

LAW OF TURKMENISTAN ON PUBLIC ASSOCIATIONS

October 21, 2003

The present Law, in accordance with the Constitution of Turkmenistan, is designed to help citizens exercise their right to create public associations, defines the legal and organizational framework relating to the establishment, activities, reorganization and liquidation of public associations, and regulates social relations in this area.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Definition of the public association

A public association is a voluntary, self-governing and not-for-profit group which is set up on the initiative of citizens who unite based on common interests in order to achieve shared goals as reflected in the public association's charter.

Citizens create public associations of their choice and have the right to join such public associations, provided they observe their charters.

Article 2. Turkmenistan legislation relating to public associations

Turkmenistan legislation relating to public associations is based on the Constitution of Turkmenistan and generally recognized rules and principles of international law, and consists of the present Law and other legal regulations of Turkmenistan.

Special conditions relating to the creation, activities, reorganization and liquidation of some types of public associations are regulated by special laws, which are adopted in conformity with the present Law. Until such special laws are adopted, the present Law regulates the activities of such public associations and the activities of public associations that are not regulated by special laws.

If Turkmenistan's international treaties establish other rules than those contained in the present Law, the rules of the international treaties are applied.

Article 3. Scope of the present Law

The present Law covers public associations created on the initiative of citizens, except for religious organizations, non-profit unions (associations) created by commercial organizations, and political parties, trade unions and other public organizations whose founding and operating procedures are defined in special laws.

The present Law also applies to the activities of structural units, e.g. organizations, branches (chapters) and representative offices of foreign public associations created in Turkmenistan.

Article 4. Limitations on the creation and activities of public associations

Public associations are not allowed to be created or to conduct activities if they are aimed at forcibly changing the constitutional system of Turkmenistan and undermining national security, and if they admit of violence, campaign against the constitutional rights and freedoms of citizens, conduct propaganda of war and of racial, ethnic, social and religious enmity, and make attempts on people's health and morals; it is likewise forbidden to create paramilitary formations.

Article 5. Founders, members and participants in public associations

Citizens of Turkmenistan who have come of age may be founders and members of public associations and participants in such public associations (if membership is not envisaged in the charters of such associations), unless the present Law and the laws relating to individual types of public associations provide otherwise.

Citizens of Turkmenistan who have reached the age of 14 years may be members of public associations of youth.

Citizens of Turkmenistan who have reached the age of eight years may be members and participants in public organizations of children.

The charters of the public associations concerned establish rules and procedures whereby membership is acquired and forfeited, including conditions relating to the retirement of members of public associations on account of age.

It is not allowed to require that membership of any of the public associations be indicated in official documents. Citizens' membership or non-membership of public associations may not serve as a reason to limit their rights or freedoms or as a condition for the provision to them of any benefits or privileges by the state, except as envisaged in the legislation of Turkmenistan.

State bodies may not be founders, members or participants in public associations.

Foreign citizens, stateless persons who permanently reside in Turkmenistan and legal entities – public associations of Turkmenistan and foreign states - may also participate in the activities of international public associations.

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

CHAPTER II. LEGAL ORGANIZATION OF PUBLIC ASSOCIATIONS

Article 6. Legal organization of public associations

Public associations may be created in Turkmenistan in accordance with one of the forms of legal organization as follows:

- public organization;
- public movement;
- public fund; and,
- public initiative body.

Article 7. Public organization

The public organization is a membership-based public association created for joint activities to protect common interests and achieve the united citizens' goals as envisaged in the charter.

The supreme management body of the public organization is the congress (conference) or general meeting. The standing management body of the public organization is an elected collective body, which reports to the congress (conference) or general meeting.

Article 8. Public movement

The public movement is a non-membership mass public association consisting of participants, which pursues social, political and other socially useful goals supported by the public

movement participants.

The supreme management body of the public movement is the congress (conference) or general meeting. The standing management body of the public movement is an elected collective body, which reports to the congress (conference) or general meeting.

Article 9. Public fund

The public fund is one of the not-for-profit funds; it is a non-membership public association whose goal is to form assets based on voluntary contributions and other receipts that are not banned by the legislation of Turkmenistan, and to use such assets for socially useful purposes.

The founders and asset managers of a public fund may not use the said assets for personal gain.

The management body of a public fund is formed by its founders and (or) participants either by decision of the public fund founders taken in the form of recommendations or personal appointments or by election at the congress (conference) or general meeting.

Article 10. Public initiative body

The public initiative body is a non-membership public association whose goal is to jointly address various social problems that arise among citizens at their places of residence, work or study, which is aimed at fulfilling the needs of an unlimited number of persons whose interests are linked with the attainment of the charter goals and the implementation of the public initiative body's programs at the place of its founding.

The public initiative body is formed on the initiative of citizens who are interested in resolving the said problems, and its work proceeds on the basis of self-government in accordance with the charter approved at the founders' meeting. The public initiative body does not have superior bodies or organizations.

Article 11. Unions (alliances) of public associations

Public associations regardless of their legal organization have the right to create unions (alliances) of public associations based on founding treaties and (or) charters that are approved by such unions (alliances) forming new public associations. Unions (alliances) of public associations acquire legal capacity as legal entities from the moment of their state registration. The creation, activities, reorganization and liquidation of unions (alliances) of public associations are conducted in accordance with the procedure envisaged in the present Law.

Article 12. Principles governing the creation and activities of public associations

Public associations regardless of their legal organization are equal before the law. The activities of public associations are based on principles of voluntarism, equality of rights, self-governance and legality. Public associations are free to determine their internal structures, and the goals, ways and means of their activities.

The activities of public organizations must be open, and information about their founding and policy documents, generally accessible.

Article 13. Territorial scope of the activities of public associations

Local, national and international public associations are created and operate in Turkmenistan.

A public association in Turkmenistan is deemed to be international if in accordance with its charter if only one structural unit of such association, e.g. an organization, branch (chapter) or representative office is created and operates in a foreign country.

National public associations include associations whose activities, in accordance with their charter goals, cover all of Turkmenistan or most of its velayats.

Local public associations include public associations whose activities, in accordance with their charter goals, cover a velayat, city, etrap, settlement or village.

Article 14. The state and the public associations

State bodies and officials are not allowed to interfere with the activities of public associations any more than public associations are allowed to interfere with the activities of state bodies and officials, except as envisaged in the present Law.

The state guarantees respect for the rights and legitimate interests of public associations, supports their activities, and legislates tax and other benefits and privileges for them. The support of the state may be in the form of target financing of individual socially useful programs of public associations provided upon their requests (state grants); the signing of any kind of contracts, including work and services contracts; and the tendering of social orders for the implementation of various state programs for an unlimited number of public associations.

Issues affecting the interests of public associations as envisaged by the law of Turkmenistan are addressed by state bodies with the participation of the public associations concerned or by agreement with them.

The labor and social insurance legislation of Turkmenistan applies to the hired administrative staff of public associations.

CHAPTER III. CREATION OF PUBLIC ASSOCIATIONS

Article 15. Creation of public associations

Public associations are created on the initiative of their founders, who are citizens of Turkmenistan and who must be at least five. In addition to citizens of Turkmenistan, foreign citizens, legal entities – public associations both of Turkmenistan and of foreign states – may be among the founders in situations envisaged in the present Law. International public associations conduct their activities in accordance with the legislation of Turkmenistan.

National and international public associations may be created if there are 500 and 50 members or participants, respectively.

Decisions to set up a public association, approve its charter and form its governance and auditing bodies are taken at a congress (conference) or general meeting.

A public association acquires legal capacity as a legal entity from the moment of its state registration at the Ministry of Justice of Turkmenistan and entry of its data in the Single State Register of Legal Entities.

Article 16. Charter of a public association

The organization and structure of the public association is regulated by its charter.

The charter must contain:

- name, goals and tasks of the public association, and its legal organization;
- territory within which the public association conducts its activities, the structure of the public association, and its governance and auditing bodies;
- conditions and procedures of acquiring and forfeiting the public organization's membership (for the public organization whose charter envisages membership), and the rights and obligations of the association's members and participants;

competences, formation procedures and tenures of the public association's governance bodies;

location of the standing governance body;

procedure of appointing the governance body's meetings and adopting its decisions;

sources of money and other assets of the public association, and the asset management rights of the public association and its structural units;

procedure of amending and supplementing the public association's charter; and,

procedure of reorganizing and liquidating the public association, and of distributing the assets remaining after the public association's liquidation.

For a public fund, the charter must contain the following information in addition to the information mentioned in Part 1 of this Article:

minimum amount and type of donations; and,

instructions about the use of such sums.

The charter of a public association may contain other provisions relating to the public association's activities, provided they are not contrary to the legislation of Turkmenistan.

Article 17. State registration of public associations

Public organizations regardless of their type are registered by the Ministry of Justice of Turkmenistan in accordance with the procedure established by the Saparmurat Turkmenbashi Civil Code of Turkmenistan and other legislation of Turkmenistan.

Public associations must be included in the Single State Register of Legal Entities in accordance with the procedure established by the legislation of Turkmenistan.

An unregistered public association is not allowed to conduct activities. A person who conducts activities on behalf of an unregistered public association is liable under the legislation of Turkmenistan.

The following documents are submitted for the public association to be registered:

an application signed by all founders and members of the public association's governance body with their full names;

the charter of the public association in two copies;

the minutes of the founding congress (conference) or general meeting containing information on the creation of the public association, the approval of its charter, and the formation of its governance and auditing bodies;

information about the founders;

proof of payment of the registration fee; and,

document on the provision of the legal address for the public association.

For the registration of an international public association, it is necessary to submit a document confirming the existence of a structural unit, e.g. an organization, branch (chapter) or representative office outside Turkmenistan, in addition to the documents listed in Part 4 of this Article.

For the registration of structural units of a foreign public association in Turkmenistan, it is also necessary to submit copies, duly validated by the notary public, of the founding documents of the parent public association created in a foreign state.

Such documents are submitted for registration within one month from the day of the founding congress (conference) or general meeting.

Public associations are registered within one month from the submission of the documents listed in this Article.

Amendments and supplements in the charters of public associations and updated facts that are subject to registration must be registered in accordance with the same procedure and in the same time as the public organizations as such, and acquire legal force from the moment of registration.

Registration fees are levied for the registration of a public association and for subsequent amendments and supplements to its charter according to the procedure and in the amounts envisaged in the legislation of Turkmenistan.

Public associations of youth and children are registered after at least one citizen of age is elected to their governance bodies.

The Ministry of Justice of Turkmenistan keeps a register of public associations and issues registration certificates.

Article 18. Refused registration of a public association

A public association may be refused registration for the following reasons:

- if the public association's charter runs counter to the Constitution of Turkmenistan, Articles 4, 5, 16 and 17 of the present Law, and other laws of Turkmenistan;
- if a public association with the same name was registered in the territory where the given association conducts its activities;
- if the full list of founding documents fails to be submitted or if the documents are not properly framed;
- if it has been found that the founding documents submitted for registration contain patently false information;
- if the public association's name insults the morals and ethnic or religious feelings of citizens; and,
- if one of the public association's founders is a person who was convicted for a particularly grave crime.

If the public association is refused registration, the applicants are notified in writing of the fact with the reasons for the refused registration stated.

Refused registration for a public association does not prevent a resubmission of documents for registration, provided the reasons that caused the refusal have been eliminated.

The repeated application is examined and a decision on it is made in accordance with the procedure envisaged in the present Law.

Article 19. Appeal against refused registration of a public association

Refused registration of a public association may be appealed in a court of law in accordance with the procedure established by the law.

Article 20. Symbols of public associations

Public associations may have flags, emblems, pennants and other symbols. The symbols of public associations must not copy the state symbols of Turkmenistan or the symbols of foreign states and international organizations. The symbols of public associations may not serve to promote goals indicated in Article 4 of the present Law. The symbols of a public association are

subject to state registration and record-keeping in accordance with the procedure established by the legislation of Turkmenistan.

CHAPTER IV. RIGHTS AND OBLIGATIONS OF PUBLIC ASSOCIATIONS

Article 21. Rights of public associations

In pursuit of their charter goals, public associations have the right to:

- spread information about their activities;
- participate in developing decisions of state bodies according to the procedure and in the amount envisaged in the present Law and other legislation of Turkmenistan;
- organize meetings, rallies, demonstrations and processions in accordance with the procedure established by the legislation of Turkmenistan;
- found mass media and engage in publishing in accordance with the legislation of Turkmenistan;
- represent and defend their rights, the rights and legitimate interests of their members and participants and other citizens, in state bodies and public associations;
- put forward social initiatives and submit proposals to state bodies; and,
- participate in electoral campaigns (if the public association's charter provides for participation in elections).

Public associations may cooperate with international public organizations, maintain international ties and contacts, and sign appropriate agreements with the participation of the Ministry of Foreign Affairs of Turkmenistan.

Laws relating to specific types of public associations may also envisage other rights.

Article 22. Obligations of public associations

Public associations are obliged to:

- observe the legislation of Turkmenistan, including licensing law if any type of activities needs licensing, and generally recognized rules and principles of international law relating to the sphere of their activities, and standards envisaged in their charters and other founding documents;
- annually inform the Ministry of Justice of Turkmenistan of the continuation of their activities indicating the real address of their standing governance bodies, the names of such bodies and information about the public associations' leaders in the amount of the information included in the Single State Register of Legal Entities, for the transfer of the said information to the state body concerned;
- at the request of the Ministry of Justice of Turkmenistan, provide decisions of the public association's governance bodies and officials, and annual and quarterly reports about their activities in the amount of the information provided to the tax authorities;
- provide advance notices to the Ministry of Justice of Turkmenistan about the dates of proposed events and admit representatives of the Ministry of Justice of Turkmenistan to such events;

assist representatives of the Ministry of Justice of Turkmenistan to learn about the public associations' activities in terms of achieving their charter goals and complying with the legislation of Turkmenistan; and,

immediately communicate facts that are subject to registration to the Ministry of Justice of Turkmenistan.

Public associations must register projects and programs for foreign technical and other assistance at the Ministry of Justice of Turkmenistan.

Article 23. Reports of public associations

Public associations keep accounts and compile and submit statistical reports in accordance with the procedure established by the legislation of Turkmenistan.

CHAPTER V. PROPERTY OF PUBLIC ASSOCIATIONS, MANAGEMENT OF THE ASSOCIATIONS' PROPERTY

Article 24. Property of public associations

Public associations may own buildings, structures, housing stock, transport, equipment, implements, cultural, educational and health-building assets, money, shares of stock, other securities and other property needed for the material support of their activities as defined in their charters.

Public associations may also own institutions, publishing houses and mass media, which they create or acquire with their own funds and in conformity with their charter goals.

Turkmenistan laws may specify types of property that for reasons of state and public security or in accordance with Turkmenistan's international treaties may not be owned by public associations.

The property of public associations is protected by the law.

Article 25. Financing of the activities of public associations

Key sources of financing for the activities of public associations may be:

admission and membership fees;

voluntary contributions and donations;

target financing and receipts in accordance with the procedure established by the legislation of Turkmenistan, from legal entities, including foreign non-profit and budgetary organizations (as grants);

receipts from lectures, exhibitions, lotteries, auctions and sporting and other events conducted in accordance with the public association's charter;

revenues from entrepreneurial activities and civil legal transactions; and,

other receipts that are not banned by the legislation of Turkmenistan.

Public associations whose charters envisage participation in elections have no right to receive financial or other material support from foreign states, organizations or citizens for activities relating to the preparation and conduct of elections.

Article 26. Subjects of property law at public organizations

The owners of public organizations' property are the public organizations themselves. Each individual member of a public organization has no right to own a share of the public organization's property.

In a public organization whose structural units (branches) conduct their activities on the basis of the organization's charter, the property owner is the public organization itself.

The structural units (branches) of the said public organization have the right to possess and use the property assigned to them by the owner.

In a public organization that unites local public organizations as independent subjects in a union (association) with the rights of a legal entity, the owner of the property that is created or acquired for use in the interests of this public organization is the union (association). Local organizations that are part of the union (association) as independent subjects are the owners of their property.

Standing governance bodies mentioned in the charters of public movements and funds exercise ownership rights to the property that is respectively received by the public movements and public funds and created or acquired with their own funds.

Property law subjects in public initiative bodies are the public initiative bodies themselves, which are accorded the rights of legal entities following their registration. Public initiative bodies may own property that they create or acquire through other lawful means.

Article 27. Entrepreneurial activities of public associations

Public associations may engage in entrepreneurial activities as envisaged in their charters, with the incomes generated by such activities used solely for the purposes mentioned in their charters. Public associations conduct entrepreneurial activities in accordance with the Saparmurat Turkmenbashi Civil Code of Turkmenistan and other laws of Turkmenistan.

Public associations may establish enterprises and acquire property needed for the conduct of entrepreneurial activities. Enterprises created by public associations make payments to the appropriate budgets in accordance with the procedure and in the amounts established by the legislation of Turkmenistan.

Incomes from the entrepreneurial activities of public associations may not be redistributed among the members or participants of such associations and must be used solely for the attainment of their charter goals. Public associations are allowed to use their funds for charity purposes even if their charters do not provide for this.

Article 28. Control and supervision of the activities of public associations

The Ministry of Justice of Turkmenistan and the justice departments of velayats supervise the activities of public associations for compliance with their charter goals. They have the right to ask the governance bodies of public associations for their founding documents; send their representatives to participate in events organized by the public associations; receive explanations from members of the public association and other citizens on issues relating to observance of the charter; and in the event they find that public associations violate the legislation of Turkmenistan or commit actions that are contrary to their charter goals, they may issue them warnings in writing.

The Ministry of Justice of Turkmenistan cancels the registration if the public association has largely moved to entrepreneurial activities or if the achievement of the goals envisaged in its charter becomes impossible.

If a public association is issued more than two written warnings or instructions to redress the breaches during one year or if it fails to submit updated information that must be registered to the Ministry of Justice of Turkmenistan during one year, the said ministry may file a suit with a court of law to liquidate the public association.

The General Prosecutor of Turkmenistan and the prosecutors under his control supervise observance of the legislation of Turkmenistan relating to public associations.

Financial and tax bodies supervise the sources of income of public associations, the amounts of the funds they receive, and the payment of their taxes in accordance with the legislation of Turkmenistan.

Ecological, fire fighting, sanitary and epidemiological and other bodies of state control and supervision may enforce control and supervision over the compliance by public associations with current norms and standards.

CHAPTER VI.

RESPONSIBILITY FOR VIOLATING TURKMENISTAN LAW RELATING TO PUBLIC ASSOCIATIONS

Article 29. Responsibility for violating the legislation of Turkmenistan relating to public associations

State bodies and their officials who cause damage to public associations through the contravention by the said bodies and their officials of the present Law and other laws relating to individual types of public associations, are liable under the legislation of Turkmenistan.

Article 30. Responsibility of public associations for violating the legislation of Turkmenistan
If they violate the legislation of Turkmenistan, public associations are liable under the present Law and other laws of Turkmenistan.

Article 31. Suspension of the activities of public associations

If public associations violate the Constitution and legislation of Turkmenistan and the provisions of their charters, their activities may be suspended by the Ministry of Justice of Turkmenistan and by decision of a court of law in accordance with the procedure envisaged in the present Law and other laws of Turkmenistan.

If it redresses the violations that served as the reason for the suspension of its activities, a public association may apply to the state body that suspended its activities with a request for the resumption of its activities. If a public association fails to redress the identified violations by the set deadline, the Ministry of Justice of Turkmenistan lodges a suit with a court of law to liquidate it.

Article 32. Termination of activities and liquidation of public associations

Public associations are liquidated and terminate their activities in situations envisaged in their charters by decision of a congress (conference) or general meeting or by decision of a court of law, or if the Ministry of Justice of Turkmenistan cancels their registration.

Public associations may be liquidated by decision of a court of law if:

- they violate Article 4 of the present Law;
- their actions violate citizens' rights and freedoms;

they repeatedly or flagrantly violate the legislation of Turkmenistan or other legal regulations or if public associations systematically conduct activities that are contrary to their charter goals;

they fail within one year to report updated facts that must be registered and entered in the Single State Register of Legal Entities; or,

they provide false information to have the public association registered.

The Ministry of Justice of Turkmenistan lodges a suit with a court of law to liquidate a public association for reasons that are mentioned in this Article.

The liquidation of a public association by decision of a court of law signals a ban on its activities.

The public association is liquidated in accordance with the legislation of Turkmenistan.

The liquidation must settle current affairs, determine the value of the remaining property, meet the creditors' claims, and distribute the remaining property among legally entitled persons.

The charter may define persons authorized to receive the property. Such definition lacking, the Ministry of Justice of Turkmenistan, by its own discretion, transfers the remaining property to one public association or several that pursue the same or similar goal as the liquidated public association. Such associations lacking, it may be decided to transfer the property to a charity organization or to the state.

Information on the liquidation of a public association must be published. The distribution of its property is allowed only three months after the publication.

The liquidation is conducted by the authorized body of the public organization.

The decision to liquidate the public association is provided to the body that maintains the Single State Register of Legal Entities for deleting the said association from the register.

CHAPTER VII. FINAL PROVISIONS

Article 33. Final provisions

The charters and other founding documents of public associations that were created prior to the entry into force of the present Law must be brought into line with the present Law.

The Law of Turkmenistan *On Public Associations in Turkmenistan* adopted on November 12, 1991 is deemed to be abrogated on the day the present Laws enters into force.

President of Turkmenistan

Saparmurat NIYAZOV

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