outside-the-budget funds, funds of enterprises, institutions, organizations and citizens. A unique fiscal, tax, monetary and hard 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 national and local budgets.

Budget revenues shall be raised from the taxes determined by the law, from other compulsory payments, as well as from other income.

National expenditures shall be authorized from the national budget on the expenditure side.

In accordance with the law, in the Republic of Belarus, outside-the-budget funds may be created.

**Article 134.** The rules of drawing up, approval and execution of the budgets and state outside-the-budget funds shall be determined by the law.

**Article 135.** A national account shall be submitted for the Supreme Council's consideration no later than five months from the last day of the fiscal year of account.

Local accounts shall be submitted for the consideration of the relevant councils of deputies by the time fixed by legislation.

National and local accounts shall be published.

**Article 136.** The banking system of the Republic of Belarus shall include the National Bank of the Republic of Belarus and other banks. The National Bank shall govern credit relations, currency circulation, determine the rules of settlements and have the exclusive right to issue currency.

## **Chapter 12. The application and amendment of the Constitution of the Republic of Belarus**

**Article 137.** The Constitution shall have the supreme legal force. Laws and other acts of state bodies shall be issued on the basis of and in conformity with the Constitution of the Republic of Belarus.

In case of a conflict between a law and the Constitution, the Constitution shall be given priority; in case of a conflict between a law and other regulatory enactment, the law shall be given priority.

**Article 138.** Motions to amend and supplement the Constitution shall be considered by the Supreme Council on the initiative of at least 250 000 citizens

of the Republic of Belarus having the right to vote, at least 70 deputies of the Supreme Council, the Supreme Court.

**Article 139.** A law on amendment and addenda to the Constitution may be adopted after it has been debated and approved twice by the Supreme Council with at least three months' interval.

Amendments and addenda to the Constitution shall not be made during a period of a state of emergency, as well as during the last six months of the term of powers of a Supreme Council.

**Article 140.** The Constitution, laws on amendments and addenda thereto, on putting the Constitution and the mentioned laws in force, as well as acts on interpreting of the Constitution shall be regarded as adopted if at least two-thirds of the elected deputies of the Supreme Council have voted in favour of them.

Amendments and addenda to the Constitution may be passed by a referendum. A decision to amend or supplement the Constitution by means of a referendum shall be passed if two-thirds of citizens included into the register of electors, vote in favour of it.