

Long Story of the Lack of Freedom of Association in Turkmenistan

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One of the first ACCC cases, which is still in attention

- In 2004 the Moldovan NGO “Ecological Society BIOTICA” was asked by our Turkmen friends to help them in their fight to establish the environmental NGO.
- In fact, the very fresh for this time law “On Associations” permitted only one NGO in each sphere in the country, so the post-Soviet Nature Protection Society became the unique registered NGO in Turkmenistan.

Legal limitations of basic rights

- The law also not permitted participation in non-international NGOs of foreigners and persons without nationality (apatrids).
- Among that a lot of different prohibitions were introduced to make it difficult and even impossible the establishment and functioning of the NGOs in general, including environmental ones.
- Moreover, the Turkmen Government tried do not react to the ACCC requests on information on the case.

ACCC Reactions

- The ACCC has adopted in 2005 the **Recommendations**, that:
- the Government of Turkmenistan should immediately take appropriate interim measures with a view to ensuring **that the provisions of the Law are implemented as far as possible in a manner which is in compliance with the requirements of the Convention;**
- the Government of Turkmenistan should carry out the measures referred to in paragraphs relevant **national and international non-governmental organizations;**
- that the Government of Turkmenistan should develop and make publicly available **official guidance** on the interpretation of the Act, taking into account the relevant provisions and standards of the Convention;
- **invited to submit a report to the Meeting of the Parties**, through the Compliance Committee, no less than four months before the third meeting of the Parties on the measures taken to implement the recommendations
- requested the secretariat or, as appropriate, the Compliance Committee, and **invite relevant international and regional organizations** and financial institutions, to **provide advice and assistance to Turkmenistan** where this is necessary to overcome obstacles to the implementation of these measures.

10 years later

- This history took about 10 years, when **in 2013 Turkmenistan adopted amendments to the Associations Law**, where impossibility for foreigners to establish the NGO and participate in its activities was **saved**. The new amendments from 2020 also not changed the situation because the first article of the **Law clearly limits the right to establish the NGO to only Turkmen citizens**. In this respect the case is again in the attention of the MOP because in Budva MOP6 expressed the willingness to see any progress in the issue.

+4 years later

- No substantial progress has been reached from 2017, so *ACCC decides* to issue a caution to the Party concerned, to become effective on 1 January 2024, unless the Party concerned has fully satisfied the conditions set out.

Questions for future

- The situation in some AC Parties have demonstrated that during very long time they are not in the position to adopt practical measures for the AC implementation and share the western democracies' values.
- The question appears – how such countries should be treated in frames of the international law? I have no answer...