

THE LAW OF TURKMENISTAN ON PUBLIC ASSOCIATIONS

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(as amended by the law of Turkmenistan of July 2, 2009)

This Law, according to the constitution of Turkmenistan, shall promote the realization of the right of citizens to establish public associations and shall determine the legal and organizational basis for formation, activities, reorganization and liquidation of public associations and shall regulate public relations emerging in this sphere.

Chapter 1. GENERAL PROVISIONS

Article 1. Definition of a public association

A public association shall be a voluntary self-governed non-commercial entity established at the initiative of citizens who have joined on the basis of their common interests to realize common purposes reflected in the charter of a public association.

Citizens shall establish public associations by their own choice and shall have the right to join such associations provided they abide by their charters.

Article 2. Legislation of Turkmenistan on Public Associations

The legislation of Turkmenistan on public associations is based on the Constitution of Turkmenistan, generally accepted principles and norms of international law, and consists of this Law and other legal regulations of Turkmenistan.

The peculiarities connected with the establishment, activities, reorganization and liquidation of certain types of public associations shall be governed by special laws adopted pursuant to this Law. Before special laws are adopted activities of such public associations as well as activities of public associations that are not subject to special laws shall be governed by this Law.

Should an international treaty ratified by Turkmenistan establish different rules than those contained in this Law, then the rules established by the international treaty shall apply.

Article 3. Scope of this Law

This Law shall apply to public associations established at the initiative of citizens, except religious organizations, non-profit unions (associations) established by commercial organizations, and political parties, trade unions and other social formations the establishment and activities of which shall be determined by special laws.

This Law shall also apply to structural subdivisions – organizations, divisions (branch offices) and representations offices of foreign public associations established in Turkmenistan.

Article 4. Restrictions on establishment and activities of public associations

Prohibition shall be imposed on the establishment and activities of public associations that pursue a violent change in the constitutional system of Turkmenistan, aim to undermine national security, engage in violence, attack constitutional rights and liberties of citizens, call for war, racial, national, social, and religious hatred, threaten public health and morals, and create militarized units.

Article 5. Founders, members and participants of public associations

Unless otherwise established by this Law and by special laws on certain types of public associations, all Turkmenistan citizens of legal age may be founders, members or participants (if the Charter does not provide for membership) of public associations.

Citizens of Turkmenistan who are 14 years old may be members of youth public associations.

Citizens of Turkmenistan who are 8 years old may be members and participants of children's public associations.

Conditions and procedures of membership acquisition and loss, including age-related resignation from membership in public associations shall be determined by the charters of respective public associations.

It shall be prohibited to request that a citizen's membership in any public association be indicated in official documents. Affiliation or non-affiliation with any public association shall not be used as a ground for restricting any citizen's rights and liberties, or for granting them any state-sponsored benefits or advantages, except cases provided by the legislation of Turkmenistan.

State bodies may not be founders, members and participants of public associations.

Foreign citizens, stateless persons permanently living in Turkmenistan, and legal entities – public associations – of Turkmenistan and other countries may participate in international public associations.

Legal entities – public associations of Turkmenistan – may participate in national public associations.

Chapter II. LEGAL STRUCTURES OF PUBLIC ASSOCIATIONS

Article 6. Legal structures of public associations

Public associations in Turkmenistan may take one of the following legal structures:

- public organization
- public movement
- public foundation
- public initiative group

Article 7. Public organization

A public organization shall be a membership-based public association established by citizens for the purpose of joint activities to protect their common interests and achieve the charter purposes.

The highest governing body of a public organization shall be a general assembly (conference) or a general meeting of its members. The body responsible for day-to-day management of a public organization shall be an elected collegial body accountable to the general assembly (conference) or the general meeting.

Article 8. Public movement

A public movement shall be a mass movement consisting of participants, but without members, that pursues social, political, and other public benefit purposes supported by the participants of the public movement.

The highest governing body of a public movement shall be a general assembly (conference) or a general meeting. The body responsible for day-to-day management of a public organization shall be an elected collegial body accountable to the general assembly (conference) or the general meeting.

Article 9. Public foundation

A public foundation shall be a type of non-profit foundation; it shall be a public non-membership association established for the purpose of accumulating assets through voluntary contributions and other revenues, which shall not be prohibited by the legislation of Turkmenistan, and using such assets for public benefit purposes.

Founders and managers of a public foundation's assets shall have no right to use such assets for their own benefit.

The governing body of a public foundation shall be formed by its founders and/or participants, or by a resolution of the founders adopted in the form of recommendations or personal appointments, or through elections by participants at a general assembly (conference) or a general meeting.

Article 10. Public Initiative Group

A public initiative group shall be a public non-membership association established for the purpose of jointly addressing various social problems that citizens may face in

their community of residence, at their workplace or the place of study. Such association shall work toward meeting the needs of an unlimited range of people whose interests are linked to the achievement of charter purposes and the implementation of programs of the public initiative group at the location of its establishment.

A public initiative group shall be formed at the initiative of citizens interested in solving the said problems, and shall operate as a self-governing entity pursuant to the charter adopted by the founders' meeting. A public initiative group shall not have any superior bodies or organizations it is accountable to.

Article 11. Unions (alliances) of public associations

Public associations, regardless of their organizational and legal form, shall have the right to establish unions (alliances) based on founding contracts and/or charters adopted by unions (alliances), thus establishing new public associations. The legal capacity of unions (alliances) as legal persons shall arise at the time of their state registration.

The establishment, activities, reorganization and liquidation of unions (alliances) shall be subject to procedures set forth in this Law.

Article 12. Principles of establishment and activities of public associations

Public associations, regardless of their legal structures, shall be equal before the law. Activities of public associations shall be based on the principles of voluntariness, equality of rights, self-governance and legality. Public associations shall be free to determine their internal structure, purposes, forms and methods of their activities.

Activities of public associations shall be open and the information regarding their constitutional and program documents shall be accessible to the general public.

Article 13. Place of activities of public associations

International, national and local public associations may be established and may operate in Turkmenistan.

A public association established in Turkmenistan shall be considered international if, according to its Charter, at least one of its structural subdivisions, such as organization, division (branch office) or representative office, is established and operates in a foreign country.

National public associations shall be those whose activities, according to their charter purposes, cover the entire territory of Turkmenistan or most of its velayats.

Local public associations shall be those whose activities, according to their charter purposes, cover the territory of a velayat, city, etrap, settlement or village.

Article 14. State and Public Associations

There shall be no interference of state bodies and their officials in public associations' activities, nor shall there be any interference of public associations in the activities of state bodies and their officials, except in cases set out in this Law.

The State shall ensure the observance of the rights and legitimate interests of public associations, support their activities, and legally regulate the provision of tax-related and other benefits or privileges to them. State support may take the form of target financing of certain programs implemented by public associations for public benefit based on request of public associations (state grants); contracts of any type, including contracts for work and service contracts; and commissioning of social services to implement various state programs, awarded to an unlimited range of public associations on a competitive basis.

Issues affecting the interests of public associations, in cases specified in the legislation of Turkmenistan, shall be dealt with by state bodies with the participation of relevant public associations, or with their approval.

Staff members of public associations shall be covered by labor and social insurance laws of Turkmenistan.

Chapter III. ESTABLISHMENT OF PUBLIC ASSOCIATIONS

Article 15. Establishment of Public Associations

Public associations shall be established at the initiative of no fewer than five founders who shall be citizens of Turkmenistan. In cases provided for by this Law, founders can include, alongside citizens of Turkmenistan, foreign nationals and legal entities – public associations – established both in Turkmenistan and in other countries. International public associations shall engage in activities in accordance with the legislation of Turkmenistan.

International and national public associations may be established with a minimum of 50 and 500 members or participants respectively.

The decision to establish a public association, to approve its Charter and to form its governing and supervisory bodies shall be made by the general assembly (conference) or the general meeting.

The legal capacity of a public association shall arise at the time of its state registration with the Ministry of Justice and making an entry in the Unified State Register of Legal Entities.

Article 16. Charter of a public association

The organization and structure of a public association are governed by its charter.

The charter shall reflect:

- the name, purposes, and tasks of the public association, and its legal structure;

- territory of activities, structure of the public association, and its governing and supervisory bodies;
- conditions and procedures of membership acquisition and loss (for a association where the Charter provides for membership), rights and responsibilities of members;
- competence and procedures for establishment of governing bodies of the public association, and their term in office;
- location of the permanent governing body;
- procedures for scheduling meetings and for decision-making by the governing body;
- sources of monetary income and other assets of the public association, the rights of the public association and its structural subdivisions with regard to asset management;
- procedures for changing and amending of the charter of the public association;
- procedures for reorganization and liquidation of the public association, and for distribution of its property remaining after liquidation.

For public foundations, in addition to the data indicated in the first part of this article, the charter shall establish:

- minimum size and type of donations;
- instructions on use of amounts.

The Charter of a public association may also contain other provisions related to its activities, if these provisions do not contravene the legislation of Turkmenistan.

Article 17. State registration of public associations

Public associations, regardless of their type, shall be registered with the Ministry of Justice of Turkmenistan in accordance with the procedures set forth in the Civil Code of Saparmurat Turkmenbashi and other laws of Turkmenistan..

Public associations shall be included in the Unified State Register of Legal Entities in accordance with the procedures established by the laws of Turkmenistan.

Unregistered public associations shall not engage in activities in Turkmenistan. Any person acting on behalf of an unregistered public association shall be liable in accordance the laws of Turkmenistan.

To be registered, a public association shall submit the following documents:

- application request signed by all founders and members of the governing body of the public association, indicating their names, surnames and patronymics;

- two copies of public association's founding charter;
- minutes of the founding assembly or the general meeting containing information on the creation of a public association, adoption of its founding charter and establishment of its governing and supervisory bodies;
- information about the founders;
- receipt for payment of the registration fee;
- confirmation of legal address.

International public associations shall provide, in addition to the documents listed in part four of this article, documents proving the existence of their structural division, branch (affiliate) or representative office abroad.

In order to register a structural subdivision on the territory of Turkmenistan, a foreign public association shall submit, inter alia, notarized copies of its constitutional documents.

Registration documents shall be submitted within one month from the date of the founding assembly or general meeting.

Public associations shall be registered within one month from the submission of an application containing all the documents listed in this article.

Changes and amendments to founding charters of public associations as well as factual changes subject to registration shall be registered in accordance with the existing procedures and within a time period specified for the initial registration of public associations and shall become effective at the time of registration.

Registration fees for state registration of a public association and subsequent changes and amendments to its founding charter shall be collected according to the procedures and at the rates specified in the laws of Turkmenistan.

Youth and children's public associations may be registered provided that at least one citizen of legal age is elected to the governing body.

The Ministry of Justice of Turkmenistan maintains the Register of public associations and issues registration certificates.

Article 18. Refusal of registration of a public association

A public association may be refused registration on the following grounds:

- the charter of a public association contravenes the Constitution of Turkmenistan, articles 4, 5, 16, 17 of this Law, or other laws of Turkmenistan;
- another public association by the same name is already registered in the territory where this association plans to engage in activities;

- the application does not contain all the required founding documents or the documents are not properly executed;
- the documents filed with the application are found to contain deliberately false information;
- the name of the public association offends public morals, ethnic or religious feelings;
- a founder has a conviction for an especially grave crime.

If the registration is refused, applicants shall be notified in writing, stating the reasons for the refusal of registration.

A refusal to register a public association shall not prevent subsequent submission of documents for registration, provided that all previous grounds for refusal are removed.

The repeated application shall be considered and a decision shall be made in compliance with this Law.

Article 19. Appeal of a refusal to register a public association

A refusal to register a public association may be appealed in court following an established procedure.

Article 20. Symbols of public associations

Public associations can have flags, emblems, pennants, and other symbols. Their symbols should not be identical to the state symbols of Turkmenistan or the symbols of other states and international organizations. Symbols of public associations shall not serve to promote goals indicated in article 4 of this Law. Symbols of a public association shall be subject to registration under a procedure established by the legislation of Turkmenistan.

Chapter IV. RIGHTS AND OBLIGATIONS OF PUBLIC ASSOCIATIONS

Article 21. Rights of Public Associations

In order to realize the charter purposes, public associations shall have the right:

- to distribute information regarding their activities;
- to participate in decision-making of state bodies to the extent and in accordance with this Law and other laws of Turkmenistan;
- to hold meetings, rallies, demonstrations, and marches in compliance with the procedure established by the laws of Turkmenistan;
- to represent and protect the rights and legitimate interests of their members and participants, and other citizens before state bodies and public associations;

- to launch initiatives on issues of public significance, and to submit proposals to state bodies;
- to participate in election campaigns (if participation in elections is expressly provided for in the Charter).

Public associations may cooperate with international public organizations, maintain international contacts and correspondence, and enter into relevant agreements with the involvement of the Ministry of Foreign Affairs of Turkmenistan.

Laws regulating certain types of public associations may also provide for additional rights.

Article 22. Obligations of public associations

Public associations shall have the following obligations:

- to comply with the laws of Turkmenistan, including licensing requirements, should the association engage in activities subject to licensing, with generally accepted principles and norms of international law applicable to their activities, and with provisions of their Charters and other constitutional documents.
- to report annually to the Ministry of Justice of Turkmenistan on their continued activities, indicating the actual address of the association's governing body, its name, and the details of its executive officers to the extent required for the Single Stage Register, before such data are forwarded to the relevant state body.
- to provide, at the request of the Ministry of Justice of Turkmenistan, copies of decisions made by the governing body and officers of the association, as well as annual and quarterly activities reports at the same level of detail as required by the Tax Authorities.
- to notify the Ministry of Justice in advance about dates of scheduled events and to give the Ministry of Justice Representatives access to such events.
- to assist representatives of the Ministry of Justice in obtaining information concerning the association with regard to its compliance with its charter goals and the laws of Turkmenistan
- to update the Ministry of Justice immediately on any factual changes subject to registration.

Public associations shall register with the Ministry of Justice any projects or programs involving foreign technical assistance or other types of foreign aid.

Article 23. Reports of Public Associations

Public associations shall maintain their accounting records and submit statistical reports as required by the laws of Turkmenistan.

Chapter V. PROPERTY OF PUBLIC ASSOCIATIONS, MANAGEMENT OF PROPERTY OF PUBLIC ASSOCIATIONS

Article 24. Property of Public Associations

Public association may own buildings, installations and facilities, housing, vehicles, equipment, implements, cultural, educational and recreational assets, money, stock and securities, and other property necessary for their charter activities.

Public associations can also own institutions, publishing houses, and mass media outlets established or purchased with the association's own funds and used for the charter purposes.

For reasons of national and public security or in accordance with international treaties ratified by Turkmenistan, public associations may be prohibited by law from owning certain types of property.

The property of public associations shall be protected by law.

Article 25. Financing of Public Associations

Basic sources of financing of public associations may be:

- admission and membership dues;
- voluntary contributions and donations;
- target financing and contributions from legal entities, including funding from foreign non-profit and state-supported organizations (in the form of grants), as established by the laws of Turkmenistan;
- proceeds from lectures, exhibitions, lotteries, auctions, sports events, and other events, where provided for by the Charter;
- income generated by business and civil law transactions;
- other receipts, which are not forbidden by the laws of Turkmenistan.

Public associations whose Charters provide for participation in elections can not receive financial or other material assistance from foreign governments, organizations or individuals to support election campaigns.

Article 26. Subjects of the right of ownership in Public Associations

Public associations are the owners of their property. Each individual member may not claim any share of his or her organization's property.

Where structural subdivisions (branches) of the public association act under the charter of the public association, the association itself is the owner of the property.

Structural subdivisions (branches) of the public association may possess and use any property assigned to them by the owner.

A union (alliance) of autonomous local public organizations, as long as it has a legal entity status, shall own any property generated or purchased specifically for this union (alliance). Local organizations – autonomous members of a union (alliance) - shall own their respective property.

Permanent governing bodies established by the charters of public movements and of public foundations shall exercise the ownership rights over the property donated to, or purchased by such public movements and public foundations on behalf of such movements and foundations.

Public initiative groups shall own their property after they acquire legal entity status through registration. Public initiative groups may be the owners of property that they generate or legally acquire.

Article 27. Business Activities of public associations

Public associations may engage in business activities provided for by their charters, so that any income generated by such activities shall be used for purposes stated in the Charter. Public associations shall engage in business activities in compliance with the Civil Code of Saparmurat Turkmenbashi and other laws of Turkmenistan.

Public associations may establish enterprises and acquire property necessary for business activities. Enterprises established by public associations shall make payments to respective governmental budgets at the rates and under procedures established by the laws of Turkmenistan.

Income generated by business activities of public associations may not be redistributed among members or participants of such associations and shall be used only for the achievement of charter purposes. Public associations may use such income for charitable purposes, even if it is not specified in their charters.

Article 28. Supervision and oversight over the activities of public associations

The Ministry of Justice of Turkmenistan and its departments in velayats supervise public associations' compliance with their charters. These authorities shall have the right to request constitutional documents from governing bodies of public associations; send their representatives to events held by public associations; receive explanations from public associations' members and other citizens on matters of compliance with the charter; issue written warnings to public associations in case of non-compliance with the laws of Turkmenistan or with the association's charter purposes.

The Ministry of Justice of Turkmenistan nullifies registration if a public association switched mainly to business activities, or if the achievement of its goals specified in the founding charter becomes unfeasible.

Should a public association receive more than two written warnings or instructions to correct violations within one year, or should it fail to submit to the Ministry of Justice updated data subject to registration during the year, the Ministry may take the case to court requesting liquidation of the public association in question.

The Prosecutor General of Turkmenistan and the prosecutors subordinate to him shall oversee compliance with the legislation of Turkmenistan on public associations.

Financial and tax authorities shall exercise control over public associations' sources of income, amounts received, and payment of taxes as established by the laws of Turkmenistan.

The Ministry of Justice of Turkmenistan, in compliance with the procedures established by the legislation of Turkmenistan, shall submit to the authorized state body information regarding projects and programs of foreign technical, financial, humanitarian aid and grants if their amount exceeds the established threshold amount for activities of a public association that receives this aid.

Supervision and control over public associations' compliance with existing norms and standards may be exercised by ecological, fire safety, sanitary and epidemiological, and other bodies of state supervision and control.

Chapter VI. LIABILITY FOR NON-COMPLIANCE WITH THE LAWS OF TURKMENISTAN ON PUBLIC ASSOCIATIONS

Article 29. Liability for non-compliance with the laws of Turkmenistan on public associations

State bodies and officials responsible for causing damage to public associations as a result of non-compliance with this Law or other laws applicable to specific types of public associations shall be liable under the laws of Turkmenistan.

Article 30. Liability of public associations for non-compliance with the laws of Turkmenistan

Public associations shall be liable under this Law and other laws of Turkmenistan for non-compliance with effective legislation.

Article 31. Suspension of public associations

The Ministry of Justice may suspend public associations, including through court action, as provided by this Law and other laws of Turkmenistan, in case of non-compliance with the Constitution, with other laws of Turkmenistan, and with provisions of their Charters.

After the public association corrects the violations that caused its suspension, it can submit a petition to the state body that suspended the public association asking to be allowed to resume its activities. Should a suspended public association fail to correct the violations within the specified timeframe, the Ministry of Justice shall request the court to liquidate the public association.

Article 32. Termination and liquidation of public associations

Public associations shall be liquidated or terminated under conditions specified in their charters following a decision of their general assembly (conference) or general meeting, a court decision, or cancellation of their registration by the Ministry of Justice of Turkmenistan.

Public associations may be liquidated by court decision in the following cases:

- failure to comply with article 4 of this Law;
- violations, by their actions, of the rights and liberties of citizens;
- repeated or serious non-compliance with laws of Turkmenistan or other legal regulations or systematic engagement in activities inconsistent with the associations' charter purposes;
- failure to report, during the year, factual changes subject to registration and entry in the Unified State Register of Legal Entities;
- untrue information in the application for registration.

The Ministry of Justice of Turkmenistan shall file an application with the court to liquidate a public association on grounds provided by this article.

A court decision on the liquidation of a public association imposes a prohibition on its activities.

Liquidation of a public association is carried out in accordance with the laws of Turkmenistan.

In the event of liquidation current affairs shall be completed, the remaining property shall be evaluated in terms of money, claims of creditors shall be satisfied and the remaining property shall be distributed to authorized persons.

The charter may determine persons authorized to accept the property. If the charter does not determine such persons the Ministry of Justice shall, at its discretion, transfer the property to one or more public associations that pursue the same or similar purposes as the public association that has been liquidated. In absence of such organizations, property can be transferred to a charitable organization or to the state.

Information on the liquidation of a public association shall be published. Distribution of property is permitted only after 3 months have passed from the date of publication.

Liquidation shall be carried out by an authorized body of the public organization.

The decision to liquidate a public association shall be forwarded to the body responsible for maintaining the Unified State Register of Legal Entities to remove the public association from the Register.

Chapter VII. FINAL PROVISIONS

Article 33. Final provisions

Charters and other constitutional documents of public associations established before this Law came into force shall be amended in conformity with this Law.

The law of Turkmenistan “On Public Associations in Turkmenistan” of 12 November, 1991, shall be invalidated as of the date this Law comes into effect.

[signed]

President of Turkmenistan

Saparmurat Niyazov

21 October 2003, Ashgabat.

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