

LAW OF TURKMENISTAN On Ombudsman

(The Gazette of the Mejlis of Turkmenistan, 2016, No 4, p.157)

(As amended by the Law of Turkmenistan of 18.12.2021, № 442-VI)

This Law shall define the rights, obligations, main areas and guarantees of the activity of the Ombudsman and his powers.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Ombudsman

1. The post of the Ombudsman, who is an authorized representative on human rights in Turkmenistan, shall be established according to the Constitution of Turkmenistan in order to ensure guarantees of state protection of human and civil rights and freedoms, their observance and their respect by state authorities, local self-government bodies and their officials.
2. The Ombudsman in his activity shall complement the existing state means of protection of human and civil rights and freedoms. The activity of the Ombudsman shall not entail the limitations of the competence of other state authorities exercising protection of human and civil rights and freedoms in accordance with the Constitution and other regulations of Turkmenistan.

Article 2. Scope of application of this Law

The scope of application of this Law shall be extended to the relations arising during realization of human and civil rights and freedoms between a citizen of Turkmenistan, regardless of his location, a foreign citizen or a stateless person located on the territory of Turkmenistan, and state authorities, local self-government bodies and their officials.

Article 3. Legal basis of the Ombudsman's activity

1. The Constitution of Turkmenistan, this Law and other regulations and international treaties of Turkmenistan shall guide the Ombudsman in his activity.
2. No one shall be entitled to assign functions to the Ombudsman that are not stipulated by laws of Turkmenistan, international treaties of Turkmenistan, and universally recognized norms of international law.

CHAPTER II. PROCEDURE FOR APPOINTMENT AND END OF OFFICE OF THE OMBUDSMAN AND DEPUTY OMBUDSMAN

Article 4. Election of the Ombudsman

1. The Mejlis of the Milli Gengesh of Turkmenistan shall elect the Ombudsman from among three candidates proposed by the President of Turkmenistan by secret ballot by a simple majority of votes from the established number of deputies.
2. In the event if the Mejlis of the Milli Gengesh of Turkmenistan does not make a decision with regards to the election of the Ombudsman, the President of Turkmenistan within fifteen days shall propose three other candidates to the Mejlis of the Milli Gengesh of Turkmenistan.
3. Proposals on candidates for the post of the Ombudsman shall be submitted to the Mejlis of the Milli Gengesh of Turkmenistan no later than one month before the end of the term of office of the previous Ombudsman.
4. The mass media of Turkmenistan shall promulgate information on the election and end of office of the Ombudsman.

Article 5. Requirements for the candidate for the Ombudsman's post

A citizen of Turkmenistan, who is no younger than forty years, having experience in field of human rights and possessing high integrity standards, with higher education, who speaks the state language, has been permanently residing and working in Turkmenistan for the past ten years, may be elected for the post of the Ombudsman.

Article 6. Taking office by the Ombudsman and his Deputy

1. The Ombudsman and his Deputy on the day of election shall take the following oath at a meeting of the Mejlis of the Milli Gengesh of Turkmenistan: "I (surname, first name and patronymic), assuming office, swear to protect human and civil rights and freedoms, to fulfill the duties assigned to me in good faith, independently, impartially, in the interests of a person, guided by the Constitution and laws of Turkmenistan."
2. The Ombudsman and his Deputy shall be considered to have begun to exercise their powers immediately after taking the oath.

Article 7. Term of office of the Ombudsman

1. The Ombudsman shall be elected for a term of five years. The same person may be elected to the specified post for no more than two consecutive terms. The term of office of the Ombudsman shall begin on the day when he began to exercise his powers.
2. The powers of the Ombudsman shall be terminated after the expiration of the prescribed period, as well as in case of early termination of powers or death.

Article 8. Deputy Ombudsman

1. The Ombudsman shall have deputies. The Deputy Ombudsman shall be elected for a term of five years and shall be dismissed by the Mejlis of the Milli Gengesh of Turkmenistan on the recommendation of the Ombudsman. The term of office of the Deputy Ombudsman shall begin on the day when he began to exercise his powers.
2. The Ombudsman shall determine the duties of the Deputy Ombudsman.
3. In case of early termination of powers or death of the Ombudsman before the election of a new Ombudsman, the Deputy Ombudsman shall perform his duties, and during this period, he shall be subject to the guarantees established for the Ombudsman.

Article 9. Early termination of the powers of the Ombudsman and his Deputy

The Mejlis of the Milli Gengesh of Turkmenistan shall terminate prematurely the powers of the Ombudsman and his Deputy by a simple majority of votes from the established number of deputies in the following cases:

- 1) submitting a letter of resignation of his powers;
- 2) the state of health in accordance with the medical report, that prevents the performance of official duties;
- 3) the entry into legal force of the court's conviction;
- 4) the entry into legal force of the court's decision to recognize him as having limited legal capacity, incapacitated, missing or declared deceased;
- 5) termination of citizenship of Turkmenistan;
- 6) electing or appointing him to a post, the occupation of which, according to the law, is incompatible with the status of the Ombudsman and his Deputy;
- 7) gross violation of official powers, commission of misconduct incompatible with being in office;
- 8) leaving Turkmenistan for permanent residence.

Article 10. Restrictions on holding the position of the Ombudsman and his Deputy

1. The Ombudsman and his deputy may not concurrently be members or deputies of the Milli Gengesh of Turkmenistan, members of local representative authorities and local self-government bodies, and may not engage in other activities, except for scientific, teaching and creative activities.

2. The Ombudsman and his Deputy shall have no right to engage in political activity, be a member of a political party or other public association pursuing political goals.
3. Within one month from the date of election to the post of the Ombudsman and his Deputy shall be obliged to cease activities incompatible with their status. If they fail to comply with the established requirements within the specified period, their powers shall be terminated and the Mejlis of the Milli Gengesh of Turkmenistan shall elect a new Ombudsman or his Deputy.

Article 11. Inviolability of the Ombudsman and his Deputy

1. The Ombudsman and his deputy shall have the right of personal inviolability. They cannot be brought to criminal responsibility or administrative responsibility imposed by the court, detained, taken into custody, subjected to compulsory attendance and personal search without the consent of the Mejlis Milli Gengesh of Turkmenistan.
2. The inviolability of the Ombudsman and his Deputy shall be extended to their dwelling and office premises, luggage, personal and official transport, correspondence and official documents, means of communication used by them. Conducting a search and seizure in them, listening to negotiations and their personal search, as well as the seizure of correspondence, property and documents can be carried out only with the approval of the Prosecutor General of Turkmenistan.
3. Only the Prosecutor General of Turkmenistan may initiate criminal proceedings against the Ombudsman and his Deputy.
4. The criminal proceedings against the Ombudsman and his Deputy shall be under the jurisdiction of the Supreme Court of Turkmenistan.
5. The Ombudsman and his Deputy shall have the right to refuse to testify as witnesses in criminal, civil and administrative cases about information that has become known to them in the course of the exercise of their powers.

CHAPTER III. PRINCIPLES AND GUARANTEES OF THE OMBUDSMAN'S ACTIVITY

Article 12. Main principles of the Ombudsman's activity

The Ombudsman's activity shall be based on the principles of independence, legality, impartiality, availability, confidentiality of information, inadmissibility of discrimination, priority of human and civil rights and freedoms, justice, neutrality and publicity.

Article 13. Independence of the Ombudsman

1. The Ombudsman in the exercise of his powers shall be independent and shall not be accountable to any state authorities and officials.

2. In the exercise of his powers, the Ombudsman shall be independent and shall not represent any state authorities, officials, political parties and other public associations.
3. Decisions of the Ombudsman shall express a legal position free from political bias, consistent with the Constitution, laws, international treaties of Turkmenistan, universally recognized international human rights laws.

Article 14. Publicity of the Ombudsman's activity

The Ombudsman's activity shall be public and shall be covered in the mass media of Turkmenistan.

Article 15. Guarantees of the Ombudsman's labour rights

1. The term of the Ombudsman's powers shall be included in the total length of service and service period, which shall grant the right to assign the next military or special rank and class rank.
2. At the end of the term of office of the Ombudsman, he shall be given the previous position, and in the absence of such an opportunity, with his consent, another equivalent position.

Article 16. Material and social guarantees of the Ombudsman

The material and social guarantees of the Ombudsman related to wages, medical, social and other support and services shall be established in accordance with the guarantees stipulated for state officials by laws and other regulations of Turkmenistan.

Article 17. Liability for obstructing the activities of the Ombudsman

Interference in the activities of the Ombudsman in order to influence his decision or actions, encroachment on his inviolability, failure by officials to fulfill the duties stipulated by this Law, as well as obstruction of his activities in another form shall entail liability established by the legislation of Turkmenistan.

CHAPTER IV. COMPETENCE OF THE OMBUDSMAN

Article 18. Powers of the Ombudsman

1. The Ombudsman shall:
 - 1) visit state authorities, local self-government bodies, enterprises, institutions and organizations without hindrance and without prior notice, regardless of their organizational and legal forms and forms of ownership, correctional and other specialized institutions, places of pre-trial detention, places of detention, the Armed Forces of Turkmenistan, other troops, military institutions and conduct an inspection of their activities in them independently or jointly with competent state bodies, officials, civil servants;
 - 2) request and receive from officials of state authorities, local self-government, enterprises, institutions and organizations, regardless of their organizational and legal forms and

forms of ownership, the necessary documents, materials and other information and their explanations;

- 3) instruct competent state authorities and scientific organizations to conduct expert research on issues to be clarified;
 - 4) appeal to the authorized state body or officials with a proposal to initiate disciplinary or administrative proceedings or criminal proceedings against an official who violated human rights and freedoms;
 - 5) exercise other powers stipulated by this Law and other regulations of Turkmenistan.
2. The Ombudsman's access to information related to state and official secrets shall be carried out in accordance with the procedure determined by the legislation of Turkmenistan.
 3. In order to establish the fact of violation of human and civil rights and freedoms, the Ombudsman, within the limits of his competence, shall verify the facts of violation of human and civil rights and freedoms, guided by both the information received and his own initiative, if he became aware of such violations from official sources or the media.
 4. Within the limits of his competence, the Ombudsman shall consider appeals from citizens of Turkmenistan, as well as foreign citizens, stateless persons located on the territory of Turkmenistan, against actions and decisions of officials and organizations related to violations of their rights and freedoms guaranteed by the Constitution, other normative legal acts and international treaties of Turkmenistan.
 5. The introduction of a state of emergency or martial law on the territory of Turkmenistan or in its individual localities shall not entail a limitation of the powers of the Ombudsman, nor shall it suspend or terminate his activities.

Article 19. Main functions of the Ombudsman

1. The main functions of the Ombudsman shall include the promotion of:
 - 1) observance of human and civil rights;
 - 2) restoration of violated human and civil rights and freedoms;
 - 3) ratification of international human rights treaties;
 - 4) improvement of the legislation of Turkmenistan on human and civil rights and freedoms;
 - 5) legal education of people on human and civil rights and freedoms, forms and methods of their protection;

- 6) co-operation of government authorities of Turkmenistan in the protection of human and civil rights and freedoms;
 - 7) development and co-ordination of international co-operation on human and civil rights and freedoms.
2. The Ombudsman shall handle complaints of citizens of Turkmenistan and foreign citizens and stateless persons residing in the territory of Turkmenistan against decisions or actions (inaction) of state authorities, local self-government bodies, officials, civil servants, if the applicant has previously appealed against these decisions or actions (inaction) in a judicial or administrative manner, but did not agree with the decisions taken on his complaint.
 3. In order to perform his functions, the Ombudsman shall collect and analyze information received from state authorities, local self-government, enterprises, institutions, and organizations, regardless of their organizational and legal forms and forms of ownership, individual citizens, and the media.

Article 20. Report of the Ombudsman

1. The Ombudsman shall submit to the President of Turkmenistan an annual report on his activities and on the situation in the field of human rights in the country, and make this report before the Mejlis of the Milli Gengesh of Turkmenistan.
2. The annual report of the Ombudsman shall be covered in the mass media of Turkmenistan.
3. As necessary, the Ombudsman shall have the right to submit a special report on certain issues of observance of human rights and freedoms in the country to the President of Turkmenistan, and make this report before the Mejlis of the Milli Gengesh of Turkmenistan.

CHAPTER V. ASSISTANCE OF THE OMBUDSMAN IN RESTORATION OF VIOLATED HUMAN AND CIVIL RIGHTS AND FREEDOMS

Article 21. Consideration of complaints by the Ombudsman

1. The Ombudsman shall examine the complaints about decisions and actions (inaction) of state authorities, local self-government bodies and their officials that violate the rights, freedoms and legitimate interests of citizens of Turkmenistan and foreign citizens, stateless persons, located on the territory of Turkmenistan, and shall have the right to conduct verification on them. When applying to the Ombudsman, privileges or limitations on grounds of nationality, skin colour, gender, origin, property and official status, place of residence, language, attitude to religion, political beliefs, party affiliation or lack of thereof shall not be allowed.
2. The Ombudsman shall accept complaints from third parties about violations of the rights, freedoms and legitimate interests of a certain individual or a group of people, subject to obtaining their consent.

3. The Ombudsman shall not consider complaints without specifying the surname, place of residence, as well as those not signed by the author.
4. Filing a complaint to the Ombudsman shall not prevent the applicant from going to court.
5. The applicant or his legal representative may withdraw a complaint submitted to the Ombudsman.
6. The Ombudsman shall not consider issues within the competence of the court.
7. A complaint submitted to the Ombudsman shall not be subject to state duty.

Article 22. Conditions for consideration of complaints by the Ombudsman

1. The Ombudsman shall consider complaints filed within one year from the date when the applicant became aware of the violation of his rights, freedoms and legitimate interests, or the adoption of the last decision on the complaint, if the applicant used other means of protecting his rights and freedoms, but was not satisfied with the decisions taken.
2. If there are valid reasons, the Ombudsman shall have the right to extend the deadline for filing a complaint to him, but not for more than six months.
3. Complaints addressed to the Ombudsman by persons held in places of pre-trial detention, places of detention, correctional and other specialized institutions shall not be subject to censorship and shall be sent out to the Ombudsman within twenty-four hours.
4. A complaint filed repeatedly after its consideration by the Ombudsman shall not be subject to consideration, except in cases where new circumstances were indicated or new facts were presented.

Article 23. Terms of consideration of complaints by the Ombudsman

The Ombudsman shall consider complaints within no more than fifteen days, and those that need additional verification - no later than one month from the date of their receipt. In cases where a special inspection is necessary to consider a complaint, the Ombudsman may extend this period, while the total period for consideration of the complaint should not exceed forty-five days.

Article 24. Content of complaints

1. The complaint submitted to the Ombudsman must contain the surname, first name, patronymic and personal signature of the applicant and his address, the name of the enterprise, institution, organization, surname, first name, patronymic of the official whose actions (inaction) are being appealed, a statement of the substance of the actions or inaction that, in the applicant's opinion, violated his rights. Documents and other evidence confirming the applicant's claims shall be attached to the complaint.

2. In accordance with the procedure established by the legislation of Turkmenistan, his legal representative may file a complaint to the Ombudsman in the interests of a person whose rights have been violated.
3. When submitting a complaint orally, an employee of the Ombudsman's Office shall enter the content of the complaint and the data specified in part one of this Article into a special form.

Article 25. Language of the records management of the Ombudsman

1. The records management of the Ombudsman shall be conducted in state language of Turkmenistan.
2. Applicants shall have the right to apply to the Ombudsman in their native language or another language they speak. In this case, the answer shall be given in the state language with a translation into the language that the applicant speaks.

Article 26. Decision of the Ombudsman to institute proceedings of a complaint

1. The Ombudsman upon receipt of a complaint shall make a decision on:
 - 1) its acceptance for proceeding, if it meets the requirements on the procedure and deadline for submission and its content;
 - 2) refusal to institute proceedings if it does not meet the requirements on the procedure and deadline for submission and its content;
 - 3) explanation to the applicant on the legal means of protecting his rights and freedoms.
2. The Ombudsman shall notify the applicant within five days of the decision made on the acceptance of the complaint and its grounds.
3. The decision to accept the complaint made by the Ombudsman shall not be subject to appeal

Article 27. The Ombudsman's request for assistance in verifying the complaint

1. Having accepted the complaint to institute proceedings, the Ombudsman shall have the right to apply for assistance in its verification to the competent state authorities, local self-government bodies and officials. The results of the verification and the measures taken to identify violations of the applicant's rights must be reported to the Ombudsman within the time limit set by him.
2. The Ombudsman shall not have the right to apply for assistance in verifying a complaint to state authorities, local self-government bodies or to an official, decision, action (inaction) of which has been appealed by the applicant.

Article 28. Rights of the Ombudsman to assist in the restoration of violated human and civil rights and freedoms

In order to assist in the restoration of violated human and civil rights and freedoms, the Ombudsman shall have the right to apply to:

- 1) the head of a state authority, a local self-government body, an enterprise, institution and organization, regardless of their organizational and legal forms and forms of ownership, the administration of a correctional institution and a place of pre-trial detention, a place of detention of detainees, the command of a military unit and a military formation, military institutions with a proposal to bring the person guilty of violating the applicant's rights to disciplinary responsibility;
- 2) the competent state authority with a proposal to bring the person guilty of violating the applicant's rights to administrative or criminal responsibility;
- 3) the court with a statement (claim) for the protection of the violated rights of the applicant, compensation for material damage caused to him and compensation for moral damage, invalidation of a regulatory legal act that entailed a violation of the applicant's rights, without payment of state duty;
- 4) a competent official with a recommendation to verify the legality and validity of a court verdict (decision, resolution) that has entered into legal force, adopted in a criminal or civil case or in an administrative offense case, a decision to terminate a criminal case or to refuse to initiate a criminal case that entailed a violation of the applicant's rights.

Article 29. Duties of the Ombudsman to assist in the restoration of violated human and civil rights and freedoms

When assisting in the restoration of violated human and civil rights and freedoms, the Ombudsman shall be obliged to:

- 1) observe the Constitution of Turkmenistan, laws and international treaties of Turkmenistan in the field of human rights and freedoms, perform their duties in accordance with this Law;
- 2) refrain from any actions incompatible with his powers;
- 3) not to disclose a state or other secret protected by law;
- 4) not to disclose confidential information, as well as personal information that has become known to him as a result of his activities; to do this only with the written consent of the person to whom this information relates. This obligation shall be valid even after the termination of his powers.

Article 30. Recommendation of the Ombudsman

1. After the fact of violation of human and civil rights and freedoms was established, the Ombudsman shall deliver to the enterprise, institution, organization or officials whose actions (inaction) violate human rights and freedoms, his recommendation containing proposals on taking necessary measures for immediate restoration of violated human rights and freedoms; and in relation to an official, who violated human rights and freedoms - a recommendation to the authorized state bodies or the relevant official on the initiation of disciplinary or administrative or proceedings or a criminal case.
2. Enterprises, institutions, organizations or officials, who have received the Ombudsman's recommendation, shall be obliged to consider it within a month and report in writing on the measures taken.
3. Should the Ombudsman not agree with the measures taken, he shall have the right to apply to a higher authority to take appropriate measures to implement the proposals contained in the recommendation.

CHAPTER VI. ASSISTANCE OF THE OMBUDSMAN TO IMPROVE THE LEGISLATION OF TURKMENISTAN IN THE FIELD OF HUMAN RIGHTS

Article 31. Activities of the Ombudsman to promote the improvement of the legislation of Turkmenistan in the field of human rights

The Ombudsman's activities to promote the improvement of Turkmenistan's legislation in the field of human rights shall be carried out in order to bring it into line with the Constitution of Turkmenistan, international treaties of Turkmenistan, universally recognized principles and norms of international law.

Article 32. Rights of the Ombudsman to promote the improvement of the legislation of Turkmenistan in the field of human rights

By contributing to the improvement of the legislation of Turkmenistan in the field of human rights, the Ombudsman shall have the right to:

- 1) familiarize himself with the plans of law-making activity of the Mejlis of the Milli Gengesh of Turkmenistan and draft laws submitted to the consideration of the Mejlis of the Milli Gengesh of Turkmenistan;
- 2) make proposals to the subjects of the right of legislative initiative on improving the legislation of Turkmenistan;
- 3) participate in working groups on the preparation of draft laws relating to human and civil rights and freedoms.

CHAPTER VIII. ASSISTANCE OF THE OMBUDSMAN TO RAISE AWARENESS OF THE POPULATION IN THE FIELD OF HUMAN RIGHTS

Article 33. Activities of the Ombudsman to promote public awareness in the field of human rights

The Ombudsman shall promote awareness raising of the population in the field of human rights, participate in the development of educational programmes and raising the level of knowledge of the population in the field of national legislation and the most important international human rights documents.

Article 34. Rights of the Ombudsman to promote public awareness in the field of human rights

In order to promote awareness raising in the field of human and civil rights and freedoms, forms and methods of their protection, the Ombudsman shall have the right to:

- 1) disseminate in the mass media about human and civil rights and freedoms, methods of their protection and forms of personal participation in the political, economic, social and cultural life of the state;
- 2) promote research aimed at raising public awareness, training in the field of fundamental human and civil rights and freedoms;
- 3) make proposals on the improvement of training process and educational standards in state educational institutions, as well as vocational training of civil servants, lawyers, doctors, staff of detention facilities and military servicemen;
- 4) promote initiatives of public associations aimed at recognizing, observing and protecting human and civil rights and freedoms.

Article 35. Official periodical of the Ombudsman

In order to disseminate knowledge about human and civil rights and freedoms, forms and methods of their protection, as well as activities for the implementation of independent monitoring of the observance of human and civil rights and freedoms, their protection, the Ombudsman shall have the right to establish an official periodical printed publication.

CHAPTER VIII. ASSISTANCE OF THE OMBUDSMAN TO THE INTERACTION OF STATE BODIES FOR THE PROTECTION OF HUMAN RIGHTS

Article 36. The activities of the Ombudsman to assist in the organization of interaction of state bodies for the protection of human rights

The Ombudsman shall provide assistance in organizing the interaction of state bodies in the joint planning and implementation of coordinated programmes in the field of protection of human and civil rights and freedoms.

Article 37. The rights of the Ombudsman to assist in the organization of interaction of state bodies for the protection of human rights

The Ombudsman shall have the right to submit proposals to the President of Turkmenistan and the Cabinet of Ministers of Turkmenistan for the development of national programmes and the implementation of comprehensive coordinated measures to protect human and civil rights and freedoms, as well as to participate in their implementation.

ARTICLE IX. ASSISTANCE OF THE OMBUDSMAN TO THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION IN THE FIELD OF HUMAN RIGHTS

Article 38. Activities of the Ombudsman to promote international co-operation in the field of human rights

The Ombudsman shall promote the development of international co-operation in the field of human rights, the study and implementation of international standards, the implementation of Turkmenistan's international obligations to protect human rights and freedoms and strengthen friendship and mutual understanding between nations.

Article 39. Rights of the Ombudsman to promote international co-operation in the field of human rights and freedoms

In order to promote the development of international co-operation in the field of human rights and freedoms, the Ombudsman shall have the right to:

- 1) establish contacts with international organizations and interstate bodies for the protection of human and civil rights and freedoms, national human rights bodies of foreign states and enter with them into agreements on mutual assistance in the protection of human and civil rights and freedoms;
- 2) participate as an expert in the activities of international organizations in the field of human rights;
- 3) participate in the preparation and consideration of national reports submitted to interstate bodies and international organizations for the implementation of international obligations, and, if necessary, express his opinion on the subject, duly maintaining his independence;
- 4) be an international observer for the observance of human rights, invite foreign (international) observers in accordance with the procedures established by the legislation of Turkmenistan;

- 5) make proposals in accordance with the procedure established by the legislation of Turkmenistan on receiving technical, financial and other assistance from international organizations intended for the implementation of plans and projects in the field of recognition, observance and protection of human and civil rights and freedoms.

Article 40. Rights of the Ombudsman to make proposals on the expediency of concluding international human rights treaties

The Ombudsman shall have the right to make proposals on the expediency of concluding international treaties in the field of human rights in accordance with the procedure established by the legislation of Turkmenistan.

CHAPTER X. OFFICE OF THE OMBUDSMAN

Article 41. Office and regional offices of the Ombudsman

1. The Office of the Ombudsman shall be established for the implementation of legal, organizational, scientific and analytical, logistical, financial and economic, informational and other support for the activities of the Ombudsman. The regional offices of the Ombudsman may be established on the ground.
2. The Office of the Ombudsman shall be a state authority with the rights of a legal entity that has settlement and other accounts in credit institutions of Turkmenistan, a rubber stamp and stamps and other requisites.
3. The legislation of Turkmenistan shall determine the rights, duties and responsibilities of the Office personnel and that of the regional offices of the Ombudsman, as well as their public service.

Article 42. Structure of the Office and regional offices of the Ombudsman

1. The Ombudsman shall approve the structure of the Office and regional offices, the regulations of the Office and regional offices and their structural divisions, and directly supervise their work.
2. The Ombudsman shall establish and approve the number and staffing of his office and regional institutions within the cost estimates.
3. The Ombudsman shall issue orders on issues related to the management of the Office and regional offices.

Article 43. Financing of the Ombudsman's activities

1. The activities of the Ombudsman and his Office shall be financed from the State Budget of Turkmenistan.

2. The State Budget of Turkmenistan shall annually provide for the funds necessary to ensure the activities of the Ombudsman and his office.
3. The Ombudsman shall independently develop and execute the cost estimate.
4. Financial reporting shall be submitted by the Ombudsman in accordance with the procedure established by the legislation of Turkmenistan.
5. The property of the Ombudsman and his Office, necessary for the implementation of their activities, shall be state property.
6. Financing of the activities of the Ombudsman and his Office may also be additionally carried out at the expense of funds received from foreign states and international organizations based on treaties (agreements) concluded by Turkmenistan, as well as from other sources not prohibited by the legislation of Turkmenistan.

Article 44. Expert Council

In order to render advisory assistance, an Expert Council may be established under the supervision of the Ombudsman comprising the persons with the necessary knowledge in the field of human and civil rights and freedoms. The Ombudsman shall approve the Regulations on the Expert Council.

CHAPTER XI. FINAL PROVISIONS

Article 45. The seat of the Ombudsman

The permanent seat of the Ombudsman shall be in the capital of Turkmenistan - the city of Ashgabat.

Article 46. Entry into force of the Law

1. This Law shall enter into force as of the 1st January 2017.
2. The Cabinet of Ministers of Turkmenistan before this law enters into legal force shall develop and adopt regulations required for the implementation of the provisions under this Law.

**President
of Turkmenistan**

**GURBANGULY
BERDIMUHAMEDOV**

**City of Ashgabat,
November 23, 2016
№ 476-V.**

Translated from the state language of Turkmenistan