

CONSTITUTIONAL LAW OF TURKMENISTAN

On Amending and Supplementing the Constitution of Turkmenistan

Taking into account the proposals to amend and supplement the Fundamental Law – Constitution of Turkmenistan – that have been drafted by the Constitutional Commission of Turkmenistan and examined by the Majlis of Turkmenistan in conformity with Article 50 of the Constitution of Turkmenistan, and have been submitted to the Halk Maslahaty based on the Halk Maslahaty decision of 30 Bitaraplyk (December) 2002 *On the Legislation of Peace, Stability and a Firm Secular System of Government*:

1. The proposals of the Constitutional Commission of Turkmenistan and the Majlis of Turkmenistan to amend and supplement the Constitution of Turkmenistan are hereby approved.
2. The Constitution of Turkmenistan is hereby amended and supplemented, and approved as follows (attached).

President of Turkmenistan
Saparmurat Turkmenbashi.

Turkmenbashi,
15 Alp Arslan (August) 2003

THE CONSTITUTION OF TURKMENISTAN

We, the people of Turkmenistan,

based on our inalienable right to shape our destiny;
assuming the responsibility for the present and future of the Fatherland;
expressing our loyalty to the behests of our forefathers to live in unity, peace and agreement;
aspiring to protect our national values and interests, strengthen the great independence, sovereignty and permanent neutrality of the Turkmen people;
guaranteeing the rights and liberties of every citizen, and striving to secure forever civil peace and national accord, and assert the foundations of democracy and a democratic, secular and rule-of-law state,

Are approving the Constitution, the Fundamental Law of Turkmenistan, as follows.

SECTION I.

FOUNDATIONS OF THE CONSTITUTIONAL SYSTEM

ARTICLE 1. Turkmenistan is a democratic, rule-of-law and secular state in which government is organized in the form of a presidential republic.

Turkmenistan has a supremacy and fullness of authority in its territory, and independently implements internal and external policies. Turkmenistan's state sovereignty and territory are single and indivisible.

The state protects the independence and territorial integrity of Turkmenistan and its constitutional system, and ensures legality and rule of law.

Turkmenistan has a legal status of permanent neutrality. The United Nations Organization, in the General Assembly Resolution *The Permanent Neutrality of Turkmenistan* of 12 Bitaraplyk (December) 1995: "1. recognizes and supports Turkmenistan's declared status of permanent neutrality; 2. calls on the member states of the United Nations Organization to respect and support this status of Turkmenistan and also respect its independence, sovereignty and territorial integrity." Turkmenistan's permanent neutrality recognized by the international community is the basis of its internal and external policies.

ARTICLE 2. The people are the carrier of sovereignty and the only source of state authority in Turkmenistan. The people of Turkmenistan exercise their authority directly or through representative bodies.

In terms of administrative and territorial structure, Turkmenistan is divided in velayats, etraps and cities vested with velayat or etrap powers, which form bodies of government - hyakimliks; and towns within etraps, settlements and gengeshliks, which form bodies of local self-government - gengeshes.

No part of the people, or organization, or individuals may forcibly take power in the state.

ARTICLE 3. The highest value of society and state in Turkmenistan is the human being. The state is responsible to each citizen and secures conditions for the free development of a personality, and protects life, honor, dignity and freedom, personal inviolability, and a citizen's natural and inalienable rights.

The citizen, too, is responsible to the state for exercising the duties vested in him by the Constitution and other laws.

ARTICLE 4. The authority of state is split between the Halk Maslahaty, legislative, executive and judiciary branches of government, which are independent and balance each other.

ARTICLE 5. The state and all its bodies and officials are bound by the law and constitutional system.

The Constitution of Turkmenistan is the supreme Law of the State, and the standards and provisions it enshrines have direct action. The laws and other legal acts that contradict the Constitution are legally invalid.

The legal acts of state bodies are published for general public knowledge and promulgated otherwise, except for laws that contain state secrets and other information that is protected by the law. Legal acts relating to the rights and liberties of citizens that have not been made general public knowledge are invalid from the date of their adoption.

ARTICLE 6. Turkmenistan as a full-fledged subject of the international community recognizes the precedence of generally recognized rules of international law, and in its foreign policy subscribes to the principles of permanent positive neutrality, non-intervention in other countries' internal affairs, repudiation of the use of force or participation in military blocs and alliances, and promotion of peaceful, amicable and mutually advantageous relations with other countries of the region and countries of the whole world.

ARTICLE 7. Turkmenistan has a citizenship. Citizenship is acquired, retained and forfeited in accordance with the law.

A citizen of Turkmenistan is not recognized as holding the citizenship of another state.

Nobody may be deprived of one's citizenship and the right to change one's citizenship. A citizen of Turkmenistan may not be handed to another state or banished outside Turkmenistan, or restrained in his right to return to the Homeland.

Citizens of Turkmenistan are guaranteed the protection and patronage of the state both within Turkmenistan and outside it.

ARTICLE 8. Foreign citizens and stateless persons enjoy the rights and liberties of citizens of Turkmenistan, unless the law envisages otherwise.

Turkmenistan grants asylum to foreign citizens who are persecuted in their countries for their political, ethnic or religious beliefs.

ARTICLE 9. Ownership is inviolable. Turkmenistan upholds the right of private ownership to means of production, land, and other material and intellectual values. These may also be owned by associations of citizens and by the state. The law establishes entities that are in exclusive ownership of the state. The state guarantees equal protection and equal conditions for the development of all types and forms of ownership.

No property may be confiscated, except for property acquired in a manner that is prohibited by the law, or ill-gotten property, or property used in illegal activities.

Forced alienation of property for charge is allowed only in cases envisaged by the law.

ARTICLE 10. The state is responsible for protecting the nation's historical and cultural heritage and natural environment, and secures equality between social and ethnic communities. The state encourages pursuits in science and the arts and the distribution of

their positive results, and promotes international contacts in science, culture, upbringing and education, sports and tourism.

ARTICLE 11. The state guarantees freedom of religions and confessions and their equality before the law. Religious organizations are separated from the state and may not interfere with affairs of state or perform functions of state. The state system of education is separated from religious organizations and is of a secular nature.

Everybody has the right to independently determine his attitude to religion, singly or jointly with others profess any religion or none, express and diffuse beliefs related to one's attitude to religion, and participate in the exercise of religious cults, rites and rituals.

ARTICLE 12. Turkmenistan has its Armed Forces in order to protect its state sovereignty and security.

ARTICLE 13. Turkmen is the state language of Turkmenistan. All citizens are guaranteed the right to use their native tongue.

ARTICLE 14. The symbols of Turkmenistan as a sovereign state are its State Flag, Symbol and Anthem.

The flag, symbol and anthem are established and protected by the law.

ARTICLE 15. The capital of Turkmenistan is the city of Ashgabat.

SECTION II.

BASIC RIGHTS, FREEDOMS AND DUTIES OF HUMAN BEING AND CITIZEN

ARTICLE 16. Human rights are inviolable and inalienable.

Nobody may deprive a person of any rights or freedoms, or limit him in his rights other than in conformity with the Constitution and other laws.

The human rights and freedoms enumerated in the Constitution and other laws may not be used to deny or downgrade other rights and freedoms.

ARTICLE 17. Turkmenistan guarantees the equality of citizen's rights and freedoms, and the equality of citizens before the law regardless of their nationality, origin, proprietary or official status, residence, language, attitude to religion, political beliefs or party affiliation.

ARTICLE 18. Men and women in Turkmenistan have equal civil rights. Violation of equality on account of sex entails accountability according to the law.

ARTICLE 19. The exercise of rights and freedoms must not be injurious to the rights and freedoms of other persons, morality or public order, or damage national security.

ARTICLE 20. Any person in Turkmenistan has the right to life and freedom of life. No person may be deprived of his right to life. The right of every person to a free life is protected by the state based on the law.

Capital punishment in Turkmenistan has been fully abolished and banned forever by the first President of Turkmenistan, the Great Saparmurat Turkmenbashi.

ARTICLE 21. A citizen may not be limited in his rights or deprived of his vested rights, convicted or punished other than in strict conformity with the law.

Nobody may be subjected to torture or cruel, inhuman or degrading treatment or punishment, or be subjected without his consent to medical (medicinal or specialist) or other experiments. A citizen may be detained and arrested only for reasons clearly set out in the law and by

decision of a kazyet and only under the procedure established by the law. In urgent cases that are clearly stipulated in the law, authorized bodies of state may detain citizens for some time.

ARTICLE 22. Every citizen has the right to state support to receive a well-appointed dwelling unit or in individual home-building. A home is inviolable. Nobody has the right to enter a home or otherwise violate the inviolability of a home against the wish of its occupants or without legal cause. A citizen has the right to protect his home against unlawful infringement.

Nobody may be deprived of a home other than on the grounds established by the law.

ARTICLE 23. Every citizen has the right to protection against arbitrary interference in his private life, and against attempts on the secrecy of his correspondence, telephone or other communications, and on his honor and reputation.

ARTICLE 24. Everybody has the right to free movement and free choice of a residence within Turkmenistan.

Restricted access to, and movement in, some territories and restricted free movement for individuals may be imposed only on the basis of the law.

ARTICLE 25. Upon reaching marriageable age, a man and a woman may enter into wedlock and create a family, subject to mutual consent. Consorts enjoy equal rights in family affairs. Parents or persons substituting for them are entitled and obliged to educate their children, care for their good health, development and education, prepare them for work, and inculcate cultural values and respect for the law and ethnic traditions. Children of age must care for their parents and assist them.

ARTICLE 26. Citizens of Turkmenistan have the right to freedom of beliefs and their free expression, and the right to information provided it is not a state, official or commercial secret.

ARTICLE 27. Freedom of assembly, demonstration and rally is guaranteed as envisaged by the law.

ARTICLE 28. Citizens have the right to set up political parties and other public associations to conduct their activities within the framework of the Constitution and other laws.

Political parties and other public organizations may not be created or allowed to operate if they aim to forcibly change the constitutional system, admit of violence in their activities, or campaign against the constitutional rights and freedoms of citizens, engage in propaganda of war or racial, ethnic, social and religious enmity, or infringe on people's health and morality; it is likewise forbidden to create paramilitary organizations and political parties based on ethnic or religious criteria.

ARTICLE 29. Every citizen has the right to participate in managing the affairs of society and state both directly and through their freely elected representatives.

ARTICLE 30. Citizens have the right to elect and stand for election to bodies of state authority.

Only citizens of Turkmenistan have equal rights of access to the civil service in accordance with their abilities and professional training.

ARTICLE 31. All citizens have the right to work, to discretionary choice of a profession, occupation and place of work, and to healthy and safe working conditions. Forced labor is prohibited except as envisaged by the law.

Hired employees are entitled to remuneration that corresponds to the amount and quality of their work. This remuneration may not be less than the level of subsistence fixed by the state.

ARTICLE 32. Workers have the right to recreation. For hired employees, this right is expressed in the form of a working week of a limited duration, annual paid leave, and weekly days-off.

The state creates conditions conducive to recreation at the place of residence and to rational use of free time.

ARTICLE 33. Citizens have the right to health protection, including free use of the network of public health institutions. Charged medical and non-traditional medical services are allowed on the basis and under the procedure established by the law.

ARTICLE 34. Citizens have the right to social security in old age, sickness, handicap, disability, bereavement and unemployment.

Families with many children, orphaned children, war veterans and other persons with health impairment resulting from their part in protecting the interests of state or society receive additional support and benefits from the public funds.

The procedures and conditions of exercising this right are regulated by the law.

ARTICLE 35. Every citizen has the right to education. General secondary schooling is compulsory, and everyone has the right to receive such education at public schools free of charge.

The state provides access to vocational, special secondary and higher education for all in keeping with their abilities.

Organizations and citizens have the right to set up charged schools on the basis of, and under the procedure established by, the law.

ARTICLE 36. Citizens of Turkmenistan have the right to free pursuit of the arts, science and technology. Authors' rights and citizens' interests in the exercise of science and technology and in artistic, literary and cultural activities are protected by the law.

The state promotes the development of science, culture, art, folk art, sport, and tourism.

ARTICLE 37. The exercise of rights and liberties is inseparable from the fulfillment by a citizen and a human being of his duties to society and state.

Everyone who resides or temporarily stays in Turkmenistan must comply with the requirements of the Constitution of Turkmenistan and its laws, and respect its national traditions.

ARTICLE 38. Everybody has the sacred duty of helping to defend Turkmenistan. Universal military duty is established for men, citizens of Turkmenistan.

ARTICLE 39. Citizens of Turkmenistan must pay public taxes and other charges under the procedure and in the amounts established by the law.

ARTICLE 40. Citizens are guaranteed legal protection of their honor and dignity, and of their personal and political rights and freedoms as human beings and citizens as envisaged in the Constitution and other laws.

Citizens have the right to appeal to the kazyet against the actions of state bodies and public organizations, and of officials that violate the law, stretch their authority or curb citizens' rights and freedoms.

ARTICLE 41. Citizens have the right to demand settlement through a court of law for material and moral damage caused to them by unlawful actions of state bodies and other organizations or their employees, and private individuals.

ARTICLE 42. Nobody may be made to give evidence or explanations against himself or next of kin.

Evidence obtained through psychological impact or violence and by other unlawful methods is recognized as legally invalid.

ARTICLE 43. A law that exacerbates a citizen's position does not have retroactive force. Nobody may be held accountable for actions that were not qualified as a legal offence at the time when such actions were committed.

ARTICLE 44. The exercise of the civil rights and freedoms envisaged in this Constitution may be suspended only in the conditions of an emergency or martial law under the procedure and within the limits established by the Constitution and other laws.

SECTION III. SYSTEM OF BODIES OF AUTHORITY AND GOVERNMENT IN TURKMENISTAN

CHAPTER 1. HALK MASLAHATY OF TURKMENISTAN

ARTICLE 45. The Halk Maslahaty of Turkmenistan is the standing supreme representative body of democratic government and is vested with the powers of supreme state authority and government.

The Constitutional Law on the Halk Maslahaty of Turkmenistan is adopted by the Halk Maslahaty itself and is binding throughout Turkmenistan.

Supreme state authority and government in Turkmenistan are exercised by the President of Turkmenistan, the Majlis, the Cabinet of Ministers, and the Supreme Kazyet.

ARTICLE 46. The Halk Maslahaty includes:

the President of Turkmenistan;

the deputies of the Majlis, the Chairman of the Supreme Kazyet, the General Prosecutor, the members of the Cabinet of Ministers, the hyakims of the velayats, and the hyakim of Ashgabat;

the halk vekilleri;

the leaders of the parties, the Youth Organization, the trade unions and the Women's Union who are co-chairmen of the National Galkynysh Movement, the heads of the public organizations in the country, and representatives of the elders of Turkmenistan; and,

the hyakims of the cities that are the administrative centers of velayats and etraps, and the archyns of cities and settlements that are the administrative centers of etraps.

The Halk Maslahaty consists of 2,507 members.

ARTICLE 47. The activities of the Halk Maslahaty may be suspended only by the Halk Maslahaty itself.

The Halk Maslahaty may terminate the powers of the halk vekilleri, the Majlis and the Gengeshes ahead of time.

ARTICLE 48. The Halk Maslahaty is competent to:

1) adopt a Constitution of Turkmenistan and constitutional laws, and amend and supplement them;

- 2) establish a Central Election and Referendum Commission in Turkmenistan, and change its composition;
- 3) decide to call national referendums;
- 4) appoint elections of the President of Turkmenistan, the Majlis, the halk vekilleri, and members of the Gengeshes;
- 5) review and approve guideline programs for the country's political, economic and social development;
- 6) change the state frontier and the administrative and territorial division of Turkmenistan;
- 7) hear information from the President of Turkmenistan about the state of the nation and the most important issues of internal and external policies;
- 8) hear reports from the Majlis of Turkmenistan, the Cabinet of Ministers, the Supreme Kazyet, and the General Prosecutor's Office;
- 9) declare individual unlawful actions as high treason, declare persons found guilty of, and convicted for, such actions as traitors of the Homeland, and decide to apply exceptional punishment to them in the form of life imprisonment. The right to apply exceptional punishment in the form of life imprisonment is vested in the Supreme Kazyet of Turkmenistan, with a subsequent sitting of the Halk Maslahaty reviewing and approving such sentences passed by the Kazyet;
- 10) ratify and denounce treaties about international alliances and other formations;
- 11) review peace and security issues; and,
- 12) examine other issues placed within its competence by the Constitution and other laws.

ARTICLE 49. Halk Maslahaty decisions are implemented by the President of Turkmenistan, the Majlis, the Cabinet of Ministers and other government bodies in conformity with their competences as established by the Constitution and other laws.

ARTICLE 50. The Halk Maslahaty is convened by the Chairman of the Halk Maslahaty or the President of Turkmenistan as necessary but not less frequently than once a year by the Chairman of the Halk Maslahaty, the President of Turkmenistan, the Majlis or one-third of the Halk Maslahaty members.

The Chairman of the Halk Maslahaty, the President of Turkmenistan, the Majlis, the Cabinet of Ministers and at least one-quarter of the Halk Maslahaty members may propose issues for examination by the Halk Maslahaty.

The law defines the procedure of convening the Halk Maslahaty and electing its officials.

ARTICLE 51. Halk Maslahaty activities are guided by the Chairman of the Halk Maslahaty. The Chairman of the Halk Maslahaty may be a citizen of Turkmenistan who was born in Turkmenistan, is not younger than 55 years of age, speaks the official language of the state, has permanently resided in Turkmenistan and worked in the supreme bodies of state authority and government for the past ten years, has earned high prestige, and is a member of the Halk Maslahaty who has been elected by a two-thirds vote of the Halk Maslahaty members. The Chairman of the Halk Maslahaty is elected for a term of five years and is accountable to the Halk Maslahaty.

CHAPTER 2. PRESIDENT OF TURKMENISTAN

ARTICLE 52. The President of Turkmenistan is the head of state and executive government, the supreme official of Turkmenistan who acts as the guarantor of Turkmenistan's national

independence, neutrality status and territorial integrity, and of observance of the Constitution and international agreements.

ARTICLE 53. A citizen of Turkmenistan who was born in Turkmenistan from among the Turkmen, who is not younger than forty and not older than seventy years, who speaks the official language of the state, who has permanently resided in Turkmenistan for the past ten years and works in government, public organizations or industries of the economy, who has earned high prestige and who has been recognized and nominated by the Halk Maslahaty as a candidate worthy of standing for election to the Presidency of Turkmenistan, may be elected President of Turkmenistan.

ARTICLE 54. The President of Turkmenistan is elected directly by the people of Turkmenistan for a term of five years and takes office right after he is sworn in at a sitting of the Halk Maslahaty.

The law establishes the procedure of electing the President of Turkmenistan and of his taking office.

ARTICLE 55. The President of Turkmenistan:

- 1) enforces the Constitution and other laws;
- 2) guides external policy, represents Turkmenistan in relations with other states, appoints and recalls ambassadors and other diplomatic representatives of Turkmenistan in foreign states and at inter-state and international organizations, receives instruments of verification and instruments of recall from diplomatic representatives of foreign states;
- 3) is Supreme Commander of Turkmenistan's Armed Forces, orders wholesale or partial mobilization, the use of the Armed Forces, changes in their position and putting them on combat alert with such actions subsequently to be reviewed by the Halk Maslahaty, appoints senior commanders of the Armed Forces, and guides the State Security Council of Turkmenistan;
- 4) presents a state of the nation report to the Halk Maslahaty and informs it of the most important issues relating to internal and external policies;
- 5) submits a state budget and a budget implementation report to the Majlis for review and approval;
- 6) signs laws, has the right of delaying veto to return a law with his objections within two weeks to the Majlis for a re-examination and re-voting. If a two-thirds majority of the Majlis reaffirms its earlier decision, the President of Turkmenistan signs the law. The President of Turkmenistan does not have the right of delaying veto regarding laws that propose amendments and supplements to the Constitution approved by the Halk Maslahaty;
- 7) appoints a referendum date based on a Halk Maslahaty decision and has the right to convene an early session of the Majlis;
- 8) decides to grant and withdraw Turkmenistan citizenship, and confer asylum;
- 9) presents orders and other awards of Turkmenistan, awards honorary, military and other special titles and distinctions of the state;
- 10) appoints and dismisses the Chairman of the Supreme Kazyet, the General Prosecutor, the Minister of Internal Affairs, and the Minister of Justice, subject to Majlis consent;
- 11) grants pardons and amnesties;

12) imposes a state of emergency throughout or in parts of Turkmenistan in the interests of ensuring the safety of citizens. The emergency regime is regulated by the appropriate law of Turkmenistan; and,

13) deals with other issues that are placed within his competence by the Constitution and other laws.

ARTICLE 56. The President of Turkmenistan issues decrees, ordinances and orders, which are binding throughout Turkmenistan.

ARTICLE 57. The President of Turkmenistan may not be a halk vekili or a deputy of the Majlis.

ARTICLE 58. The President of Turkmenistan enjoys the right of inviolability. His honor and dignity are protected by the law.

The President of Turkmenistan and his family are provided for, served and protected at the public expense.

ARTICLE 59. The President of Turkmenistan may be relieved of office ahead of time if he is unable to fulfill his duties owing to ill health. The Halk Maslahaty decides to relieve the President of office ahead of time based on the findings of an independent medical commission it creates, but such decision is to be approved by at least two-thirds of the Halk Maslahaty members.

If the President of Turkmenistan violates the Constitution and other laws, the Halk Maslahaty may express its lack of confidence in the President of Turkmenistan and put the issue of his dismissal to a popular vote. The issue of lack of confidence in the President of Turkmenistan may be examined at the request of at least two-thirds of the Halk Maslahaty members. A decision relating to lack of confidence in the President of Turkmenistan is approved by at least two-thirds of the votes of the Halk Maslahaty members.

ARTICLE 60. The President may not transfer his authority to other bodies or officials, except for the powers envisaged in Article 55 (2), (9) and (11), which may be passed to the Chairman of the Majlis.

If for whatever reason the President is unable to exercise his duties, his powers pass to the Chairman of the Majlis until a new President is elected. In this case, the Presidential election must be held not later than two months from the transfer of the President's powers to the Chairman of the Majlis. The person acting as President of Turkmenistan may not stand for election to the Presidency.

CHAPTER 3. MAJLIS OF TURKMENISTAN

ARTICLE 61. The Majlis (Parliament) is the state legislature of Turkmenistan.

ARTICLE 62. The Majlis consists of 50 deputies who are elected by area constituencies with approximately the same number of voters for a term of five years.

ARTICLE 63. The Majlis may be dissolved ahead of time:

- 1) by a referendum decision;
- 2) by a Halk Maslahaty decision;
- 3) by a Majlis decision adopted by a majority of at least two-thirds of the deputies (self-dissolution); or,
- 4) by the President of Turkmenistan if the Majlis fails to appoint its management within six months.

ARTICLE 64. The Majlis independently establishes the correctness of the deputies' election and powers, elects the Chairman of the Majlis and his Deputy from among the deputies, and sets up committees and commissions.

ARTICLE 65. The Majlis may transfer the right of law-making on certain issues to the President of Turkmenistan and must subsequently review such laws in order to approve them. The Majlis may not transfer its law-making rights relating to:

- 1) criminal and administrative legislation; and,
- 2) legal proceedings.

ARTICLE 66. The Majlis is competent to:

- 1) adopt, interpret, amend and monitor the enforcement of laws.

Law enforcement is monitored based on the appropriate Regulations through the Cabinet of Ministers. Differences between the Majlis and the Cabinet of Ministers are resolved by the President of Turkmenistan;

- 2) review and approve the Cabinet of Ministers program of action;
- 3) review and approve the State Budget of Turkmenistan and the budget implementation report;
- 4) organize the monitoring and surveillance of elections;
- 5) review proposals from the President of Turkmenistan to appoint and dismiss the Chairman of the Supreme Kazyet, the General Prosecutor, the Minister of Internal Affairs, and the Minister of Justice;
- 6) establish state awards and present state awards to the President of Turkmenistan and confer on him honorary titles, military ranks and distinctions;
- 7) determine the constitutionality of regulations approved by bodies of state authority and government; and,
- 8) deal with other issues placed within the Majlis authority by the Constitution and other laws.

ARTICLE 67. The right to propose legislation is vested in the Chairman of the Halk Maslahaty, the President of Turkmenistan, the Majlis deputies, the halk vekilleri, the Cabinet of Ministers, and the Supreme Kazyet.

ARTICLE 68. Majlis deputies have the right to submit information requests and address oral and written questions to the Cabinet of Minister, ministers, and heads of other bodies of the state.

ARTICLE 69. A deputy may be deprived of his powers as a deputy solely by the Majlis. Such decision is taken by a majority of at least two-thirds of the votes of the Majlis members.

A deputy may not be subject to criminal proceedings, arrested or otherwise deprived of his freedom without the consent of the Majlis.

ARTICLE 70. The Majlis is a standing body of state, and a deputy may not simultaneously serve as a member of the Cabinet of Ministers, the hyakim of a velayat, city, or etrap, an archyn or kazy, or a prosecutor.

ARTICLE 71. The Chairman of the Majlis is elected by an open vote. He reports to the Majlis and to the Halk Maslahaty, and may be dismissed by a decision of the Majlis adopted by at least two-thirds of the votes of its members.

The Deputy Chairman of the Majlis is elected by an open vote and at the Chairman's request performs some of his functions, substitutes for the Chairman in his absence or inability to exercise his authority.

ARTICLE 72. The law establishes the procedure for the activities of the Majlis, its committees, departments and deputies, and their functions and powers that are not specified by the Constitution.

CHAPTER 4. CABINET OF MINISTERS OF TURKMENISTAN

ARTICLE 73. The Cabinet of Ministers is an executive and managerial body. The Cabinet of Ministers is headed by the President of Turkmenistan.

ARTICLE 74. The Cabinet of Ministers includes Deputy Chairmen of the Cabinet of Ministers and ministers. The President of Turkmenistan may appoint other officials who are the heads of central executive bodies of government to the Cabinet of Ministers.

The Cabinet of Ministers is formed by the President within one month after taking office and is dissolved before a newly elected President takes office.

ARTICLE 75. Cabinet of Ministers meetings are chaired by the President or at his request by one of the Deputy Chairmen of the Cabinet of Ministers.

The Cabinet of Ministers, within its competence, adopts decisions and issues ordinances, which are binding.

ARTICLE 76. The Cabinet of Ministers:

- 1) organizes the enforcement of the laws of Turkmenistan, the legal acts of the President of Turkmenistan, and the decisions of the Halk Maslahaty;
- 2) implements measures to secure and protect citizens' rights and freedoms, and to safeguard property and public order, and national security;
- 3) develops proposals on key areas of internal and external policies of the state, and programs for the country's economic and social development, and submits them to the Halk Maslahaty for review;
- 4) ensures state management of economic and social development, organizes management of state enterprises, organizations and institutions, and secures rational use and protection of natural resources;
- 5) takes measures to strengthen the monetary system;
- 6) forms committees, head offices and other agencies under the Cabinet of Ministers, if necessary;
- 7) implements external economic activities and ensures the development of cultural ties with foreign states;
- 8) manages the activities of government institutions, state enterprises and organizations, and may repeal the decisions of ministers and other agencies; and,
- 9) performs other duties that are placed within its competence by laws and other regulations.

ARTICLE 77. The law defines the authority of the Cabinet of Ministers, its operating procedure and its relationships with other state bodies.

Ministries and other agencies manage the industries in their charge and are responsible for ensuring their normal and productive operations.

CHAPTER 5. LOCAL EXECUTIVE GOVERNMENT

ARTICLE 78. Executive authority is locally exercised in the velayats by the hyakims of velayats, in the cities by the hyakims of cities, in the etraps by the hyakims of etraps, and by archyns.

ARTICLE 79. The hyakims are representatives of the President of Turkmenistan, the head of state, locally; they are appointed and dismissed from office by the President and they report to him.

ARTICLE 80. The hyakims guide the local bodies of government, ensure enforcement of the Constitution and other laws of Turkmenistan, and the legal acts of the President of Turkmenistan and the Cabinet of Ministers. Within their powers, the hyakims issue decisions that are binding in their jurisdictions.

ARTICLE 81. The archyns ensure the implementation of decisions by gengeshes and legislation passed by bodies of state and government, manage the properties of bodies of local self-government and the execution of local budgets, and deal with other local issues.

ARTICLE 82. The law defines the amount of functions and powers vested in the hyakims and archyns, and the procedure of their activities and relationships with other bodies of authority and government.

SECTION IV.

LOCAL SELF-GOVERNMENT

ARTICLE 83. The system of local self-government is formed by the gengeshes and bodies of territorial public self-government.

Local halk maslahatys are formed in velayats, etraps and cities with the authority of a velayat or etrap, and they interact with bodies of local executive government and local self-government within the limits of existing legislation.

The gengeshes are representative bodies of democratic government in a city within an etrap, settlement or gengeshlik. The territory of one village or several villages forms a gengeshlik. The gengeshes are not bound by relations of administrative hierarchy. Members of a gengesh are directly elected by citizens for a term of five years.

ARTICLE 84. The gengeshes are competent to:

- 1) define key areas of the economic, social and cultural development of their territories;
 - 2) approve local budgets and budget implementation reports;
 - 3) impose local rates and charges and determine collection procedures;
 - 4) define measures to rationally use natural resources and protect the natural environment;
- and,
- 5) deal with other issues placed within the competence of the gengeshes by the law.

Within their competences, the gengeshes take decisions that are binding in their jurisdictions.

ARTICLE 85. A gengesh elects an archyn from among its members who manages the work of the gengesh and is accountable to it.

ARTICLE 86. Persons elected by the gengesh members perform their duties without charge. The law defines the operating procedures of the local halk maslahatys, gengeshes and other bodies of public self-government.

SECTION V.

ELECTORAL SYSTEM, REFERENDUM

ARTICLE 87. Elections of the President of Turkmenistan, deputies of the Majlis, halk vekilleri, and members of the gengeshes are universal and equal: citizens of Turkmenistan aged 18 years and more have the right to vote, and each voter has one vote.

Citizens suffering from mental disorders who are recognized by the kazyet as incapable, and persons who are in prison serving kazyet sentences do not participate in elections. Voting is barred to persons who are held in custody as a restrictive measure imposed upon them by the criminal procedure legislation. Any direct or indirect limitation of the citizens' right to vote is inadmissible in other cases and punishable by law.

ARTICLE 88. A citizen of Turkmenistan who is 25 years old on the day of the election, and who in the past ten years has permanently resided in Turkmenistan and has earned high prestige among the population may be elected a member of the Majlis and halk vekili. The laws of Turkmenistan define the requirements applied to prospective deputies of the Majlis and halk vekili, and to members of the gengeshes.

ARTICLE 89. Elections are direct and elected persons are directly elected by the citizens.

ARTICLE 90. Voting at elections is secret and no control of the voting during elections is permitted.

ARTICLE 91. The Halk Maslahaty, political parties and public associations and groups of citizens have the right to nominate candidates in conformity with the electoral law.

ARTICLE 92. National and local referendums may be organized to address the most important issues of state and public life.

A decision to repeal a law approved by a referendum is made exclusively by a national referendum.

ARTICLE 93. The Halk Maslahaty has the right to call a national referendum at the proposal of at least one-quarter of its members or at the proposal of at least 250 thousand citizens who have the right to vote.

ARTICLE 94. A gengesh has the right to call a local referendum on its own initiative or at the proposal of at least one-quarter of the voters who live in its jurisdiction.

ARTICLE 95. Referendums are conducted by way of a universal, equal and direct vote by secret ballot.

Citizens of Turkmenistan who have the right to vote participate in referendums.

ARTICLE 96. The law defines the procedure of organizing elections and national and local referendums. No elections or referendums are organized during a state of emergency.

SECTION VI.

JUDICIARY

ARTICLE 97. Judicial authority in Turkmenistan is vested solely with the kazyets.

The judiciary is designed to protect citizens' rights and freedoms and the law-protected interests of state and society.

ARTICLE 98. Judicial authority is exercised by the Supreme Kazyet of Turkmenistan and other kazyets as provided in the law.

No extraordinary kazyets or other entities with the authority of a kazyet are allowed.

The Chairman of the Supreme Kazyet reports to the Halk Maslahaty of Turkmenistan and the President of Turkmenistan about the performance of the judicial system.

ARTICLE 99. The kazy are independent, bound only by the law and guided by internal conviction. Intervention in the work of any kazy by anybody is inadmissible and entails responsibility under the law. The inviolability of the kazy is guaranteed by the law.

ARTICLE 100. The kazy of all kazyets are appointed by the President for a term of five years. The law defines the procedure of appointing and dismissing the kazy. A kazy may be dismissed from office only based on criteria stipulated in the law.

ARTICLE 101. A kazy may not hold any other paid job, except for teaching, art and science; for the duration of his tenure a kazy suspends his membership of political parties and other public associations working for political goals.

ARTICLE 102. Cases are examined in kazyets collectively, and in instances envisaged by the law, singly by the kazy.

ARTICLE 103. All kazyets examine cases openly. A case hearing in closed sitting is admitted only in instances envisaged by the law and with the observance of all rules governing legal proceedings.

ARTICLE 104. Legal proceedings are conducted in the state language. Persons involved in a case who do not speak the language in which the legal proceedings are conducted have the right to study the case and participate in court proceedings with the help of an interpreter, and also the right to address the kazyet in their native languages.

ARTICLE 105. Justice is administered on the basis of competition and equality of the parties.

The parties have the right to appeal against decisions, sentences and other rulings of all kazyets of Turkmenistan.

ARTICLE 106. The right to qualified legal support is recognized in any stage of the legal proceedings.

Lawyers and other persons provide legal support to citizens and organizations.

ARTICLE 107. The laws define the competence and the formation and operation procedures of the kazyets.

SECTION VII.

PROSECUTOR'S OFFICE

ARTICLE 108. The General Prosecutor of Turkmenistan and the prosecutors under his control are responsible for supervising accurate and uniform observance in Turkmenistan of the laws of Turkmenistan and the legal acts of the President of Turkmenistan by bodies of government, management of the Armed Forces and local self-government, by participants in production, economic and commercial activities, by organizations and institutions, and by public organizations, officials and citizens.

A prosecutor participates in the examination of cases in kazyets on the basis of, and according to the procedure established by, the law.

ARTICLE 109. The Prosecutor's Office supervises the legality of inquiry and investigation procedures relating to criminal and other cases.

ARTICLE 110. In exercising their authority, the General Prosecutor and the prosecutors under his control are guided by the law alone. All prosecutors of Turkmenistan are appointed and dismissed by the President of Turkmenistan. The General Prosecutor reports to the Halk Maslahaty of Turkmenistan and to the President of the Turkmenistan about the performance of the Prosecutor's Office system.

During their tenures, prosecutors suspend their membership of political parties and other public associations working for political goals.

SECTION VIII. FINAL PROVISIONS

ARTICLE 111. Laws and other legal acts of state bodies and officials are published on the basis of, and in conformity with, the Constitution.

In the event of divergences between provisions contained in the Constitution and other laws, the provisions of the Constitution prevail.

ARTICLE 112. No changes may be made to the provisions of the Constitution of Turkmenistan about the polity in the form of a presidential republic.

ARTICLE 113. A law on amending the Constitution is deemed as approved if it receives at least two-thirds of the votes of the Halk Maslahaty members.

Approved by the Supreme Council and promulgated by the President of Turkmenistan on 18 Mahtumkuli 1992 in the city of Ashgabat.

**President of Turkmenistan
S. Niyazov**

*Ashgabat
18 Mahtumkuli 1992*