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## UNOFFICIAL TRANSLATION

### THE CONSTITUTION OF TURKMENISTAN

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 independence,  
sovereignty, the status of permanent neutrality of Turkmenistan;  
guaranteeing the rights and freedoms of every citizen and striving to provide civic peace and  
national accord, in order to affirm the foundations of people's power and democratic jural secular  
state – adopt this Constitution – the Fundamental Law of Turkmenistan.

#### SECTION 1: FOUNDATIONS OF THE CONSTITUTIONAL ORDER

**Article 1.** Turkmenistan is a democratic jural secular state 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.

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

**Article 3.** In Turkmenistan, an individual shall be the highest value of the state and society.

The state shall be responsible to every 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.

Every 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 legislative, executive, and judicial powers which function independently, 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 Fundamental Law of the state. 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, local organs of self-government 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 an individual and citizen 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 adheres in its foreign policies to the principles of permanent 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.

Turkmenistan recognizes the primacy of generally recognized norms of international law. If the international treaty of Turkmenistan establishes the rules other than those established by the law of Turkmenistan the rules of the international treaty shall be applied.

**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, and perform the duties in accordance with the legislation and international agreements of Turkmenistan.

Turkmenistan extends the right of asylum to foreign citizens and stateless persons according the universally recognized norms of international law and to the procedure established by law.

**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 the property which is acquired in an unlawful manner.

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

**Article 10.** Economy of Turkmenistan shall be based on the principles of the market economy. The state shall encourage and support entrepreneurship, foster the development of small and medium business.

**Article 11.** 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 12.** 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 13.** In order to protect its sovereignty, Turkmenistan organises and possesses Armed Forces.

**Article 14.** Turkmen shall be the state language of Turkmenistan. The right to use their native language shall be guaranteed to all citizens of Turkmenistan.

**Article 15.** 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 the law of Turkmenistan.

**Article 16.** Turkmenistan consists of the administrative-territorial units: velayat, towns equal to velayat, etrap, towns equal to etrap, towns in etrap, settlements and gengeshlik.

The territory of one or more settlements forms gengeshlik.

**Article 17.** The capital of Turkmenistan shall be the city of Ashgabat.

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

**Article 18.** The rights of the person are 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 19.** Turkmenistan guarantees the equality of the rights and freedoms of its citizens and, likewise, the equality of citizens before the law regardless of nationality, race, gender, origin, property holdings, official status, place of residence, language, religious preference, political convictions, political party membership or lack of political party membership.

**Article 20.** Men and women in Turkmenistan shall have equal civil rights. A violation of equal rights based on gender will entail legal liability.

**Article 21.** 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 22.** Each person shall have the right to life and freedom to live as he wants. 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.

**Article 23.** 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.

Citizen may be subjected to torture or cruel, inhumane, or degrading treatment or punishment, or, likewise, be subjected without her or his consent to medical (medicinal or doctor's) or other experiments. 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 24.** Every citizen shall have the right to governmental support in the receipt or purchase 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. Individuals and 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 25.** 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 26.** 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 may be established only in accordance with the law.

**Article 27.** 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 28.** 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 29.** The freedom of assembly, meetings and demonstrations in a lawful manner shall be guaranteed in Turkmenistan.

**Article 30.** 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 31.** 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 32.** Citizens shall have the right to elect and be elected to organs of governmental power.

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

**Article 33.** 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.

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 34.** Workers shall have the right to recreation that 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 recreation and to the rational use of free time.

**Article 35.** 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 36.** All citizens shall have the right to the favourable environmental conditions.

The state shall take control of efficient use of natural resources for the purpose of protection and improvement of the living conditions, and protection and rehabilitation of the environment.

**Article 37.** 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 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 state and social funds.

**Article 38.** Every citizen shall have the right to education.

General secondary 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 education.

Governmental and nongovernmental organizations and citizens shall have the right, based on and in the manner established by law, to carry out educational activity on the paid basis.

The state establishes the standards of education obligatory for all educational institutions.

**Article 39.** 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 40.** The exercise of rights and freedoms shall be inseparable from fulfillment by individuals 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 41.** The defense of Turkmenistan shall be a sacred duty of each citizen. For citizens of Turkmenistan, it is established that men shall be obligated to perform general military service.

**Article 42.** Citizens of Turkmenistan shall be required to pay government taxes and other payments in the manner and amounts established by law.

**Article 43.** Citizens shall be guaranteed legal protection of honor and dignity, and of the personal and political rights and freedoms of the individual and citizen vested in the Constitution and laws.

Citizens shall have the right to protest actions of governmental organs, social organizations, and officials in court.

**Article 44.** 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 45.** 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 46.** The 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 recognized as a violation of the law.

**Article 47.** The exercise of the rights and freedoms of citizens set forth by 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. General provisions**

**Article 48.** The highest supreme state power and government in Turkmenistan shall be exercised by the President of Turkmenistan, the Mejlis of Turkmenistan, the Cabinet of Ministers of Turkmenistan, the Supreme Council of Turkmenistan.

**Article 49.** The local representative and executive organs shall exercise local authority in velayats, cities equal to velayats, etraps and cities equal to etraps; local organs of self-government – gengesh shall exercise local authority in cities in etraps, settlements, gengeshlik.

## **Chapter II. The President of Turkmenistan**

**Article 50.** 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 commitments.

**Article 51.** 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, enterprises, institutions, organizations.

**Article 52.** The President shall be elected directly by the people of Turkmenistan for a five year term and assume office immediately after taking oath.

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

**Article 53.** 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 use and order the army to be alert, and appoint the highest commanders of the Armed Forces,
- 4) form and chair the National Security Council of Turkmenistan;
- 5) approve the programmes and major trends of the country's political, economic and social development;
- 6) present for review and approval to the Mejlis the state budget and a report on the budget utilization;
- 7) sign laws and have the right, within two weeks, to return laws to the Mejlis with her or his objections for additional discussion and vote possessing a dilatory right of veto. If two thirds of the Mejlis 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 amendments and additions to the Constitution;
- 8) form the Central Commission for Referenda and Elections of Turkmenistan, introduces the changes to its membership;
- 9) schedule referenda and have the right to convene Parliament ahead of schedule;
- 10) decide the issues of granting and giving up Turkmenistan citizenship and asylum;
- 11) award orders and other awards of Turkmenistan, confers honorary, military, and other special state ranks, and distinctions;
- 12) with the Mejlis's preparatory consent, appoint and recall the Chairman of the Supreme Court, the Prosecutor General and Minister of Home Affairs, Minister of Justice;
- 13) grant pardons and amnesties;
- 14) 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;



15) decide other issues ascribed to her or his jurisdiction by the Constitution and laws.

**Article 54.** The President shall issue decrees, resolutions, and orders which have mandatory force throughout Turkmenistan.

**Article 55.** The President may not be a member of the Mejlis.

**Article 56.** The President shall have the right of immunity. His 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 57.** President may be prematurely relieved of office if incapable of meeting her or his obligations because of sickness. The Mejlis, 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 Mejlis so vote.

If President violates the Constitution or laws, the Mejlis may express its lack of confidence in the President. A question of lack of confidence in the President is put forward for consideration when not less than two-thirds of the established members of the Mejlis so desire. A decision of lack of confidence in the President shall be made when not less than three-fourths of the established members of the Mejlis so vote. The question of her or his removal shall be put forward to a popular vote.

**Article 58.** The President shall not have the right to delegate his or her authorities to other government organs or officials except for those set forth in Paragraphs 2, 11, 13 of Article 53 of the Constitution, which may be delegated to the Chairman of the Mejlis.

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, a Vice Chairman of the Cabinet of Ministers shall be appointed the acting President of Turkmenistan by the decision of the National Security Council. 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. The person acting as the President of Turkmenistan shall not be a candidate for the presidency.

### **Chapter III. The Mejlis of Turkmenistan**

**Article 59.** The Mejlis (Parliament) shall be the supreme representative organ of Turkmenistan exercising the legislative power.

**Article 60.** The Mejlis shall consist of 125 members, elected from territorial districts having roughly equal numbers of voters, for a five-year term.

**Article 61.** The Mejlis may be prematurely dissolved:

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

**Article 62.** The Mejlis shall independently establish the powers of its members, elects the Chairman, the Vice Chairman from the ranks of its members, and form committees and commissions.

The members of the Mejlis of the previous convocation shall preserve their powers until the first session of the Mejlis of new convocation is opened.

**Article 63.** Within the jurisdiction of the Mejlis shall be:

- 1) adopting laws, amending the Constitution and laws, and interpreting them.
- 2) reviewing the issues of approving action plans of the Cabinet of Ministers;
- 3) reviewing the issues of approving the State Budget of Turkmenistan and the report on its implementation;
- 4) reviewing the programmes and main trends of the country's political, economic and social development;
- 5) reviewing the issues of calling general referenda;
- 6) scheduling the elections of the President of Turkmenistan, members of the Mejlis, members of the representatives organs in velayats, etraps and towns and gengesh;
- 7) reviewing by request of the President of Turkmenistan the issues of approving or rejecting candidates for the offices of Chairman of the Supreme Court, Prosecutor General, Minister of Internal Affairs, Minister of Justice;
- 8) establishing state awards, awarding the President with state awards and decorations, conferring upon the President of Turkmenistan the military ranks and distinctions;
- 9) determining whether the normative acts of the organs of state power and government are in accordance with the Constitution;
- 10) ratifying and denouncing international agreements;
- 11) reviewing the issues of changing of the State Border and administrative and territorial division of Turkmenistan;
- 12) reviewing the issues of peace and war;
- 13) other issues ascribed to the powers of Parliament by the Constitution and laws.

**Article 64.** The Mejlis 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) amendments to the Constitution;
- 1) criminal or administrative legislation;
- 2) legal process.

**Article 65.** The right to introduce legislation shall belong to the President, the members of the Mejlis, the Cabinet of Ministers, the Supreme Court.

**Article 66.** Members of the Mejlis 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 67.** The state shall guarantee the conditions for unimpeded and effective performance of his or her duties, protection of his or her rights and freedoms, life, honour and dignity as well as personal inviolability to each member of the Mejlis.

**Article 68.** A member may be stripped of her or his powers as a member only by Mejlis. Such a decision shall be made when not less than two thirds of the established number of members of the Mejlis so vote.

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

**Article 69.** The member of the Mejlis may not simultaneously occupy office as a member of the Cabinet of Ministers, khyakims, archin, judge, or as a prosecutor.

**Article 70.** The Chairman of the Mejlis shall be elected by secret ballot. She or he shall be subordinate to the Mejlis and may be removed when not less than two thirds of the established number of members so vote.

The Vice Chairman of the Mejlis 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 71.** The manner of work of the Mejlis, its committees and commissions, and members, as well as those of its functions and powers not regulated by the Constitution, shall be established by law.

#### **Chapter IV. The Cabinet of Ministers**

**Article 72.** The Cabinet of Ministers (Government) shall be an executive and management organ. The President shall chair the Cabinet of Ministers.

**Article 73.** 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 the newly elected President.

**Article 74.** 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 75.** The Cabinet of Ministers shall:

- 1) organize the execution of laws, Presidential acts, and decisions of the Mejlis;
- 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 the proposals concerning the main trends of the country's domestic and foreign policies, and programs for the economic and social development of the country to the Mejlis;
- 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 and other contacts with foreign states;

8) manage the activities of governmental institutions and state enterprises and organizations, and have the right to repeal the acts of ministries and agencies, organs of self-government;

9) meet other obligations ascribed by the Constitution, laws and other normative acts to its jurisdiction.

**Article 76.** The powers of the Cabinet of Ministers, the manner of its activity, and its relationship with other governmental organs shall be determined by law.

## **Section V. Local executive power**

**Article 77.** Local executive power shall be represented by the representative and executive organs which act within their jurisdiction.

**Article 78.** The representative organs – halk maslakhaty shall be formed in velayat, town equal to velayat, etrap, town equal to etrap, the members of which shall be elected by the citizens of the relevant administrative and territorial units for the four-year term established by law.

**Article 79.** Local halk maslakhaty shall participate in making decisions on the economic, social, cultural development of the territories within their jurisdiction.

**Article 80.** The executive power shall be performed by khyakims of velayat – within the border of velayat, khyakims of towns - within the border of towns, khyakims of etrap – within the border of etrap.

**Article 81.** Khyakims shall be the local representatives of the President of Turkmenistan – the head of the state, appointed and dismissed by the President of Turkmenistan and shall be subordinate to the President.

**Article 82.** Khyakims 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, the resolutions of the Mejlis of Turkmenistan. Within their authority khyakims shall adopt resolutions which must be adhered to in the areas subject to their jurisdiction.

**Article 83.** The scope of the functions and power of khyakims, 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 84.** Gengesh and organs of territorial public self-government shall form a system of local self-government.

Gengesh shall be the representative organ of people's power in the territory of towns in etrap, settlement, gengeshlik. The members to gengesh shall be elected directly by people for the term of three years.

**Article 85.** Gengesh shall be independent in their activity. The relationships with organs of government power and management shall be built in accordance with laws of Turkmenistan.

**Article 86.** Within the jurisdiction of gengesh shall be:

- 1) determining the main trends of economic, social, and cultural development of their territories;
- 2) forming and approving the local budget and report on its implementation;
- 3) establishing local taxes and tariffs and the manner of collection of these taxes and tariffs;
- 4) determining measures for the efficient use of natural resources and for nature protection;
- 5) other issues ascribed to its jurisdiction by law.

Within its jurisdiction, gengesh shall adopt decisions which must be adhered to in the area subject to their jurisdiction.

**Article 87.** Gengesh shall elect archin from within its ranks, who manages the work gengesh and is subordinate to it.

Archin shall ensure the implementation of the decisions adopted by gengesh, the acts of the government organs of power and management, and shall decide other issues at the local level.

**Article 88.** The manner of activity of gengesh and other organs of public self-government shall be determined by law.

## **SECTION V. THE ELECTORAL SYSTEM AND REFERENDA**

**Article 89.** Elections for the President, members of the Mejlis, and members of halk maslakhaty and gengesh 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 have been declared by a court to be incompetent; persons currently imprisoned by sentence of a court. 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 90.** 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, may be elected members of the Mejlis. The requirements for candidates for the Mejlis, local halk maslakhaty and gengesh shall be determined by law.

**Article 91.** Elections shall be direct; candidates shall be elected directly by citizens.

**Article 92.** 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 93.** The political parties, public associations, and groups of citizens shall have the right to nominate candidates in accordance with the laws of Turkmenistan.

**Article 94.** To decide the most important questions of governmental and social life, general and local referenda may be conducted.

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

**Article 95.** The Mejlis shall have the right to schedule a general referendum on the petition of not less than two thirds of its members or on the petition of not less than 250,000 citizens who have the right to vote.

**Article 96.** Gengesh 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 98.** The procedure of conducting elections and general and local referenda shall be determined by law. Elections and referenda shall not be conducted during a state of emergency.

## **SECTION VI. JUDICIAL POWER**

**Article 99.** 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 100.** 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.

**Article 101.** 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 102.** Judges of all courts shall be appointed by the President. The procedure of appointment and dismissal of judges and the term of office shall be determined by law.  
A judge may be dismissed from office only for the reasons enumerated in the law.

**Article 103.** Judges may not occupy any other paid position, except teaching, creating and research positions.

**Article 104.** 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 105.** 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 106.** 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 107.** 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 108.** The right to professional legal assistance shall be recognized at any stage of the legal process.

Lawyers and other natural and legal entities of Turkmenistan shall provide legal assistance to citizens and organizations.

**Article 109.** The jurisdictions, manner of formation, and activity of courts shall be determined by law.

## **SECTION VII. THE PROSECUTION**

**Article 110.** 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, the Cabinet of Ministers of Turkmenistan and the resolutions of the Mejlis of Turkmenistan.

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

**Article 111.** The prosecutor's office shall supervise the legality of law enforcement investigative activity, criminal and other investigations.

**Article 112.** The Prosecutor General of Turkmenistan shall be the head of the integrated and centralized system of the organs of prosecution.

The procedure of appointment and dismissal, the terms of office of prosecutors shall be established by law.

**Article 113.** The Prosecutor General and prosecutors subordinate to her or him in exercising their powers shall be directed only by the law.

**Article 114.** The jurisdiction, manner of formation, and activity of prosecutor's offices shall be determined by law.

## **SECTION VIII. FINAL PROVISIONS**

**Article 115.** 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 116.** The provisions of the Constitution concerning a republican form of government may not be amended.

**Article 117.** The Law of Constitutional Amendments shall be considered adopted when no less than two thirds of the established number of members of the Mejlis or during the general referendum when not less than a half of citizens of Turkmenistan who participate in the referendum vote in favor of it.

**President of Turkmenistan  
Gurbanguly Berdimuhamedov**

**Ashgabat city  
September 26, 2008**