

# CONSTITUTION OF THE REPUBLIC OF TAJIKISTAN

Dushanbe 1994

We, the people of Tajikistan,  
being an integral part of the world community,  
appreciating our duty and our responsibility before past, present, and future  
generations,  
understanding the necessity of securing sovereignty and the development of our state,  
acknowledging the unwavering freedoms and rights of the person,  
respecting the equal rights and friendship of all nations and peoples,  
setting as our goal the creation of a just society,  
adopt and announce this Constitution.

## CHAPTER ONE: FOUNDATIONS OF THE CONSTITUTIONAL SYSTEM

**Article 1:** The Republic of Tajikistan is a sovereign democratic, rule of law, secular, and united state. Tajikistan is a social state whose policies are directed towards creating conditions to ensure a worthwhile life and the free development of the person. "Republic of Tajikistan" and "Tajikistan" are equal in meaning.

**Article 2:** The state language of Tajikistan is Tajik. Russian is a language of inter-ethnic communication. All nations and peoples residing on the territory of the republic have the right to use freely their native languages.

**Article 3:** The state symbols of the Republic of Tajikistan are its Flag, Coat of Arms, and Anthem.

**Article 4:** The capital of Tajikistan is the city of Dushanbe.

**Article 5:** Life, honor, dignity, and other natural human rights are inviolable. The rights and liberties of the person and citizen are recognized, observed, and protected by the state.

**Article 6:** In Tajikistan, the people are the possessors of the sovereignty and are the only source of state power, which is exercised both directly and also through the people's representatives. The people of Tajikistan are the citizens of the Republic of Tajikistan regardless of their ethnicity. No social organization, group of people, or individual has the right to arrogate state power. Usurpation of power is a very serious crime. The right to speak in the name of all the people of Tajikistan belongs only to the President and Parliament (Majlisi Oli).

**Article 7:** The territory of Tajikistan is indivisible and inviolable. Tajikistan consists of Gorno-Badakhshan Autonomous Region, regions, cities, districts, towns, and villages. The state ensures the sovereignty, independence, and territorial integrity of the republic. Propaganda and acts directed towards division of state unity are prohibited. The procedures for forming and altering administrative territorial units are regulated by constitutional law.

**Article 8:** In Tajikistan, social life develops on the basis of political and ideological pluralism. No state ideology or religion may be established. Social associations are formed and operate within the framework of the Constitution and laws. The state provides them with equal possibilities in their operations. Religious organizations are separate from the state and may not interfere in governmental affairs. The formation and operation of social associations which advocate racial, ethnic, social, or religious animosity or which incite violent overthrow of the constitutional system, as well as the organization of armed groups, are forbidden.

**Article 9:** Governmental power is based upon its division into legislative, executive, and judicial powers.

**Article 10:** The Constitution of Tajikistan possesses supreme legal power, and its norms have direct application. Laws and other legal acts that are contrary to the Constitution do not have legal force. The government and all its organs, officials, citizens, and citizens' associations are obligated to comply with and execute the Constitution and laws of the republic. International legal acts recognized by Tajikistan are a constituent part of the legal system of the republic. In the case of a discrepancy between the laws of the republic and recognized international legal acts, the norms of the international legal acts are applied. Laws and international legal acts recognized by Tajikistan enter into force after their official publication.

**Article 11:** Tajikistan, conducting peace loving policies, respects the sovereignty and independence of other states and determines its foreign policy on the basis of international norms. War propaganda is prohibited. Tajikistan, controlled by the higher interests of the people, may enter into commonwealths and other international organizations, and, likewise, exit from them, as well as establish relations with foreign countries. The government cooperates with fellow countrymen in other countries.

**Article 12:** The economic foundations of Tajikistan are comprised of various forms of property. The government guarantees freedom of economic and business activity, as well as equal rights and legal protection for all forms of property, including private property.

**Article 13:** The earth, its resources, water, the atmosphere, flora, fauna, and other natural resources are the exclusive property of the state, and the government guarantees their effective utilization in the interests of the people.

## **CHAPTER TWO: THE RIGHTS, FREEDOMS, AND BASIC OBLIGATIONS OF THE PERSON AND THE CITIZEN**

**Article 14:** The rights and freedoms of the person and the citizen are regulated and protected by the Constitution and laws of the republic, as well as by international legal acts recognized by Tajikistan. Limitations of the rights and freedoms of citizens are only allowed for the purposes of ensuring the rights and freedoms of other citizens, ensuring social order, and protecting the constitutional system and territorial integrity of the republic.

**Article 15:** A person who on the day the Constitution is adopted is a citizen of the Republic of Tajikistan is considered a citizen of Tajikistan. A citizen of Tajikistan is

not allowed to be a citizen of another state, except in the cases anticipated by the laws and interstate treaties of Tajikistan. The procedures for acquisition and loss of citizenship are determined by constitutional law.

**Article 16:** A citizen of Tajikistan located in another country enjoys the protection of the state. No citizen of the republic may be extradited to a foreign state. Extradition of a criminal to a foreign state is permitted on the grounds of a bilateral agreement. Foreign citizens and stateless persons enjoy these announced rights and freedoms, and have obligations and responsibilities equal to those of citizens of Tajikistan, except in cases anticipated by law. Tajikistan may offer political asylum to foreign citizens who have been victims of human rights violations.

**Article 17:** All persons are equal before the law and the courts. The government guarantees the rights and freedoms of every person regardless of ethnicity, race, sex, language, faith, political beliefs, education, or social or property status. Men and women have equal rights.

**Article 18:** Every person has the right to life. No person may be deprived of life except by the verdict of a court for a very serious crime. The inviolability of the individual is guaranteed by the government. No one may be subjected to torture or cruel and inhuman treatment. Forced medical and scientific experiments on people are prohibited.

**Article 19:** Every person is guaranteed judicial protection. Every person has the right to demand review of her or his case by a competent and non-partisan court. Without lawful grounds, no one may be subjected to detainment, arrest, or deportation. From the moment of detainment, a person has the right to employ the services of a lawyer.

**Article 20:** No one may be considered guilty of commission of a crime until the verdict of a court enters into legal force. No one may be brought to trial after expiration of the time limit on criminal prosecution or for an act which at the moment of its commission was not considered a crime. No one may be tried twice for one and the same crime. A law that is adopted after a person's commission of an illegal act and that increases punishment for that act does not have ex post facto force. If after a person's commission of an illegal act, liability for that act is repealed or reduced, the new law is applied. Full confiscation of a convicted person's property is not allowed.

**Article 21:** The law protects the rights of victims. The government guarantees the victim judicial protection and compensation for harms suffered by him or her.

**Article 22:** The home is inviolable. Invading the home and depriving a person of his or her home are not permitted, except in cases anticipated by law.

**Article 23:** The privacy of correspondence, telephone conversations, and telegraphic and other communications are ensured, except in cases anticipated by law. The collection, keeping, use, or dissemination of information about the private life of a person without her or his permission to do so is forbidden.

**Article 24:** Each citizen has the right to free movement, choice of location of residence, departure beyond the borders of the republic, and return to the republic.

**Article 25:** Governmental organs, social associations, and officials are obligated to provide each person with the possibility of receiving and becoming acquainted with documents that affect her or his rights and interests, except in cases anticipated by law.

**Article 26:** Each person has the right independently to determine her or his religious preference, to practice any religion alone or in association with others or to practice no religion, and to participate in the performance of religious cults, rituals, and ceremonies.

**Article 27:** Each citizen has the right, directly or through representatives, to participate in political life and in the governing of the state. Each citizen has equal rights to government service. Each citizen, upon reaching 18 years of age, has the right to elect and be elected. Persons who are declared by a court to be incompetent or who are being detained in prison by the verdict of a court do not have the right to participate in elections or referenda. Elections and referenda are carried out on the basis of general, equal, and direct voting rights by secret ballot.

**Article 28:** Citizens have the right of association. Each citizen has the right to participate in the formation of political parties, trade unions, and other social associations, as well as voluntarily to join them and resign from them.

**Article 29:** Each citizen has the right to participate in lawfully established meetings, protests, demonstrations, and peaceful marches. No one may be forced to participate in these activities.

**Article 30:** Each person is guaranteed the freedoms of speech and the press, as well as the right to use information media. Governmental censorship and prosecution for criticism are forbidden. A list of information considered secrets of the state is determined by law.

**Article 31:** Citizens have the right personally or in association with others to appeal to governmental organs

**Article 32:** Each person has the right to own property and the right to inherit. No one has the right to deprive or limit a citizen's property rights. Seizure of personal property by the government for social needs is permissible only on the grounds provided by law and with the assent of the owner and her or his full compensation for the value of the property. Material and moral harms incurred by individuals as the result of the unlawful activities of governmental organs, social associations, or individual persons are compensated at the expense of the perpetrators in accordance with the law.

**Article 33:** As the foundation of society, the family is under the protection of the government. Each person has the right to start a family. Men and women who have reached the age of marriage have the right to enter freely into marriage. In familial relations and in the event of abrogation of a marriage, spouses have equal rights. Polygamy is forbidden.

**Article 34:** Mothers and children are under the special protection and patronage of the government. Parents are responsible for raising children, and adult children who are able to work are obligated to care for their parents. The government takes care to protect orphans and the disabled, as well as their upbringing and education.

**Article 35:** Each person has the right to employment, to choose a profession and job, to have their job protected, and to social protection against unemployment. Salaries should not be lower than the minimum working wage. Any kind of limitation in employment relations is forbidden. Equal work is equally compensated. No one may be subjected to forced labor, except in cases anticipated by law. The use of the labor of women and minors in heavy or underground work, as well as for work in dangerous work conditions, is forbidden.

**Article 36:** Each person has the right to housing. This right is ensured through the provision of governmental, social, cooperative, and individual housing construction.

**Article 37:** Each person has the right to relaxation. This right is ensured through establishment of the length of the working day and week, the provision of an annual paid vacation, weekly days of rest, and through other conditions anticipated by law.

**Article 38:** Each person has the right to health care. This right is ensured through free medical assistance in governmental health care institutions, measures to improve the condition of the environment, formation and development of mass athletics, physical fitness, and other sports. Other forms of medical assistance to be provided are determined by law.

**Article 39:** Each person is guaranteed social assistance in old age, in the case of illness, disability, or loss of ability to work, in the case of loss of a provider, or in other cases determined by law.

**Article 40:** Each person has the right freely to participate in the cultural life of society, as well as in artistic, scientific, and technical creation and make use of their achievements. Cultural and spiritual valuables are protected by the government. Intellectual property is under the protection of the law.

**Article 41:** Each person has the right to education. General basic education is obligatory. The government guarantees free high school, trade, and, in accordance with ability and on a competitive basis, specialized high school and university education. Other forms of education to be provided are determined by law.

**Article 42:** On the territory of Tajikistan, each person is obligated to comply with Tajikistan's Constitution and laws, as well as to respect the rights, freedoms, honor, and dignity of other people. Ignorance of the law does not free a person from liability.

**Article 43:** Defense of the homeland, protection of the interests of the state, and strengthening the state's independence, security, and defense forces are the sacred duty of the citizen. The procedures for completing military service are determined by law.

**Article 44:** Every person is obligated to protect nature and historic and cultural monuments.

**Article 45:** Every person is obligated to pay those taxes and tariffs that are established by law.

**Article 46:** If, as the result of a natural disaster or a real threat to the rights and freedoms of citizens, to the independence of the state, or to the state's territorial integrity, the constitutional organs of the republic cannot function normally, as a temporary measure in order to ensure the safety of citizens and the state, a state of emergency may be declared. A state of emergency may be established for no longer than a three month period. In cases of necessity, this time limit may be extended by the President of the Republic of Tajikistan.

**Article 47:** In the case of a state of emergency, the rights and freedoms anticipated in articles 16, 17, 18, 19, 20, 22, 25, and 28 of the Constitution may not be limited. Over the time period for which a state of emergency is declared, Parliament does not disband. The legal regime during a state of emergency is determined by constitutional law.

### **CHAPTER THREE: PARLIAMENT**

**Article 48:** Parliament is the highest representative and legislative organ of the Republic of Tajikistan. Parliament is elected for a five year term. Citizens not younger than 25 years of age may be elected to Parliament. The organization and operations of Parliament are determined by constitutional law.

**Article 49:** The powers of Parliament:

- 1) adopting, amending, and repealing laws and resolutions;
- 2) interpreting the Constitution and laws;
- 3) determining the basic directions of domestic and foreign governmental policies;
- 4) forming the Central Elections and Referenda Commission;
- 5) scheduling referenda;
- 6) introducing draft legislation and other important governmental and social issues for popular discussion;
- 7) scheduling elections for the President of the Republic;
- 8) scheduling elections for higher and local representative organs;
- 9) giving consent to the formation and abolition of ministries and governmental committees;
- 10) approving decrees of the President concerning the appointment or dismissal of the Prime Minister and other members of the Government;
- 11) approving decrees of the President concerning the appointment or dismissal of the Chair of the National Bank and her or his assistants;
- 12) on the petition of the President of the Republic, electing and recalling the chair, assistant chairs, and judges of the Constitutional Court, the Supreme Court, and the High Economic Court;
- 13) giving consent to the appointment and dismissal of the Procurator General and her or his assistants;
- 14) approving the socio-economic program, and giving consent to the provision of economic assistance to other states;

- 15) approving the state budget, determining the possible amount of the state budget deficit and sources to cover this deficit, monitoring implementation of the budget, determining tax policies, and giving permission for the extension and receipt of governmental credit;
- 16) determining the monetary system;
- 17) determining the structure of, formation of, abolition of, and changes in administrative territorial units. In necessary cases at its own discretion, also independently changes the borders of administrative territorial units;
- 18) ratifying and denouncing international treaties;
- 19) forming courts;
- 20) approving decrees of the President concerning martial law and states of emergency;
- 21) approving state awards;
- 22) establishing military, diplomatic, and other specialized ranks;
- 23) approving the state symbols;
- 24) declaring general amnesties;
- 25) repealing resolutions of the Presidium of Parliament in the event that they are contrary to the Constitution and laws;
- 26) exercising other powers determined by the Constitution and laws.

**Article 50:** The basic form of operations for Parliament is the session. A session of Parliament is convened by the Presidium of Parliament no less frequently than two times each year. A session of Parliament is competent if no less than two thirds of the total number people's deputies participate in it. The first session of Parliament is convened by the Central Elections and Referenda Commission within one month after elections for people's deputies.

**Article 51:** In order to organize the work of Parliament and exercise powers anticipated in the Constitution and laws, a Presidium of Parliament is formed which is headed by the Chair of Parliament. The composition of the Presidium of Parliament consists of the Chair of Parliament, her or his First Assistant and assistants, and the chairs of the committees and permanent commissions of Parliament. Parliament may also elect other people's deputies to membership in the Presidium of Parliament.

**Article 52:** The powers of the Presidium of Parliament:

- 1) convening Parliament;
  - 2) organizing preparations for sessions of Parliament;
  - 3) coordinating the activities of the committees and permanent commissions of Parliament;
  - 4) organizing inter-parliamentary connections;
  - 5) managing the press organs of Parliament, and appointing and dismissing their chief editors;
  - 6) giving consent to the appointment or recalling of the heads of diplomatic missions of Tajikistan in foreign states and representatives of the republic in international organizations;
  - 7) exercising other powers determined by the Constitution and laws.
- Without exceeding its powers, the Presidium of Parliament adopts resolutions.

**Article 53:** From among the people's deputies, Parliament elects a Chair of Parliament, her or his First Assistant and assistants, and the chairs of the committees

and permanent commissions of Parliament. One of the assistants to the Chair of Parliament must be a people's deputy from Gorno-Badakhshan Autonomous Region. The Chair of Parliament is elected by secret ballot and must have a majority of the votes of the total number of people's deputies.

**Article 54:** The powers of the Chair of Parliament:

- 1) managing the preparation of issues subject to review during sessions;
- 2) chairing sessions of Parliament and meetings of its Presidium;
- 3) presenting Parliament with candidates for the First Assistant and assistants to the Chair of Parliament, and for the chairs of the committees and permanent commissions of Parliament;
- 4) signing resolutions of Parliament and resolutions of its Presidium;
- 5) representing Parliament both within the country and abroad;
- 6) signing inter-parliamentary agreements;
- 7) managing the administrative machinery of Parliament, and issuing orders;
- 8) exercising other powers determined by the Constitution and laws.

**Article 55:** The First Assistant and assistants to the Chair of Parliament, when authorized to do so by the Chair, fulfill certain functions of the Chair. In the event of the absence of the Chair of Parliament, her or his obligations are carried out by the First Assistant.

**Article 56:** From among the people's deputies, Parliament elects committees and permanent commissions to draft legislation, exercise monitoring functions, and conduct preliminary review and preparation of issues. Parliament may, when necessary, form investigatory, audit, and other temporary commissions.

**Article 57:** An official is obligated to provide a people's deputy with information that is necessary so that that deputy can fulfill her or his functions, except in cases determined by law. A people's deputy has the right freely to express her or his opinion and to vote according to her or his beliefs.

**Article 58:** A people's deputy who is working in Parliament on a full-time basis may not occupy another position or engage in entrepreneurial activity aside from scientific or creative activities. A citizen of Tajikistan may not simultaneously be a deputy in more than two representative organs.

**Article 59:** A people's deputy enjoys the right of immunity. She or he may not be subjected to any kind of arrest, administrative penalty imposed through judicial proceedings, or criminal trial without the consent of Parliament. Without the consent of Parliament, a people's deputy may not be detained, except when apprehended at the scene of a crime. The powers of a people's deputy terminate upon resignation, a declaration by a court of incompetence, or by a well-founded decision of Parliament to that effect. The legal status of people's deputies is determined by constitutional law.

**Article 60:** The right to introduce draft legislation belongs to people's deputies, the President, the Government, the Constitutional Court, the Supreme Court, the High Economic Court, and the Parliament of People's Deputies of Gorno-Badakhshan Autonomous Region.



**Article 61:** The laws of Tajikistan and resolutions of Parliament are adopted by a majority of the votes of the total number of people's deputies. Constitutional laws are adopted by the positive vote of no less than two-thirds of the total number of people's deputies.

**Article 62:** Laws of Tajikistan are presented to the President for her or his signature. If the President does not agree with the law, then she or he returns the laws with her or his objections to the Parliament within fifteen days. If two-thirds of Parliament votes to affirm Parliament's previously adopted decision, the President signs the law. If the President does not return a law within the established time period, then she or he is required to sign that law.

**Article 63:** Parliament may prematurely disband itself with the consent of not less than two-thirds of the people's deputies. In any case, the powers of the people's deputies of Tajikistan are terminated on the day that the first session of a new Parliament is convened.

#### **CHAPTER FOUR: THE PRESIDENT**

**Article 64:** The President of the Republic of Tajikistan is the head of state and of the executive power (Government). The President is the guarantor of the Constitution and laws, of the rights and freedoms of the person and citizen, of national independence, unity, and territorial integrity, of the continuity and longevity of the state, of the coordinated functioning and cooperation of governmental organs, and of compliance with the international treaties of Tajikistan.

**Article 65:** The President is elected for a term of five years by the citizens of Tajikistan on the basis of general, equal, and direct voting rights by secret ballot. Any citizen who is age 35 to 65, is fluent in the state language, and has been resident on the territory of Tajikistan for at least the previous ten years may be nominated as a candidate for the office of President of the Republic. A candidate for the office of President of the Republic is any person who has so registered and has collected the signatures of nomination of no less than five percent of the voters. No one may be President for more than two consecutive terms.

**Article 66:** An election for President is considered official when more than half of the voters participate in it. A candidate for the office of President who receives more than half the votes of the voters who participate in an election is considered elected. The procedures for Presidential elections are determined by constitutional law.

**Article 67:** Before assuming office, the President takes the following oath at a meeting of Parliament:

*"As President, I swear to defend the Constitution and laws of the Republic, to guarantee the rights, freedoms, honor, and integrity of citizens, to defend the territorial integrity and political, economic, and cultural independence of Tajikistan, and to serve the people with devotion."*

The powers of the President are terminated at the moment a newly elected President takes this oath.

**Article 68:** The President does not have the right to occupy another office, be a deputy in a representative organ, or engage in entrepreneurial activity. The salary of the President is established by Parliament.

**Article 69:** The President of the Republic of Tajikistan:

- 1) represents Tajikistan both within the country and in international relations;
- 2) with the consent of Parliament, forms and abolishes ministries and governmental committees;
- 3) appoints and dismisses the Prime Minister and other members of the Government, and presents decrees to this effect to Parliament for approval;
- 4) appoints and dismisses the Chair of the National Bank and her or his assistants, and presents decrees to this effect to Parliament for approval;
- 5) creates the executive administration of the President;
- 6) appoints and dismisses the chairs of the Gorno-Badakhshan Autonomous Region, regions, the city of Dushanbe, cities, and districts, and presents them to the corresponding parliament of people's deputies for approval;
- 7) presents Parliament with candidates for election to or removal from positions as chair, assistant chairs, and judges of the Constitutional Court, the Supreme Court, and the High Economic Court;
- 8) with the consent of Parliament, appoints and dismisses the Procurator General and her or his assistants;
- 9) on the petition of the Minister of Justice, appoints and dismisses the judges of military courts, the court of the Gorno-Badakhshan Autonomous Region, and regional, Dushanbe city, city, and district courts;
- 10) manages the reserve fund and informs Parliament of its expenditures;
- 11) introduces proposals in Parliament regarding determination of the monetary system;
- 12) signs laws;
- 13) repeals or suspends the force of acts of organs of state government in the event that they are contrary to the Constitution and laws;
- 14) manages the implementation of foreign policy, signs international treaties, and presents them to Parliament for approval;
- 15) with the consent of the Presidium of Parliament, appoints the heads of diplomatic missions of Tajikistan in foreign states and representatives of the republic in international organizations;
- 16) accepts the credentials of heads of the diplomatic missions of foreign states;
- 17) is the Supreme Commander in Chief of the Armed Forces of Tajikistan; appoints and dismisses the commanders of the troops of the Armed Forces of Tajikistan;
- 18) in case of a real threat to the security of the state, declares martial law and issues a decree to that effect for approval by Parliament;
- 19) declares states of emergency over the entire territory of the republic or in separate localities, and immediately issues a decree to that effect for approval by Parliament and notifies the United Nations;
- 20) forms and manages a Security Council;
- 21) extends political asylum;
- 22) decides issues of acquisition and loss of citizenship;
- 23) decides issues of pardoning the convicted;
- 24) confers high military, diplomatic, and other specialized ranks;
- 25) awards citizens with state awards and confers state prizes and honorary titles of

Tajikistan;

26) fulfills other powers anticipated by the Constitution and laws.

**Article 70:** The President issues decrees and orders without exceeding her or his authority, informs Parliament about conditions in the country, and introduces important and essential issues for consideration in Parliament.

**Article 71:** In the event of the President's death, resignation, or dismissal, or if the President is declared incompetent, until a newly elected President assumes office, the President's obligations are transferred to the Chair of Parliament, and the obligations of the Chair of Parliament are transferred to the First Assistant. In these circumstances, elections for President are held within three months. A question concerning the premature termination of the President's powers is decided by a majority vote of the people's deputies of Parliament, except in the circumstances anticipated in Article 72.

**Article 72:** The President enjoys the right of immunity. In the event that the President violates her or his oath or commits a crime, Parliament, taking into consideration the findings of the Constitutional Court and a special Parliamentary commission, by the positive vote of no less than two thirds of the people's deputies, dismisses the President from office. A question concerning charging the President of the Republic with violation of his or her oath or committing a crime is raised on the petition of no less than one third of the people's deputies. In this event, the Chair of the Supreme Court is assigned to chair a special session of Parliament. The people's deputies swear an oath to the effect that in reviewing this issue, they will be motivated by their own conscience, the law, and justice. After the President is dismissed from office, the investigation of her or his case continues, she or he is charged, and the case is transferred to a court.

## CHAPTER FIVE: THE GOVERNMENT

**Article 73:** The Government of the Republic consists of the Prime Minister, her or his First Assistant and assistants, ministers, and the chairs of governmental committees. The Government ensures the effective management and functioning of the economy and the social and spiritual spheres, as well as of compliance with laws, decisions of Parliament, and decrees and orders of the President of Tajikistan. The members of the Government do not have the right to occupy another office, be deputies in representative organs, or engage in entrepreneurial activity.

**Article 74:** In accordance with the Constitution and laws of the republic, the Government issues resolutions and orders, the execution of which is obligatory over the entirety of the territory of the republic. The Government relinquishes its powers before a newly elected President. In the event that the Government declares that it is unable to function normally, it may present its resignation to the President. Each member of Parliament has the right to resign. The organization, operations, and powers of the Government are determined by constitutional law.

**Article 75:** The government presents socio-economic programs and issues of extension and receipt of governmental credit, the provision of economic assistance to

other states, draft state budgets, the possible amount of the state budget deficit, and sources to cover this deficit to Parliament for review.

## **CHAPTER SIX: LOCAL POWER**

**Article 76:** Local power consists of representative and legislative organs that operate within exceeding their powers. They ensure execution of the Constitution, laws, and acts of Parliament and the President.

**Article 77:** Managed by a chair, parliaments of people's deputies are organs of local representative power in regions, cities, and districts. Deputies of local parliaments are elected for five year terms. A parliament of people's deputies approves the local budget and the report of its implementation, determines paths of local socio-economic development, determines local taxes and payments in accordance with the law, determines means of management and possession of communal property, and exercises other powers determined by the Constitution and laws.

**Article 78:** Local executive power is exercised by representatives of the President: chairs of regions, cities, and districts. Local representative and executive organs of corresponding administrative territorial units are headed by the chair. The chairs of Gorno-Badakhshan Autonomous Region, regions, the city of Dushanbe, cities, and districts are appointed and dismissed by the President, having presented her or his candidates for approval by the corresponding parliament of people's deputies. The chair is responsible before higher executive organs and the corresponding parliament of people's deputies. The council (jamoat) is the self-government organ of towns and villages. The formation, powers, and operations of organs of local power are regulated by constitutional law.

**Article 79:** Representative organs and their chairs, without exceeding their powers, adopt legal acts, compliance with which is obligatory over the corresponding territory. In the event that acts of representative organs and chairs are contrary to the Constitution and laws, they are repealed by higher organs and courts.

**Article 80:** In the event that a parliament of people's deputies of Gorno-Badakhshan Autonomous Region, a region, the city of Dushanbe, a city, or a district systematically fails to comply with the Constitution and laws, Parliament has the right to disband that local parliament and schedule new elections.

## **CHAPTER SEVEN: GORNO-BADAKHSHAN AUTONOMOUS REGION**

**Article 81:** Gorno-Badakhshan Autonomous Region is a component and indivisible part of the Republic of Tajikistan. Without the permission of the local parliament of people's deputies, it is not permissible to alter the borders of the territory of Gorno-Badakhshan Autonomous Region.

**Article 82:** People's deputies of Tajikistan from Gorno-Badakhshan Autonomous Region are elected in accordance with established legal norms, regardless of the size of the population.

**Article 83:** The powers of Gorno-Badakhshan Autonomous Region in the social, economic, and cultural spheres of life, as well as other powers of the region, are determined by constitutional law.

## **CHAPTER EIGHT: COURTS**

**Article 84:** The judicial power is independent and protects the rights and freedoms of individuals, the interests of the state, organizations, and institutions, and legality and justice. Judicial power is exercised by the Constitutional Court, the Supreme Court, the High Economic Court, the Military Court, the court of Gorno-Badakhshan Autonomous Region, and regional, Dushanbe city, city, and district courts. The organization of and work procedures of courts are determined by constitutional law. Judges have terms of five years. The creation of emergency courts is forbidden.

**Article 85:** Lawyers not younger than 30 years of age and not older than 60 years of age who have worked as judges for not less than 5 years, may be elected or appointed to office as a judge of the Supreme Court, the High Economic Court, the Military Court, a regional court, or Dushanbe City Court. Persons not younger than 25 years of age and not older than 60 years of age who have at least 3 years of work experience in the legal profession may be appointed to office as a judge of a city or district court.

**Article 86:** Judges of the Military Court, the court of Gorno-Badakhshan Autonomous Region, and regional, Dushanbe city, city, and district courts are appointed and dismissed by the President on the petition of the Minister of Justice.

**Article 87:** In their work, judges are independent and subordinate only to the Constitution and law. Interference in their work is forbidden.

**Article 88:** Judges review cases both on panels and individually. The judicial process is exercised on the basis of the principle of the adversarial nature and equality of parties. Hearings in all courts are open, except in cases anticipated by law. Judicial proceedings are carried out in either the state language or in the language of the majority of the people of a given locality. Persons who do not speak the language of the judicial proceedings are provided with the services of an interpreter.

**Article 89:** The Constitutional Court consists of seven people, one of whom is a representative of Gorno-Badakhshan Autonomous Region. The judges of the Constitutional Court are elected from among all lawyers not younger than 30 years of age and not older than 60 years of age who have at least ten years of experience working in the legal profession. The powers of the Constitutional Court:

- 1) determining whether laws and legal acts of Parliament, the President, the Government, the Supreme Court, the High Economic Court, and other governmental and social organs, as well as treaties of Tajikistan that have not yet entered into legal force, are in accordance with the Constitution;
- 2) resolving conflicts between governmental organs regarding their competencies;
- 3) fulfilling other powers determined by the Constitution and laws.

Decisions of the Constitutional Court are final.

**Article 90:** Judges may not occupy other positions, be deputies in representative organs, be members of political parties or associations, or engage in entrepreneurial activity besides scientific, creative, and teaching activities.

**Article 91:** Judges enjoy the right of immunity. Without the consent of the organ which elected or appointed her or him, a judge is not subject to arrest or criminal trial. A judge is not subject to detention, except when she or he is detained at the scene of a crime.

**Article 92:** Legal assistance is guaranteed at all stages of investigation and trial. The organization or and work procedures of the bar and other forms of legal assistance to be provided are determined by constitutional law.

## **CHAPTER NINE: THE PROCURACY**

**Article 93:** Oversight for exact and uniform compliance with the law on the territory of Tajikistan is exercised by the Procurator General and procurators subordinate to her or him.

**Article 94:** The Procurator General heads a unified, centralized system of organs of the procuracy of Tajikistan. The Procurator General is accountable to Parliament and the President.

**Article 95:** The Procurator General of Tajikistan is appointed for a term of five years. The Procurator General appoints and dismisses procurators subordinate to her or him. The term of office of procurators is five years. The operations, powers, and structure of the organs of the procuracy are regulated by law.

**Article 96:** The Procurator General and procurators subordinate to her or him exercise their powers independently of other governmental organs and officials and are subordinate only to the law.

**Article 97:** A procurator may not occupy another position, be a deputy in a representative organ, be a members of a political parties or association, or engage in entrepreneurial activity besides scientific, creative, and teaching activities.

## **CHAPTER TEN: PROCEDURES FOR AMENDING THE CONSTITUTION**

**Article 98:** Amendments and additions to the Constitution are introduced through general referenda. A referendum is held if two-thirds of the people's deputies vote for it to be held. The procedures for holding a referendum are determined by constitutional law.

**Article 99:** Proposals to amend or add to the Constitution are introduced by the President or on the petition of no less than one third of the people's deputies of Tajikistan. Proposals to amend or add to the Constitution are published in the press three months before the referendum.

**Article 100:** The republican form of government of, the territorial integrity of, and the democratic, rule of law, secular, and social natures of the state may not be changed.