

607
36/4130

Council of Europe
Conseil de l'Europe



Strasbourg, 6 November 1996
<s:\cd\doc\96\cd\pdg>
N° 027 / 96



COE273183

Restricted
CDL (96) 90
Eng.Only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF BELARUS

DRAFT REVISED CONSTITUTION
PROPOSED BY
THE PRESIDENT OF THE REPUBLIC

NEW VERSION¹

¹

This new text replaces the text of the presidential proposals in document CDL (96) 72. Changes with respect to the previous presidential proposals appear in bold. This is a consolidated text integrating the proposed amendments into the present constitution (document CDL (96) 73).

**The Law of the Republic of Belarus "On amendments and addenda
to the Constitution of the Republic of Belarus"**

We, the People of the Republic of Belarus (of Belarus), we mandating from the responsibility for the present and future of Belarus;

Recognising 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.

Section I. 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, his/her rights, freedoms and guarantees for their enjoyment 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 fulfilment of responsibilities laid upon him/her by the Constitution.

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

Any actions aimed at **changing the constitutional system and 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 realised 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 compulsorily 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 **legislation**.

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, **social**, national, religious and racial hostility, shall be prohibited.

Article 6. The State power in the Republic of Belarus shall be exercised on the basis of its separation into legislative, executive and judicial power. State bodies, within the limits of their authorities, shall act independently and co-operate with one another, and restrain and counterbalance one another.

Article 7. In the Republic of Belarus, there shall be established the principle of the supremacy of law.

The State and all of its bodies and officials (...) shall act within the limits of the Constitution and the legislative acts adopted in accordance therewith.

Legal acts or separate provisions thereof which are recognised, 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 law.

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

The Republic of Belarus may join and abandon voluntarily interstate establishments in accordance with the rules of international law.

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 legislation.

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 citizenship 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 fulfil 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. There may be State and private property.

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

The State shall foster co-operation in all its forms and types.

The State shall guarantee everyone equal opportunities for the unrestrained use of capacities and assets for business undertakings and other not prohibited by law economic activity.

The State shall regulate economic activity in the interest of the individual and society; it shall secure guidance and co-ordination of the State and private economic activity to achieve social goals.

Mineral wealth, waters, forests shall constitute exclusive State property. **Land intended for agricultural use shall be principally state-owned.**

Legislation may specify also other entities to be owned only by the State or establish a special procedure for their conversion into private property; as well as it may also secure the exclusive right of the State to carry out certain types of activities.

The State shall guarantee working people the right to participate in the management of enterprises, organisations and institutions with the aim of increasing the efficiency of their work and raising socio-economic living standards.

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.

Social and labour relations between organs of state power, employers associations and trade unions shall be conducted according to the principles of social partnership and mutual co-operation.

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

Article 16. All religions and denominations shall be equal before the law.
Relations between the State and religions shall be governed by the law with regard to their influence on the development of the spiritual, cultural and public traditions of the Belarusian people.

The activity of religious organisations, 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, as well as preventing citizens fulfilling their public, social or family obligations or being harmful for their health and morals shall be forbidden.

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

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

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.

Section II. 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.

Everyone shall have the right to an adequate life standard, inclusive of sufficient food, cloths, housing facilities, as well as of constant improvement of the necessary conditions for that.

The State shall guarantee 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 particularly 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 one's guilt is proven in law and determined by a court judgment 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 oneself, members of oneself 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 the invasion of privacy of his/her correspondence, telephone and other communications, as well as from interference with his/her 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 **where these are not prohibited by law.**

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.

Children may be separated from their families against the will of the parents and other persons substituting them based on the court decision only, provided that the parents or other persons substituting them failed to fulfil their duties.

Women shall be afforded opportunities equal to those of men in education and vocational training, work and advancement according to service (work), socio-political, cultural and other spheres of activity. The necessary conditions shall furthermore be created to preserve the work and health of women.

The youth shall be guaranteed the right for their spiritual, moral and physical development.

The State shall create due conditions for the unrestricted and efficient participation of the youth in political, social, economic and cultural development.

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 one's convictions or to abandon them.

Monopolisation 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, cultural 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.

The use of information may be restricted by legislation so as to protect the honour, dignity, personal and family life of citizens, as well as them to enjoy their rights completely.

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, the Committee for State Control 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 social and public affairs shall be through referenda, discussions of draft laws and issues of national and local significance, and through other activities provided for by the law.

The citizens of the Republic of Belarus shall participate, under procedures established in law, in the discussion of public and social issues at national and local gatherings.

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, direct or indirect suffrage by ballot.

Article 39. Citizens of the Republic of Belarus, 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 work 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 vocation, 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 social needs, as well as an unemployment compensation in accordance with the law.

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.

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. Employees shall be guaranteed the fair share of remuneration for the economic results of work in accordance with its quantity, quality and social significance, but the pay shall not be below the level that could secure them and their families free and adequate existence.

Women and men, adults and minors shall have the right to equal compensation for equal work.

Article 43. 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 44. The State shall guarantee every person the right to property and assist in its acquisition.

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 it shall be ensured by the law.

Property which has been acquired legally shall be protected by the State.

The State shall encourage and protect savings of its citizens **and shall establish guarantees for the reimbursement of their deposits.**

Forced alienation of assets for grounds of social necessity shall be authorised 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 **decision** of a court.

The exercise of the right to property should not contradict social well-being and public safety, 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 45. Citizens of the Republic of Belarus shall be guaranteed the right to health care, including free treatment in state health care institutions.

The State shall create conditions for the medical service accessible to all citizens.

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 46. Everyone shall have the right to favourable environment and to compensation for damage caused by the violation of this right.

The State shall exercise control over the rational use of natural resources with the aim to protect and improve living conditions, as well as to safeguard and restore the environment.

Article 47. 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 breadwinner and in other cases stipulated by the law. The State shall show particular concern for **war and labour veterans as well as persons whose health has been damaged in defense of the national and public interests.**

Article 48. Citizens of the Republic of Belarus shall have the right to housing. This right shall be secured by the development of state (...) and private housing facilities, and by providing assistance to citizens in acquisition of dwellings.

To the citizens in need of social protection, the State and local self-government shall grant housing free of charge or at reasonable price in accordance with law.

No one shall be arbitrarily deprived of a dwelling.

Article 49. Everyone shall have the right to education.

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

Secondary specialised 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 50. Everyone shall have the right to maintain his national identity and, at the same time, no one shall be forced towards the determination or indication of any particular national 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 choice of the language for education and teaching.

Article 51. 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.

The State shall promote cultural development, scientific and technological researches for the sake of common interest.

Article 52. Everyone, 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 53. Everyone must respect the dignity, rights, freedoms and legitimate interests of others.

Article 54. Everyone is expected to cherish historic-cultural and spiritual heritage and other national valuables.

Article 55. It shall be the duty of every person to protect the environment.

Article 56. Citizens of the Republic of Belarus should take part in providing money for public expenditures by paying state taxes, duties and other payments.

Article 57. 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 58. No one shall be forced to fulfil duties which are not envisaged by the Constitution and the laws of the Republic of Belarus, nor shall one be forced to abandon one's rights.

Article 59. 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.

State bodies, officials and other persons entrusted with the fulfilment of state functions shall be obliged, within the limits of their authority, to take necessary measures for the exercise and protection of personal rights and freedoms.

These bodies and persons shall be responsible for actions which violate personal rights and freedoms.

Article 60. 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, in accordance with the law, to recover, through judicial settlement, both property damage and material compensation for moral injury.

Article 61. Everyone shall be entitled, in accordance with the instruments of international law ratified by the Republic of Belarus, to apply to international organisations with the aim of upholding their rights and freedoms, if all available domestic legal remedies have been exhausted.

Article 62. Everyone shall have the right to legal assistance in the exercise and protection of one's 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, organisations, 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 63. 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.

Section III. Electoral System. Referendum

Chapter 1. Electoral System

Article 64. 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 recognised by court as incapacitated from voting and persons held in places of confinement as a result of a judgment of a court shall not participate in elections. 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 authorised and shall be punishable by law.

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 65. 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 66. Elections shall be held according to the principle of equal suffrage: the electorate shall have equal number of votes.

Candidates elected to State service (...) shall participate in elections on an equal basis.

Article 67. Election of deputies shall be according to the principle of direct suffrage: deputies shall be elected by the citizens directly.

Article 68. Voting in elections shall be secret: control over voting preferences while voting is in progress shall be prohibited.

Article 69. The right to nominate candidates for deputies shall be vested in public associations, workers' collectives and citizens in accordance with the law.

Article 70. 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. In envisaged by the law cases, expenses incurred in preparing for and holding of elections may be covered at the expense of the funds of voluntary associations, enterprises, institutions, organisations and citizens.

Article 71. The holding of elections shall be ensured by election-committees, unless other is envisaged by the Constitution.

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 72. The dismissal of deputies and members of the Council of the Republic shall be on specific grounds and according to a procedure prescribed by law.

Chapter 2. Referendum

Article 73. National and local referenda may be held to resolve the most important problems of the State and society.

Article 74. National referenda shall be called by the President of the Republic of Belarus on his/her own initiative, as well as following the proposal of the **Council of the Republic** and the House of Representatives to be approved at their separate sittings by the **majority of the votes of the membership established by the Constitution (full membership)** of each of the Houses, or that of no fewer than 450,000 citizens who have the right to vote inclusive of no less than **30,000** citizens of each of the regions and the city of Minsk.

Within thirty days after the **Council of the Republic** and the House of Representatives' or the electorate's lawful proposals have been submitted, the President is obliged to fix the national referendum date.

The date of referendum shall be fixed within three months from the day when the Presidential edict on referendum has been issued.

Decisions that have been reached by the national referendum shall be signed by the President of the Republic of Belarus.

Article 75. Local referenda shall be called by the relevant local representative authorities on their initiative or on the proposal of no less than 10% of the citizens who have the right to vote and who live in the territory concerned.

Article 76. Referenda shall be held according to the principle of general, free, equal suffrage by means of ballot.

Citizens of the Republic of Belarus who have the right to vote shall participate in referenda.

Article 77. The decisions adopted through a referendum may be repealed or revised only through another referendum, unless otherwise stipulated by the referendum.

Article 78. The procedures for holding national and local referenda, as well as the list of issues that may not be resolved by a referendum, shall be determined by the law of the Republic of Belarus.

Section IV. President, Parliament, Government, Court of Law

Chapter 3. The President of the Republic of Belarus

Article 79. The President of the Republic of Belarus is Head of State, a guarantor of the Constitution of the Republic of Belarus, of human and civil rights and freedoms.

President shall personify the unity of the people, guarantee the realisation of the main trends of the domestic and foreign policy, represent the Republic of Belarus in relations with other States and international organisations. President shall take measures to protect the sovereignty of the Republic of Belarus, its national security and territorial integrity, he/she shall secure political and economic stability, succession and interaction of the bodies of State power, shall mediate between the bodies of State power.

President shall have immunity, his/her honour and dignity shall be protected by the law.

Article 80. A citizen of the Republic of Belarus by birth, of at least 35 years of age, who has the right to vote and who has permanently lived in the Republic of Belarus for at least ten years exactly before the election is eligible for President.

Article 81. President shall be elected for five years directly by the people of the Republic of Belarus according to the principle of general, free, equal and direct suffrage by means of ballot. No President can hold office for more than two terms.

A candidate for the Presidency shall be nominated by citizens of the Republic of Belarus, provided that he/she has won 100,000 signatures of the electorate.

Presidential elections shall be called by the House of Representatives no later than five months and shall be held at least two months before the expiration of the term of office of the foregoing President.

If the Presidency falls vacant, elections shall be held no sooner than thirty days and no later than seventy days from the day of the fall of the vacancy.

Article 82. The elections shall take place, provided that more than half the citizens of the Republic of Belarus, from among those who are included on the register of electors, have recorded votes.

President shall be elected, provided that more than half the citizens of the Republic of Belarus, from among those who participated in voting, have recorded votes for him.

If none of the candidates wins the necessary number of votes, then, within a two weeks' period, a second ballot shall be conducted between the two candidates who won the greatest number of votes. A candidate for the Presidency shall be elected, provided that he/she wins more than half the votes of the electorate who have recorded votes in the second ballot.

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

Article 83. President shall enter upon office after taking the following Oath:

"Assuming the office of the President of the Republic of Belarus, I solemnly swear to truthfully serve the People of the Republic of Belarus, to respect and protect the human and civil rights and freedoms, to abide by the Constitution of the Republic of Belarus, to be pious and conscientious in carrying out the supreme duties that have been placed on me".

The oath shall be administered in a ceremony in the presence of the deputies of the House of Representatives and the **members of the Council of the Republic**, the judges of the **Constitutional, Supreme and High Economic Courts** within two months from the day of Presidential election. From the moment the oath of the President-elect of the Republic of Belarus is administered, the powers of the foregoing President shall be terminated.

Article 84. The President of the Republic of Belarus shall

1. appoint national 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 in cases and in the procedure envisaged by the Constitution;
4. appoint six members of the Central Committee of the Republic of Belarus on Elections and National Referenda;
5. establish, abolish and reorganise the Administration of the President of the Republic of Belarus, other bodies of public administration, as well as advisory and consultative and other bodies under the auspices of President;
 - 6) **appoint, with the consent of the House of Representatives, the Prime Minister;**
 - 7) **determine, on the proposal of the Prime Minister, the structure of the Government of the Republic of Belarus, appoint and dismiss the Vice-Prime Ministers, ministers and other members of Government, and take decisions on the resignation of the Government or its members;**
 - 8) **appoint, with the consent of the Council of the Republic, the President of the Constitutional Court, the President of the Supreme Court and the President of the High Economic Court from the ranks of the judges of these courts;**

9) appoint, with the consent of the Soviet of the Republic, the judges of the Supreme Court, the judges of the High Economic Court, the Chairman of the Central Board for Elections and National Referenda, the Procurator General, the Chairman of the Committee for State Control, and the Chairman and members of the Board of the National Bank;

10. appoint and dismiss the Chairman of the Committee for State Control;

11) dismiss the President and members of the Constitutional Court, the President and members of the Supreme Court, the President and members of the High Economic Court, the Chairman and members of the Central Board for Elections and National Referenda, the Procurator General, the Chairman of the Committee for State Control, and the Chairman and members of the Board of the National Bank on grounds provided for in law, on notification of the Council of the Republic;

12. address messages to the people of the Republic of Belarus concerning the situation in the country and the basic thrusts of domestic and foreign policy;

13. address daily messages to the Parliament to be listened to without discussion at the sittings of the House of Representatives and the Council of the Republic; have the right to participate in the session of the Parliament and its bodies, to appear any time before them with a speech or information;

14. be entitled to preside over the meetings of the Government of the Republic of Belarus;

15. appoint the heads of the bodies of public administration of the Republic and determine their state; appoint representatives of President in the Parliament and other officials whose office is determined by the legislation, unless otherwise is envisaged in the Constitution;

16. solve issues of granting citizenship of the Republic of Belarus, its termination, as well as that of granting asylum;

17. fix national and public holidays, reward with State awards, confer ranks and titles;

18. grant pardons to convicted offenders;

19. conduct negotiations and sign international treaties, appoint and recall diplomatic representatives of the Republic of Belarus in foreign States and on international organisations;

20. accept the credentials and letters of recall of the accredited diplomatic representatives of foreign States;

21. in the event of a natural calamity, catastrophe, as well as disorder involving violence or the threat of violence on the part of a group of individuals or organisations, which endanger human life and health or jeopardise the territorial integrity and existence of the State, declare a state of emergency within the territory of the Republic of Belarus or within certain localities thereof, with the subsequent submission of the decision, no later than within three days, for the approval of the **Council of the Republic**;
22. have the right, in cases envisaged by the law, to postpone a strike or suspend it, **but for no more than a period of three months**;
23. sign laws and have the right to return a law or its certain provisions with his/her own objections to the House of Representatives;
24. be entitled to repeal the Government acts;
25. directly or through the established by him/her bodies, exercise control over the observance of legislation by the local bodies of government and self-government; have the right to suspend decisions of local councils of deputies and to cancel decisions of local executive and administrative bodies in the event of them being inconsistent with the law;
26. form and head the National Security Council of the Republic of Belarus; appoint and dismiss the Secretary of State of the National Security Council;
27. be the Commander-in-Chief of the Armed Forces of the Republic of Belarus; **appoint and dismiss the High Command of the Armed Forces**;
28. introduce, within the territory of the Republic of Belarus, in the event of a military threat or invasion, martial law; proclaim general or partial mobilisation and **submit, within three days, the decision taken for ratification by the Council of the Republic**;
29. exercise other powers entrusted to him by the Constitution and laws.

President shall have no right to delegate his powers to any bodies or officials.

Article 85. President shall issue, on the basis of and in accordance with the Constitution, edicts and orders which have binding force within the entire territory of the Republic of Belarus.

In cases stipulated by the Constitution, President shall issue decrees having the force of a law. President himself/herself or by the agency of the established by him/her bodies shall secure application of decrees, edicts and orders.

Article 86. President may not hold other offices or receive any monetary remuneration (other than his salary), except for royalties for works of science, literature and art.

President shall suspend his membership in political and other voluntary associations which pursue political goals, for the entire term of his/her office.

Article 87. President may, at any time, tender his/her resignation. The resignation of the President shall be accepted by the House of Representatives.

Article 88. President may be early dismissed on the reason of his/her sustained incapacity through illness to exercise the duties of President. Decision on the Presidential early resignation shall be taken by the majority of at least two-thirds of the votes of the membership of the House of Representatives as established by the Constitution and a majority of at least two thirds of the membership of the Council of the Republic as established by the Constitution on the grounds of the decision of an ad hoc commission formed by both Houses.

The President may be dismissed in connection with the committal of high treason or other such grave crimes. In this case, a decision to bring an accusation and to hold an inquiry according to the motion of at least one-third of the deputies shall be deemed adopted, provided that the majority of the full membership of the House of Representatives have voted in favour of it. An inquiry shall be organised by the Council of the Republic. President shall be deemed dismissed from his/her office, provided that at least two thirds of the complete membership of the Council of the Republic have voted in favour of it, and also at least two-thirds of the complete membership of the House of Representatives.

The Council of the Republic and the House of Representatives' failure to come to a decision on the Presidential dismissal from the office within a month from the day when the accusation has been brought shall signify declining accusation. Moving motion on Presidential dismissal from his/her office may not be initiated during the period when the issue of early termination of the powers of the Parliament is being considered in compliance with the Constitution.

In case of Presidential dismissal in connection with the commission by him/her of a crime, the court of trial shall be the Supreme Court.

Article 89. If the Presidency falls vacant or if President is not able to fulfil his/her duties according to the principles provided for in the Constitution, his/her powers until the President-elect takes his/her oath shall be transferred to the Prime Minister of the Republic of Belarus.

Chapter 4. Parliament, National Assembly

Article 90. Parliament, the National Assembly of the Republic of Belarus, shall be a representative and legislative body of the Republic of Belarus.

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 deputies of the House of Representatives shall be elected on the principle of general, equal, free, direct suffrage by ballot.

The Council of the Republic shall be a House of regional representation. Eight members of the Council of the Republic shall be elected from each of the regions and the city of Minsk by secret ballot at the sittings of the local councils of deputies at the basic level of each of the regions and the city of Minsk. Eight members of the Council of the Republic shall be appointed by the President of the Republic of Belarus.

Election of a new membership of Parliament shall be appointed no later than four months and shall be held within 30 days before the expiration of the term of powers of the current Parliament.

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

Article 92. Any citizen of the Republic of Belarus who has entered the age of 21 shall be eligible for a deputy of the House of Representatives.

Any citizen of the Republic of Belarus who has entered the age of 30 and has resided in the territory of a respective region or the city of Minsk for at least five years shall be eligible for **membership of the Council of the Republic.**

Deputies of the House of Representatives shall exercise their powers in Parliament on regular basis, unless other is stipulated in the Constitution. A deputy of the House of Representatives shall be entitled to be at the same time a member of Government.

One and the same person shall not be entitled to be a member of the two Houses of Parliament simultaneously. A deputy of the House of Representatives shall not be entitled to be a member of a local council of deputies. A **member of the Council of the Republic** shall not be entitled to be simultaneously a member of Government. Combining the duties of a deputy of the House of Representatives or a **member of the Council of the Republic** and that of President or a judge shall be inadmissible.

Article 93. The term of powers of Parliament shall be four years.

The term of powers of Parliament may be extended legally only when war breaks out.

The first sessions of the Houses of Parliament after elections shall be convened by the **Central Board for Elections and National Referenda** and they shall start their work within 30 days after the elections. Counting 30 days for the convocation and the commencement of the first session of the House of Representatives shall start beginning with the day of the second round of voting on the new membership of it. Provided that the second round of voting on the membership of the House of Representatives does not take place, counting 30 days shall start beginning with the day of the first round of the general elections in the Republic of Belarus. Counting 30 days from the convocation and commencement of the first session of the **Council of the Republic** shall start beginning from the day of the first sitting of the local councils of deputies of the basic level aimed at election of **members of the Council of the Republic** from regions or the city of Minsk.

The powers of the House of Representatives or that of the **Council of the Republic** may be early terminated in cases and in the procedure stipulated in the Constitution. With the termination of the powers of the House of Representatives or that of the **Council of the Republic**, on the decision of President there may be terminated also the powers of the **Council of the Republic** or that of the House of Representatives.

Article 94. The powers of the House of Representatives may be early terminated when the vote of confidence to the Government is expressed or when they failed to approve the appointment of a Prime Minister twice.

The powers of the House of Representatives or that of the **Council of the Republic** may also be early terminated based on the Constitutional Court judgment in the event of systematic and fragrant violations of the Constitution by the Houses of Parliament.

Decision on the matter shall be taken by President in official consultation with the Chairmen of both of the Houses.

The Houses may not be dissolved in the period of a state of emergency or a state of martial law, during the last six months of Presidential powers, in the period when the Houses are deliberating on the issue of early Presidential resignation or dismissal from office.

It is not admissible to dissolve the Houses within a year from the day of their first sittings.

Article 95. The Houses shall be summoned for two regular sessions a year.

The first session shall be opened on 2 October, it will last for no more than 80 days.

The second session shall be opened on 2 April, it will last for no more than 90 days.

If 2 October or April falls on a day off, the session shall be opened on the first working day that follows it.

In the event of special necessity, the House of Representatives or the Senate shall be convened for an extraordinary session with a fixed agenda at the initiative of the President or the speakers of the Houses or at the request of the majority of the full membership of each of the houses.

Extraordinary sessions shall be convened by Presidential decree or by order of the speakers of the Houses.

Article 96. The House of Representatives shall elect, from among its members, Chairman, Vice-Chairman of the House of Representatives.

The **Council of the Republic** shall elect, from among its members, Chairman and Vice-Chairman of the **Council of the Republic**.

Both Chairmen of the House of Representatives and the **Council of the Republic**, Vice-Chairmen shall preside over the sittings and shall be in charge of the daily routine of the Houses.

The House of Representatives and the **Council of the Republic** shall elect, from among their members, permanent committees and other bodies for doing law-drafting work, for the preliminary consideration and elaboration of issues relating to the authority of the Houses.

Article 97. The House of Representatives shall

1. consider, on Presidential motion or on the initiative of at least 150,000 citizens of the Republic of Belarus entitled to elect, draft laws on amendments and addenda to the Constitution, on interpretation of the Constitution;
2. consider draft laws, inclusive that to approve the main trends of internal and foreign policy of the Republic of Belarus, the military doctrine, the ratification and denunciation of international treaties, the main content of the civil rights, freedoms and duties and the principles of their enjoyment; the laws on citizenship, status of aliens and stateless persons, national minorities rights, national budget and the national account; laws to fix national taxes and duties, regulate labour and employment; laws on marriage, family, childhood, motherhood, fatherhood, upbringing, education, culture and health care; **laws on the environment and the rational use of natural resources**; laws to determine the procedure of resolution of the issues of administrative-territorial structure of the State; laws on local self-government, judicial system and status of judges, criminal responsibility, amnesty, legal regime of a state of martial law and state of emergency, State awards; as well as draft laws on interpretation of laws;
3. appoint Presidential election;
4. give consent to President to the appointment of the Prime Minister;
5. listen to a report by the Prime Minister on the programme of activity of the Government and approve or reject the programme; rejection of a programme by the House for a second time means a vote of no confidence in the Government;
6. consider, on the initiative of the Prime Minister, the issue of confidence in the Government;
7. on the initiative of at least one-third of the complete membership of the House of Representatives, vote for no confidence in the Government; the issue of the responsibility of the Government may not be raised within a year after the programme of its activity has been approved;
8. accept Presidential resignation;

9. bring, by the majority of **votes of the full membership** of the House of Representatives, accusation against President in high treason or other grave crimes; take decision, by the majority of at least two-thirds of **the votes** of its full membership, on Presidential dismissal from office based on the relevant resolution of the **Council of the Republic**;

10. cancel orders by the Chairman of the House of Representatives.

The House of Representatives may take decisions on other issues, provided that this is envisaged by the Constitution.

Article 98. The Council of the Republic shall

1. approve or reject the draft laws on amendments and addenda to the Constitution passed by the House of Representatives, as well as that on interpretation of the Constitution and other draft laws;

2. give its consent to the appointment by the President of the President of the Constitutional Court, the President and members of the Supreme Court, the President and members of the High Economic Court, the Chairman of the Central Board for Elections and National Referenda, the Procurator General, the Chairman of the Committee for State Control, and the Chairman 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 for Elections and National Referenda of the Republic of Belarus;

5. cancel decisions of the local councils of deputies that are contradictory to the legislation;

6. take decision on dissolution of a local council of deputies and appointment of new elections in the event of systematic and flagrant violations by the council of the rules of law, as well as in other cases envisaged by the law;

7. deliberate on the accusation of high treason or other grave crime against President that has been brought by the House of Representatives; take decision of its investigation. On sufficient grounds, by at least three-quarters of its complete membership, the **Council of the Republic** shall take decision on Presidential dismissal from office;

8. consider Presidential edicts on the introduction of the state of emergency, **martial law or full or partial mobilisation** and take a relevant decision within three days after they have been moved.

The **Council of the Republic** shall be entitled to take decisions on other issues, provided that it is envisaged by the Constitution.

Article 99. The right of legislative initiative shall be vested in President, deputies of the House of Representatives, the **Council of the Republic**, Government, as well as in the citizens, who have the right to vote, in the number of no fewer than 50,000 persons, and shall be exercised at the House of Representatives.

Draft laws aimed at the cut of public funds, involvement in or raise of expenditures may be submitted to the House of Representatives with the Presidential consent or that of the Government, on the instruction of President only.

President or the Government, on the Presidential instruction, shall be entitled to move motions on the urgent consideration of a draft law to the House of Representatives and the **Council of the Republic**. In this event, the House of Representatives and the **Council of the Republic** should deliberate on the draft within ten days from the day it has been submitted for their consideration, unless other is stipulated in the Constitution.

On Presidential demand or, with Presidential consent, that of the Government, the House of Representatives and the **Council of the Republic** at their sittings shall take decisions by putting the entire draft or a part of it which has been moved by President or the Government to the vote, while retaining only the amendments to have been proposed or adopted by President or the Governments.

Article 100. Every draft law, unless otherwise is stipulated in the Constitution, shall be considered in the House of Representatives first, and then in the **Council of the Republic**.

A draft law, except for the cases envisaged by the Constitution, shall become a law since it has been passed by the House of Representatives and approved by the **Council of the Republic** by the majority of votes of the complete membership of each of the Houses.

Draft laws passed by the House of Representatives shall be within five days submitted for the consideration of the **Council of the Republic** to be deliberated during the period of no more than 20 days, unless other is envisaged by the Constitution.

A law shall be deemed approved by the **Council of the Republic**, provided that it has been voted for by the majority of the complete membership of the **Council of the Republic**, or if the **Council of the Republic** has failed to consider it within 20 days or within 10 days, when declared urgent, from the day it is brought in. In the event of a draft law has been declined by the **Council of the Republic**, the Houses may establish, on the parity principle, a conciliation committee to settle disagreement. The text of the draft law drawn up by the conciliation committee shall be submitted to both Houses for their approval.

If the agreed text of a draft law has not been accepted by the conciliation committee, President or, on his instructions, the Government may demand the final decision to be taken by the House of Representatives. A law shall be deemed adopted by the House of Representatives, provided that at least **two thirds** of the complete membership of the House of Representatives have voted for it, unless other is envisaged by the Constitution.

A law adopted by the House of Representatives and approved by the **Council of the Republic** or a law adopted by the House of Representatives in the procedure envisaged by the present Article shall be submitted to President to be signed within a ten day period. President shall sign it, provided that he/she agrees with the text of the law.

A law shall be deemed signed, provided that President does not return it within two weeks after it has been submitted for his signature. A law shall be deemed not signed and shall not enter into force, provided that it could not be returned to the Parliament on the grounds of termination of the session.

President not agreeing to the text of the law shall return the text bearing his/her objections to the House of Representatives to be considered within thirty days. Provided that the law has been adopted by the House of Representatives by the majority of no less than two-thirds of its complete membership, it shall be submitted, alongside the Presidential objections, within five days also the **Council of the Republic** to be considered a second time within twenty days. The law is deemed adopted, provided that the two-thirds of the complete membership of the **Council of the Republic** have approved it. The law, since the House of Representatives and the **Council of the Republic** have overcome the Presidential objections, shall be signed by President within five days. The law shall also come into force, provided that it has not been signed by President within this period.

The Houses shall follow the same procedure in considering the Presidential objections against certain provisions of a law to be returned for balloting for a second time. In this case, the law shall be signed by President and shall enter into force, except for the provisions bearing the Presidential objections, before the relevant decision of the House of Representatives and the **Council of the Republic**.

The Presidential objections in regard to the amendments and addenda to the Constitution, to the interpretation of the Constitution, as well as to passing basic laws shall be discussed for a second time and voted by at least three-quarters of the complete membership of the Houses.

Article 101. By the law adopted by the majority of at least **two thirds** of the complete membership of the Houses, the House of Representatives and the **Council of the Republic**, on Presidential proposal, may delegate to President the legislative powers to issue decrees having the force of a law. The law should identify the subject-matter of regulation and the term of Presidential powers to issue decrees.

Delegating Presidential powers to issue decrees providing for amendment and addenda of the Constitution, its interpretation, amendment and addenda of the basic laws, approval of national budget and national account, alteration of the procedure of **Presidential and Parliamentary elections and the restriction of constitutional and civil rights and freedoms** is not admissible. The law to delegate Presidential legislative powers may neither allow him/her to alter this law, nor entitle him/her to take measures having retroactive force.

On grounds of exceptional necessity and urgency, President may, on his/her own initiative or on the Government proposal, issue temporary decrees having force of a law. When issued on the Government proposal, the decrees shall be signed by the Prime Minister. Temporary decrees should be submitted **within three days** for the following consideration by the House of Representatives and then by the **Council of the Republic**. The decrees shall remain in force, unless **they are repealed by the majority of votes of the full membership of each House**. The Houses may regulate in law the relationship established on the base of the decrees which have been abrogated.

Article 102. Deputies of the House of Representatives and **members of the Council of the Republic** shall enjoy immunity while they express their views and exercise their authorities. It does not apply to them being accused of slander and abuse.

Deputies and **members of the Council of the Republic** may be arrested, deprived of freedom otherwise during the term of their office only with preliminary consent of the relevant House, except in the event of treason or other grave crime, as well as when caught red-handed.

The court of trial, in the event a Deputy or **member of the Council of the Republic** has committed a crime, shall be the Supreme Court.

Article 103. Sittings of the Houses shall be in public. The Houses may take decisions on sittings in private in the national interest by the majority of their complete membership. In the course of sittings, including those in private, President, his/her representatives, the Prime Minister and members of Government may take the floor out of succession of registered speakers so many times as they may need it.

A sitting once a month shall be reserved for the questions of Deputies and **members of the Council of the Republic** and the answers of the Government.

A Deputy of the House of Representatives or a **member of the Council of the Republic** shall be entitled to address a request to the Prime Minister, members of Government, state bodies established or elected by the Parliament. The request should be put on the agenda of the House. An answer to the request should be given within twenty days of a session in the procedure established by a House of Parliament.

A sitting shall be deemed lawful, provided that at least two-thirds of the complete membership of each House are present.

Voting in the House of Representatives and in the **Council of the Republic** shall be open and shall be done by a Deputy or a **member of the Council of the Republic** in person by way of casting votes in favour or against. Balloting shall take place only with the aim to solve personnel issues.

Article 104. Decisions of the House of Representatives shall take the form of laws and resolutions. The House of Representatives shall adopt resolutions on the issues of instructive and supervisory nature.

Decisions of the **Council of the Republic** shall take the form of resolutions.

Decisions of the Houses shall be deemed adopted, provided that the majority of the complete membership of the Houses has voted in favour of them, unless other is envisaged by the Constitution.

Laws on main trends of internal and foreign policy of the Republic of Belarus, on military doctrine of the Republic of Belarus shall be basic and deemed passed, provided that at least **two thirds** of the complete membership of the Houses have voted for them.

Laws shall subject to immediate promulgation since they have been signed, and they shall enter into force in ten days after promulgation, unless other term is established in the law itself. Presidential decrees shall be promulgated and they shall enter into force in the same way.

A law shall not be retroactive, except in the event if it mitigates or abrogates legal liability of citizens.

Article 105. Activities of the House of Representatives, the **Council of the Republic**, the bodies thereof, the Deputies and the Senators shall be determined by the Rules of Procedure of the Houses, which shall be signed by the Chairmen of the Houses.

Chapter 5. Government, the Council of Ministers of the Republic of Belarus

Article 106. Executive power in the Republic of Belarus is vested in Government, the **Council of Ministers of the Republic of Belarus**, which is the central body of public administration.

For its activity, Government shall be accountable to the President of the Republic of Belarus and responsible to the Parliament of the Republic of Belarus,

Government shall resign its powers before the President-elect of the Republic of Belarus.

Government of the Republic of Belarus shall comprise the Prime Minister, Vice-Prime Ministers and Ministers. Heads of other central bodies of public administration may also be members of Government.

The Prime Minister of the Republic of Belarus shall be appointed by the President of the Republic of Belarus with consent of the House of Representatives. A decision on this issue shall be taken by the House of Representatives within two weeks since the day the nomination for Prime Minister has been suggested. In the event the nominees for the Prime Minister have been rejected by the House of Representatives twice, the President of the Republic of Belarus shall be entitled to appoint the acting Prime Minister of the Republic of Belarus, to dissolve the House of Representatives and to appoint new elections.

The activities of the Government shall be governed by the Prime Minister of the Republic of Belarus.

The Prime Minister shall

1. administer directly the Government activity and bear personal responsibility for its functioning;
2. sign the ordinances of the Government;
3. within **two months** of his/her appointment, present a report on the Government programme to the Parliament, and when rejected he/she shall present a report on the Government programme for a second time within two months;
4. inform President about the main trends of the Government activities and all its major decisions;
5. exercise other functions related to the organisation of the Government and its activities.

Either Government or any member of Government shall be entitled to tender his/her resignation before President, provided that he/she considers it impossible to exercise further the responsibilities vested on him/her. Government shall tender its resignation before President in the event of the vote of no confidence to Government by the House of Representatives.

The Prime Minister may raise the issue of confidence in the Government before the House of Representatives on the ground of a submitted programme or on a special occasion. **If the House of Representatives expresses no-confidence** in the Government, President shall be entitled to accept the Government resignation within ten days or to dissolve the **House of Representatives** and to appoint new elections. While its resignation has been denied, Government shall continue exercising its powers.

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

In the event of its resignation or withdrawal of powers, the Government of the Republic of Belarus, on Presidential instructions, shall continue exercising its powers until a new Government has been formed.

Article 107. Government of the Republic of Belarus shall

- administer a system of public administration bodies and other executive authorities subordinated to it;
- draw up the main trends of internal and foreign policy and take measures for their realisation;
- draw up and submit a draft national budget and national account to President for his/her presentation before Parliament;

- secure pursuance of a uniform economic, fiscal, monetary policy, as well as State policy in the sphere of science, culture, health service, ecology, social security and payment of work;
- take measures to secure civil rights and freedoms; to protect national interest, national security and defence capacity, to safeguard property, public order; and to prevent crime;
- stand on behalf of the owner in regard to the assets in the ownership of the Republic of Belarus, organise management of State property;
- secure the application of the Constitution and laws; Presidential decrees, edicts and orders;
- abrogate the acts of ministries and other central bodies of public administration;
- exercise other powers vested on it by the Constitution, laws and Presidential acts.

Article 108. The Government of the Republic of Belarus shall issue ordinances which are binding within the entire territory of the Republic of Belarus.

The Prime Minister shall issue orders within the limits of his/her authority.

Authority of Government, 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 of Justice

Article 109. Judicial power in the Republic of Belarus shall be vested in courts. Judicial system shall be organised on the principles of territoriality and specialisation.

The judicature, within the Republic of Belarus, shall be determined by the law.

The establishment of extraordinary courts shall be prohibited.

Article 110. 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 111. Judges may not engage in business or carry out other paid work except teaching and research. (...)

The reasons for election (appointment) of judges and their dismissal shall be determined by the law.

Article 112. The courts shall administer justice in conformity with the Constitution (...) 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 (...), the court makes a ruling in accordance with the Constitution and brings up a question, in the established procedure, for the recognition of the given regulatory enactment as unconstitutional.

Article 113. A trial in court shall be conducted collegially and, in cases stipulated by law, by a judge individually.

Article 114. 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 115. Justice shall be administered on the basis of the competition and equality of the parties involved in the trial.

Court decisions shall be binding for all citizens and officials.

Parties and individuals participating in trials shall have the right to appeal against judgments, sentences and other court rulings.

Article 116. Control over the constitutionality of regulatory enactments 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 from among highly qualified law experts, as a rule with academic degrees, in the number of 12 judges.

Six judges of the Constitutional Court shall be appointed by the President of the Republic of Belarus and another six judges shall be elected by the Council of the Republic. The President of the Constitutional Court shall be appointed by the President with the consent of the Council of the Republic. 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.

The Constitutional Court, on Presidential proposal, that of the House of Representatives, the **Council of the Republic**, the Supreme Court of the Republic of Belarus, **the High Economic Court of the Republic of Belarus and the Council of Ministers** of the Republic of Belarus, shall decide on

- the conformity between laws; Presidential decrees and edicts; 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 interstate acts, to which the Republic of Belarus is a party, the Presidential edicts issued for the purpose of implementing the law, the Constitution and the international legal acts ratified by the Republic of Belarus, the laws and decrees;

- on the conformity between the ordinances of the **Council of Ministers**, the acts of the Supreme Court, **the High Economic Court**, that of the Procurator General and the Constitution, the international legal acts ratified by the Republic of Belarus, the laws, decrees and edicts;

- on the conformity between the acts of any other State body and the Constitution, the international legal acts ratified by the Republic of Belarus, the laws, decrees and edicts.

The regulatory acts or their certain provisions recognised as inconsistent with the Constitution shall be invalidated in the procedure established by law.

In cases envisaged by the Constitution, the Constitutional Court, on Presidential proposal, shall decide on the availability of the facts of systematic and flagrant violation of the Constitution of the Republic of Belarus by the Houses of Parliament.

The jurisdiction, organisation and the activities of the Constitutional Court shall be determined by law.

Section V. Local Government and Self-Government

Article 117. 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 118. Local councils of deputies shall be elected by the citizens of the relevant administrative-territorial units for a term of four years.

Article 119. The leaders of local executive and administrative bodies shall be appointed by the President of the Republic of Belarus or through a procedure established by him or her and shall be ratified by the corresponding local council of deputies.

Article 121. The following issues shall come within the exclusive authority of local councils of deputies:

- the approval of the programmes of economic and social development, local budgets and accounts;

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

Decisions of local councils of deputies which are inconsistent with the legislation shall be repealed by higher representative bodies.

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, (...) 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 **against in court proceedings**.

Article 123. In the event of the systematic and obvious non-fulfilment, by a local council of deputies, of the legislation, this body may be dissolved by the **Council of the Republic**. Other grounds for the early discontinuance of the powers of local councils of deputies shall be determined by law.

Article 124. The authority, rules of establishment and activities of the bodies of local government and self-government shall be determined by the law.

Section VI. The Procurator's Office. The Committee of State Control

Chapter 7. The Procurator's Office

Article 125. Supervision over the strict and uniform observance of laws, **decrees, edicts and other legislative acts** by all ministries and other subordinate to the **Council of Ministers** bodies, local representative and administrative bodies, enterprises, organisations 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 judgments in civil and criminal cases and cases involving administrative offences; in the instances envisaged by the law to carry out preliminary inquiry, support public prosecution in courts.

Article 126. The unified and centralised system of the bodies of the Procurator's Office shall be with the Procurator General at the head, to be appointed by President with consent of the **Council of the Republic**.

Subordinate procurators shall be appointed by the Procurator General.

Article 127. The Procurator General and subordinate procurators shall be independent in the exercise of their powers and are guided by legislation. The Procurator General shall be accountable to President.

Article 128. The jurisdiction, organisation and activities of the bodies of the Procurator's Office shall be determined by law.

Chapter 8. The Committee of State Control

Article 129. State control over the national budget execution; the use of state property; observance of Presidential acts, that of Parliament, Government and other state bodies governing state property relationships, as well as economic, fiscal and taxation relations shall be exercised by the Committee of State Control.

Article 130. The Committee of State Control shall be established by President.

The Chairman of the Committee of State Control shall be appointed by President **with the consent of the Council of the Republic.**

Article 131. The competence, organisation and activities of the Committee of State Control shall be determined by law.

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 outside-the-budget funds, funds of enterprises, institutions, organisations and citizens.

A uniform fiscal, taxation, monetary and hard currency policy shall be pursued within 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 authorised 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 law.

Article 135. A national account shall be submitted for the consideration of Parliament 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, shall determine the rules of settlements and have the exclusive right to issue currency.

Section VIII. The amplification and amendment of the Constitution of the Republic of Belarus

Article 137. The Constitution shall have the supreme legal force. Laws, decrees, edicts 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, decree or an edict and the Constitution, the Constitution shall be given priority.

In case of a conflict between a decree or an edict and a law, the law shall be only given priority, provided that the authority to issue a decree or an edict has been given by the law.

Article 138. Motions to amend and supplement the Constitution shall be considered by the Houses of Parliament on Presidential initiative or that of at least 150,000 citizens of the Republic of Belarus having the right to vote.

Article 139. A law on amendment and addenda to the Constitution may be adopted after it has been debated and approved twice by the Parliament 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 the House of Representatives.

Article 140. The Constitution, laws on amendments and addenda thereto, laws on putting the Constitution and the mentioned laws in force, as well as acts on interpreting Constitution shall be regarded as adopted if at least **two thirds** of the complete membership of each of the Houses of Parliament 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 the majority of citizens, included on the register of electors, have voted in favour of it.

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

Section IX. Final and transitional provisions

Article 141. The 1994 Constitution of the Republic of Belarus with amendments and addenda adopted by the national referendum (the present Constitution) shall enter into force on the day of its publication, except for certain provisions thereof which come into force within the period established by the present Constitution. Simultaneously, the Law of the Republic of Belarus "On the Procedure Governing the Entry into Force of the Constitution of the Republic of Belarus" shall cease to apply.

Article 142. The laws, edicts and other acts applied within the territory of the Republic of Belarus before the present Constitution has been entered into force shall be applied in the part thereof not to contradict the Constitution of the Republic of Belarus.

Article 143. Within a month period since the present Constitution has entered into force, the Supreme Council of the Republic of Belarus and the President of the Republic of Belarus shall form the House of Representatives from among the deputies of the Supreme Council elected by the date of the 1996 national referendum.

The Council of the Republic shall be appointed by President according to a procedure stipulated for in the Article 91 of the present Constitution.

Provided that on the reason of discrepancies between President and the Supreme Council during the mentioned period the House of Representatives and the **Council of the Republic** have not been formed, President, in accordance with point 2 and 3 of the Article 84 of the present Constitution, shall dissolve the Supreme Council and shall appoint Parliamentary elections within a month.

Article 144. The President of the Republic of Belarus and the deputies of the Supreme Council of the Republic of Belarus shall conserve their powers. The term of their powers shall be counted as from the date of entry into force of the present Constitution.

Article 145. The Government of the Republic of Belarus as from the day of entry into force of the present Constitution shall acquire rights and responsibilities established by it.

Article 146. President, Parliament, the Government, within two months since the present Constitution has entered into force, shall establish and form the bodies mentioned in it in the procedure established by the present Constitution.

The President of the Republic of Belarus
A. Lukashenko