

## Constitution of the Republic of Belarus

### **CONSTITUTION OF THE REPUBLIC OF BELARUS OF 1994**

(with changes and additions adopted at the republican referenda of November 24, 1996, of October 17, 2004 and February 27, 2022)

Changes and additions:

Law of the Republic of Belarus of October 12, 2021 No. 124-Z

We, the People of the Republic of Belarus (Belarus),  
proceeding from the responsibility for the present and future of Belarus,  
recognising ourselves a full-fledged subject of the international community and  
confirming our adherence to the values common to the whole humankind,  
founding ourselves on our inalienable right to self-determination, preservation of the  
national identity and sovereignty,  
being supported by the centuries-old history of development of the Belarusian  
statehood, cultural and spiritual traditions,  
asserting the rights and freedoms of man and citizen, foundations of the state based on  
the rule of law and of equitable society,  
desiring to maintain peace and civic concord, citizens' well-being, inviolability of the  
people's government, independence and prosperity of the Republic of Belarus,  
hereby adopt this Constitution – the Fundamental Law of the Republic of Belarus.

#### SECTION I

#### FUNDAMENTALS OF THE CONSTITUTIONAL SYSTEM

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

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

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

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

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

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

Any actions aimed at changing the constitutional system and seizing state power by forcible means or by way of any other violation of laws of the Republic of Belarus shall be punishable by law.

**Article 4.** Democracy in the Republic of Belarus shall be exercised on the basis of the ideology of the Belarusian state as well as on the diversity of political institutions and opinions.

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

**Article 5.** Political parties and other public associations acting within the framework of the Constitution and laws of the Republic of Belarus shall contribute to exercising and protecting rights, freedoms and interests of man and citizen.

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

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

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

**Article 7.** The Republic of Belarus shall be bound by the principle of the rule of law. The Constitution shall have the highest legal force and direct effect in the whole territory of the Republic of Belarus. Other legal acts shall be issued on the basis and in accordance with the Constitution.

The State, all the bodies, officials, organisations and citizens shall operate within the confines of the Constitution and acts of legislation adopted in accordance therewith. Legal acts or specific provisions thereof which have been recognised under the procedure specified by law as contradicting the provisions of the Constitution shall have no legal force.

Normative legal acts shall be officially published or made available to the public by other means specified by law.

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

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

Conclusion of treaties that are contrary to the Constitution shall not be permitted.

**Article 9.** The territory of the Republic of Belarus shall be the natural condition of existence and spatial limit of the people's self-determination, and the basis for its prosperity and the sovereignty of the Republic of Belarus.

The territory of Belarus shall be integral and inalienable.

The administrative and territorial structure of the State shall be determined by law.

**Article 10.** A citizen of the Republic of Belarus shall be guaranteed protection and patronage of the State both in the territory of Belarus and beyond.

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

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

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

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

**Article 12.** The Republic of Belarus may grant the right of asylum to persons persecuted in other states for political or religious beliefs or their ethnic identity.

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

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

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

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

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

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

The State shall guarantee the working people the right to participate in management of organisations to enhance their efficiency and improve social and economic living standards.

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

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

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

The State shall ensure preservation of the historical truth and the memory of the heroic feat of the Belarusian people during the Great Patriotic War.

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

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

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

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

**Article 18.** In its foreign policy the Republic of Belarus shall proceed from the principles of equality of states, non-use of force or threat of force, inviolability of

frontiers, peaceful settlement of disputes, non-interference in internal affairs and other generally recognised principles and norms of the international law.

The Republic of Belarus shall exclude acts of military aggression against other states from its territory.

**Article 19.** The symbols of the Republic of Belarus as a sovereign state shall be its National Flag, National Emblem and National Anthem. Description of state symbols and rules of their use shall be determined by law.

**Article 20.** The capital of the Republic of Belarus is the city of Minsk. The status of the city of Minsk shall be determined by law.

## SECTION II

### INDIVIDUAL, SOCIETY AND THE STATE

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

Everyone has the right to a decent standard of living, including appropriate food, clothing, housing and a continuous improvement of conditions necessary to attain this. Everyone shall demonstrate social responsibility, make feasible contribution to the development of the society and the State.

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

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

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

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

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

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

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

**Article 25.** The State shall safeguard personal liberty, inviolability and dignity. The restriction or denial of personal liberty is possible in the instances and under the procedure specified by law.

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

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

**Article 26.** No one may be found guilty of crime unless his guilt is proven under the procedure specified by law and established by a court sentence that has come into legal force. Accused persons shall not be required to prove their innocence.

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

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

The State shall create conditions for personal data protection and safety of the individual and society in their use.

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

**Article 30.** The citizens of the Republic of Belarus shall have the right to move freely and choose their place of residence within the Republic of Belarus, to leave it and to return thereto without hindrance.

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

**Article 32.** Marriage as the union of a woman and a man, family, motherhood, fatherhood, and childhood shall be under the protection of the State.

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

Parents or persons acting as parents have the right and are obliged to raise their children and to take care of their health, development and education, to prepare for socially useful work, instill culture and respect to laws, historical and national traditions of Belarus. No child shall be subjected to cruel treatment or humiliation or engaged in work that may be harmful to its physical, mental or moral development. Children shall take care of their parents or persons acting as parents and render them assistance. The State shall support families with children, orphans and children left without parental care.

The State shall ensure priority of children's upbringing in the family. Children may be separated from their family against the will of their parents or persons acting as parents only according to a court decision if the parents or persons acting as parents fail to perform their duties.

Both women and men shall be guaranteed equal opportunities in receiving education and vocational training, in labour and promotion in office (at work), social and political, cultural and other spheres of activity as well as in creating conditions safeguarding their occupational safety and health.

**Article 32<sup>1</sup>.** The State shall contribute to the spiritual, moral, intellectual and physical development of young people, create necessary conditions for their free and effective participation in public life, realisation of the youth potential in the interests of the society.

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

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

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

**Article 34.** Citizens of the Republic of Belarus shall be guaranteed the right to receive, store and disseminate complete, reliable and timely information on the activities of state bodies, on political, economic, cultural and international life, and on the environmental condition.

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

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

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

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

To exercise and meet their political, social, economic, cultural and other interests citizens shall have the right to form political parties and other public associations, and to participate in the activities thereof.

Political parties and other public associations shall be formed and shall function in accordance with the law.

Judges, employees of the Prosecutor's Office, the staff of the Committee of State Control, paramilitary organisations as well as servicemen may not be members of political parties.

**Article 37.** Citizens of the Republic of Belarus shall have the right to participate in settlement of state affairs, both directly and through freely elected representatives. The direct participation of citizens in managing affairs of the society and the State shall be safeguarded by holding referenda, discussing draft laws, other normative legal acts and issues of republican and local significance, and by other means specified by law. The citizens of the Republic of Belarus shall take part in discussion of issues of state and public life at republican and local meetings, under the procedure established by the legislation.

**Article 38.** Citizens of the Republic of Belarus shall have the right to vote freely and to be elected to state bodies on the basis of universal, equal, direct or indirect suffrage by secret ballot.

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

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

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

**Article 41.** Citizens of the Republic of Belarus shall be guaranteed the right to work as the worthiest means of an individual's self-assertion, that is, the right to choose profession, type of occupation and work in accordance with his vocation, capabilities, education and professional training, and with regard to social needs, and the right to healthy and safe working conditions.

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

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

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

**Article 42.** Employees shall be guaranteed a just share of remuneration for the economic results of their labour in accordance with the quantity, quality and social significance of such work, but it shall not be less than the level which shall ensure an independent and decent living for them and their families.

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

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

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

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

Property acquired in accordance with the law shall be protected by the State.

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

Compulsory alienation of property shall be permitted only by reason of public need, under the conditions and the procedure specified by law, with timely and full compensation for the value of the alienated property, and in accordance with a court ruling.

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

**Article 45.** Citizens of the Republic of Belarus shall be guaranteed the right to health care, including free treatment at the expense of state funds under the procedure established by law. Citizens shall take care of their own health.

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

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

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

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

The Republic of Belarus shall develop nuclear energy for peaceful purposes, ensure safety and security in nuclear power production and use.

**Article 47.** Citizens of the Republic of Belarus shall be guaranteed the right to social security in old age, in the event of illness, disability, incapability to work, loss of the bread-winner and in other instances specified by law.

The State shall display particular care for veterans of war and labour, those who undermined their health defending state and public interests as well as the disabled and the elderly.

The disabled shall be provided with equal opportunities to exercise their rights and freedoms of man and citizen. The State shall pursue the policy of social integration for the disabled, create accessible environment and improve the quality of their lives, support families with the disabled.

**Article 48.** Citizens of the Republic of Belarus shall have the right to housing. This right shall be ensured by development of state and private residential housing and assistance to citizens in acquisition of housing.

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

No one may be arbitrarily deprived of housing.

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

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

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

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

Insults to ethnic dignity shall be prosecuted by law.

Everyone shall have the right to use his native language and to choose the language of communication. In accordance with the law, the State shall guarantee the freedom to choose the language of upbringing and instruction.

**Article 51.** Everyone shall have the right to take part in cultural life. This right shall be safeguarded by universal accessibility to the treasures of domestic and world culture that are kept in state and public collections and by development of a network of cultural and educational institutions.

Freedom of artistic, scientific and technical creativity and teaching shall be guaranteed. Intellectual property shall be protected by law.

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

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

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

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

Preservation of the historical memory of the heroic past of the Belarusian people, patriotism shall be duty of every citizen of the Republic of Belarus.

**Article 55.** Protection of the environment and careful treatment of natural resources shall be the duty of everyone.

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

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

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

**Article 58.** No one may be compelled to perform duties that are not specified in the Constitution and laws or to renounce his rights.

**Article 59.** The State shall take all measures at its disposal to establish the domestic and international order necessary for the full exercise of the rights and freedoms of the citizens of the Republic of Belarus that are specified by the Constitution.

State bodies, officials and other persons who have been entrusted to exercise state functions shall, within their competence, take necessary measures to implement and protect personal rights and freedoms.

These bodies and persons shall bear responsibility for the actions violating the rights and freedoms of the individual.

**Article 60.** Everyone shall be guaranteed protection of his rights and freedoms by a competent, independent and impartial court under the procedure and within the time limits specified by law. Decisions and actions (omission) of state bodies and officials infringing on rights and freedoms may be appealed in court.

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

**Article 61.** Everyone shall have the right in accordance with the treaties of the Republic of Belarus to appeal to international organisations to defend their rights and freedoms, provided all available domestic legal remedies have been exhausted.

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

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

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

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

### SECTION III

#### ELECTORAL SYSTEM. REFERENDUM

#### CHAPTER 1

#### ELECTORAL SYSTEM

**Article 64.** Elections of deputies and other persons elected to state offices by the people shall be general: citizens of the Republic of Belarus who have reached the age of 18 shall be eligible to vote.

Citizens who are deemed incapable by a court or kept in places of confinement in accordance with a court sentence shall not have the right to elect and be elected. The age and other qualifications for deputies and other persons to be elected to state offices shall be determined by the corresponding laws, unless otherwise provided by the Constitution.

Any direct or indirect restrictions on voting rights of citizens in other instances shall be inadmissible and punishable by law.

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

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

**Article 66.** Elections shall be equal: voters shall have an equal number of votes. Candidates elected to state offices shall take part in elections on the equal basis.

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

Elections of deputies shall be held on the single voting day, on the last Sunday of February.

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

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

**Article 70.** Expenditures for preparing and holding elections shall be covered by the State within the limits of the funds assigned for this purpose. In instances specified by the law, expenditures for preparing and holding elections may be covered at the expense of funds of political parties, other organisations and citizens.

Funding expenditures for preparing and holding elections by foreign states and organisations, by foreign nationals as well as in other instances specified by law shall be prohibited.

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

The system of electoral commissions shall be headed by the Central Election Commission. The Central Election Commission shall organise elections of the President, delegates of the All-Belarusian People's Assembly, deputies of the House of Representatives and members of the Council of the Republic, deputies of local councils of deputies, hold republican referenda, exercise control over implementation of the legislation on elections and referenda as well as other powers established by law.

The Chairperson and members of the Central Election Commission shall be elected for a term of five years and dismissed from office by the All-Belarusian People's Assembly.

The system, procedure of formation, competence of the electoral commissions and guarantees of their independence shall be determined by law.

The procedure regulating holding of elections shall be determined by law.

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

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

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

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

## CHAPTER 2

### REFERENDUM (POPULAR VOTE)

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

**Article 74.** Republican referenda shall be called by the President of the Republic of Belarus on his own initiative, on the proposal of the All-Belarusian People's Assembly as well as on the proposal of the House of Representatives and the Council of the Republic passed at their separate sittings by a majority of votes of the composition (full composition) of each House established by the Constitution, or on the proposal of no less than 450 thousand citizens eligible to vote, including no less than 30 thousand citizens from each of the regions (oblasts) and the city of Minsk.

The issues put to the republican referendum shall be subject to review of their conformity to the Constitution.

The President shall, after the submission in accordance with the law for his consideration of the proposals on holding the referendum of the All-Belarusian People's Assembly, the House of Representatives and the Council of the Republic or of the citizens, call a republican referendum.

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

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

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

**Article 76.** Referenda shall be held by means of universal, free, equal and secret ballot. Citizens of the Republic of Belarus eligible to vote take part in referenda.

**Article 77.** The decisions adopted by a referendum may be abolished or changed only by means of another referendum, unless the referendum determines otherwise.

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

## SECTION IV

### PRESIDENT, ALL-BELARUSIAN PEOPLE'S ASSEMBLY, PARLIAMENT, GOVERNMENT, COURT

## CHAPTER 3

### PRESIDENT OF THE REPUBLIC OF BELARUS

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

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

**Article 80.** Any citizen of the Republic of Belarus by birth of at least 40 years of age who is eligible to vote and has been residing in the Republic of Belarus for at least 20 years prior to the elections, who does not have and has not previously had the citizenship of a foreign state or a residence permit or other document of a foreign state that entitles one to benefits and other privileges, may be elected President.

**Article 81.** The President shall be elected for a term of five years directly by the people of the Republic of Belarus on the basis of universal, free, equal, direct suffrage by secret ballot. The same person may not be elected President for more than two terms. Presidential candidates shall be nominated by citizens of the Republic of Belarus provided the signatures of no less than 100 thousand voters have been collected.

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

If the office of the President falls vacant, elections shall be held no sooner than 30 days and no later than 70 days from the day on which the office fell vacant.

**Article 82.** The elections of the President shall be deemed to have taken place if over half of the citizens of the Republic of Belarus on the electoral roll have taken part in the voting.

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

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

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

**Article 83.** The President shall assume the office after taking the following Oath: "Assuming the office of the President of the Republic of Belarus, I solemnly swear to faithfully serve the people of the Republic of Belarus, to respect and protect the rights and freedoms of man and citizen, to observe and protect the Constitution of the Republic of Belarus, and to fulfill strictly and conscientiously the lofty duties that have been bestowed upon me".

The Oath shall be taken in a solemn ceremony in the presence of members of the Presidium of the All-Belarusian People's Assembly, deputies of the House of Representatives and members of the Council of the Republic, judges of the Constitutional and Supreme Courts no later than two months from the day on which the

President has been elected. The powers of the previous President shall terminate from the moment the President-elect has taken the Oath.

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

- 1) call republican referenda;
- 2) call regular and extraordinary elections to the House of Representatives, the Council of the Republic and local representative bodies;
- 3) dissolve the Houses of Parliament in the instances and according to the procedure determined by the Constitution;
- 4) excluded;
- 5) form, dissolve and reorganise the Administration of the President of the Republic of Belarus, other state bodies and other organisations as well as consultative advisory councils, other bodies at the President, determine their status;
- 6) appoint the Prime Minister with the prior consent of the House of Representatives;
- 7) determine the structure of the Government of the Republic of Belarus, appoint and dismiss Deputies Prime Minister, ministers and other members of the Government, take decision on resignation of the Government or any of its members;
- 8) excluded;
- 9) appoint with the prior consent of the Council of the Republic the Prosecutor General, the Chairperson of the Committee of State Control, the Chairperson and members of the Board of the National Bank and dismiss them from office on the grounds specified by law;
- 10) appoint judges of courts of general jurisdiction and dismiss them from office on the grounds specified by law, unless otherwise provided by the Constitution;
- 11) excluded;
- 12) excluded;
- 13) address the people of the Republic of Belarus with messages on the state of the nation and on the main directions of the domestic and foreign policy;
- 14) address the Parliament with annual messages which are presented at the All-Belarusian People's Assembly; have the right to participate in sessions of the Parliament and its bodies; deliver speeches and addresses to the Parliament and its bodies at any requested time;
- 15) have the right to chair meetings of the Government of the Republic of Belarus;
- 16) appoint official representatives of the President in the Parliament, assistants, commissioners and other officials whose offices are determined by the legislation, unless otherwise provided by the Constitution;
- 17) resolve issues on granting citizenship of the Republic of Belarus, the termination thereof and granting asylum;
- 18) honour with state awards, confer ranks and titles, deprive of state awards, ranks and titles on the grounds provided by law;
- 19) grant pardons to convicted persons;
- 20) conduct negotiations and sign treaties, appoint and dismiss from office ambassadors and permanent representatives at international organisations;
- 21) receive letters of credence and of recall from diplomatic representatives of foreign states accredited to him;
- 22) in the event of a natural disaster, a catastrophe, or attempts of forcible change of the constitutional system, seizure or appropriation of state power, armed rebellion, mass and other unrest involving violence or threat of violence on the part of a group of

persons or organisations that endangers people's life and health or jeopardises the territorial integrity and existence of the State, declare a state of emergency in the territory of the Republic of Belarus or in specific areas thereof and within three days submit the decision to the Council of the Republic for approval;

23) in instances specified by law, be entitled to defer a strike or suspend it for a period not exceeding three months;

24) sign laws; have the right, under the procedure established by the Constitution, to return a law or some of its provisions with his objections to the House of Representatives;

25) have the right to abolish acts of the Government;

26) exercise control directly or through specially formed bodies over the observance of laws by local bodies of government and self-government; have the right to suspend decisions of local councils of deputies or abolish decisions of local executive and administrative bodies if they do not conform to the requirements of the legislation;

27) form and head the Security Council of the Republic of Belarus, appoint and dismiss the State Secretary of the Security Council;

28) be the Commander-in-Chief of the Armed Forces; appoint and dismiss the high command of the Armed Forces;

29) impose, in the event of a military threat or attack, martial law in the territory of the Republic of Belarus, declare general or partial mobilisation with submission within three days of the taken decision for approval of the Council of the Republic;

30) exercise other powers established by the Constitution and laws essential for implementation of the constitutional functions entrusted to him.

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

Edicts and executive orders of the President shall not contradict the laws.

**Article 86.** The President may not hold other offices unless otherwise provided by the Constitution as well as receive any monetary remuneration other than his salary, apart from the copyright royalties for works of science, literature and art.

The President shall suspend his membership in political parties for the whole term of office.

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

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

The President may be removed from office by the All-Belarusian People's Assembly due to a consistent or gross violation of the Constitution by the President or commission of high treason or other grave crime.

A proposal to bring a charge against the President and remove him from office shall be submitted to the All-Belarusian People's Assembly on the initiative of no less than one third of the full composition of the House of Representatives or no less than 150

thousand citizens of the Republic of Belarus eligible to vote. The investigation of the charge shall be initiated by the All-Belarusian People's Assembly.

The decision of the All-Belarusian People's Assembly on the removal of the President from office shall be taken after receiving the conclusion of the Constitutional Court on the facts of a consistent or gross violation of the Constitution by the President, if the President is accused of such a violation of the Constitution.

The decision of the All-Belarusian People's Assembly on the removal of the President from office shall be deemed to have been taken if the majority of the full composition of the All-Belarusian People's Assembly voted for it.

The failure of the All-Belarusian People's Assembly to take decision to remove the President from office within two months from the day of bringing the charge shall imply rejection of the charge. The proposal to bring charges against the President and to remove him from office may not be initiated during the period of consideration, in accordance with the Constitution, of the issue of premature termination of powers of the Parliament.

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

**Article 88<sup>1</sup>.** If the office of the President falls vacant or the President is unable to discharge his duties on the grounds provided by the Constitution, his powers shall be transferred to the Chairperson of the Council of the Republic until the President-elect is sworn in.

In the event of the death of the President due to an attempt on his life, commission of an act of terrorism, military aggression, or other violent acts:

meetings of the Security Council shall be headed by the Chairperson of the Council of the Republic;

a state of emergency or martial law shall be immediately declared in the territory of the Republic of Belarus on the basis of the decision of the Security Council under the established procedure;

state bodies and officials shall act in accordance with the decisions of the Security Council.

**Article 89.** The President shall possess immunity, his honour and dignity shall be protected by law.

The provisions of part one of the present article shall apply to the President who has terminated to exercise his powers due to the expiration of his term of office or prematurely in the event of his resignation or permanent inability to discharge the duties of the President on health grounds.

The President who has terminated to exercise his powers may not be liable for the actions performed in connection with the exercise of the presidential powers.

The status of the President who has terminated to exercise his powers shall be established by law.

## CHAPTER 3<sup>1</sup>

### ALL-BELARUSIAN PEOPLE'S ASSEMBLY

**Article 89<sup>1</sup>.** The All-Belarusian People's Assembly is the highest representative body of the people's government of the Republic of Belarus, determining the strategic directions

of the development of society and the State, ensuring the inviolability of the constitutional system, the continuity of generations and civic concord.

**Article 89<sup>2</sup>.** The delegates of the All-Belarusian People's Assembly shall be: the President of the Republic of Belarus;

the President of the Republic of Belarus, who has terminated to exercise his powers due to the expiration of his term of office or prematurely in the event of his resignation;

representatives of the legislative, executive and judicial bodies;

representatives of local councils of deputies;

representatives of civil society.

Representatives of local councils of deputies and civil society shall be elected to the All-Belarusian People's Assembly from each region (oblast) and the city of Minsk under the procedure specified by law.

The maximum number of delegates of the All-Belarusian People's Assembly shall be 1,200 people.

The term of powers of the All-Belarusian People's Assembly shall be five years.

The first sitting of the All-Belarusian People's Assembly shall be called by the Central Election Commission no later than 60 days from the day of the election of deputies.

A delegate of the All-Belarusian People's Assembly shall take part in the work of the All-Belarusian People's Assembly on the in-service basis.

The Presidium shall be a collegial body ensuring prompt resolution of issues within the competence of the All-Belarusian People's Assembly under the procedure specified by law.

The Chairperson of the All-Belarusian People's Assembly, his deputies and other members of the Presidium shall be elected by the All-Belarusian People's Assembly by secret ballot.

**Article 89<sup>3</sup>.** The All-Belarusian People's Assembly shall:

1) approve the main directions of domestic and foreign policy, the military doctrine, the concept of national security;

2) approve the programmes of social and economic development of the Republic of Belarus;

3) consider the report of the Prime Minister on implementation of the programmes of social and economic development of the Republic of Belarus;

4) propose changes and additions to the Constitution;

5) propose holding republican referenda;

6) be entitled to consider the issue of the legitimacy of the elections;

7) take the decision on the removal of the President from office due to a consistent or gross violation of the Constitution by him or the commission of high treason or other grave crime;

8) be entitled to declare a state of emergency or martial law in the territory of the Republic of Belarus on the grounds specified by the Constitution, and in the event of the omission on these issues by the President; declaration of a state of emergency or martial law shall be considered by the All-Belarusian People's Assembly on the initiative of the Presidium of the All-Belarusian People's Assembly or the Council of the Republic;

9) on the proposal of the President, with the prior consent of the Presidium of the All-Belarusian People's Assembly:

elect the Chairperson, the Deputy Chairperson and judges of the Constitutional Court and dismiss them from office on the grounds specified by law;

elect the Chairperson, the Deputies Chairperson and judges of the Supreme Court and dismiss them from office on the grounds specified by law;

elect the Chairperson and members of the Central Election Commission and dismiss them from office on the grounds specified by law;

10) on the proposal of the President, take the decision on the possibility of sending servicemen, employees of paramilitary organisations, other persons beyond the frontiers of the Republic of Belarus to participate in ensuring collective security and activities to maintain international peace and security;

11) institute state and official holidays;

12) honour the President with state awards as well as offer persons for honouring with state awards;

13) give binding instructions to state bodies and officials, receive information from state bodies and officials, exercise other powers established by the Constitution and law necessary for implementation of the constitutional functions entrusted to it.

**Article 89<sup>4</sup>.** Sessions of the All-Belarusian People's Assembly shall be held no less than once a year.

The All-Belarusian People's Assembly may be called for an extraordinary session on the initiative of the President, the Presidium of the All-Belarusian People's Assembly, both Houses of the National Assembly (by joint decision) as well as on the initiative of no less than 150 thousand citizens of the Republic of Belarus eligible to vote.

**Article 89<sup>5</sup>.** The All-Belarusian People's Assembly shall take decisions to implement the constitutional functions entrusted to it.

Decisions of the All-Belarusian People's Assembly shall be binding and may abolish legal acts, other decisions of state bodies and officials contradicting the interests of national security, with the exception of the acts of judicial bodies.

**Article 89<sup>6</sup>.** The competence, procedure of formation and operation of the All-Belarusian People's Assembly shall be determined by the Constitution and law.

## CHAPTER 4

### PARLIAMENT – THE NATIONAL ASSEMBLY

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

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

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

The Council of the Republic shall be a house of territorial representation. The Council of the Republic shall be composed of eight deputies from every region (oblast) and the city of Minsk, elected by secret ballot at the sittings of deputies of local councils of deputies of base level of every region (oblast) and the city of Minsk. Eight members of the Council of the Republic shall be appointed by the President of the Republic of Belarus. The President of the Republic of Belarus, who terminated his powers due to the expiry of the term of office or prematurely in the event of his resignation shall be a member of the Council of the Republic for life with his consent.

Elections for a new composition of the Houses of Parliament shall be called no later than three months prior to the single voting day.

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

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

Any citizen of the Republic of Belarus, who has reached the age of 30, and who has been residing in the territory of the corresponding region (oblast), or the city of Minsk for no less than five years may become a member of the Council of the Republic.

Deputies of the House of Representatives shall exercise their powers in the Parliament on a professional basis.

No person may simultaneously be a member of both Houses of Parliament. A deputy of the House of Representatives may not be a member of the Government, a deputy of a local council of deputies. A member of the Council of the Republic may not simultaneously be a member of the Government. No person may exercise duties of a deputy of the House of Representatives, a member of the Council of the Republic and simultaneously hold the office of the President or a judge.

**Article 93.** The term of powers of the Parliament shall be five years unless otherwise provided by the Constitution. The powers of the Parliament may be prolonged by law only in the event of war.

The first session of the Houses of Parliament after the elections shall be called by the Central Election Commission and shall be convened no later than 30 days after the elections. The countdown of the thirty-day period for convening and beginning of the first session of the House of Representatives shall start from the day of the elections. The countdown of the thirty-day period for convening and beginning the first session of the Council of the Republic shall start from the day of the first sitting of the deputies of the local councils of deputies of base level for the elections of the members of the Council of the Republic from the regions (oblasts) or the city of Minsk.

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

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

The powers of the House of Representatives or the Council of the Republic may be prematurely terminated in accordance with the conclusion of the Constitutional Court due to a consistent and gross violation of the Constitution by the Houses of Parliament. The decisions on these issues shall be taken by the President, after official consultations with the Chairpersons of the Houses, no later than within a two-month period.

The Houses may not be dissolved during a state of emergency or martial law, in the last six months of the term of office of the President, during the period when the Houses decide on the premature dismissal of the President from office or during the period

when the All-Belarusian People's Assembly considers the removal of the President from office.

The Houses may not be dissolved within the first year from the day of their first sittings and the last year of the Parliament's powers.

In the event of dissolution of the Houses of Parliament, the newly elected members of the corresponding House shall exercise their powers prior to the time when the Parliament elected on the single voting day commences to exercise its powers.

**Article 95.** The Houses shall meet for a session opening on the third Tuesday of September and closing on the last working day of June next year.

The House of Representatives and the Council of the Republic may in urgent instances be convened for an extraordinary session by the Chairpersons of the Houses on the initiative of the President, or the majority of deputies of the House of Representatives and members of the Council of the Republic of the full composition of each House for a special agenda and within the period determined by the initiator.

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

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

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

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

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

- 1) consider, on the proposal of the President, the All-Belarusian People's Assembly, no less than one-third of the full composition of each of the Houses of Parliament, or on the initiative of no less than 150 thousand citizens of the Republic of Belarus eligible to vote, draft laws on changes and additions to the Constitution;
- 2) consider draft laws on ratification and denunciation of treaties; fundamental concepts and principles of exercise of the rights, freedoms and duties of citizens; citizenship issues, the status of foreigners and stateless persons; rights of ethnic minorities; on introduction of republican taxes and dues; principles of ownership; basics of social security; principles regulating labour and employment; marriage, family, childhood, maternity, paternity, upbringing, education, culture and healthcare; environmental protection and rational utilisation of natural resources; determination of the procedure for resolving issues relating to the administrative and territorial structure of the State; local self-government; judicial system, judicial proceedings and status of judges; issues of criminal liability; amnesty; declaration of war and conclusion of peace; on legal regimes of state of emergency and martial law; institution of state awards; interpretation of laws; drafts of other laws;
- 2<sup>1</sup>) shall consider draft laws on the republican budget and on the approval of the report on its implementation. Draft laws on the republican budget and the approval of the report on its implementation shall be submitted to the House of Representatives by the Government in agreement with the President;
- 3) call elections of the President;
- 4) give prior consent to the President to the appointment to the office of Prime Minister;

- 5) consider the report of the Prime Minister on the governmental policy programme and approve or reject it; a repeated rejection of the programme by the House shall be deemed as an expression of a no-confidence vote to the Government;
- 5<sup>1</sup>) annually consider the information of the Prosecutor General, the Chairperson of the Committee of State Control and the Chairperson of the Board of the National Bank on the results of their activities;
- 6) consider, on the initiative of the Prime Minister, the issue of a vote of confidence to the Government;
- 7) on the initiative of no less than one third of the full composition of the House of Representatives, express a no-confidence vote to the Government; the issue of liability of the Government may not be discussed within a year after the approval of its policy programme;
- 8) accept the resignation of the President;
- 9) excluded;
- 10) cancel executive orders of the Chairperson of the House of Representatives.

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

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

- 1) approve or reject draft laws adopted by the House of Representatives on changes and additions to the Constitution; other draft laws;
- 2) give prior consent to the President on the appointment and dismissal from office of the Prosecutor General, the Chairperson of the Committee of State Control, the Chairperson and members of the Board of the National Bank;
- 2<sup>1</sup>) annually consider the information of the Prosecutor General, the Chairperson of the Committee of State Control and the Chairperson of the Board of the National Bank on the results of their activities;
- 3) excluded;
- 4) excluded;
- 5) analyse the activities of local councils of deputies, take measures to develop local self-government; cancel decisions of local councils of deputies which do not conform to legislation;
- 6) take decision on dissolution of a local council of deputies if it consistently and flagrantly violates the requirements of the legislation and in other instances provided by law;
- 7) excluded;
- 8) consider edicts of the President on introduction of a state of emergency, martial law, general or partial mobilisation and take the appropriate decision no later than three days after their submission.

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

**Article 99.** The right of legislative initiative shall belong to the President, the All-Belarusian People's Assembly, deputies of the House of Representatives, the Council of the Republic, the Government as well as to citizens eligible to vote, in a number of no less than 50 thousand, and is exercised in the House of Representatives.

Draft laws the adoption of which may entail reducing state funds, creating or increasing expenditures shall be introduced into the House of Representatives provided there is the conclusion of the Government.

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

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

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

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

The law on the republican budget for the next fiscal year shall be adopted before the beginning of the fiscal year. If the law on the republican budget has not been adopted within the specified period, the temporary management of the republican budget shall be exercised.

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

A law shall be deemed to be approved by the Council of the Republic provided that a majority of votes of the full composition of the Council of the Republic have been cast for it, or if within twenty days, and in instances of urgency within ten days from the day of its submission, the Council of the Republic failed to consider it. If a draft law is rejected by the Council of the Republic, both Houses may form a conciliatory commission on a parity basis to overcome the existing disagreement. The text of the draft law agreed by the conciliatory commission shall be submitted for approval to both Houses.

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

A law adopted by the House of Representatives and approved by the Council of the Republic, or in the instance determined by the present article adopted by the House of Representatives shall be submitted to the President for signing within ten days. If the President agrees with the text of the law, he shall sign it within two weeks.

If the President, within the specified period, applies to the Constitutional Court with a proposal to review the constitutionality of the law, the period for signing the law shall be suspended for the time of consideration of the proposal by the Constitutional Court.

The conclusion of the Constitutional Court shall be adopted no later than ten days from the date of submission of the corresponding proposal by the President. If the Constitutional Court confirms the constitutionality of the law, the President shall sign it within five days from the date of adoption of the corresponding conclusion by the

Constitutional Court. In the event the Constitutional Court recognises non-conformity of the law to the Constitution, the President shall return it to the House of Representatives.

If the President does not return the law within two weeks from its submission to the President, and in the event of adoption of the conclusion on the constitutionality of the law by the Constitutional Court within five days from the date of adoption of the corresponding conclusion, the law shall be deemed to be signed. The law shall not be deemed to be signed and shall not enter into force if it cannot be returned to the Parliament due to the end of the session.

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

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

**Article 101.** [Excluded.]

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

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

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

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

The Houses may meet together to consider the annual information of the Prosecutor General, the Chairperson of the Committee of State Control and the Chairperson of the Board of the National Bank on the results of their activities as well as to resolve other issues within the competence of the Parliament.

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

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

The sitting of the House shall be deemed qualified provided that the majority of the deputies of the House of Representatives or members of the Council of the Republic of the full composition of each House takes part in it.

Voting in the House of Representatives and the Council of the Republic shall be open and exercised by a deputy of the House or a member of the Council of the Republic in person by a “yes” vote or a “nay” vote. A secret ballot shall be held only when addressing personnel issues.

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

Decisions of the Council of the Republic shall be taken in the form of resolutions.

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

Laws shall be immediately officially published after their signing and shall enter into force ten days after their publication unless the law determines another term.

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

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

## CHAPTER 5

### GOVERNMENT – THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS

**Article 106.** Executive power in the Republic of Belarus shall be exercised by the Government – the Council of Ministers of the Republic of Belarus – the central body of state administration.

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

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

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

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

The Prime Minister shall:

- 1) carry out immediate direction of the activities of the Government and hold personal responsibility for its operation;
- 2) sign resolutions of the Government;
- 3) submit a report on the programme of the Government policy to the Parliament within two months after his appointment, and in the instance of its rejection submit a new programme of the Government policy within two months;
- 4) inform the President on the main directions of the activities of the Government and on all most important decisions;
- 4<sup>1</sup>) annually inform the All-Belarusian People's Assembly on the implementation of programmes of social and economic development of the Republic of Belarus;
- 5) exercise other powers connected with the organisation and activities of the Government.

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

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

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

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

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

- direct the system of subordinate republican bodies of state administration and other organisations as well as on the issues within its competence, the system of local executive and administrative bodies;
- elaborate the main directions of domestic and foreign policy and take measures for their implementation;
- elaborate and submit to the House of Representatives, in agreement with the President, draft laws on the republican budget and on approval of the report on its implementation; ensure implementation of the republican budget;
- ensure implementation of a uniform economic, financial, credit and monetary policy, and state policy in the field of science and innovations, culture, education, health care, ecology, social security and remuneration for labour, public and private partnership;
- take measures to secure the rights and freedoms of citizens, protect the interests of the State, national security and defence, protect property, maintain public order and combat crime;
- act on behalf of the property owner with regard to assets which are the sole property of the Republic of Belarus, and organise management of state property;
- ensure execution of the Constitution, decisions of the All-Belarusian People's Assembly, laws, acts of the President;

abolish acts of ministries and other republican bodies of state administration subordinate to it;  
submit proposals to the President on abolition of decisions of local executive and administrative bodies in the event of their non-compliance with the legislation;  
exercise other powers entrusted to it by the Constitution, laws and acts of the President.

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

The Prime Minister shall issue executive orders within his competence.

Resolutions of the Government and executive orders of the Prime Minister shall not contradict the laws and decisions of the President.

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

## CHAPTER 6 COURT

**Article 109.** Judicial power in the Republic of Belarus shall be exercised by the courts. The court system shall be based upon the principles of territorial delineation and specialisation.

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

The formation of extraordinary courts shall be prohibited.

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

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

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

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

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

If trying a specific case, the court has doubts about the constitutionality of the normative legal act to be applied, the court shall, prior to taking a court ruling, raise the issue before the Constitutional Court to review the constitutionality of the corresponding normative legal act under the procedure established by law.

**Article 112<sup>1</sup>.** The Supreme Court shall head the system of courts of general jurisdiction and shall be the supreme judicial body administering justice through civil, criminal and other forms of judicial proceedings provided by law.

The Chairperson, the Deputies Chairperson and judges of the Supreme Court shall be elected and dismissed from office by the All-Belarusian People's Assembly. The Chairperson and the Deputies Chairperson of the Supreme Court shall be elected from among the judges of the Supreme Court.

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

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

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

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

The court rulings are binding upon all state bodies, other organisations, officials and citizens.

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

**Article 116.** The Constitutional Court shall exercise review of the constitutionality of normative legal acts in the State through constitutional proceedings in order to protect the constitutional system of the Republic of Belarus, the rights and freedoms of man and citizen guaranteed by the Constitution, ensure the supremacy of the Constitution and its direct effect in the territory of the Republic of Belarus.

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

The Chairperson, the Deputy Chairperson and judges of the Constitutional Court shall be elected and dismissed from office by the All-Belarusian People's Assembly. The Chairperson and the Deputy Chairperson of the Constitutional Court shall be elected from among the judges of the Constitutional Court.

The judges of the Constitutional Court shall be elected for 11 years.

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

**Article 116<sup>1</sup>.** The Constitutional Court shall, on the proposals of the President, the Presidium of the All-Belarusian People's Assembly, the House of Representatives, the Council of the Republic, the Supreme Court, the Council of Ministers, deliver conclusions:

on the interpretation of the Constitution;

on the conformity to the Constitution of laws, edicts of the President, resolutions of the Council of Ministers, normative legal acts of other state bodies.

The Constitutional Court shall, on the proposals of the President, deliver conclusions:

on the constitutionality of draft laws on changes and additions to the Constitution;

on the conformity to the Constitution of laws adopted by the Parliament prior to their signing by the President;

on the constitutionality of issues put to the republican referendum;

on the conformity to the Constitution of the treaties of the Republic of Belarus prior to their entry into force.

In instances specified by the Constitution, the Constitutional Court shall deliver conclusions within two weeks:

on the proposal of the Presidium of the All-Belarusian People's Assembly on the facts of consistent or gross violation of the Constitution by the President;

on the proposal of the President on the facts of consistent or gross violation of the Constitution by the Houses of Parliament.

The Constitutional Court, shall on the proposal of the Presidium of the All-Belarusian People's Assembly, deliver conclusions on the constitutionality of the elections of the President, deputies of the House of Representatives and members of the Council of the Republic.

The Constitutional Court shall, under the procedure established by law, take decisions: on the citizens' complaints of violations of their constitutional rights and freedoms, reviewing the constitutionality of the laws applied to a specific case, if all other judicial remedies have been exhausted;

on requests of the courts, reviewing the constitutionality of normative legal acts to be applied in trying specific cases by the courts.

The conclusions and decisions of the Constitutional Court shall be final and not subject to appeal and protest.

## SECTION V

### LOCAL GOVERNMENT AND SELF-GOVERNMENT

**Article 117.** Citizens shall exercise local government and self-government through local councils of deputies, executive and administrative bodies, bodies of public territorial self-government, local referenda, assemblies 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 corresponding administrative and territorial units for a five-year term, unless otherwise provided by the Constitution.

In the event of the local council of deputies dissolution, a newly elected council of deputies shall exercise its powers till the day on which the local councils of deputies elected on the single voting day commence their powers.

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

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

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

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

setting of local taxes and dues in accordance with law;

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

calling of local referenda.

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

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

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

Decisions of local councils of deputies, executive and administrative bodies that restrict or violate civil rights, freedoms, and legitimate interests of citizens as well as in other instances specified by law, may be appealed in court.

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

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

## SECTION VI

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

#### CHAPTER 7

##### PROSECUTOR'S OFFICE

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

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

**Article 126.** The unified and centralised system of bodies of the prosecutor's office shall be headed by the Prosecutor General appointed to office and dismissed from office by the President with the prior consent of the Council of the Republic. The subordinate prosecutors shall be appointed by the Prosecutor General.

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

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

#### CHAPTER 8

##### COMMITTEE OF STATE CONTROL

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

**Article 130.** The Committee of State Control shall be formed by the President. The Chairperson of the Committee of State Control shall be appointed to office and dismissed from office by the President with the prior consent of the Council of the Republic.

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

## SECTION VII

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

**Article 132.** The financial and credit system of the Republic of Belarus shall include the budget system, the banking system as well as the financial resources of non-budgetary funds, organisations and citizens.

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

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

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

National expenditure shall be covered by the republican budget on its expenditure side. In accordance with the law non-budgetary funds may be established in the Republic of Belarus.

**Article 134.** The procedure for drawing up, approving and implementing budgets shall be determined by law.

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

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

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

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

## SECTION VIII

### PROCEDURE OF CHANGING AND ADDING THE CONSTITUTION

**Article 137.** [Excluded.]

**Article 138.** The issue of changing and adding the Constitution shall be considered by the Houses of Parliament on the initiative of the President, the All-Belarusian People's Assembly of no less than one-third of the full composition of each House of Parliament or of no less than 150 thousand citizens of the Republic of Belarus eligible to vote.

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

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

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

The Constitution may be changed or added through a referendum. A decision on changing or adding the Constitution by means of a referendum shall be deemed to be adopted if more than half of citizens, who took part in the elections, voted for it. The referendum shall be deemed to have taken place if more than half of citizens on the electoral roll participated in it.

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

## SECTION IX

### FINAL AND TRANSITIONAL PROVISIONS

**Article 141.** The changes and additions to the Constitution shall enter into force ten days after official publication of these changes and additions, unless otherwise provided in the present Section.

**Article 142.** Laws, edicts of the President and other acts, which were in effect prior to the entry into force of the changes and additions to the Constitution, shall be applied in the part not contradicting the Constitution.

Within two years after the changes and additions to the Constitution enter into force, the laws provided by the Constitution, edicts and executive orders of the President shall be brought to conformity to the Constitution.

Decrees of the President issued before entry into force of the changes and additions to the Constitution shall be applied until they are recognised invalid by laws. Provisions of the corresponding decrees shall have priority over the provisions of laws adopted prior to their issue.

**Article 143.** State bodies (officials) shall perform their activities within the period which they were formed (elected, appointed) for or until their powers are terminated under the established procedure.

The changes and additions to the Constitution limiting the number of terms during which the same person may hold the office of the President shall enter into force from the day when the President-elect takes office.

**Article 144.** The law determining competence, procedure of formation and operation of the All-Belarusian People's Assembly shall be adopted within a year from the day on which the changes and additions to the Constitution enter into force. A person acting as President on the day of entry into force of the changes and additions to the Constitution may act as both the President and the Chairperson of the All-Belarusian People's Assembly.

**Article 145.** Prior to the formation of the All-Belarusian People's Assembly, election (appointment), dismissal from office of the Chairperson, the Deputy Chairperson and judges of the Constitutional Court, the Chairperson, Deputy Chairperson and judges of the Supreme Court, the Chairperson and members of the Central Election Commission as well as other powers transferred to the All-Belarusian People's Assembly shall be exercised under the procedure applied prior to entry into force of the changes and additions to the Constitution.

**Article 146.** Members of the Central Commission on Holding Elections and Republican Referenda shall be considered members of the Central Election Commission and retain their powers within the whole term of their election (appointment).

The Central Election Commission shall exercise powers on the organisation of the election of delegates to the All-Belarusian People's Assembly after the law determining competence, procedure of formation and operation of the All-Belarusian People's Assembly enters into force.

**Article 147.** The Houses of the National Assembly of the seventh convocation shall retain their powers till the Houses of the National Assembly of the eighth convocation commence their powers.

Local councils of deputies of the twenty eighth convocation shall exercise their powers till local councils of deputies of the twenty ninth convocation commence their powers.

The election of deputies of the House of Representatives of the eighth convocation, deputies of local councils of the twenty ninth convocation shall be held on the single voting day, on the last Sunday of February 2024.

**Article 148.** Part five of Article 116<sup>1</sup> of the Constitution shall enter into force after the legislation on constitutional proceedings has been brought to conformity to the changes and additions to the Constitution, and shall apply to the laws and other normative legal acts applied (subject to application) to a specific case after the part in question enters into force.

**President of the Republic of Belarus**      **A.Lukashenko**