

**SUGGESTIONS BY THE MEMBERS OF THE COMPLIANCE COMMITTEE
OF THE AARHUS CONVENTION ON AMENDMENTS TO THE LAW ON
PUBLIC ASSOCIATIONS OF TURKMENISTAN**

At the meeting with the government of Turkmenistan in Ashgabat on 18 April 2011, Veit Koester and Vadim Nee, members of the Aarhus Convention Compliance Committee suggested that Turkmenistan considers the following amendments to the current Law of Turkmenistan on Public Associations:

1. Exclude from articles 5, paragraphs 1, 2; 3 and 7 and article 15, paragraph 1, of the Law on Public Associations the provisions which restrict or can be interpreted as restricting the right of citizens of Turkmenistan, foreign citizens or persons without citizenship to participate in public associations established on the territory of Turkmenistan.. It is suggested to delete “citizens of Turkmenistan” in articles 5, paragraphs 1, 2; and 3 and article 15, paragraph 1, and replace these words with “physical persons”. Article 5, paragraph 7 should either be deleted entirely or amended to make it clear that citizens of Turkmenistan (as well as foreign citizens, persons living in Turkmenistan without citizenship and legal entities) may participate in international public associations.

2. Include a provision into article 13 of the Law on Public Associations, which in compliance with article 3, paragraph 9 of the Aarhus Convention, guarantees that public associations shall be entitled to have access to environmental information (including information upon request), have the possibility to participate in decision-making and have access to justice in environmental matters in the whole territory of Turkmenistan, without discrimination as to where the public association has its registered seat or an effective centre of its activities.

3. Significantly decrease the threshold for the minimum number of founders required for the establishment of nationwide public associations (the current threshold of 500 members and moreset in article 15, paragraph 2 of the Law on Public Associations is markedly higher than many other Aarhus Convention Parties and restricts unduely the possibilities of founding nationwide public associations).¹

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4. Lift the legislative ban on the activity of unregistered public associations, which can be done by way of deleting the entire third paragraph from Article 17 of the Law on Public Associations and the article from the Code of Administrative Offences

¹ For a helpful overview of the minimum number of persons required to found a public association in various UNECE countries, see OSCE’s Office for Democratic Institutions and Human Rights Comments on the Law of Turkmenistan on Public Associations dated 22 June 2010, footnote 30. This notes, for example, that an association can be established by **two persons** in France (article 1 of the Law on Associations), Moldova (article 1 of the Law on Public Associations), Armenia (article 9 of the Law on Public Organizations), and Estonia (Article 5 of the Non-Profit Associations Act); by **three persons** in Lithuania (Article 5 of the Law on Associations and ten persons in Hungary (article 3 of the Act on the Right of Association) and Kazakhstan (Article 10 of the Law on Social Associations and Article 19 of the Law on Non-Profit Organizations).

defining the participation in activities of unregistered public associations as an administrative offence.

5. Consider necessary amendments to the provisions of the Law on Public Associations, which create or may create almost insurmountable obstacles for lawful activities of public associations in the process of their registration, carrying out control over and monitoring their activities, as well as suspension and cessation of their activities. In this respect the attention should be paid to provisions of articles 18, 28, 31, 32 of the current Law on Public Associations, and it is suggested to consider the appropriate amendments to these articles proposed by the International Center for Not-for-Profit Law.