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Turkmenistan's Constitution of 2008

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- Preamble
- Motives for writing constitution
- Source of constitutional authority
- Right to self determination

Preamble

- Inalienable rights

We, the people of Turkmenistan, based on our inalienable right to determine our destiny;

Proceeding from the responsibility for present and future of the Motherland;

Expressing loyalty to the covenant of ancestors to live in unity, peace and harmony;

With the aim of protecting the national values and interests, strengthening the independence, sovereignty, the status of permanent neutrality of Turkmenistan;

- Separation of church and state
- Official religion

Guaranteeing the rights and freedoms of each person and citizen, and seeking to ensure civil peace and national accord in the society, to substantiate the foundations of democracy and democratic, legal, secular state, we adopt the present Constitution - the Basic Law of Turkmenistan.

Section I. Fundamentals of the Constitutional System of Turkmenistan

Article 1

- Separation of church and state
- Official religion
- Type of government envisioned

Turkmenistan is a democratic, legal and secular state in which the government takes the form of presidential republic.

Turkmenistan exercises the complete power and complete authority on its territory, and independently conducts the internal and foreign policy. The state sovereignty and territory of Turkmenistan are homogeneous and indivisible.

The State protects the independence, territorial integrity of Turkmenistan, and constitutional system, and provides law and order.

- International organizations

Turkmenistan, by law, has the status of permanent neutrality. The United Nations General Assembly resolution "Permanent Neutrality of Turkmenistan" dated 12 December 1995: "1. Recognizes and supports the declared status of permanent neutrality of Turkmenistan; 2. Calls upon the member states 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, recognized by the world community, is the basis of its domestic and foreign policy.

Article 2

The people are the bearer of and the sole source of the state power in Turkmenistan. The people of Turkmenistan exercise their power directly or through representative bodies.

No part (group) of the people, organization or individuals, have the right to abrogate the state power.

Article 3

In Turkmenistan, the people are the highest value of the society and the state.

- Right to development of personality
- Human dignity
- Inalienable rights

The state is responsible for every citizen and creates conditions for free development of the individual, protects the life, honour, dignity and freedom, personal integrity, natural and inalienable rights of the citizen.

Every citizen is responsible before the State for the responsibilities entrusted to him by the Constitution and laws.

- Claim of executive independence
- Judicial independence

Article 4

State power is based on the principle of separation of powers between the legislative, executive and judicial branches, which operate independently, balancing each other.

Article 5

The state and all of its organs and officials are linked by law and constitutional order.

- Constitutionality of legislation

The Constitution of Turkmenistan is the Basic Law of the State. Rules and regulations laid down in it are unswervingly applicable. The laws and other legal acts that contradict the Constitution are null and void.

- Municipal government

The normative-legal acts of the government and administration, and the local self-government, are published for general information or made available through other means, except when they contain state or other secrets protected by law. The normative-legal Acts affecting the rights and freedom of the individual and citizen, if not brought to the general information of the public, are invalid from the time of their adoption.

Article 6

Turkmenistan, being a full subject of the global community, has the foreign policy of permanent neutrality, non-interference in the internal affairs of other countries, refrains from the use of force and participation in military blocs and alliances, promotes peaceful, friendly and mutually beneficial relations with countries in the region and states of the whole world.

- International law
- Legal status of treaties
- Customary international law

Turkmenistan recognizes the priority of the universally accepted norms of international law. If an international treaty (contract) of Turkmenistan establishes rules other than those stipulated by the laws of Turkmenistan, the rules of international treaty will apply.

- Requirements for birthright citizenship
- Conditions for revoking citizenship

Article 7

Turkmenistan has its own citizenship. The citizenship is acquired, retained and lost in accordance with the law.

- Requirements for naturalization

Citizenship of another state is not recognized for the citizens of Turkmenistan.

- Extradition procedure
- Restrictions on entry or exit
- Right to renounce citizenship

No one can be deprived of citizenship or the right to change citizenship. A citizen of Turkmenistan cannot be extradited to another state or expelled from the limits of Turkmenistan, or restricted in the right to return to the homeland.

The citizens of Turkmenistan are guaranteed the protection and patronage of the state in the territory of Turkmenistan and beyond its borders.

Article 8

Foreign nationals and stateless persons enjoy the rights and freedoms, and bear the responsibilities, of citizens of Turkmenistan in accordance with law and international treaties of Turkmenistan.

- Customary international law

Turkmenistan, in accordance with universally recognized norms of international right and in the order established by the law, gives refuge to foreign citizens and stateless persons.

- Right to own property

Article 9

The property is inviolable. Turkmenistan approves the right to private ownership of the means of production, land and other material and intellectual values. They can also belong to the associations of citizens and the state. The law establishes objects that are exclusive property of the state. The state guarantees equal protection and creation of equal conditions for development of all forms of ownership.

- Protection from expropriation

Confiscation of property is prohibited, except for the property acquired by means prohibited by law.

- Protection from expropriation

Forced confiscation of property is permissible only in cases stipulated by law.

- Right to establish a business
- Right to competitive marketplace

Article 10

The economy of Turkmenistan is based on the principles of market relations. The state encourages and supports entrepreneurship, promotes development of small and medium enterprises.

- Reference to art
- Reference to science
- Right to enjoy the benefits of science
- Protection of environment
- Right to culture
- Integration of ethnic communities

Article 11

The state is responsible for safeguarding the national historical and cultural heritage, natural environment, ensuring equality between social and ethnic communities. The state encourages scientific and artistic creativity and distribution of its positive results, promotes development of international relations in the fields of science, culture, education and training, sports and tourism.

- Freedom of religion

Article 12

The state guarantees freedom of religion and worship, and equality before the law. Religious organizations are separate from the state, cannot interfere in the state affairs and carry out state functions. The public education system is separate from religious organizations and is secular.

- General guarantee of equality
- Separation of church and state

Each person independently determines his attitude toward religion, has the right to, individually or jointly with others, profess any religion or none, to express and disseminate beliefs related to attitude toward religion, to participate in religious observances, rituals, and ceremonies.

Article 13

In order to protect the state sovereignty and security, Turkmenistan has its own armed forces.

- Protection of language use
- Official or national languages

Article 14

Turkmen is the state [official] language of Turkmenistan. The use of their native language is guaranteed to all citizens of Turkmenistan.

- National anthem
- National flag

Article 15

The State Flag, the State Emblem, and the National Anthem are the Symbols of Turkmenistan.

The flag, national emblem and national anthem are established and protected by law.

- Subsidiary unit government
- Municipal government

Article 16

The administrative-territorial structure of Turkmenistan consists of: Velayats (provinces), cities with right of Velayat, Etraps (districts), cities with right of district, cities (towns) in district, settlements, Gengeshlyk.

The territory of one or more villages forms a Gengeshlyk.

- National capital

Article 17

Ashgabat is the capital of Turkmenistan.

Section II. Rights, Freedoms and Duties of the citizens of Turkmenistan

- Inalienable rights

Article 18

The rights and freedoms of the individual are inviolable and inalienable.

No one can be deprived of their rights and freedoms, or restrictions on their rights and freedoms, except in accordance with the Constitution and laws.

The enumeration in the Constitution and laws of certain rights and freedoms can not be used to deny or diminish the rights and freedoms of others.

- Equality regardless of origin
- Equality regardless of language
- Equality regardless of gender
- Equality regardless of political party
- Equality regardless of race
- General guarantee of equality
- Equality regardless of religion
- Equality regardless of financial status
- Equality regardless of nationality

Article 19

Turkmenistan guarantees the equality of rights and freedoms of individual and citizen, and also the equality of the individual and citizen before the law regardless of their nationality, race, gender, origin, property and official status, place of residence, language, religion, political beliefs, party affiliation or lack of affiliation to any party.

- Equality regardless of gender

Article 20

Men and Women in Turkmenistan have equal civil rights. Violation of equality on the basis of gender is punishable by law.

Article 21

The exercise of rights and freedoms must not violate the rights and freedoms of others, as well as the requirements of morality, law, public order, [or] cause damage to national security.

- Right to life

Article 22

Each individual has the right to life and liberty and the exercise (of this right). No one can be deprived of the right to life. The right of each person to free life is protected by the state on the basis of law.

- Prohibition of capital punishment
- Protection from unjustified restraint

The death penalty has been abolished in Turkmenistan.

Article 23

- Principle of no punishment without law

A person cannot be restrict in or deprived of rights, convicted or punished, except in strict accordance with the law.

- Prohibition of cruel treatment
- Prohibition of torture

No one can be subjected to torture, cruel, inhuman or degrading treatment, or punishment, and without his consent to medical (medicinal or medical) or other experiments. A person can be arrested by the court or with the approval of the prosecutor only on the grounds precisely specified by the law. In urgent cases, precisely specified by the law, the state authorities have the right to detain the citizens temporarily.

- Right to shelter

Article 24

- Right to privacy

Every citizen has the right to support of state in obtaining or acquiring a comfortable living accommodation, and construction of individual housing. The home is inviolable. No one has the right to enter a home or otherwise violate the sanctity of the home against the wishes of people living there without any legal grounds. Protecting the home against unlawful assault (encroachment) is the right of the individual and citizen.

No one can be deprived of their living accommodation except on the grounds established by law.

- Right to protect one's reputation
- Right to privacy
- Telecommunications

Article 25

Everyone has the right to protection from arbitrary interference in their privacy, as well as infringement of the rules of secrecy of correspondence, telephone and other (means of) communication, attacks on their honour and reputation.

- Freedom of movement
- Restrictions on entry or exit

Article 26

Every citizen has the right to move freely and choose their place of residence in Turkmenistan.

Restrictions on entry into separate territories, and movement in those territories, can only be set by law.

Article 27

- Right to found a family
- Provision for matrimonial equality
- Regulation of marriage

Men and women having reached the marriageable age have the right, by mutual consent, to marry and create families. Spouses have equal rights in family relations.

- Rights of children

Parents and substitute parents have the right and obligation to raise the children, care for their health, development, education, prepare them for work, and impart to them the culture of respect for the law, historical and national traditions. Adult children are obliged to take care of their parents and to extend help (support) to them.

- Freedom of expression
- Freedom of opinion/thought/conscience
- Right to information

Article 28

Citizens of Turkmenistan have the right to freedom of opinion and expression, as well as to receive information if it is not a state or other secret protected by law.

- Freedom of assembly

Article 29

Citizens are guaranteed freedom of assembly, rallies and demonstrations in the manner prescribed by law.

- Freedom of association
- Restrictions on political parties
- Right to form political parties

Article 30

Citizens have the right to form political parties and other public associations operating within the framework of the Constitution and laws.

- Prohibited political parties

Prohibited is the establishment and activity of political parties, other public, paramilitary associations, aimed at bringing violent change to the constitutional order, introducing violence in their activity, opposing the constitutional rights and freedoms of citizens, advocating war, racial, national or religious hatred, encroaching on the health and morals of the people, as well as the political parties with ethnic or religious attributes.

Article 31

Every citizen has the right to participate in managing the affairs of the society and state, either directly or through freely elected representatives.

Article 32

Citizens have the right to elect and be elected to the bodies of state authority.

- Restrictions on voting
- Civil service recruitment

Citizens of Turkmenistan, in accordance with their abilities and professional training, have equal right to access to public service.

Article 33

Citizens have the right to work, choice of profession at their own discretion, sort of employment and place of work, to safe and healthy working conditions.

- Right to safe work environment
- Right to work
- Right to choose occupation
- Right to reasonable standard of living
- Right to just remuneration

Wage earners are entitled to compensation, appropriate to amount and quality of work. This compensation cannot be less than the subsistence minimum established by the state.

- Right to rest and leisure

Article 34

Citizens have the right to rest, as expressed in establishment of limits of work week, grant of annual paid holidays, and days of weekly rest.

The State creates favourable conditions for recreation and use of leisure time.

- Right to health care

Article 35

Citizens have the right to healthcare, including free use of the network of public health institutions. Paid medical and non-traditional healthcare is permitted under, and in accordance with, the procedure established by law.

- Protection of environment

Article 36

Everyone has the right to favourable environment.

The State supervises the management of natural resources in order to protect and improve living conditions, as well as environmental protection and regeneration.

Article 37

Citizens have the right to social security in old age, sickness, disability, loss of ability to work, loss of breadwinner, unemployment.

- State support for the unemployed
- State support for the elderly
- State support for the disabled
- State support for children

Families with large number of children, orphans, veterans, people who lost their health while protecting the state or public interests, are provided additional support and

privileges from state and public funds.

- Free education

Article 38

Every citizen has the right to education.

Secondary education is compulsory; everyone is entitled to receive it in public schools free of charge.

- Access to higher education

The state ensures availability of vocational education for each person according to their abilities.

On the basis and in the manner prescribed by the legislation of Turkmenistan, governmental and non-governmental organizations, citizens have the right to engage in paid work activity.

The State sets educational standards, mandatory for all educational institutions.

- Reference to science
- Reference to art
- Right to culture
- Provisions for intellectual property

Article 39

Citizens of Turkmenistan have the right to freedom of artistic, scientific and technical creativity. All rights (copyrights) and interests of citizens in the area of scientific, technical, creative, artistic, literary and cultural activities are protected by law.

The State contributes to the development of science, culture, arts, folk arts, sports and tourism.

Article 40

The exercise of the rights and freedoms is inseparable from the performance by the individual and citizen their responsibilities toward the society and the state.

- Duty to obey the constitution

Everyone, living or staying temporarily in the territory of Turkmenistan, is obliged to abide by the Constitution, the laws, and respect the national traditions.

- Duty to serve in the military

Article 41

Protection of Turkmenistan is the sacred duty of every citizen. General conscription is compulsory for the male citizens of Turkmenistan.

- Duty to pay taxes

Article 42

Everyone is required to pay state taxes and other payments in the manner and extent established by law.

Article 43

- Right to protect one's reputation
- Human dignity

Citizens are guaranteed judicial protection of honour and dignity, personal and political rights and freedoms of individual and citizen [as stipulated] by the Constitution and laws.

- Right to appeal judicial decisions

Citizens have the right to appeal in the court against the decisions and actions of the state bodies, public associations and officials.

- Binding effect of const rights
- Ultra-vires administrative actions

Article 44

Citizens have the right to seek redress in courts for material and moral damage caused to them by unlawful actions of state bodies, other organizations and their employees, as well as private individuals.

- Regulation of evidence collection

Article 45

- Protection from self-incrimination

A person cannot be compelled to testify and give evidence against self and close relatives.

Evidence obtained as a result of mental or physical influence, as well as through other illegal methods, has no legal force.

- Protection from ex post facto laws

Article 46

A law, aggravating the situation of citizens, shall not be retroactive. No one can be held responsible for actions that, at the time of their commission, were not recognized by law as offence.

- Emergency provisions

Article 47

The implementation of the rights and freedoms of citizens may be suspended only in a state of emergency or martial law in a manner and within the limits established by the Constitution and laws.

Section III. The System of Government and Administration in Turkmenistan

Chapter I. General Provisions

Article 48

The highest state authority and government in Turkmenistan is exercised by the President of Turkmenistan, the Mejlis (parliament) of Turkmenistan, the Cabinet of Ministers of Turkmenistan, and the Supreme Court of Turkmenistan.

- Subsidiary unit government
- Municipal government

Article 49

Local district representatives and executives bodies are the local authority in Velayats, cities with the right of Velayat, districts, and districts with rights of city, and in towns of Etraps, settlements, and the Gengeshlyks the local authority are Gengeshes.

Chapter II. President of Turkmenistan

Article 50

The President of Turkmenistan is the head of the state and executive power, the highest official of Turkmenistan, acting as guarantor of the state independence and the status of neutrality of Turkmenistan, its territorial integrity, respect for the Constitution and fulfillment of international obligations.

- Name/structure of executive(s)
- International law

Article 51

A citizen of Turkmenistan, born in Turkmenistan, not younger than 45 years and not older than 70 years, who speaks the national language, has been living constantly in Turkmenistan and working in the state bodies, public associations, enterprise, institutions, organizations, for the past 15 years, can be elected as President of Turkmenistan.

- Minimum age of head of state
- Eligibility for head of state

- Head of state selection

Article 52

- Head of state term length

The President of Turkmenistan is elected directly by the people for a period of five years, and enters office on taking the oath.

The procedures for electing the President of Turkmenistan and his assumption of office are established by law.

- Head of state powers

Article 53

The President of Turkmenistan:

- Foreign affairs representative
- International organizations
- Selection of active-duty commanders
- Designation of commander in chief
- Advisory bodies to the head of state
- Economic plans
- Budget bills
- Veto override procedure
- Approval or veto of general legislation
- Constitution amendment procedure
- Electoral commission
- Extraordinary legislative sessions
- Referenda
- Requirements for naturalization
- Conditions for revoking citizenship
- Protection of stateless persons
- Cabinet selection
- Supreme court selection
- Attorney general
- Cabinet members
- Emergency provisions
- Head of state decree power

1. Implements the Constitution and laws;
2. Supervises the execution of foreign policy, represents Turkmenistan in relations with other nations, appoints and dismisses ambassadors and other diplomatic representatives of Turkmenistan to foreign countries, with interstate and international organizations, accepts the credentials and letters of recall of diplomatic representatives of foreign countries;
3. Is the Supreme Commander of the Armed Forces of Turkmenistan, orders general or partial mobilization, use of armed forces and their military [readiness] status, appoints the top command of the Armed Forces of Turkmenistan.
4. Forms and presides over the National Security Council of Turkmenistan, the status of which is determined by law;
5. Approves the programme and basic directions of the political, economic and social development of the country;
6. Sends for consideration and approval of the Mejlis of Turkmenistan the state budget and reports on performance of the budget;
7. Signs the laws, is entitled to, no later than two weeks, using the right of suspensive veto, return the law with his objections to the parliament for a second hearing and vote. If the parliament, with at least two-thirds of the established number of deputies, confirms the decision earlier expected of him, the President of Turkmenistan signs the law. The President of Turkmenistan does not have the right of suspensive veto concerning the laws on amendments and additions to the Constitution;
8. Forms the Central Commission for Elections and Referendums in Turkmenistan, makes changes in its composition;
9. Designates the date of the referendum, has the right to convene an early session of the Mejlis;
10. Decides questions related to grant of citizenship and removal from citizenship, grant of asylum;
11. Awards honours and other state awards of Turkmenistan and grants military and other special state titles and distinctions;
12. With the consent of the Mejlis, appoints and dismisses the Chairman of the Supreme Court, the Prosecutor General, the Minister of Internal Affairs, the Minister of Justice;
13. Grants pardon and amnesty;
14. In order to ensure the safety of citizens, orders the state of emergency throughout the national territory or in certain areas of Turkmenistan. Use of the state of emergency is governed by the law of Turkmenistan.
15. Decides other questions, referred to his competence by the Constitution and the laws.

Article 54

The President of Turkmenistan issues decrees, decisions and orders, binding on the entire territory of Turkmenistan.

- Outside professions of legislators

Article 55

The President of Turkmenistan cannot be the deputy [member] of the Mejlis [Parliament].

Article 56

The President of Turkmenistan has the right to immunity. His honour and dignity are protected by law.

- Head of state immunity

Maintenance and security of the President of Turkmenistan and his family are carried out by the state.

Article 57

The President of Turkmenistan may be prematurely released from his duty in case of his inability to fulfill his duties because of illness. The Mejlis, on the recommendation of an independent medical board created by it, may decide to release the President from the office. Such decision is taken by at least two-third vote of the established members of the Mejlis.

- Head of state removal

In case of violation of the Constitution and laws of Turkmenistan by the President of Turkmenistan, the parliament may express no confidence in him. The issue of no-confidence can be considered at the request of no less than two-thirds of the established members of the Mejlis. The decision of no confidence is adopted by at least three-fourth of the established members of the Mejlis. The question for removal of President of Turkmenistan from the office is put on national referendum.

- Referenda

Article 58

The President of Turkmenistan is not entitled to transfer his authority to other public authorities or officials except for powers stipulated by paragraphs 2, 11, 13 of the article 53 of the Constitution.

If the President of Turkmenistan, for whatever reason, is unable to perform his duties, pending the election of the new interim President the duties of the President of Turkmenistan, by a decision of the Security Council of Turkmenistan, can be assigned to a deputy chairman of the cabinet of ministers. Election of the President of Turkmenistan, in this case, should be held no later than 60 days from the day of transfer of powers temporarily to the Acting President of Turkmenistan. A person, who is temporarily acting as President of Turkmenistan, cannot run for the presidency.

- Head of state replacement
- Advisory bodies to the head of state

Chapter III. Mejlis of Turkmenistan

Article 59

Turkmenistan's Mejlis (parliament) is the highest representative body, exercising the legislative authority.

- Structure of legislative chamber(s)

Article 60

The Parliament consists of 125 deputies, elected from geographical constituencies with approximately equal number of voters, for five years.

- Term length for first chamber
- Structure of legislative chamber(s)
- Size of first chamber
- First chamber selection

Article 61

Parliament can be dissolved prematurely in the following cases:

- Dismissal of the legislature

- Referenda

1. On the basis of a decision through national referendum;
2. On the basis of a resolution of the Mejlis, accepted by no less than two-third of the votes of established number of deputies of the Mejlis (self dissolution)
3. By the President of Turkmenistan in case the formation of Mejlis office bearers [chairman, deputy chairmen etc.] is not done within six months.

Article 62

The parliament independently establishes the powers of the deputies, elects from among the deputies, the chairman of the Mejlis, his deputy, forms committees and commissions.

The deputies of the Mejlis of the previous convocation remain in office until the first session of the Mejlis of the new convocation.

Article 63

Mejlis:

- Constitution amendment procedure

1. Enacts laws, makes amendments and additions to the Constitution and laws, monitors their performance and their interpretation;

2. Considers for approval the programme activities of the Cabinet of Ministers;

- Budget bills

3. Examines questions related to approval of the state budget of Turkmenistan and reports on its implementation;

- Economic plans

4. Considers the basic directions and programmes of political, economic and social development of the country;

- Referenda

5. Determines whether to hold national referendums;

- Municipal government

6. Appoints [decides for] the election of the President of Turkmenistan, deputies of the Mejlis, members of the velayat, district, municipal representative bodies and the Gengeshes.

- Subsidiary unit government

7. Considers the recommendations of the President of Turkmenistan on the issues related to the appointment and dismissal of the Chairman of the Supreme Court, the Prosecutor General, the minister for Internal Affairs, the minister for Justice;

- Cabinet selection

- Attorney general

8. Establishes state awards, awards state decorations to the President of Turkmenistan, assigns him the military ranks and distinctions;

- Supreme court selection

- Cabinet removal

9. Determines conformity to or divergence from the Constitution and the normative-legal Acts by the state authorities and administration (government);

- Supreme/ordinary court judge removal

- Constitutional interpretation

10. Ratifies and denounces international treaties;

11. Considers questions related to change of state borders and administrative and territorial division of Turkmenistan;

12. Examines the issues related to peace and security;

13. Decides other questions in the competence of the Mejlis under the Constitution and laws.

Article 64

The Mejlis can transfer the right to issue laws on certain matters to the President of Turkmenistan, with subsequent consideration by the parliament for their approval.

The Mejlis cannot transfer to anyone the right to legislate on:

1. Changes in the Constitution;

- Head of state decree power

- First chamber reserved policy areas

- Constitution amendment procedure

2. Criminal and administrative law;

3. Legal proceedings.

- Supreme court powers
- Initiation of general legislation

Article 65

The right of legislative initiative belongs to the President of Turkmenistan, the deputies of the Mejlis, the Cabinet of Ministers, and the Supreme Court.

- Legislative oversight of the executive

Article 66

The Mejlis deputies have the right to enquiry, by oral and written questions, to the Cabinet of Ministers, ministers, and chiefs of other state bodies.

Article 67

The state guarantees to each deputy of the Mejlis the creation of conditions for smooth and effective implementation of their powers, protection of their rights and freedom, life, honour and dignity and personal inviolability.

- Immunity of legislators
- Removal of individual legislators

Article 68

A deputy can be deprived of his parliamentary powers only by the Mejlis. The decision should be taken by at least two-third vote of the established members of the Mejlis.

A deputy cannot be held criminally liable, detained, or otherwise deprived of liberty, without the consent of the Mejlis.

- Eligibility for cabinet
- Municipal government
- Outside professions of legislators
- Subsidiary unit government

Article 69

A deputy of the Mejlis cannot concurrently hold the post of a cabinet member, Hyakim (governor), Archyn (village leader), judge, and prosecutor.

- Leader of first chamber

Article 70

The chairman of the Mejlis shall be elected by secret ballot. He reports to the Mejlis and may be relieved of his post by a decision of the Mejlis, voted by at least two-third majority of the established members of the Mejlis.

Vice chairman of the Mejlis shall be elected by open ballot, performs functions on behalf of the chairman, and acts as chairman of the Mejlis in the absence of the chairman or his inability to exercise his powers.

- Legislative committees

Article 71

The order of activity of the Mejlis and its committees and commissions, deputies, their function and powers, are established by law.

- Establishment of cabinet/ministers

Chapter IV. The Cabinet of Ministers of Turkmenistan

Article 72

The Cabinet of Ministers (Government) is an executive and administrative body. The President of Turkmenistan is the Chairman of the Cabinet of Ministers of Turkmenistan.

- Cabinet selection

Article 73

The Cabinet of Ministers is composed of Vice-Chairmen, and ministers. The President of Turkmenistan can introduce other persons into the Cabinet of Ministers who are heads of central bodies of the executive authority.

The Cabinet is formed by the President of Turkmenistan within one month of assuming office and resigns its powers to the newly elected President.

Article 74

The meetings of the Cabinet of Ministers are held (called/chaired) by the President of Turkmenistan, or on his behalf, one of the vice chairman of the Cabinet.

- Powers of cabinet

The Cabinet of Ministers, within its competence, adopts resolutions and issues binding orders.

- Powers of cabinet

Article 75

The Cabinet of Ministers:

1. Arranges execution of the laws of Turkmenistan, Acts of the President and the Mejlis of Turkmenistan;
2. Carries out measures to ensure and protect the rights and freedoms of citizens, protection of property rights and public order, national security;
3. Develops and sends for the consideration of the Mejlis proposals on basic directions of the internal and foreign policy, economic and social development;
4. Carries out management of economic and social development; organizes management of public enterprises, institutions and organizations; ensures rational use and conservation of natural resources;
5. Takes measures to strengthen monetary and credit system;
6. Forms, where necessary, committees, senior management and other departments under the Cabinet of Ministers;
7. Carries out foreign economic activities, ensures development of cultural and other relations with foreign countries;
8. Directs the activities of government agencies, state enterprise and organizations; has the right to revoke the legal acts of ministries and departments and the bodies of local executive authority;
9. Decides on other issues falling under its competence by the Constitution, laws and other normative-legal Acts of Turkmenistan.

- Economic plans

- Protection of environment

- Subsidiary unit government

- Municipal government

- Powers of cabinet

Article 76

The powers of the Cabinet of Ministers, the order of its activity, and the manner of its relations with other state bodies are defined by law.

- Subsidiary unit government

Chapter V. Local Authorities

Article 77

The local authority consists of the representatives and executive bodies that operate within their jurisdiction.

Article 78

In Velayats, cities with status of velayat, etrap, cities with status of etrap, local bodies - Peoples Council- are formed by members elected by the citizens of administrative-territorial units for a period of four years in the manner prescribed by law.

Article 79

Peoples Council (Khalk Maslahaty), within its powers, participates in the decision of issues related to economic, social and cultural development.

Functions and powers of the Peoples Council and its members, conduct of its activities and its relationship with other government and state bodies is determined by law.

Article 80

Executive power is exercised in places: in Velayat - Hyakim (governor), in cities - Hyakim city (city governor), in districts - Hyakim etrap (district governor).

- Head of state powers

Article 81

Hyakims are representatives of the President of Turkmenistan in their areas, appointed and dismissed by the President, and accountable to him.

Article 82

Hyakims manage activities of on-ground executive authority, ensure execution of the Constitution and laws of Turkmenistan, Acts of the President and the Cabinet of Ministers, and decisions of Mejlis [in their areas of jurisdiction]. Hyakims, within the limits of their competence, take necessary decisions for management in their subordinated territory.

Article 83

Functions and powers of Hyakims, their activities and relationship with other bodies of authority and government, are determined by law.

- Municipal government

Section IV. Local Self-Government

Article 84

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

Gengeshes are representative bodies of people's power in etrap, settlement and Gengeshlyk. Members of the Gengesh are elected directly by citizens for a period of three years.

Article 85

Gengeshes are independent in their activity. Mutual relations with the bodies of authority and government are dealt with in accordance with the laws of Turkmenistan.

Article 86

Gengeshes:

1. Determine the basic directions of economic, social and cultural development of their territories;
2. Create and approve the budget and report on its performance;
3. Establish local taxes and the manner of their charging;
4. Define measures for rational use of natural resources and environmental protection;
5. Deal with other issues assigned by law to them.

- Protection of environment

The decisions taken by Gengeshes within the limits of their competence are binding in their territory.

Article 87

Gengesh elects Archyn (Gengesh Head) from its members, who supervises the work of the Gengesh and is accountable to it.

Archyn enforces the decisions of the Gengesh, Acts of the state and government authorities, and addresses the issues of local importance.

Article 88

The order of the activity of Gengesh, and other bodies of local self-government, is defined by law.

Section V. Election System, Referendum

Article 89

Elections of the President of Turkmenistan, deputies of Mejlis, members of the Peoples Council and Gengesh are universal and equal. The citizens of Turkmenistan, having reached the age of 18, have the right to vote; each voter has one vote.

Citizens recognized by the court as incompetent, persons serving sentence in prisons, do not participate in elections. Limiting the electoral rights of citizens in other cases is not acceptable, and is punishable by law.

Article 90

A citizen of Turkmenistan who has attained the age of 25 and has lived [continuously] in Turkmenistan for the past ten years, can be elected as deputy of Mejlis. The requirements for candidates for membership of Mejlis, Peoples Council and Gengesh are defined by the laws of Turkmenistan.

Article 91

Elections are direct; the elected persons are elected directly by the citizens.

Article 92

Voting in elections is by secret ballot, manipulation of the will of the voters during voting is not permitted.

Article 93

The right to nominate candidates belongs to political parties, public associations and citizens' groups, exercised in accordance with laws of Turkmenistan.

Article 94

National and local referendums can be carried out for decision of major questions of state and public life.

- Restrictions on voting
- Subsidiary unit government
- First chamber selection
- Head of state selection
- Claim of universal suffrage
- Municipal government

- Eligibility for first chamber
- Municipal government
- Minimum age for first chamber
- Subsidiary unit government

- Secret ballot

- First chamber selection
- Head of state selection

- Referenda

Decisions adopted by referendums may be repealed or amended only through referendum.

- Referenda
- Legislative initiatives by citizens

Article 95

The right to conduct national referendum belongs to the Mejlis of Turkmenistan on proposal of at least two-third of its established deputies, or on the petition of no less than 250000 eligible voters.

- Municipal government

Article 96

The right to conduct local referendum belongs to Gengesh on its territory, or at the suggestion of no less than one quarter of voters residing in that territory.

- Referenda

Article 97

Referendums are held through universal, equal, direct and secret vote.

Citizens of Turkmenistan with electoral rights can participate in referendums.

- Secret ballot
- Claim of universal suffrage

- Emergency provisions
- Referenda

Article 98

Conduct of elections, national and local referendums, is determined by law. The elections and referendums are not held during a state of emergency.

Section VI. Judiciary

Article 99

The judicial authority in Turkmenistan belongs only to the courts.

The judiciary is intended to guard the citizens' rights and freedoms, protected under the state laws and public interests.

- Structure of the courts

Article 100

The judicial power is exercised by the Supreme Court of Turkmenistan and other courts, established by law.

The establishment of emergency courts and other structures, empowered as court, is not permitted.

- Judicial independence

Article 101

Judges are independent; they are subject only to law and are guided by inner belief. Interference in the work of judges, by whichever side, is unacceptable and punishable by law. The immunity of judges is guaranteed by law.

- Supreme/ordinary court judge removal

Article 102

Judges are appointed by the President of Turkmenistan. The order of appointment and dismissal, and the terms of their office, are determined by law.

- Ordinary court selection
- Supreme court selection
- Supreme court term length

Judges can be removed from office prior to the expiration of their term only on grounds specified by law.

Article 103

Judges cannot hold any other paid post, except for teaching and research.

Article 104

Cases in the court are dealt with collectively [bench], and in cases stipulated by law, by a single judge.

- Right to public trial

Article 105

The trials are held in open court. Hearing in closed session is permitted only in cases specified by law, in compliance with all the rules of the procedure.

- Trial in native language of accused

Article 106

Judicial proceedings are conducted in the state language. Those involved in the case and not speaking the language of the proceedings, have the right to get familiar with the case material and the judicial proceedings through an interpreter, as well as the right to speak in the court in their native language.

- Right to fair trial

Article 107

Justice is dispensed on the basis of equality and rights of defence.

The parties have the right to appeal the decisions, sentences and other verdicts of the courts of Turkmenistan.

- Right to appeal judicial decisions

- Right to counsel

Article 108

The right to professional legal assistance is recognized at any stage of the legal proceedings.

The legal aid to citizens and organizations is rendered by lawyers, and other individuals and organizations.

- Supreme court powers

Article 109

The competence, formation and procedures of the court are defined by law.

- Attorney general

Section VII. The Prosecutor's Office

Article 110

The supervision of precise and uniform enforcement of the laws of Turkmenistan, Acts of the President of Turkmenistan and the Cabinet of Ministers, decisions of the Mejlis, is vested in the Prosecutor General of Turkmenistan, and his subordinate prosecutors.

The public prosecutor participates in the disposal of legal cases in the court on the basis of and in the order established by law.

Article 111

The Prosecutor General's office oversees the legality of operational and investigative activities, and investigation of criminal cases.

Article 112

The uniform, centralized, system of prosecutors' offices is headed by the Prosecutor General of Turkmenistan.

The order of appointment to and dismissal from office, the terms of the office of prosecutors, are determined by law.

Article 113

The Prosecutor General of Turkmenistan and his subordinate prosecutors, in exercising their powers, are guided by law only.

Article 114

The competence, order of formation, and activity of the bodies of the offices of the prosecutors are defined by law.

Section VIII. Final Provisions

Article 115

The laws and other legal Acts of state bodies and officials are issued on the basis of and in accordance with the Constitution.

In case of divergence between the rules specified in the Constitution and the laws, the provisions of the Constitution will apply.

- Unamendable provisions

Article 116

The constitutional provisions on the form of governance as a presidential republic cannot be changed.

- Referenda
- Constitution amendment procedure

Article 117

The Acts to amend the Constitution shall be considered adopted if voted for by at least two-third of the established deputies of Mejlis, or in case of a national referendum, if supported by more than half of the participating citizens of Turkmenistan.

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