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THE CONSTITUTIONAL LAW OF TURKMENISTAN

on the amendments and additions to the Constitution of Turkmenistan

**(XV People's Council, October 24-25, 2005, Ashgabat)
(Neutral Turkmenistan newspaper # 288-289 (24448-24449), November 14, 2005)**

With the view to strengthen legality, law and order, further democratization of the Turkmen state and society taking into account the motions to introduce the relevant amendments and additions to the Supreme Law – the Constitution of Turkmenistan submitted by the Constitutional Commission of Turkmenistan and approved by the Parliament of Turkmenistan in accordance with Article 48 of the Constitution of Turkmenistan presented for consideration of the People's Council of Turkmenistan:

1. To approve the motions submitted by the Constitutional Commission of Turkmenistan, the Parliament of Turkmenistan on the amendments and additions to the Constitution of Turkmenistan.
2. To introduce the amendments and additions to the Constitution of Turkmenistan and to adopt it in the following edition (appended)
3. To give effect to the Constitution of Turkmenistan on December 1, 2006

THE CONSTITUTION OF TURKMENISTAN

**with the amendments and additions approved by the Parliament of Turkmenistan and adopted by the People's Council of Turkmenistan
(new edition)**

with the amendments and additions
introduced by the Constitutional Law of Turkmenistan
of December 27, 1995, December 29, 1999,
August 15, 2003, October 2005 and December 27, 2006

We, the people of Turkmenistan,

based on our inalienable right to self-determination,
proceeding from our responsibility for the present and future of our homeland, expressing fidelity to the precepts of our ancestors to live in unity, peace, and accord,
possessing the goal of protecting our national values and interests, and securing the great sovereignty, permanent neutrality of the Turkmen people;
guaranteeing the rights and freedoms of every citizen and striving to provide civic peace and national accord, in order to affirm the foundations of popular power and the rule of law, adopt this Constitution the Basic Law of Turkmenistan.

SECTION 1: FOUNDATIONS OF THE CONSTITUTIONAL ORDER

Article 1. Turkmenistan is a democratic secular state operating under the rule of law whose government takes the form of a presidential republic.
Turkmenistan possesses supreme and plenary power in its own territory and independently implements its domestic and foreign policies. The sovereignty and territory of Turkmenistan shall be united and indivisible.

The state shall defend the independence and territorial integrity of Turkmenistan, as well as the constitutional order, and ensure legality and legal order.

Turkmenistan possesses the law-based status of permanent neutrality. The United Nations Organisation in the General Assembly Resolution on Permanent Neutrality of Turkmenistan of 12 December 1995: “ 1. recognizes and supports the status of permanent neutrality declared by Turkmenistan; 2. calls upon States Members of the United Nations to respect and support this status of Turkmenistan and also to respect its independence, sovereignty and territorial integrity.” The permanent neutrality of Turkmenistan recognised by world community shall be the basis of its domestic and foreign policies.

Article 2. The people shall be the possessors of the sovereignty of and shall be the only source of the governmental power of Turkmenistan. The people of Turkmenistan shall exercise their power either directly or through representative organs.

Turkmenistan consists of the administrative-territorial units: regions (velayat), districts (etrap), and certain cities (equal to regions and districts) in which national government organs - khyakimlik form, towns in districts, villages, and settlements (gengeshlik) in which local organs of self-government – Gengesh shall be founded.

No part of the people, no organization, and no individual shall have the right to arrogate governmental power.

Article 3. In Turkmenistan, the state and society shall place the highest value on the person. The state shall be responsible to the citizen and ensure conditions for the free development of the personality and protect life, honor, dignity, freedom, individual inviolability, and the natural and inalienable rights of the citizen.

The citizen shall be responsible to the state for meeting the obligations placed on her or him by the Constitution and laws.

Article 4. The government shall be based on the principle of separation of powers into People’s Council, legislative, executive, and judicial powers which function independently, checking and balancing each other.

Article 5. The state and all its organs and officials shall be bound by the law and the constitutional order.

The Constitution of Turkmenistan shall be the Supreme Law of the state, and the norms and provisions secured in the Constitution have direct effect. Laws and other legal acts which contradict the Constitution shall have no legal force.

The legal acts of governmental organs shall be published for general notice or are popularized in some other manner, except for those acts which contain state or other legally protected secrets. Legal acts which affect the rights and freedoms of citizens and for which there is no general notice shall be invalid from the moment of their adoption.

Article 6. Being fully invested with the rights of a subject of the world community Turkmenistan recognizes the primacy of generally recognized norms of international law, and adheres in its domestic policies to the principles of permanent positive neutrality, non-interference in the internal affairs of other countries, rejection of the use of force and participation in military blocks and unions, and contribution to the development of peaceful, friendly and mutually advantageous relations with the countries in the region and the states worldwide.

Article 7. Turkmenistan has its own citizenship. Citizenship shall be attained, preserved, and lost in accordance with the law.

No citizenship of any other state shall be recognised for the citizens of Turkmenistan.

No one can be deprived of her or his citizenship or the right to change her or his citizenship. A citizen of Turkmenistan may not be turned over to another state, driven out of Turkmenistan, or limited in her or his right to return to her or his native land.

Citizens of Turkmenistan shall be guaranteed the protection and patronage of the government of Turkmenistan both on the territory of Turkmenistan and beyond its borders.

Article 8. Foreign citizens and stateless persons shall enjoy the rights and freedoms of a citizen of Turkmenistan, unless otherwise established by law.

Turkmenistan extends the right of asylum to foreign citizens persecuted in their countries for their political, national, or religious convictions.

Article 9: Property is inviolable.

Turkmenistan affirms the right to own private property such as the means of production, land, and other material and intellectual items of value. They may be owned likewise by the state and associations of citizens. The law shall establish objects which may only be the property of the state. The state shall guarantee equal protection and equal conditions for the development of all types of property.

Confiscation of property shall not be allowed, except for property which is acquired in an unlawful manner.

Forced uncompensated estrangement of property shall be allowed only in situations enumerated by law.

Article 10. The state shall be responsible for preserving the national historic and cultural heritage and natural environment, as well as for ensuring equality between social and national groups. The state shall encourage the scientific and creative arts and the dissemination of their positive achievements, and facilitate the development of international contacts in the fields of science, culture, education, sports, and tourism.

Article 11: The state shall guarantee freedom of religion and faith and the equality of religions and faiths before the law. Religious organizations shall be separate from the state, and may not be engaged in the state affairs and perform governmental functions. The state system of education shall be separate from religious organizations and be secular in nature.

Everyone shall have the right to determine independently her or his own religious preference, to practice any religion alone or in association with others, to practice no religion, to express and disseminate beliefs related to religious preference, and to participate in the performance of religious cults, rituals, and ceremonies.

Article 12: In order to protect its sovereignty, Turkmenistan organises and possesses Armed Forces.

Article 13: Turkmen shall be the state language of Turkmenistan. The right to use their native language shall be guaranteed to all citizens of Turkmenistan.

Article 14: The symbols of Turkmenistan, as a sovereign state, shall be its state flag, coat of arms, and anthem.

The flag, coat of arms, and anthem shall be established by and are protected by law.

Article 15: The capital of Turkmenistan shall be the city (shakher) of Ashgabat.

SECTION II. BASIC RIGHTS, FREEDOMS, AND OBLIGATIONS OF THE PERSON AND CITIZEN OF TURKMENISTAN

Article 16. The rights of the person is inviolable and inalienable. No one may deprive another person of any rights or freedoms or limit her or his rights in any manner other than in accordance with the Constitution and laws. Any list of rights and freedoms of the person in the Constitution and laws may not be used to deny or diminish other rights and freedoms.

Article 17. Turkmenistan guarantees the equality of the rights and freedoms of its citizens and, likewise, the equality of citizens before the law regardless of nationality, ethnic origin, property holdings, official status, place of residence, language, religious preference, political convictions, or political party membership.

Article 18. Men and women in Turkmenistan shall have equal civil rights. A violation of equal rights based on gender will entail legal liability.

Article 19. The exercise of rights and freedoms should not violate the rights and freedoms of other people, moral demands, social order, or harm national security.

Article 20. Each person shall have the right to life. No one may be deprived of life. The right of each citizen to life shall be protected by the state in accordance with the law. In Turkmenistan the death penalty shall be abolished completely and forever prohibited by the first President of Turkmenistan Saparmurat Turkmenbashi the Great.

Article 21. A citizen may not be limited in her or his rights, deprived of the rights which belong to her or him, convicted, or subjected to punishment, except in exact accordance with the law.

No one may be subjected to torture or cruel, inhumane, or degrading treatment or punishment, or, likewise, be subjected without her or his consent to medical or other experiments (medicinal or doctor's). A citizen may be detained or arrested only on condition of the existence of grounds specifically indicated by law by decision of a court, and according to the procedure established by law. In situations, specifically indicated by law, not allowing delay, the governmental organs authorized to do so shall have the right to detain citizens temporarily.

Article 22. Every citizen shall have the right to governmental support in the receipt of well-constructed living space and in the construction of individual housing. The home is inviolable. No one shall have the right to enter a home or in any other manner violate the inviolability of a home against the wishes of the persons residing in that home or without legal justification. Citizens shall have the right to defend their homes against unlawful encroachments.

Unless there are grounds established by law, no one may be deprived of her or his home.

Article 23. Every citizen shall have the right to be protected from arbitrary interference in her or his personal life, from infringement on written, telephone, or other communications, and, likewise, from infringements on her or his honor or reputation.

Article 24. Everyone shall have the right to move freely and choose her or his residence within the borders of Turkmenistan.

Limitations on entrance to, movement in certain territories or in regard to certain individuals may be established only in accordance with the law.

Article 25. Men and women, upon reaching the age of marriage, shall have the right to mutually consent to enter into marriage and form a family. In their familial relations, spouses shall have equal rights.

Parents or guardians shall have the right and obligation to raise children, ensure their health, development, and education, prepare them for work, and instill in them culture and respect for the laws and historical and cultural traditions. Adult children shall have the obligation of caring for parents and providing them with assistance.

Article 26. Citizens of Turkmenistan shall have the right to freedom of conviction and the free expression of those convictions. They also shall have the right to receive information unless such information is a governmental or any other secret protected by law.

Article 27. The right to gather and hold protests and demonstrations in a lawful manner shall be guaranteed.

Article 28. Citizens shall have the right to form political parties and other public associations which operate within the framework of the Constitution and laws.

Forbidden shall be the formation and activity of political parties and other public associations, militaristic associations having as their goal violent change in the constitutional order, allowing violence in their activities, acting against constitutional rights and freedoms of citizens, advocating war, racial, national, social, or religious animosity and social inequality, encroaching on the health or morality of the people, or forming political parties based on national or religious traits.

Article 29. Every citizen shall have the right to participate in the management of the affairs of the society and the state both directly and through her or his freely elected representatives.

Article 30. Citizens shall have the right to elect and be elected to organs of governmental power.

Only citizens of Turkmenistan in accordance with their abilities and professional preparation shall have equal rights of access to governmental service.

Article 31. All citizens shall have the right to work, to choose at her or his own discretion a profession, type of occupation, and place of work, and to healthy and safe work conditions. Forced labor shall be forbidden, except in situations established by law.

Employees shall have the right to compensation commensurate with the quantity and quality of their work. This compensation may not be less than the state established subsistence minimum.

Article 32. Workers shall have the right to relaxation. For employees, this right shall be expressed in the established work week of limited duration, in annual paid leaves, and in weekly days of rest. The state shall create conditions conducive to relaxation in one's area of residence and to the rational use of free time.

Article 33. Citizens shall have the right to health protection, including use, free of charge, of the state network of health care institutions. Paid medical and complementary medical assistance shall be permitted in accordance with and in the manner established by law.

Article 34. Citizens shall have the right to social services if they are elderly, sick, disabled, unable to work, have lost their provider, or are unemployed.

Families with many children, children who have lost their parents, and war veterans and other people whose health has suffered in defense of governmental or social interests shall be provided with additional assistance and privileges out of social funds.

The manner of and conditions for exercising this right shall be regulated by law.

Article 35. Every citizen shall have the right to education. Elementary and high-school education shall be mandatory and everyone shall have the right to receive such education free of charge in governmental educational institutions.

The state shall ensure, commensurate with ability, access for all to professional, specialized vocational, and university education.

Organizations and citizens shall have the right, based on and in the manner established by law, to form fee-based educational institutions.

Article 36. Citizens of Turkmenistan shall have the right to freedom of artistic, scientific, and technical creation. Intellectual property rights and the legal interests of citizens in the fields of scientific and technical creation and artistic, literary, and cultural activity shall be protected by law.

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

Article 37. The exercise of rights and freedoms shall be inseparable from fulfillment by persons and citizens of their obligations before society and the state.

Everyone residing or temporarily located on the territory of Turkmenistan shall be required to obey the Constitution and laws and respect the national traditions of Turkmenistan.

Article 38. The defense of Turkmenistan shall be a sacred duty of each person. For citizens of Turkmenistan, it is established that men shall be obligated to perform general military service.

Article 39. Citizens of Turkmenistan shall be required to pay government taxes and other payments in the manner and amounts established by law.

Article 40. Citizens shall be guaranteed legal protection of honor and dignity, and of the personal and political rights and freedoms of the person and citizen vested in the Constitution and laws. Citizens shall have the right to protest actions of governmental organs, social organizations, and officials which have been done in violation of the law, in exceeding their own authority, or in restricting the rights and freedoms of citizens in court.

Article 41. Citizens shall have the right to restitution in a legal manner for material and moral harm, suffered as the result of the unlawful acts of governmental organs, other organizations, their employees, and, likewise, private persons.

Article 42. No one may be forced to give testimony or explanations against herself or himself or close relatives.

Evidence acquired under the influence of psychological or physical pressure or other unlawful means shall not have legal force.

Article 43. A law, worsening the condition of a citizen, may not be ex post facto. No one may be liable for an act which at the time of its commission was not a violation of the law.

Article 44. The exercise of the enumerated rights and freedoms of citizens in this Constitution may be suspended only in conditions of a state of emergency or martial law in the manner and to the extent established by the Constitution and laws.

SECTION III. THE SYSTEM OF ORGANS OF POWER AND GOVERNMENT IN TURKMENISTAN

CHAPTER I. THE PEOPLE'S COUNCIL OF TURKMENISTAN

Article 45. The continuing highest representative government organ shall be the People's Council (Halk Maslakhaty) of Turkmenistan. It shall possess the functions of the highest state power and government.

The Constitutional Law on People's Council shall be adopted by the People's Council and be in binding force on the territory of Turkmenistan.

The highest supreme state power and government in Turkmenistan shall be exercised by the President of Turkmenistan, the Parliament (Mejlis), the Cabinet of Ministers, the Supreme Court.

Article 46. The Halk Maslakhaty shall consist of:

President of Turkmenistan;

the members of the Parliament, the Chairman of the Supreme Court, the Prosecutor General, the members of the Cabinet of Ministers, the heads of the administrations of the regions and Ashgabat city;

the people's advisors (halk vekilleri);

the leaders of the parties, the Youth Organization, trade unions, Women's Union who are the members of the "Revival" National Movement, the heads of the public associations in the state, the representatives of the elders of Turkmenistan;

the heads of the municipal administrations of the towns and districts, the chiefs (archyn) of the towns and settlements which are the administrative centres of the districts.

Halk Maslakhaty shall consist of 2,507 members.

Article 47. Only Halk Maslakhaty can suspend its activates
Halk Maslakhaty can terminate the functions of people's advisors, Parliament, local organs of self-government before the appointed time.

Article 48. The functions of Halk Maslakhaty shall include:

- 1) adopting, amending and adding to the Constitution of Turkmenistan, constitutional laws;
- 2) establishing the Central Election and Referenda Commission of Turkmenistan, changing its membership;
- 3) deciding the issues of holding general referenda;
- 4) calling the presidential and parliamentary elections, the elections of people's advisors, members of the regional, district, municipal people's councils and local organs of self-government;
- 5) considering and approving the programmes on the basic directions of national political, economic and social development;
- 6) altering the state borders and administrative and territorial delineations of Turkmenistan;
- 7) hearing the information provided by the President of Turkmenistan on a situation in the country, the most important issues of home and foreign policies;
- 8) hearing the reports on the work of the Parliament of Turkmenistan, the Cabinet of Ministers, the Supreme Court and the Office of Public Prosecutor;
- 9) recognizing the particular unlawful acts as the actions which constitute treason against the motherland, announcing the persons found guilty or convicted of such actions as the traitors of the motherland, deciding the issues of permitting to administer the capital

punishment as life imprisonment to them. The Supreme Court of Turkmenistan shall administer the capital punishment as life imprisonment subject to subsequent approval of the sentences passed by a court at a session of the People's Council;

- 10) ratifying and denouncing treaties concerning intergovernmental unions and other formations;
- 11) considering the issues of peace and security;
- 12) other issues ascribed to its jurisdiction by the Constitution and laws.

Article 49. A decision of the People's Council shall be effectuated by the President, Parliament, and other governmental organs in accordance with their powers as established by the Constitution and laws.

Article 50. The People's Council shall be convened when necessary by the Chairman of the People's Council or the President of Turkmenistan, but not less frequently than once a year by the request of the Chairman of the People's Council, President of Turkmenistan and Parliament, or by one-third of the established members of the People's Council. If the Chairman of the People's Council or the President of Turkmenistan, for some reason, is not capable of meeting her or his obligations, the People's Council shall be convened by the decision of the National Security Council. Those that may introduce a proposal for review in the People's Council shall be the Chairman of the People's Council, the President of Turkmenistan, Parliament, the Cabinet of Ministers, the public associations which are the members of the Revival National Movement of Turkmenistan, and not less than one-fourth of the established number of members of the People's Council.

Article 51. The Chairman of the People's Council shall manage the proceedings of the People's Council. The Chairman of the People's Council must be a citizen of Turkmenistan, born in Turkmenistan, not younger than forty years of age, speaking the official language, permanently residing in Turkmenistan for the preceding fifteen years and working in the highest organs of power and government, having gained the high prestige, being a member of the People's Council, elected by open vote by two-thirds of the established number of members of the People's Council. The Chairman of the People's Council shall be elected for a five year term and accountable to the People's Council.

CHAPTER II. THE PRESIDENT OF TURKMENISTAN

Article 52. The President of Turkmenistan is the head of state and of the executive power, the highest official of Turkmenistan, and acts as a guarantor of national independence and the status of neutrality, territorial integrity, and adherence to the Constitution and international agreements.

Article 53. The President may be elected a citizen of Turkmenistan, born in Turkmenistan, not younger than forty years of age and not older than seventy years of age, speaking the official language, permanently residing in Turkmenistan for the preceding fifteen years and working in the governmental organs, public associations or the sectors of national economy and having gained the high prestige, recognised as worthy electing and nominated by the People's Council and who may participate in the elections of the President of Turkmenistan and be elected the President of Turkmenistan.

Article 54. The President shall be elected directly by the people of Turkmenistan for a five year term and assume office immediately after taking oath at a session of the People's Council.

The presidential election and the assumption of office shall occur in the manner established by law.

Article 55. The President of Turkmenistan shall:

- 1) enact the Constitution and laws;
- 2) manage the implementation of foreign policy, represent Turkmenistan in relations with foreign governments, appoint and recall ambassadors and other diplomatic representatives of Turkmenistan in foreign countries and in intergovernmental and international organizations, and accept the credentials and departures of the diplomatic representatives of foreign governments;
- 3) be the Supreme Commander of the Armed Forces, issue the orders of general or partial mobilization or use of the Armed Forces and order the army to be alert subject to subsequent approval of these actions by the People's Council, and appoint the highest commanders of the Armed Forces, chair the National Security Council of Turkmenistan;
- 4) present the People's Council with a yearly report about the situation in the country and provide information about the most important questions of domestic and foreign policy;
- 5) present for review and approval to the Parliament the state budget and a report on the budget utilization;
- 6) sign laws and have the right, within two weeks, to return laws to Parliament with her or his objections for additional discussion and vote possessing a dilatory right of veto. If two thirds of Parliament votes to affirm its earlier decision, the President shall sign the law. The President shall not have the right to delay by veto laws on amendment and addition to the Constitution;
- 7) schedule referenda approved by the People's Council and have the right to convene Parliament ahead of schedule;
- 8) decide the issues of granting and giving up Turkmenistan citizenship and asylum;
- 9) award orders and other awards of Turkmenistan, confers honorary, military, and other special state ranks, and distinctions;
- 10) with Parliament's preparatory consent, appoint and recall the Chairman of the Supreme Court, the Prosecutor Procurator and Minister of Home Affairs, Minister of Justice;
- 11) grant pardons and amnesties;
- 12) declare the state of emergency on the whole territory or selected areas of Turkmenistan to secure public safety. The regime of the state of emergency shall be regulated by law.
- 13) decide other issues ascribed to her or his jurisdiction by the Constitution and laws.

Article 56. The President shall issue decrees, resolutions, and orders which have mandatory force throughout Turkmenistan.

Article 57. The President may not be a people's advisor, or a member of the Parliament.

Article 58. The President shall have the right of immunity. This or her honour and dignity shall be protected by law.

The President and his or her family shall be provided, served and guarded at state expense.

Article 59. President may be prematurely relieved of office if incapable of meeting her or his obligations because of sickness. The People's Council, on the basis of the conclusion of an independent medical commission formed under its auspices, shall decide to relieve prematurely the President of office when not less than two-thirds of the established members of the People's Council so vote.

If President violates the Constitution or laws, the People's Council may express its lack of confidence in the President and put forward to a popular vote the question of her or his removal.

A question of lack of confidence in the President is put forward for consideration when not less than one-third of the established members of the People's Council so desire. A decision of lack of confidence in the President shall be made when not less than two-thirds of the established members of the People's Council so vote.

Article 60. If the President, for some reason, is not capable of meeting her or his obligations, until the election of a new President to be conducted by the decision of the National Security Council, Vice Chairman of the Cabinet of Ministers shall be appointed the acting President of Turkmenistan. In such a situation, a presidential election shall be conducted no later than 60 days from the day of transfer of powers to the acting President of Turkmenistan.

CHAPTER III. THE PARLIAMENT OF TURKMENISTAN

Article 61. The Parliament (Mejlis) shall be the legislative organ of Turkmenistan.

Article 62. Parliament shall consist of 65 members, elected from territorial districts having roughly equal numbers of voters, for a five-term year.

Article 63. Parliament may be prematurely dissolved:

- 1) by decision of a referendum;
- 2) by a decision of the People's Council;
- 3) by a resolution of Parliament when not less than two-thirds of the established number of members so vote (self-dissolution);
- 4) by the President if the parliamentary leadership organs were not informed within six months.

Article 64. Parliament shall independently establish both the validity of elections for parliamentary seats and the powers of members, elects a Chairman, a Vice Chairman and Assistant Chair from the ranks of members, and form committees and commissions.

Article 65. Parliament may transfer the right to issue laws on certain issues to the President of Turkmenistan subject to mandatory subsequent approval of them by Parliament.

Parliament may not transfer its legislative functions on issues of

- 1) criminal or administrative legislation;
- 2) legal process.

Article 66. Within the jurisdiction of Parliament shall be:

- 1) adopting and amending the Constitution and laws, and interpreting and supervising the implementation of the Constitution and laws.

The implementation of laws shall be supervised in accordance with law.

- 2) approving action plans of the Cabinet of Ministers;
- 3) approving the State Budget of Turkmenistan and the report on its implementation;
- 4) supervising and observing elections;
- 5) by request of the President of Turkmenistan approving or rejecting candidates for the offices of the Chairman of the Supreme Court, General Prosecutor, Minister of Foreign Affairs, Minister of Justice;
- 6) establishing state awards, awarding the President with state awards and decorations, conferring upon the President of Turkmenistan the titles of honour, military ranks and distinctions;
- 7) determining whether the normative acts of the organs of state power and government are in accordance with the Constitution and laws ;

8) other issues ascribed to the powers of Parliament by the Constitution and laws.

Article 67. The right to introduce legislation shall belong to the Chairman of the People's Council, President, the members of Parliament, people's advisors, the Cabinet of Ministers, the Supreme Council.

Article 68. Members of Parliament shall have the right of inquiry, in the form of oral and written questions addressed to the Cabinet of Ministers, ministers, and heads of other governmental organs.

Article 69. A member may be stripped of her or his powers as a member only by Parliament. Such a decision shall be made when not less than two thirds of the established number of members of Parliament so vote.

A member of Parliament may not be brought to criminal trial, arrested, or otherwise deprived of her or his freedom without the assent of Parliament.

Article 70. Parliament shall be a constantly operating organ and members may not simultaneously occupy office as a member of the Cabinet of Ministers, as head of administration of a region, town, or district, as chief of a municipal council, as a judge, or as a prosecutor.

Article 71. The Chairman of Parliament shall be elected in an open vote. She or he shall be subordinate to Parliament, the People's Council and may be removed when not less than two thirds of the established number of members so vote.

The Vice Chairman of Parliament shall be elected in an open vote, fulfill certain functions of the Chairman delegated to her or him by the Chairman, fill in for the Chairman in case of the Chairman's absence or inability to exercise her or his powers.

Article 72. The manner of work of Parliament, its organs, and members, as well as those of its functions and powers not regulated by the Constitution, shall be established by law.

CHAPTER 5. THE CABINET OF MINISTERS

Article 73. The Cabinet of Ministers shall be an executive and management organ. The President shall chair the Cabinet of Ministers.

Article 74. The Cabinet of Ministers shall be composed of Vice Chairmen of the Cabinet of Ministers and ministers. The President shall have the right to associate other persons, who are the heads of the central executive bodies, in the Cabinet of Ministers.

The Cabinet of Ministers shall be formed by the President within one month after her or his assumption of office and relinquish its powers to a newly elected President.

Article 75. A meeting of the Cabinet of Ministers shall be managed by the President, or this function shall be delegated by her or him to one of the Vice Chairmen of the Cabinet of Ministers.

The Cabinet of Ministers, within the bounds of its jurisdiction, shall make decisions and issue resolutions and orders which must be executed.

Article 76. The Cabinet of Ministers shall:

- 1) organize the execution of laws, Presidential acts, and decisions of the People's Council;
- 2) take measures to ensure and defend the rights and freedoms of citizens, and to protect property, social order, and national security;

- 3) develop and introduce in the People's Council proposals concerning the basic directions of the government's domestic and foreign policy activity, and programs for the economic and social development of the country;
- 4) implement governmental management of economic and social development, manage the activities of state enterprises, institutions and organisations and ensure the efficient use of and protection of natural resources;
- 5) take measures to strengthen the monetary and credit systems;
- 6) in case of necessity, form committees, administrative departments, and other agencies under the auspices of the Cabinet of Ministers.
- 7) effectuate foreign economic policy and ensure the development of cultural ties with foreign governments;
- 8) manage the activities of governmental institutions and state enterprises and organizations, and have the right to repeal the acts of ministries and agencies;
- 9) meet other obligations ascribed by laws and other normative acts to its jurisdiction.

Article 77. The powers of the Cabinet of Ministers, the manner of its activity, and its relationship with other governmental organs shall be determined by law.

The ministries and departments shall manage the sectors entrusted to them and exercise the responsibility of ensuring their stable and effective activities.

CHAPTER 6. LOCAL EXECUTIVE POWER

Article 78. Local executive power shall be held: in a region by the governor (khyakim) of the region, in a town by the governor of the town, in a district (etrap) by the governor of the district, and the chiefs of towns and settlements.

Article 79. Governors shall be the local representatives of the President of Turkmenistan – the head of the state, and shall be subordinate to the President.

The governors of the region, district and towns shall be elected at the meeting of the regional, district and municipal people's councils respectively by open vote, by a simple majority of votes.

Article 80. Governors shall manage the activities of governmental organs at the local level, ensure adherence to the Constitution, laws of Turkmenistan, and the acts of the President and the Cabinet of Ministers. Without transgressing their authority, governors shall adopt resolutions which must be adhered to in the areas subject to their jurisdiction.

Article 81. Chiefs of towns and settlements shall ensure the execution of decisions of village self-government body (gengeshi) and of the acts of organs of state power and government, exercise control over objects of municipal property, manage the local budget, and also decide other questions of local significance.

Article 82. The scope of the functions and power of people's councils, governors and chiefs, the manner of their work, and their interrelationships with other organs of power and government shall be established by law.

SECTION IV. LOCAL SELF-GOVERNMENT

Article 83. The village self-government bodies and organs of territorial civic self-government shall form a system of local self-government.

The local people's councils, which collaborate with local executive agencies and organs of territorial civic self-government within the framework of the current legislation, shall be formed in the region, district and town with the jurisdiction that of a velayat and district.

The village self-government bodies shall be the representative organs of people's power on the territory of towns within the border of a district, village, and self-government territory. The territory of one or several villages shall form a self-government territory. A village self-government body shall observe the principles of lawfulness, joint leadership and publicity while carrying out its activities and subordinate to the people's council of a district. The members to a village self-government body shall be elected directly by citizens for a term of three years.

Article 84. Within the jurisdiction of village self-government bodies shall be:

1) determining the basic directions of economic, social, and cultural development of their territories;

2) approving the local budget and the report of its utilization;

3) establishing local taxes and tariffs and the manner of their collection;

4) determining measures for the efficient use of natural resources and for nature protection;

5) other issues ascribed to the jurisdiction of village self-government bodies by law.

Without transgressing their authority, village self-government bodies shall adopt decisions which must be adhered to in their areas.

Article 85. A village self-government body shall elect the chairman from within its ranks, who manages the work of the village self-government body and is subordinate to the village self-government body.

Article 86. The persons elected to a village self-government body shall meet their obligations without compensation. The manner of activity of a village self-government body and other organs of civic self-government shall be determined by law.

SECTION V. THE ELECTORAL SYSTEM AND REFERENDA

Article 87. Elections for the President, members of Parliament, people's advisors, and members of the regional, district, municipal people's councils and village self-government bodies shall be general and equal. Any citizen of Turkmenistan who has reached 18 years of age shall have the right to vote, and each voter shall have one vote.

Not allowed to vote shall be citizens who are mentally diseased, have been declared by a court to be incompetent; persons currently imprisoned by sentence of a court. Not allowed to vote shall be individuals who, in the manner established by the law of criminal procedure, are subject to a restraining order and are in custody. Any other direct or indirect limitation of the voting rights of citizens in any other situation shall not be allowed and punishable by law.

Article 88. Citizens of Turkmenistan who have reached the age of 25 by the date of election, been permanently residing in Turkmenistan for the preceding ten years, and gained the high prestige among people, may be elected members of Parliament and people's advisors. The requirements for candidates for Parliament, people's advisors, candidates for the regional, district, municipal people's councils and village self-government bodies shall be determined by law.

Article 89. Elections shall be direct; candidates and other officials shall be elected directly by citizens.

Article 90. Voting in elections shall be by secret ballot, and monitoring of the expression of the will of voters during voting shall not be allowed.

Article 91. The People's Council, political parties, social associations, and groups of citizens shall have the right to nominate candidates in accordance with the election law.

Article 92. To decide the most important questions of governmental and social life, general and local referenda may be conducted.

An act adopted by a general referendum may only be repealed by decision of a general referendum.

Article 93. The People's Council shall have the right to schedule a general referendum on the petition of not less than one quarter of its members or on the petition of not less than 250,000 citizens who have the right to vote.

Article 94. A village self-government bodies shall have the right to schedule a local referendum at its discretion or upon the petition of not less than one quarter of the voters living in the area in question.

Article 97: Voting in referenda shall be universal, equal, direct, and secret.
Citizens of Turkmenistan who shall have the right to vote may participate in referenda.

Article 96. The procedure of conducting elections and general and local referenda shall be determined by law. Elections and referenda shall not be conducted during a period of state of emergency.

SECTION VI. JUDICIAL POWER

Article 97. The judicial power in Turkmenistan shall belong only to the courts.
The judicial power shall be intended to defend the rights and freedoms of citizens and the legally protected interests of government and society.

Article 98. The judicial power shall be exercised by the Supreme Court, and other courts anticipated by law.

The establishment of emergency courts and other structures endowed with the power of a court shall not be allowed.

The Chairman of the Supreme council shall report to the People's Council of Turkmenistan and the President of Turkmenistan on the work of the judicial system.

Article 99. Judges shall be independent, and subordinate only to the law, and controlled only by their internal convictions. Intercession in the activity of judges, no matter by what party, shall not be allowed and incur legal liability. The immunity of judges shall be guaranteed by law.

Article 100. Judges of all courts shall be appointed by the President for a five-year term. The procedure of appointment and dismissal of judges shall be determined by law.

A judge may be dismissed from office only for the reasons enumerated in the law.

Article 101. Judges may not occupy any other paid position, except teaching, creating and research positions. While they are in office, the membership of judges in political parties and public associations which pursue political goals shall be suspended.

Article 102. Court cases shall be heard by a panel of judges, but in certain cases enumerated by law, they shall be heard by individual judges.

Article 103. In all courts, trials shall be open. Closed hearings for a case shall be only allowed when anticipated by law and with adherence to all rules of legal procedure.

Article 104. The legal process shall be conducted in the official language. Persons participating in a case who do not speak the language of the legal process shall be ensured the rights to acquaint themselves with the materials of the case, to participate in the legal proceedings through an interpreter, and to speak in the court in their native language.

Article 105. Justice shall be implemented on the basis of the adversarial nature and equality of parties.

Parties shall have the right to appeal the decisions, sentences, and other judicial decisions of any of the courts of Turkmenistan.

Article 106. The right to professional legal assistance shall be recognized at any stage of the legal process.

Lawyers and other persons and organization shall provide legal assistance to citizens and organizations.

Article 107. The jurisdictions, manner of formation, and activity of courts shall be determined by law.

SECTION VII. THE PROSECUTION

Article 108. In Turkmenistan, the Prosecutor General of Turkmenistan and those prosecutors subordinate to her or him shall be assigned supervision over the exact and uniform adherence to laws of Turkmenistan and to acts of the President by organs of state government, the leadership of the Armed Forces, local self-government bodies, participants in industrial and commercial activity, organizations and institutions, public associations, officials, and private citizens.

The Prosecutor shall try the cases in the court on the basis and in the manner established by law.

Article 109. The prosecutor's office shall supervise the legality of law enforcement investigative activity, criminal and other investigations.

Article 110. The Prosecutor General of Turkmenistan and those prosecutors subordinate to her or him in exercising their powers shall be directed only by the law. All prosecutors of Turkmenistan shall be appointed and dismissed by the President of Turkmenistan. The Prosecutor General shall report to the People's Council of Turkmenistan and the President of Turkmenistan on the work of the prosecutor's offices.

While they are in office, the membership of prosecutors in political parties and public associations which pursue political goals shall be suspended.

SECTION VIII. FINAL PROVISIONS

Article 111. Laws and other acts of governmental organs of Turkmenistan shall be issued on the basis of and in accordance with the Constitution.

If there is a discrepancy between a law and the Constitution, the Constitution shall be declarative.

Article 112. The provisions of the Constitution concerning a republican form of government may not be amended.

Article 113. The Law of Constitutional Amendment shall be considered adopted when no less than two thirds of the established number of members of the people's Council votes in favor of it.

Adopted by the Parliament of Turkmenistan and promulgated by the President of Turkmenistan

The President of Turkmenistan
S. Niyazov
Ashgabat city
18 May 1992
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