

Human Rights Educational Centre, Belarus

There are more than 39 articles of the Constitution on Human Rights for our attention.

**They don't work.** The dictatorship doesn't implement these constitution's articles.

These articles:

**1 - 8, .17; .21 - 31; 33 - 39 ; 41 , 47; .46; 109, 110, 112, 114, 115, 116,117,120;  
126, 127, 137 .**

The constitution of Belarus

*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 the whole of its territory, and shall implement an independent internal and foreign policy.

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

*Article 2.* The individual, his rights, freedoms and guarantees for their attainment manifest the supreme goal and value of society and the State.

The State shall bear responsibility towards the citizen to create the conditions for the free and dignified development of his identity. The citizen bears a responsibility towards the State to discharge unwaveringly the duties imposed upon him by the Constitution.

*Article 3.* The people shall be the sole source of state power and the repository 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 bounds specified by the Constitution.

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

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

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

*Article 5.* Political parties and other public associations acting within the framework of the Constitution and laws of the Republic of Belarus, shall contribute towards ascertaining and expressing the political will of the citizens and participate in elections.

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

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

*Article 6.* State power in the Republic of Belarus is exercised on the principle of division of powers between the legislature, executive and judiciary. State bodies within the confines of their powers, shall be independent: they shall co-operate among themselves acting on the principle of checks and balances.

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

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

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

Enforceable enactments of state bodies shall be published or promulgated by some means specified in law.

*Article 8.* The Republic of Belarus shall recognize the supremacy of the universally acknowledged principles of international law and ensure that its laws comply with such principles.

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

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

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

The territory of Belarus shall be unified and inalienable.

The territory shall be divided into regions (oblasts), districts, cities and other administrative-territorial units. The

administrative-territorial division of the State is determined by the legislation.

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

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

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

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

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

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

*Article 13.* Property may be the ownership of the state or private.

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

The State shall promote the development of co-operation.

The State shall guarantee to every one equal opportunities for free utilisation of abilities and assets for business and other types of economic activities which are not banned by the law.

The State shall regulate economic activities on behalf 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 sole and exclusive property of the State. The land for agricultural use is the property of the State.

The law may specify facilities that may be the property of the State alone, or specify the special terms for their transition to private ownership, or grant the State an exclusive right to conduct certain types of activity.

The State shall guarantee the workers the right to participate in the management of enterprises, organizations and establishments 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 and respect of their rights and interests.

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

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

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

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

The activities of confessional organizations, their bodies and representatives, that are directed against the sovereignty of the Republic of Belarus, its constitutional system and civic harmony, or involve a violation of civil rights and liberties of its citizens as well as impede the execution of state, public and family duties by its citizens or are detrimental to their health and morality 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 the equality of states, the non-use of force or the threat of force, the inviolability of frontiers, the peaceful settlement of disputes, non-interference in internal affairs of states and other universally acknowledged principles and standards of international law.

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

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

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

## **Section II: The Individual, Society and the State**

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

Every individual shall exercise the right to a dignified standard of living, including appropriate food, clothing, housing and likewise a continuous improvement of necessary living conditions.

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

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

**Article 23.** Restriction of personal rights and liberties shall be permitted only in the instances specified in law, in the interest of national security, public order, the protection of the morals and health of the population as well as rights and liberties of other persons. No one may enjoy advantages and privileges that are contrary to the law.

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

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

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

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

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

No one shall be subjected to torture or cruel, inhuman or undignified treatment or punishment, or be subjected to medical or other experiments without one's consent.

**Article 26.** No one may be found guilty of a crime unless his guilt is proven under the procedure specified in law and established by the verdict of a court of law that has acquired legal force. A defendant shall not be required to prove one's innocence.

**Article 27.** No person shall be compelled to be a witness against oneself, members of one's family or next of kin. Evidence obtained in violation of the law shall have no legal force.

**Article 28.** Everyone shall be entitled to protection against unlawful interference with one's private life, including encroachments on the privacy of one's correspondence and telephone and other communications, and on one's honour and dignity.

**Article 29.** The right of the people to be secure in their houses and other legitimate effects shall be guaranteed. No person shall have the right, save in due course of law to enter the premises or other legal property of a citizen against one's will.

**Article 30.** 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 to it without hindrance.

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

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

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

Parents or persons in loco parentis shall be entitled and required to raise their children and to take care of their health, development and education. No child shall be subjected to cruel treatment or humiliation or used for

work that may be harmful to its physical, mental or moral development. Children shall care for their parents or persons in loco parentis and render them assistance.

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

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

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

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

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

No one shall be forced to express one's beliefs or to deny them. No monopolization of the mass media by the State, public associations or individual citizens and no censorship shall be permitted.

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

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

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

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

*Article 36.* Everyone shall be entitled to freedom of association.

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

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

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

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

*Article 38.* Citizens of the Republic of Belarus 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 capabilities and vocational training, shall be entitled to equal access to any post in state bodies.

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

State bodies, as well as the officials thereof, shall consider any appeal and furnish a reply in point of substance within the period specified in 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 of one's profession, type of occupation and work in accordance with one's vocation, capabilities, education and vocational training, and having regard to social needs, and the right to healthy and safe working conditions.

The State shall create conditions necessary for full employment of the population. Where a person is unemployed for reasons which are beyond one's control, he shall be guaranteed training in new specializations

and an upgrading of his qualifications having regard to social needs, and to an unemployment benefit in accordance with the law.

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

Forced labour shall be prohibited, other than work or service specified in the 80 verdict of a court of law or in accordance with the law on the state of emergency or martial law.

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

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

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

*Article 44.* The State 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 assets either individually or jointly with others.

The inviolability of property and the right to inherit property shall be protected by law.

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

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

The compulsory alienation of assets 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 assets, and in accordance with a ruling of a court of law.

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

*Article 45.* Citizens of the Republic of Belarus shall be guaranteed the right to health care, including free treatment at state health-care establishments. 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 the development of physical training and sport, measures to improve the environment, the opportunity to use fitness establishments and improvements in occupational safety.

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

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

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

The State shall display particular concern for veterans of war and labour, as well as for those who lost their health in the defence of national and public interests.

**And other**

<http://www.president.gov.by/en/press10669.html>