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LAW OF THE REPUBLIC OF TAJIKISTAN ON CULTURE

(As amended by the Law of 8 December 2003g.N63)

Article 1. Objectives of the Law

The main objectives of this Act are:

- Security and protection of the constitutional rights of citizens to cultural activities;
- Provision of legal safeguards for the free cultural activities associations of citizens of the Republic of Tajikistan;
- Definition of the principles and the legal regulation of subjects cultural activities;
- Determination of the state policy in the field of culture.

Article 2. Scope of this Law

This Act regulates the cultural activities in the following areas:

- Identification, study, protection, restoration and use of monuments history and culture;
- Literature, film, stage, dance, music, art, photography and other forms and genres art;
- Traditional arts and crafts, languages, dialects, folklore, customs and rituals, historical place names;
- Amateur art;
- Museums and collecting historical and cultural monuments;
- Publishing and library science, as well as other cultural activities, associated with the creation of printed works, their distribution and use, archiving;
- Television, radio and other audio-visual aids in part creation and dissemination of cultural values;
- Aesthetic education, art education, teaching activities in this area;
- Scientific research in the field of culture;
- International cultural exchanges;
- Production of materials, equipment and other resources needed for preservation, creation, dissemination and development of cultural values;
- Other activities as a result of which remain, and are accustom cultural values.

Article 3. Legislation of the Republic of Tajikistan on culture

Legislation of the Republic of Tajikistan on culture based on Constitution of the Republic of Tajikistan and consists of this Law and other legislative acts of the Republic of Tajikistan.

Article 4. Basic principles of state policy in the field of culture

Basic principles of state policy of the Republic

Tajikistan in the field of culture is based on the following principles:

- Accessibility of cultural values;
- Freedom of creative activity;
- Promote the development of creative potential of citizens;
- Recognition of the pluralism of opinions and attitudes to the creative process;
- Protection of the culture of the people of the Republic of Tajikistan;
 - The equality of all citizens of the Republic of Tajikistan in creating, use and dissemination of cultural values;
- Nationwide, scientific, secular and humane culture;
- Actively familiarizing society to national and world values;
 - Moral education of the individual through the skillful use of cultural values;
- Improvement and development of cultural ties with Tajikistan foreign countries;
- Democratic, public-public nature management of culture, strengthening the credibility of public associations and creative Unions in cultural activities.

Article 5. The rights of citizens of the Republic of Tajikistan in the field of culture

Citizens of the Republic of Tajikistan regardless of origin, race, national origin, sex, language, education, religion, social and property status, occupation have the right to:

- Free to use the achievements of national and universal culture;
- Engage in all kinds of professional and non-professional (Amateur) creative activity in accordance with their interests and abilities;
- To acquire intellectual property, to preserve the secrets of his skill, freely dispose of their creative achievements;
- Free to use the moral, aesthetic and other values and have State support in the defense of their national culture;
- Freely exercise their cultural values, state library, museum and archive funds. Restrictions on using a set of cultural values laws of the Republic of Tajikistan;
- Without restriction to receive humanitarian and artistic education, free to choose the forms and methods of training;
- Take care to preserve the heritage of the past and contemporary cultural heritage;
- Be the owner of the property, which has historical and cultural significance, Collection and assembly of buildings and structures, institutions, enterprises and other cultural objects. The procedure for the acquisition and use of cultural objects governed by the laws of the Republic of Tajikistan;

- According to the legislation of the Republic of Tajikistan for Development of cultural values to create organizations, institutions, enterprises, associations, creative unions and other public associations and to engage in mediation in the field of cultural activities in the manner determined by the legislation of the Republic of Tajikistan;

- Publicly present the results of their creative activity for abroad, including for the purpose of selling them in the order determined by the legislation of the Republic of Tajikistan;

- To carry out cultural activities in foreign countries, to create organizations of culture to territory other states with Given legislation of these countries.

Article 6. Rights of National and Ethnic Groups

Representatives of all national and ethnic groups living in territory of the Republic of Tajikistan have the right to preserve, develop and protection of cultural identity, the organization of enterprises and institutions culture, national cultural centers and societies.

The Republic of Tajikistan supports national and cultural centers, national societies, associations, educational and other organizations compatriots outside the country takes steps to conclude international agreements in this area and to protect their rights.

Article 7. The rights of foreign citizens and stateless persons in the area cultures

Foreign citizens and stateless persons have equal rights with citizens of the Republic of Tajikistan in the field of cultural activities, for Except as provided by law.

Article 8. The national-cultural values of the Republic of Tajikistan

To national and cultural values of the Republic of Tajikistan are archaeological, historical and cultural monuments, a collection of rare and antiques and works of art from the paintings, paintings, drawings, sculpture works, place names of historical significance, design artworks, handwritten books, manuscripts and copyright manuscripts, lithographs, historical documents, rare books, place burial (grave) of celebrities, gardens, landscapes, culturally significant and others.

National and cultural values that are considered to be public, cooperative, mixed together, personal and private property, registered under the Act and used in cultural activities.

Article 9. Dissemination and promotion of national and cultural values

Dissemination and promotion of the national cultural heritage and cultural achievements of the Republic of Tajikistan is carried out theatrically

entertainment and concert agencies, film and video rental, libraries, archives, clubs, houses and palaces of culture, recreation parks, kulturnodosugovye centers, exhibition halls, museums, historical and natural reserves, radio and TV, creative unions, associations of employees

(Figures) art and culture, tourist agencies, educational institutions culture and arts, science and technology centers, after-school cultural leisure centers, offices of newspapers and magazines, publishers and others.

Enterprises, institutions and organizations authorized in the dissemination and promotion of the national cultural heritage and cultural achievements and art, have the right to prepare and adopt creative programs

(Repertoires) of different genres, forms, directions (methods) and currents, dissemination and promotion of cultural heritage and cultural achievements and art.

Dissemination and promotion of cultural, scientific and literary Heritage Tajik classical literature, classical masterpieces cultural Heritage and achievements modern world of culture stimulated and supported by targeted funding and tax policy.

Spreading and popularization of works that calling for the violent overthrow of the constitutional order, and war violence, cruelty, racial, national and religious hatred, humiliation national dignity and promoting pornography and immorality.

Restricting and prohibiting the use of cultural heritage, cultural activities of its achievements determined by law.

Article 10. Export and import of the Republic of Tajikistan national cultural values

Prohibited from export outside the country values (monuments), having

great historical and cultural significance registered and contained in special places (museums, national parks, libraries, etc.). It is forbidden to export outside the country for various purposes (showing, sharing, Sale et al.) the unique cultural values without special permission Government of the Republic of Tajikistan.

The Government of the Republic of Tajikistan and the Ministry of Culture of the Republic of Tajikistan signed by the Republic of Tajikistan in accordance with international Agreements have the right to return of cultural objects unlawfully exported outside the country. Will be noted and encouraged citizens Republic of Tajikistan, foreign citizens and stateless persons who bore contribution to the return of cultural property of the Republic.

**Article 11. Gosudarstvenny roster of national and cultural heritage
The Republic of Tajikistan**

National register of cultural heritage of the Republic of Tajikistan conducted by the Ministry of Culture of the Republic of Tajikistan.

**Article 12. Mode objects of the national cultural heritage
The Republic of Tajikistan**

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Prohibited from sharing, destruction, removal, reproduction and restoration objects included in the state register of national cultural Heritage without special permission. Without such permission is not allowed dismemberment, violation of the integrity and unity of the objects of particular historical, artistic and aesthetic values.

Use of objects included in the State Register of national cultural heritage is their historical, artistic and for religious purposes.

Objects belonging to mosques, churches and other religious institutions and recognized cultural values or related to national and cultural domain may be used in accordance with their cultural significance within Law of the Republic of Tajikistan "On freedom of conscience and religion."

Emptive right to use architectural monuments belongs to the cultural and art institutions. Responsibility for the content and preservation of the national cultural heritage entrusted to them owners and consumers (users). Failure to comply with this obligation involves the closure of law.

In the absence of the subject material resources for the maintenance of the object of the national cultural heritage, the costs borne by the state.

Article 13. Creative activities

The Republic of Tajikistan recognizes and does not interfere with the freedom of creative activities. State support creative activities and has material and moral support in its development, protection of creativity intervention organizations, enterprises, institutions and political parties, promotes implementation of creative ideas.

In Tajikistan, the necessary conditions for the development of all types of professional and non-professional (amateur) creative activities, theater, music, fine arts, cinematography, circus, television, radio, folk art, traditional professional creativity, creative activities and folk artists other. These conditions include the following system of legal guarantees: receiving vocational training; training; right free to join in the creative unions, associations, societies and associations.

Professional creative workers is a citizen of the Republic or a foreigner, whose creative activity is the main employment and the main source of income.

The presence of one of these factors is a prerequisite for professional creative worker:

- Receipt of payment for creative activities;
- Registration activities in establishing the benefits;
- To provide vocational training in schools or at specialist ustoda that is officially recognized in the field of creative

activities;

- Awarding honorary title creative worker, professional Prize;

- Recognition of it as a creative worker from professionals and society;

- Individual membership in professional arts organization (creative Union Creative Association).

Article 14. System Management Culture of the Republic of Tajikistan

System of government in the Republic of culture Tajikistan are:

- The Government of the Republic of Tajikistan;
- The Ministry of Culture of the Republic of Tajikistan;
- Ministries and Departments of the Republic of Tajikistan, which have organizations, businesses and cultural institutions;
- The executive authorities in the field.

Article 15. Competence of the Government of the Republic of Tajikistan the field of culture

The Government of the Republic of Tajikistan:

- Defines and implements the state policy in the field of culture;
- A distinct cultural needs of citizens, protection of rights citizens in cultural activities;
- Reviews and approves state program of development of culture, including interstate and international, and provides material technical and financial support programs;
- Establishes the order of creation, reorganization, liquidation, change location, sale, reproduction and repair facilities with valuable historical and aesthetic value;
- Determines the strategy, according to the republican target program;
- Provides legal and social protection of cultural workers;
- Ensure the development of cultural infrastructure;
- Defines the financial and economic support cultural institutions cultural services;
- Stimulate the creation and activities of state and non-state, including private institutions of culture, contributes to the development of their material and technical base;
- Provides government funding of public institutions culture and, if necessary, takes equity participation in financing non-state institutions of culture;
- Does not allow the state monopoly in the field of cultural activities.

Article 16. Competence of the Ministry of Culture of the Republic of Tajikistan

The main body of the state Department of Culture of the Republic of Tajikistan is the Ministry of Culture of the Republic of Tajikistan.

Ministry of Culture of the Republic of Tajikistan:

- Implement the state policy in the field of culture;
- Revives, protects, promotes and distributes national cultural value;
- Ensure the availability of universal and national heritage;

- Keeps records of the national cultural heritage outside the country, defines the procedure for its use and registration;
- Organize international cultural cooperation with foreign countries and international cultural organizations;
- Establishes the order of organization and the elimination of cultural institutions;
- Provides training, improving their skills, development scientific research in the field of culture;
- Information and scientific-methodical provides cultural institutions;
- Encourages the activities of citizens, including by means of public tax policy and pricing in order to attract children to the creative activities to the development of culture, engage in self-education, amateur arts and crafts;
- Creates conditions for universal aesthetic education and primary artistic education, particularly through the humanization of the system education, support and development of a network of special institutions and organizations - art schools, studios, courses, free of charge to save the public key services of libraries of all departments as well as amateur art (amateur art);
- Contributes to the development of philanthropy and demand in the field of culture;
- It creates the conditions and provides protection (protection) on relation to culture and the arts, literature, and other types of cultural activities;
- Identify, it takes account, studies, restores and protects historical monuments and culture;
- Provides protection and use of historical and cultural monuments, are private and collective property, ensure priority acquisition of historical and cultural values;
- Leads the official statistics in the field of culture, it provides the accuracy and openness.

Article 17. Competence of other ministries, institutions and agencies of culture

Other ministries, organizations and agencies in coordination with the Ministry of Culture of the Republic of Tajikistan:

- Creating cultural institutions subordinated to them, provide them with financial and material-technical base;
- Provides training and determine their priorities development;
- Ensure compliance with regulations in the field of cultural activities;
- Adopt and implement the general provisions on the activities of subordinate or under their control of cultural institutions, human decide questions;
- Adopt and implement in practice the sectoral development programs cultural activities and coordinate the work of cultural institutions;
- Provide methodological guidance subordinate institutions;

- Provide training, professional development and certification employees of subordinate institutions of culture;

- Take other practical measures aimed at the development of cultural the activities of subordinate institutions.

Article 18. The system of institutions, enterprises and organizations in the field of culture

The system of institutions, enterprises and organizations of the Republic of culture Tajikistan includes:

- Radio and television, theaters, philharmonic orchestras, ensembles, other

artistic groups, museums, libraries, archives, theaters, art exhibitions, club offices, design centers, parks, cultural historical territories, research and restoration centers.

Article 19. Training, retraining, skills upgrading and certification of cultural workers

cultural workers and art, regardless from departmental Facilities are required to do artistic and aesthetic education, training and retraining, increase their skills and attested.

Cultural institutions, associations involved in the development of educational programs to meet their needs training highly qualified specialists.

Educational institutions of culture and art is given the right to take one of the students students with special abilities and talents on rare specialties of culture and art, as well as the winners of the republican competition is the deadline.

Public cultural institutions create conditions for training, professional development of its employees.

Educational institutions and training courses and cultural workers Art must comply with requests for public cultural institutions improve the skills of workers. Improving the skills of workers non-governmental cultural institutions organized on a contractual basis.

Tajikistan has allowed the organization of private and cooperative educational institutions of culture and art.

Passage of the next certification of all cultural workers, workers industry-government bodies, enterprises, institutions and organizations Culture necessarily.

Governments, enterprises, institutions and organizations Culture, creative unions and other public associations assist in training, retraining, advanced training for cultural workers abroad, as well as guarantee the Tajiks living outside Tajikistan, receive free and paid special education the field of culture in their respective educational institutions of the republic.

Article 20. The procedure for creation, reorganization and liquidation of institutions of culture

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The organizers of the culture can be:

- The bodies of state power and administration;
- Local Councils of People's Deputies and the relevant authorities management;
- Public and religious organizations, foundations and other public associations;
- Other, including foreign, legal and natural persons.

Cultural Organization, established under the present law obliged to register in accordance with the order of registration, established by the legislation of the Republic of Tajikistan.

In each administrative-territorial unit (city, town, village) to meet the spiritual and aesthetic needs created the necessary range of institutions and organizations.

Local Councils of People's Deputies and other local governments have the right to set up in addition to the established Regulatory various cultural institutions and creative teams.

Not allowed the elimination of cultural institutions whose activities fully or partially funded by the state budget, without the permission of the relevant government authorities culture and without the creation of equal cultural facilities.

In case of failure of local councils of people's deputies of purchase (Take) on their balance liquidated cultural objects businesses, organizations, institutions have the last right to sell these Objects labor groups, other agencies and cultural organizations and individuals.

The property of the liquidated state cultural institutions sold his successors on a competitive basis (except for objects of cultural Heritage) with the mandatory use of the funds received in the area culture. The state has a preferential right to purchase property of the liquidated institutions of culture.

Article 21. Property in the field of culture

The right to property in the field of culture is determined in accordance with Law of the Republic of Tajikistan "On Property in the Republic of Tajikistan."

Article 22. Financing of culture and cultural activities

The basis of state guarantees the preservation and development of culture in Tajikistan is public funding.

Annual funding for the development of culture is carried out at least the need for and carrying capacity of the national and local budgets.

The budget appropriations earmarked for funding under Culture the formation of budgets of all levels, a separate budget line. For Cultural development also sent funds received from enterprises institutions, organizations and individuals, income from lotteries, auctions, exhibitions and other public events, the sale of

Page 10
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securities and other income, which do not contradict the legislation of the Republic of Tajikistan.

Proceeds from non-budgetary sources is not a basis for reduce budget allocations for the development of culture.

Funds for the development of culture are spent for the purposes provided provisions about institutions culture. provisions approved by state bodies of the Republic of Tajikistan.

Public associations, enterprises, institutions, organizations and citizens have the right independently or on a contractual basis to create funds to fund cultural activities. Organization and Operation of these funds is carried out in accordance with approved their statutes and the legislation of the Republic of Tajikistan. As co-founders of the funds can act as public authorities and local governments.

Article 23. The financial resources of cultural institutions

Cultural institutions cover their costs at the expense of the founder (Founders) of income from its own activities, and other income and revenues not prohibited by the legislation of the Republic of Tajikistan.

The activities of public institutions of culture financed founders in accordance with the agreements, but not lower standards public funding for each type of mind and cultural institutions. Funds received from other sources, do not reduce the standards and the absolute size of the financing of cultural institutions founded (Founders).

The activities of non-governmental cultural institutions funded by the contract between the founder (s) and cultural institutions.

The right to cultural institutions to receive non-repayable contributions (Gifts, grants) from domestic and foreign legal entities and individuals, international organizations is not limited.

The use of funds is carried out in accordance with the Charter cultural institutions. Unused funds in the reporting period They may be withdrawn from cultural institutions or credited founder (Founders) in the amount of funding next year.

Article 24. Entrepreneurial Activity State cultural institutions

Public cultural institutions have the right to conduct business activities envisaged by their statutes.

For business related activities of state organization culture:

- Trade in Goods, equipment;
- Mediation;
- The business participate in the activities of businesses, Institutions, organizations (including crops);
- The acquisition of shares, bonds, other securities and income (Dividends, interest) on them.

In its business activities of cultural institutions equated to enterprises and act in accordance with the laws of The Republic of Tajikistan "On Enterprises" and "On Enterprise activities. "

Article 25. The investment policy in the field of culture

In the Republic of Tajikistan provides priority allocation of public funds for the enrichment and development of logistics base culture.

Allocation of funds for the projects of cultural goods is determined on the basis of the relevant government bodies and open public discussion of alternatives.

Not allowed design and construction of settlements and residential arrays without being objects of culture, taking into account urban development standards and the needs of the population.

Land for the construction of new cultural facilities are allocated priority.

Article 26. Cultural development in rural areas

In rural areas of the Republic of Tajikistan is provided by the state to prioritize different types of cultural activities, in the creation of institutions of culture, work, and measures to improve the aesthetic environment and improve cultural activities of the agencies.

Article 27. Logistics culture

Priority right logistics use of cultural institutions, in particular those related to the provision of services for adolescents and children.

Use of the material and technical base of the property and cultural institutions, not by their intended purpose.

The bodies of state power and administration need to provide products necessary for the implementation of regional protection programs, and cultural development, construction and reconstruction of unique objects of culture, public support for the activities of cultural institutions, under the terms of the state needs to ensure the necessary products.

The bodies of state power and administration to develop and implement science and technology policies that ensure the implementation of engineering and technology in cultural institutions, stimulate lending and through other means non-governmental organizations participated in the creation of new techniques and technologies of culture.

Logistical support of public institutions of culture, development of their base is carried out by the cultural institutions within budget and own resources.

The bodies of state power and administration, public authorities on the ground, if necessary, are required to provide assistance to the subordinated

cultural institutions in addressing the content and the development of their material and technical base.

Local governments are creative workers, teams of creative professionals for use or lease premises studios, workshops, laboratories and other jobs needed to creative activities with the establishment of the rent in the amount not greater than the cost of payment of utility services. It is forbidden to transfer their parties or use for other purposes.

Article 28. Foreign economic activity in the field of culture

all levels of government, cultural agencies can engaged in foreign economic activity and on its own behalf to conclude contracts and other acts with foreign cultural organizations in accordance with Law of the Republic of Tajikistan "On foreign economic activity" and other legislative acts of the Republic of Tajikistan.

Cultural institutions may carry out foreign economic activity for the sale of works of art, folk art crafts, antiques and other cultural objects in the manner prescribed the current legislation of the Republic of Tajikistan.

Currency receipts from the sale of works of fine, decorative crafts and other types of art, from performing activities foreign countries distributed among authors, performers and intermediaries under a contract concluded between them and the subject tax in accordance with current tax legislation The Republic of Tajikistan.

Cultural institutions can use the credit of domestic and foreign banks sell and buy currencies in the manner prescribed the legislation of the Republic of Tajikistan.

Cultural values that are stored in public museums, art galleries, libraries, can not be used as collateral loan or put on bail.

Article 29. Labour relations and the principle of wage workers sphere of culture

Labour relations of workers in the cultural sector are governed by the applicable labor legislation.

The main form of employment relationship with artists, managers and specialists of public institutions of culture is contract form of employment contract.

Conditions and amounts of remuneration to artists and professionals of state institutions of culture determined Government The Republic of Tajikistan in accordance with the laws acts on wages to workers of culture, are on State Budget.

The size of remuneration and the procedure and terms of payment set in the author's contract.

minimum dimensions copyright remuneration indexed simultaneously with the indexation of the minimum wage.

Article 30. Social protection of cultural workers

Citizens with special training in the field of culture and art, all else being equal conditions enjoyed preferential right employment in their field.

Creative unions, associations, trade unions and other public
Organizing for social protection of artists can create
employment services, special funds to increase the amount of the allowance for
unemployment, the extension of their payment. Funds in these funds can make
as public authorities.

Pension provision of workers of culture, including the provision of subsidized
selected category workers, produced at accordance with
the legislation of the Republic of Tajikistan.

The members of the creative unions and associations, and other creative professionals,
not members of the creative unions, the only source of income
which is the author's remuneration, are eligible for a retirement pension
subject to the payment of insurance premiums to the Pension Fund.

Skilled cultural institutions located in rural areas,
working urban settlements, presented the benefits provided for
educators.

For graduates of higher and secondary special institutions of culture and
art, other professionals may stand to work in rural institutions
culture, order and conditions apply to the issuance of a lump sum
on economic furnishing set for professionals, graduates
agricultural universities and technical schools.

Employees of cultural institutions is guaranteed free access
living space, water, heating, health care and
treatment; it free housing property, provided
the state; preferential long-term loans for construction
personal property, purchase expensive tools needed to
creative activity (RT version of the Law on 8.12.2003g.N 63).

Organs of state authorities and management of local authorities
governments, businesses and organizations, public associations can for
from its own resources to provide additional cultural workers
benefits not established by the legislation of the Republic of Tajikistan.

Article 31. Cultural exchanges with foreign Tajikistan countries

Policies and priorities of international cultural exchanges
Tajikistan defined government programs, agreements
The Republic of Tajikistan to other states.

Among the priorities of the international cultural exchanges
The Republic of Tajikistan are:

- A co-production of cultural values;

Page 44
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- Restoration of the unique monuments of cultural history;
- Training, retraining and advanced training of cultural workers;
- Creation and introduction of new technologies, facilities, equipment
for cultural activities;
- Exchange methods, textbooks, programs and benefits.

Article 32 Cultural cooperation with compatriots abroad

Republic Tajikistan, supporting communication foreign
compatriots and their descendants, organizing help in the creation of cultural
centers, educational institutions, culture and special funds, carrying out joint
cultural activities, promotes the development of culture abroad.
The State creates conditions for homecoming emigrants figures
culture.

The Republic of Tajikistan in order to promote the cultural activities of the Tajiks,
living outside the republic, concludes interstate
agreement.

Article 33 Cultural and historical values of the Tajik people for overseas

The Republic of Tajikistan is a deliberate policy by
the return of illegally exported from its territory of cultural values.

Cultural values, illegally exported abroad, recognized cultural

heritage of the peoples of the Republic of Tajikistan shall be returned to the Republic of Tajikistan, regardless of their current location, time and removal of the circumstances.

The state shall take the necessary measures for protection of cultural heritage The Republic of Tajikistan, cemeteries countrymen, located behind abroad.

Article 34. Cultural Centres abroad

Tajikistan produces overseas cultural centers and cooperation with other States to establish their activities, together with legal entities and individuals creates the conditions for their use Property for cultural purposes.

Article 35. Participation in international cultural organizations

On the territory of the Republic of Tajikistan in accordance with the law The Republic of Tajikistan may establish branches, foundations, and international culture of the organization.

Legal and physical persons have the right of entering into international culture of the organization.

Organization of Culture of the Republic of Tajikistan can integrate into their ranks Foreign members and have the right to use foreign funds international organizations, individuals.

Article 36. Responsibility for violation of legislation on culture

Page 15
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Officials and citizens who violate the Law on Culture, prosecuted in accordance with applicable laws The Republic of Tajikistan.

**The president
Republic of Tajikistan
Dushanbe, 13 December 1997
number 519**

Rakhmonov