

**Information regarding the Second Progress Review of Request
ACCC/M/2017/2 on compliance by Turkmenistan with its
obligations under the Aarhus Convention**

1. Turkmenistan, as a Party to the Aarhus Convention, would like to thank the United Nations Economic Commission for Europe (UNECE) for its continued support in promoting the provisions of the Aarhus Convention in Turkmenistan and to express its commitment to further co-operation on the issue of implementing Turkmenistan's obligations under the Convention.

2. Turkmenistan has made a careful study of the contents of the Second Progress Review relating to Request ACCC/M/2017/2 on compliance by Turkmenistan with its obligations under the Convention and has considered the recommendations put forward in the Review with respect to possibilities for foreign citizens and persons without citizenship to participate in establishing and operating public associations. These recommendations have formed the subject matter of discussion between specialists and experts from relevant public authorities and public associations.

3. We have previously informed the Secretariat to the Aarhus Convention and the Aarhus Convention Compliance Committee that the Law of Turkmenistan of 3 May 2014 on Public Associations as amended on 4 February 2017 ('the Public Associations Act') maintains the right of foreign citizens and persons without citizenship to establish and participate in the operation of public associations. The following articles of the Act provide evidence of this: Articles 4(1), 6(1)1-2, 7(1), 8(3), 11(1), 11(5) and 13(2), which employ the concepts 'citizens' and 'natural persons'. Nevertheless, we understand and have previously acknowledged that some articles of the 2014 Public Associations Act as amended on 4 February 2017 (Articles 1, 3 and 16(2)) contain contradictions with other articles of the Act. Therefore, taking this into account and considering the Compliance Committee's position with respect to the lack of consistency between Articles 1, 3 and 16 of the Public Associations Act (as amended on 4 February 2017) and the provisions of the Aarhus Convention, Turkmenistan is taking the necessary steps to co-ordinate the activities of relevant

institutions and organizations, in an effort to correct these provisions of the Act. Engaged in this process are – in addition to the Ministry of Agriculture and Environmental Protection – the *Mejlis* (Parliament) of Turkmenistan, the Ministry of Justice of Turkmenistan and other institutions and organizations.

4. The first step in bringing the 2014 Public Associations Act under review was taken in the Parliamentary sitting on 22 August 2020, when the *Mejlis* made certain amendments and additions to the Act, aiming to achieve further improvements in the operation of public associations. These amendments and additions concerned in particular: defining the numerical composition of international and national public associations (Article 9), defining the status of the founders of public associations more precisely (Article 11), the use of symbols by a public association (Articles 19 and 24), extending the obligations that public associations have to their members (Article [24]) and modifying certain expressions and provisions in the Act (annexed below).

5. The next measure on the agenda is meant to be discussion of corrigenda to the amendments to the Public Associations Act, ***including the right of foreign citizens and persons without citizenship to establish and participate in the operation of public associations***. In addition, this step would involve discussion of modifying Article 9(2) of the Law of Turkmenistan on Nature Protection (2014), so that members of the public who come together to undertake environmental rehabilitation activities or to take part in demonstrations on nature protection issues are not viewed as ‘unregistered public associations’, and thus their activities could not be prohibited under Article 7(2) of the 2014 Public Associations Act. A detailed preliminary review of these questions has been conducted, and they have been discussed at all levels.

6. With regard to the above, we have to note that, unfortunately, as a result of the global pandemic and the negative impact of widespread infectious disease on the functioning of government bodies, we were unable to adopt the necessary legislative, regulatory and other measures in a timely manner before the deadline of 1 October 2020 set by the Compliance Committee for us to address paragraph 35 of the Second Progress Review relating to Request ACCC/M/2017/2 on compliance by Turkmenistan with

its obligations under the Convention.

7. In conclusion, we would like to assure the Committee that its recommendations to adopt legislative and other measures to harmonize these laws with the provisions of the Aarhus Convention will be actively promoted.

LAW OF TURKMENISTAN
amending and supplementing
the Law of Turkmenistan on Public Associations

I. The following amendments and additions are to be made to the Law of Turkmenistan on Public Associations adopted on 3 May 2014 (Parliamentary Gazette of Turkmenistan, 2014, No. 2, p. 70; 2017, No. 1, p. 15):

1) Article 7(1) is to be amended as follows:

‘1. It is forbidden to establish and operate public associations which aim to forcibly change the constitutional regime of Turkmenistan or which permit violent activities, oppose citizens’ constitutional rights and freedoms, propagandize war, hatred on the basis of skin colour, national or religious enmity or encroach on citizens’ health or morality.’;

2) the following paragraph is to be added to Article 9(2):

‘An international public association can be established if it has a minimum of 50 founders.’;

Article 9(3) is to be amended as follows:

‘3. National public associations can be established if they have a minimum of 50 founders and operate in accordance with the aims of their charters over the whole territory of Turkmenistan.’;

Article 9(4) is to be deleted;

Article 9(5) is to become Article 9(4) and be amended as follows:

‘4. Regional public associations are associations whose activities, in accordance with the aims of their charters, extend over several regional administrative areas of Turkmenistan.’;

Article 9(6) is to become Article 9(5);

the following is to be added as Article 9(6):

‘6. Regional and local public associations can be established if they have a minimum of five founders.’;

3) the following paragraphs are to be added at the beginning of Article 11(1):

‘The persons who convened the congress (conference) or general meeting that has passed a resolution to establish a public association, to approve its charter and to form its governing, management and internal monitoring/audit bodies are the founders of that public association.

Following State registration of a public association, its founders are members of the public association and are to exercise the rights and obligations of members.’;

in Article 11(4), the word ‘eight’ is to be replaced by the word ‘seven’;

4) in Article 18(1), the words ‘, of whom there must be no fewer than five persons’ are to be deleted;

in Article 18(3) of the text of the Law in the official language of Turkmenistan, the words ‘ýüridik şahs hökmünde hukuklylygy’ are to be replaced by the words ‘ýüridik şahs hökmünde ukyplylygy’;

5) in Article 19(2)4 of the text of the Law in the official language of Turkmenistan, the word ‘gazanmagyň’ is to be replaced by the word ‘edinmegiň’;

in Article 19(2)10 of the text of the Law in the official language of Turkmenistan, the words ‘ýapmagyň’ and ‘ýapylandan’ are to be replaced by the words ‘ýatymagyň’ and ‘ýatyrylandan’;

the following paragraph is to be added to Article 19(2):

‘If the public association makes use of association symbols, those symbols are to be specifically described in its charter of public association.’;

6) Article 20(3)1 is to be amended as follows:

‘1) an application signed by all members of the management body of the public association concerned, with their full names, years of birth and residential addresses;’;

in Article 20(3)5 of the text of the Law in the official language of Turkmenistan, the words ‘hasaba alyş’ are to be replaced by the words ‘bellige alyş’;

in Article 20(7) of the text of the Law in the official language of Turkmenistan, the words ‘hasaba alynmaga’ and ‘hasaba alnandaky’ are to be replaced by the words ‘bellige alynmaga’ and ‘bellige alnandaky’;

7) Article 22(1)6 is to be deleted;

8) the following section is to be added after Article 24(4):

‘4¹. Public associations cannot use as their symbols the symbols of other public associations operating in Turkmenistan and/or the symbols of organizations prohibited from operating.’;

9) in Article 27:

in subparagraph 3, the word ‘reports’ is to be replaced by the word ‘information’;

the following subparagraphs are to be added:

‘7) To ensure that their members have the opportunity to familiarize themselves with documents and decisions taken that involve their rights and interests;

8) To provide their members with information about financial resources received and their use.’;

10) the following is to be added as Article 28(6):

‘6. A public association is responsible for fulfilling its obligations in regard to all property it owns.’

II. This Law is to come into force from the day of its official publication.

President of Turkmenistan
Gurbanguly
BERDIMUHAMEDOV

Ashgabat
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