

To the Compliance Committee of the Aarhus Convention

June 7, 2021

Re: Case ACCC/M/2017/2 (Turkmenistan)

Dear ACCC members,

On behalf of the Ecological Society BIOTICA (Moldova) I like to do some comments in relation to the case.

The content of the case is non-correspondence of the Law on Public Associations and other legislation of Turkmenistan to the provisions of the Aarhus Convention. Especially the right of foreigners, even Turkmen residents, as well as natural persons without citizenship, to establish and be members of the NGOs registered in Turkmenistan, including NGOs in the sphere of environment, in our view remains unsolved.

Despite the recent changes in the national legislation of Turkmenistan, this non-correspondence is not eliminated. The key Art. 1 of the Law “On Public Associations” from 2014 with further amendments from 2017 and 2020 clearly stipulates the limitation of the right to associate in NGOs to only Turkmenistan nationals. Any further references - Art. 4(1) lines 1-2, 7(1), 8(3), 11(1) and (5), 13 (2) to “citizens” or “physical persons”, in our view, do not permit to qualify these articles as a permission to foreigners and physical persons without citizenship to participate in establishment and activity of NGOs.

In this respect, we attract the attention of the ACCC to the fact that the Law “On Public Associations” from 2014 with further amendments still contradicts in this matter with the provision of the Aarhus Convention (Art. 3 (9)). Better solution, in our view, would be the CC recommendation to replace in Article 1 the phrase “citizens of Turkmenistan” with “individuals and legal entities”, in conditions that new restrictions do not appear in other laws and regulations.

In addition, we attract attention that the problem of banning the activities of unregistered NGOs remains unresolved on national level according the content of the above mentioned Law.

Sincerely yours,



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