

Aarhus Convention Implementation Report

The following report is submitted on behalf of Turkmenistan in accordance with decisions I/8 and II/10

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Signature:

Date: January, 2025

Implementation Report

Please provide the following details on the origin of this report

Party: Turkmenistan

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I. Process by which the report has been prepared

Provide a brief summary of the process by which this report has been prepared, including information on the type of public authorities that were consulted or contributed to its preparation, how the public was consulted and how the outcome of the public consultation was taken into account, as well as on the material that was used as a basis for preparing the report..

Answer: The National Implementation Report (hereinafter referred to as the Report) has been prepared based on materials for the period from 2021 to 2025, which, in one way or another, are relevant to the Aarhus Convention and the promotion of its provisions in Turkmenistan. The Report highlights the extent to which the country's programmes, policies and strategies, along with legislation, contribute to the implementation of the provisions of the Convention in the daily lives of citizens and the public at large. Materials from the Ministry of Environmental Protection of Turkmenistan (MEP), its subordinate institutions and other government agencies were used for the preparation of the Report, consultations were held with leading experts from the country's parliament, environmental institutions, water management, statistical agencies, and scientific institutions. Moreover, experts from the Ministry of Justice, the Ministry of Health and Medical Industry, the Scientific Information Centre of the Interstate Commission for Sustainable Development of IFAS and other bodies and institutions provided advice. For this purpose, the draft Report was posted on the website of the Aarhus Centre of Turkmenistan (<https://aarhusashgabat.org/about-us/>) from September to December 2024.

II. Particular circumstances relevant for understanding the report

Report any particular circumstances that are relevant for understanding the report, e.g., whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer: Turkmenistan, being a party to the Aarhus Convention (Convention), takes the necessary measures to promote its provisions in practice, including by implementing the norms of the Convention in current environmental and other legislation. In addition to the MEP, the Interagency Commission on the Environment, established in October 2020, monitors the implementation of the Convention's norms in national legislation. The Commission has two working groups, one of which is responsible for fulfilling the country's obligations under the Convention and promoting its provisions in Turkmenistan. All decisions taken by the Commission are binding. In addition, the MEP, in cooperation with the Aarhus Centre, prepares recommendations on the implementation of the provisions of the Convention in legislation. The Aarhus Centre is also an important platform for the implementation of the decisions taken. The existing mechanism is aimed at realizing the environmental rights of citizens defined by the Convention and laws. The (1) further development of environmental and other legislation; and (2) the formation of new organizational structures (commissions) and public associations designed to ensure the implementation of environmental rights of citizens should be deemed the main areas for promoting the provisions of the Convention during the reporting period. The Constitution of Turkmenistan has been updated (2016), which created an important legal platform for protecting the environmental rights of citizens and public associations.

The Basic Law establishes the responsibility of the state for the preservation of the environment (Article 15), the right of every person to an environment conducive to life and health, reliable information about it (Article 53). In addition, the Constitution contains norms that ensure the main provisions of the Convention as

follows:

- Regulatory legal acts affecting human and civil rights and freedoms that have not been made publicly available shall be invalid with immediate effect after their passing (Article 8);
- Human and civil rights and freedoms shall be directly applicable. They shall determine the meaning, content and application of laws, the activities of legislative and executive authorities, local self-government and shall be ensured by justice (Article 27);
- Everyone shall have the right to [...] compensation for damage caused to health and property as a result of violations of environmental legislation or natural disasters (Article 53);
- Everyone shall be guaranteed judicial protection of honour and dignity, as well as the rights and freedoms provided for by the Constitution and laws. Everyone shall have the right to appeal to the court against decisions and actions of public authorities, public associations, local self-government bodies and officials (Article 60).

These constitutional norms are a solid basis for the development of current legislation in the field of protection of environmental rights and public access to justice. During the reporting period, the following regulatory legal acts and policies aimed at implementing the Convention were adopted for environmental protection and natural resource management in the country:

- The Law ‘On Ombudsman’ (2016) (previously not referred to in the reports). The law was developed in accordance with the Paris Principles and entitled the Ombudsman with guarantees of a broad mandate and institutional independence;
- The Law ‘On State Land Cadaster’ (2021);
- The Law ‘On Hunting and Protection of Hunting Resources’ (2021);
- The Law ‘On Public-Private Partnership’ (2021);
- The Law ‘On Education’ (new version) (2021);
- The Criminal Code (new version) (2022);
- The Law ‘On Hydrometeorological Activities’ (2024);
- The Law ‘On Energy Saving and Energy Efficiency’ (2024);
- Laws on Amendments and Additions to land, water, forestry and other legislation;
- A number of by-laws arising from environmental laws;
- Turkmenistan’s National Strategy on Climate Change (new version) (2019);
- The National Forest Programme, 2021-2025;
- The Aral Sea Programme for the period up to 2030 (2022), et al.

The promotion of the Convention in Turkmenistan is facilitated by the implementation of a large number of national, regional and international environmental projects with the support of UNDP, OSCE, USAID, EU, GIZ, EBRD, FAO, etc. The beneficiaries of these projects are the MEP and other environmental agencies, as well as environmental public associations.

In accordance with the legislation of Turkmenistan, the conventional norms do not have direct effect, but are complied with by implementing them in national legislation.

Financial aspects are not a significant obstacle to the implementation of the Convention. In addition to the MEP, the Aarhus Centre in Turkmenistan, non-governmental organizations promote the Aarhus Convention. However, there are still financial issues to enhance its activities.

III. Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8

List legislative, regulatory and other measures that implement the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8, of the Convention.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally; including:
 - (i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines, indicating whether the coordination measures are ongoing;
 - (ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which access to information was provided;
 - (iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g., inviting non-governmental organization (NGO) members to participate in the Party's delegation in international environmental negotiations, or involving NGOs in forming the Party's official position for such negotiations), including the stages at which access to information was provided;
 - (iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;
 - (v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not penalized, persecuted or harassed.

Answer:

a) In Turkmenistan, in order to implement the provisions of the Aarhus Convention, a Memorandum signed between the Ministry of Nature Protection of Turkmenistan and the Aarhus Centre has been in force since July 2012. In 2023, the Memorandum was updated in connection with the establishment of a new Ministry of Environmental Protection of Turkmenistan (Decree of the President of Turkmenistan No. 240 of 14 July 2023). Initially, with the support of the OSCE Centre in Ashgabat, the project on 'The Aarhus Centre in Ashgabat' (2012-2021) was implemented. The Public Association Enterprise (PAE) 'Tebigi Kuwwat' ('Energy of Nature') was the Implementing Party of the project. After the completion of the project, as of 2021, the Aarhus Centre was established as an independent structure

under the NGO ‘Tebigi Kuwwat’ (without forming a legal entity). The Aarhus Centre, with the support of the Ministry of Environmental Protection and the OSCE Centre in Ashgabat, pursues the objectives of promoting the provisions of the Convention in the country by:

- preparing recommendations for draft environmental laws;
- advocating their requirements and norms among the public and government authorities;
- serving a platform for engaging NGOs and citizens to participate in events held by government agencies,
- discussing drafts of various documents in the environmental field.

Requirements for assistance from officials to ensure the environmental rights of the public are provided for in all environmental and other laws; they guarantee administrative and judicial procedures for appealing decisions of officials and government authorities. In accordance with them, the public has the right to appeal to judicial bodies in the event of a violation of their environmental rights. Pursuant to the Law of Turkmenistan ‘On Administrative Procedures’ (2017), every person has the right to appeal to an administrative body on issues directly related to his/her rights and legitimate interests, to file petitions or to receive information from the administrative body. The administrative body is obliged to make appropriate decisions on these appeals or to provide information (Article 8). The Criminal Procedure Code, the Administrative Procedure Code, etc. guarantee the judicial procedure for appealing and restoring the environmental rights of citizens.

One of the measures taken by officials to render assistance and support the public in ensuring their environmental rights in accordance with the Convention included the establishment of **the Department of Digital Technologies, Information Security and Environmental Information** within the structure of the headquarters of the recently created MEP (2023).

The extensive publishing and outreach activities of the Ministry of Environmental Protection, the Aarhus Centre and public environmental associations, contribute to the promotion of the provisions of the Aarhus Convention. For example, during the reporting period, with the participation of the Aarhus Centre staff, the following scientific and popular science publications were issued and distributed among government officials, academia, students and the public at large:

- A book on ‘International environmental conventions and treaties of Turkmenistan (legal instruments and institutional mechanisms for ensuring)’, 2021 (published in Turkmen and Russian in a quantity of 300 copies). The publication reviews international environmental conventions with the participation of Turkmenistan, including the Aarhus Convention;
- A book on ‘Waste management in Turkmenistan: assessment of the current situation and key areas for improvement’. Published in Russian, 150 copies (2022);
- A book on ‘Legal Protection of Climate in Turkmenistan: Assessment of the Current Situation and Development Prospects’. It was published in English, 100 copies (2023);
- Compendium of articles following the results of the Scientific and Practical Conference on ‘Topical Issues of Turkmenistan’s Transition to Green Technologies’, in Turkmen and Russian, 100 copies (2021);
- A number of scientific and popular science articles have been published, aimed at disseminating environmental information and, accordingly, promoting the provisions of the Aarhus Convention among all walks of life, civil society. All of these publications are posted on the Aarhus Centre website (<https://aarhusashgabat.org/biblioteka-posobii/>)

The MEP press organs, to wit the magazine ‘Environmental Culture and Environmental Protection’ and the International Scientific and Practical magazine

‘Problems of Desert Development’, carried out a lot of work in this area. For example, over the reporting period, more than 300 articles on environmental issues were published in these magazines.

- There are many articles published on local websites about the activities of the Aarhus Centre, as well as events with the participation of the Centre’s specialists. In early 2024, on the 25th anniversary of Turkmenistan’s accession to the Aarhus Convention, the website of the Aarhus Centre in Ashgabat www.aarhusashgabat.org was established in Turkmen, English and Russian languages. The website comprises comprehensive national and international legislation related to environmental protection and the principles of the Aarhus Convention. In addition to covering the activities of the Aarhus Centre and all activities related to the implementation of the Aarhus Convention in the country, the website also highlights the activities of public associations - one of the main stakeholders in the implementation of the Aarhus Convention;
- On the 25th anniversary of Turkmenistan’s accession to the Aarhus Convention, a conference was organized and held with the support of the MEP and the OSCE Centre in Ashgabat. The conference was organized by the Aarhus Centre, whose staff informed about the activities of the Aarhus Centre aiming at the promotion of the Convention in Turkmenistan;
- Environmental broadcasts are carried out weekly on TV and radio by the MEP and its subordinate organizations.

Currently, in Turkmenistan, issues of public access to information, promotion of its participation in the decision-making process and access to justice on environmental issues are provided for by the following regulatory legal acts:

- The Constitution of Turkmenistan of 1992 (new version, 2016);
 - The Law of Turkmenistan ‘On Appealing to the Court the actions of government authorities, public associations, local self-governments and officials who violate the Constitutional rights and freedoms of citizens (1998);
 - The Law of Turkmenistan ‘On Information and its Protection’ (2014);
 - The Law of Turkmenistan ‘On Administrative Procedures’ (2017);
 - The Law of Turkmenistan ‘On Environmental Information’ (2020);
 - The Law ‘On the Ombudsman’ (2016);
 - The Criminal Code of Turkmenistan (new version, 2022);
- and other regulatory legal acts.

These regulatory legal acts are constantly being improved and updated by making amendments and additions to them.

b) In order to enhance the **environmental culture of society and the vocational training of specialists** in Turkmenistan, universal, continuous and affordable environmental protection education and training is provided, covering preprimary, general primary, secondary education institutions, vocational training of specialists in primary vocational, secondary vocational and higher vocational education institutions and their re-training.

In various institutions of vocational education, regardless of their profile, it is envisaged to teach the basics of ecology and courses on environmental protection. Educational, environmental protection, other government authorities and public associations, the media disseminate knowledge about nature conservation and rational use of natural resources, and are engaged in environmental advocacy.

The **Law of Turkmenistan ‘On Nature Protection’ (2014)** enshrines issues related to the promotion of environmental education and sensitization towards environmental issues. It provides for measures to ensure the promotion of nature protection, environmental education and training at all levels of government bodies; stipulates the responsibility of heads of ministries and agencies, enterprises and organizations related to activities with negative environmental impact and

requirements to know the basics of environmental legislation and ensure environmental safety (Article 57, para. 1-4). **The Law of Turkmenistan ‘On Environmental Safety’ (2017)** (Articles 30-32) comprises similar requirements. The universality and life-long environmental education, legal and environmental focus of environmental protection are enshrined in the relevant section of the **Law of Turkmenistan ‘On Education’ (2013)**, and a number of Government resolutions.

The Law ‘On Environmental Information’ (2020) assigns the responsibilities to the MEP to organize and conduct activities for the development of environmental education, training and fostering of environmental culture both among the population and nature users (Article 8, para 4).

The country’s higher education institutions are contributing a great deal of efforts to improve the environmental culture of society and vocational training of specialists. The Faculty of Geography at the Turkmen State University named after Magtymguly annually educates 15-20 environmental specialists who are trained in many subjects in environmental protection and nature management (Environmental assessment, Environmental monitoring, Environmental management and Environmental audit, Industrial ecology, Environmental principles of nature management, Production technology, Aerospace monitoring). The Faculty of Chemistry trains future chemists of various specializations; research work is underway for the development of technologies and production of items using local raw materials. At the Faculty of Biology, students take part in research on anthropogenic impact on biodiversity.

The academic subject ‘General Ecology’ is taught at the S. A. Niyazov Turkmen State Agricultural University in all 7 Faculties. The Faculty of Agroecology, which was opened in 2020, trains students in the fields of Agronomy, Agrochemistry and Plant Protection. Within the framework of the disciplines taught in the field of ecology, emphasis is placed on issues of combating pollution of land and water resources, as well as waste management of agricultural products, etc.

At the Dashoguz Agricultural Institute, the Faculty of Agronomy, graduates are trained in the speciality ‘Agroecology’. It covers academic subjects, such as: General ecology, Environmental basics of production technology, Environmental monitoring and research methods, etc. An important place is given to the application of innovative technologies to prevent pollution of land and water resources. 20 specialists in agroecology graduate the Institute every year.

The Faculty of Chemical Technology and Ecology at the International University of Oil and Gas named after Yagshigeldy Kakayev trains environmental specialists in the oil and gas sector. The course ‘Basic principles of Ecology and Nature Management’ is included in the university’s curricula.

25 specialists in the field of ecology annually graduate from the Faculty of Biotechnology and Ecology, Oguzhan Engineering and Technical University of Turkmenistan. The main subjects are Environmental engineering, Ecology and Biotechnology, which include studying the issues of Handling production and consumption waste, Urban ecology and household waste, Waste processing using biotechnology, and the like.

The Aarhus Centre, along with Information centres under the Society of the Nature Protection of Turkmenistan, actively work in all velayats (regions) of the country in environmental advocacy and outreach, educating the population to take a caring attitude towards nature. The key goal of such centres is to disseminate environmental information among broad segments of civil society and, accordingly, to promote the provisions of the Aarhus Convention. They also organize and carry out environmental campaigns (afforestation, collection of household waste).

In Turkmenistan, events are held annually on a national scale, in particular, those dedicated to World Environment Day (June 5), Caspian Day (August 12) and other conferences,

seminars, ‘round’ tables, campaigns to plant new forests around populated areas, improve the territories of parks, squares, and alleys.

c) The Law of Turkmenistan ‘On Nature Protection’ (2014) ensures a lot of rights of public associations and citizens in the field of nature protection, which facilitates the proper recognition of associations, organizations or groups contributing to environmental protection in accordance with the requirements of the Aarhus Convention. Moreover, it is worth noting that during the reporting period, 4 more environmental public associations have been established, namely ‘Ecodurmuş’/Ecolife (Dashoguz, 2021), ‘Täze Zaman’/New times (Turkmenabat, 2021), ‘Yaş tebigatçy’/Young environmentalist (Ashgabat, 2022), and ‘Achievement of Youth of Turkmenistan’ (Ashgabat, 2023).

In accordance with the new version of **Law ‘On Education’ (2021)**, public associations registered in Turkmenistan may be founders of educational institutions (Article 14). This applies *inter alia* to environmental public associations, which have the right to establish educational institutions, including for advocacy and clarification, promotion of the provisions of the Aarhus Convention in Turkmenistan. Pursuant to Article 32 (para 3) of the Law, public associations may be engaged in the educational work of students in educational institutions.

d) In order to promote the application of the principles of the Convention at the international level, the following measures are taken:

In order to coordinate the activities of ministries and agencies both internally and at the interagency level, an Interagency Commission on Environmental Protection (2020) and an Interagency Commission on Methane Emission Abatement (2023) have been established. Within the framework of the commissions, all decisions are made taking into account international environmental conventions, including the Aarhus Convention; officials of national authorities (members of the Commission) are informed about participation in various international fora, in international decision-making processes on environmental issues and within the framework of international organizations related to the environment. These measures are being implemented on an ongoing basis.

According to the country’s Constitution, citizens of Turkmenistan have the right to participate in the administration of the affairs of society and the government both directly and through their freely elected representatives. Citizens of Turkmenistan have the right to elect and be elected to state and local self-government bodies. Citizens of Turkmenistan, in accordance with their abilities and professional training, have an equal right to access to public service. Citizens of Turkmenistan have the right to participate in the administration of justice (Article 46). Taking into account this constitutional norm, NGO representatives have recently been actively included in government delegations in international negotiations on issues related to the environment. For example, the Interagency Commission on Ensuring Compliance with Turkmenistan’s International Obligations on Human Rights and International Humanitarian Law, in addition to representatives of ministries and line agencies, includes representatives of public associations. During meetings of the Parties to the Aarhus Convention, representatives of the Aarhus Centre are permanently included in the state delegation, and participate in the development of appropriate decisions, solutions, etc.

e) During the period under review, no cases of individuals exercising their rights in accordance with the Convention who were subject to punishment, persecution or harassment, were observed in the country. Guarantees for the protection of citizens’ rights from illegal persecution and harassment are enshrined in the country’s Constitution and other legislative acts.

IV. Obstacles encountered in the implementation of article 3

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.*

Answer: No obstacles were noted with respect to the above-mentioned paragraphs of Article 3 of the Convention. Classification of environmental information as information with limited access can be carried out based solely on the laws of Turkmenistan.

For example, in accordance with the **Law on Environmental Information (2020)**, environmental information may not be provided or disseminated if:

- 1) the provision or dissemination of environmental information may lead to a violation of the rules for the administration of justice, preliminary investigation, or administrative offense proceedings;
- 2) the provision or dissemination of environmental information will cause harm to the environment or create a threat of harm to it;
- 3) environmental information is a state or commercial secret (Article 11, para 1).

V. Further information on the practical application of the general provisions of article 3

*Provide further information on the **practical application of the general provisions of article 3.***

Answer: An important mechanism for the implementation of citizens' environmental rights in the practical implementation of Article 3 of the Convention is the establishment of the position of the **Authorised Representative for Human Rights** in Turkmenistan. **The Law of Turkmenistan 'On the Ombudsman'**, which was developed in accordance with the Paris Principles and provided the Ombudsman with guarantees of institutional independence and a broad mandate, was adopted on 23 November 2016.

The position of Ombudsman was established in accordance with the Constitution of Turkmenistan in order to ensure guarantees of state protection of human and civil rights and freedoms, their observance and respect by government authorities, local self-government bodies and their officials.

Pursuant to the Law, the Parliament of Turkmenistan elects the Ombudsman from three candidates proposed by the President of Turkmenistan, by secret ballot for a term of five years. On 20 March 2017, the Ombudsman was elected, and consequently on 8 April of the same year the Ombudsman's Office was established. In order to organize its activities, the Regulation 'On the Ombudsman's Office' was approved by the order of the Ombudsman of 20 March 2017, the structure and staffing of the office were approved by the order of 12 April 2017. The Law also provides for the possibility of creating regional institutions of the Ombudsman.

The law regulates the principles and guarantees of the Ombudsman's activities, as well as his/her powers and main functions. A distinctive feature of the Ombudsman's institution is its independence and non-accountability to any government bodies and officials in the exercise of its powers; interference in the activities of the Ombudsman with the purpose of influencing his/her decision or action, or hindering his/her activities entails liability in accordance with the legislation of Turkmenistan.

The main functions of the Ombudsman are to promote compliance with, as well as the restoration of violated human and civil rights and freedoms; the ratification of international treaties in this area; the improvement of the legislation of Turkmenistan and the legal education of citizens in the field of protecting human and civil rights

and freedoms, forms and methods of their protection; the interaction of government authorities of Turkmenistan in protecting human and civil rights and freedoms; the development and coordination of international cooperation in the field of human and civil rights and freedoms.

The Ombudsman annually submits a report on his/her activities and the human rights situation in the country to the President of Turkmenistan for consideration, and presents this report to the Mejlis (Parliament) of Turkmenistan. To date, 6 reports have been prepared and posted on news websites <http://turkmenistan.gov.tm/?ombudsmen>.

It is advisable to use materials concerning the protection of citizens' environmental rights stemming from the National Reports on the implementation of the Aarhus Convention in Turkmenistan in the Ombudsman's reports.

The Law of Turkmenistan 'On Mass Media' (2012) regulates key issues of mass media activities and effectively ensures the exercise of the right to freedom of speech.

According to the **Law 'On Environmental Information' (2020)**, the dissemination of environmental information in Turkmenistan is carried out freely, subject to the requirements established by the legislation of Turkmenistan.

Publicly available environmental information is regularly communicated to government authorities, local self-government bodies and other legal entities and individuals by holders of environmental information through printed publications and other mass media by posting it on their official websites on the Internet and through a digital system or other publicly available means in accordance with the legislation of Turkmenistan (Article 4, paras 2-3).

All environmental information that is not related to specialized environmental information is accessible to all; environmental information is considered publicly available if permission to provide it and distribute is not limited. Environmental information that is provided under a contract and requires additional preparatory work for provision, including collection, processing and analysis, is considered specialized environmental information (Article 16).

VI. Website addresses relevant to the implementation of article 3

Give relevant website addresses, if available:

www.mineco.gov.tm , www.aarhusashgabat.org www.turkmenistan.gov.tm ,
www.osce.org/ashgabat, www.stat.gov.tm, www.oilgaz.gov.tm,
www.minjust.gov.tm

VII. Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;

- (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
- (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer: The key regulations that define the basis for implementing the provisions of the Aarhus Convention on public access to environmental information were stipulated in a number of laws. They regulate the right of the public to receive, and the obligation of government authorities and organizations to provide the requested information. The **Law of Turkmenistan ‘On Nature Protection’ (2014)** lays the foundation for public access to environmental information. The right of citizens and public associations to receive environmental information is enshrined in all environmental laws (on Flora and Fauna, Forests, Specially protected natural areas, Land and Water resources, the Ozone layer, Atmospheric air, Waste, Pastures, etc.). **The Law of Turkmenistan ‘On Environmental Information’ (2020)** is an important legal basis for public access to environmental information.

a) and b) The issues specified in paragraph a) of subparagraphs i), ii), iii) and c) are ensured in accordance with the **Law on Administrative Procedures (2017)**, which provides for the procedure and timeframes for consideration by government agencies of public requests for information, including environmental information.

The **Law of Turkmenistan ‘On Environmental Information’ (2020)** provides for the transfer of environmental information to its users, as well as for the opportunity to search for this information by studying documents and obtain copies on the ground or refer to published materials. Access is provided by government agencies through their dissemination of environmental information, by communicating relevant information to users of environmental information, posting it in print media, other media, on their official websites on the Internet and through a digital network or other publicly available means in accordance with the legislation of Turkmenistan. In this view, the law provides for the creation of a State Fund of Environmental Information, which consolidates and further disseminates information to the public (Article 7). Currently, the Regulation on the State Fund of Environmental Information is undergoing state registration with the Ministry of Justice of Turkmenistan. The adoption of this instrument will make it possible to ensure the public’s right of access to environmental information by submitting relevant requests to the Fund.

Failure to ensure the right of access to environmental information, as well as failure to provide information or provide applicants for environmental information with deliberately false environmental information may be appealed to higher government authorities or to the court (Article 10). Environmental information is provided to

users of environmental information free of charge or for a fee in an amount not exceeding the cost of searching, copying and preparing environmental information. The procedure for payment for environmental information and its amount are established in accordance with the regulatory legal acts of Turkmenistan (Article 17). Issues of public access to environmental information are also regulated by the laws 'On Statistics' (2012), 'On Information and Its Protection' (2012), 'On Mass Media' (2012), 'On Public Associations' (2014), etc.

An analysis of the above and other legal norms shows that the current legislation of Turkmenistan generally complies with the provisions of paragraph 8 of Article 4 of the Aarhus Convention. Measures are currently being taken to implement the Law on Environmental Information by adopting by-laws arising from this legislative act.

VIII. Obstacles encountered in the implementation of article 4

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.*

Answer: No major obstacles were noted. Restrictions on access to environmental information may take place only in cases provided for by law. For example, according to the Law on Environmental Information, a refusal to satisfy an appeal or request for environmental information at the place of application is made in the form of a decision by the holder of environmental information, which must specify reasons for the refusal, and the right to apply to higher government authorities or a court in connection with dissatisfaction with the applicant's appeal or request (art.14, ch.7).

The current legislation of Turkmenistan contains important provisions that allow for the disclosure of classified or restricted information in the above cases. For example, the Law 'On Information and Its Protection' (2014) stipulates that access cannot be restricted to:

- regulatory legal acts of Turkmenistan affecting the civil and human rights, freedoms and duties, as well as establishing the legal status of organizations and the powers of government authorities, local executive authorities and local self-government bodies;
- information about the state of the environment;
- information about the activities of government authorities, local executive authorities and local self-government bodies, as well as on the use of budgetary funds (with the exception of information constituting a state or official secret, and information protected by law, the dissemination of which is limited).

The Law 'On Mass Media' (2012) provides that the activities of mass media are based on the principles of prohibition of censorship of mass media, that is, unjustified distortion of journalistic material by the leadership of the mass media (art. 4).

The Law of Turkmenistan 'On Environmental Information' (2020) stipulates that restricting access to other information is not allowed:

- 1) on the state of the environment or damage caused to it;
- 2) on emissions of pollutants into the atmosphere and discharges of wastewater into water bodies in violation of maximum permissible standards in the field of environmental protection or in the absence of such standards, if their development is required by the legislation of Turkmenistan;
- 3) on discharges of chemical and other substances, their mixtures or waste into a water body;
- 4) on the chemigation or application of other substances into the ground (subsoil),

leading to deterioration of its quality or the quality of groundwater;

5) on ionizing and electromagnetic radiation, noise or other physical impact in violation of maximum permissible standards in environmental protection or in the absence of such standards, if their development is required by the legislation of Turkmenistan;

6) in other cases stipulated by the legislation of Turkmenistan (Article 11, para 3).

IX. Further information on the practical application of the provisions of article 4

*Provide further information on the **practical application of the provisions on access to information in article 4**, e.g., are there any statistics available on the number of requests made, the number of refusals and the reasons for such refusals?*

Answer: Although Turkmenistan has a comparatively extensive legal framework for public access to justice, there is still *no record of judicial practice in considering cases related to the violation of citizens' environmental rights*, and, accordingly, *there are no such statistics*. Currently, pursuant to the **Law on Administrative Procedures (2017)**, all violations and appeals from the public are generally resolved administratively (at the level of executive authorities). In accordance with the Law, every person has the right to apply to an administrative body on issues directly related to his/her rights and legitimate interests, to file petitions or to receive information from the administrative body. The administrative body is obliged to make appropriate decisions on these appeals or to provide information (Article 8). In this regard, it would be necessary to keep records of incoming appeals and complaints from citizens at the level of administrative bodies, including in the area of violation of citizens' environmental rights.

X. Website addresses relevant to the implementation of article 4

Give relevant website addresses, if available:

www.mineco.gov.tm, www.aarhusashgabat.org, www.turkmenistan.gov.tm,
www.osce.org/ashgabat, www.stat.gov.tm, www.oilgaz.gov.tm,
www.minjust.gov.tm и др.

XI. Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

(a) With respect to **paragraph 1**, measures taken to ensure that:

- (i) Public authorities possess and update environmental information;
- (ii) There is an adequate flow of information to public authorities;
- (iii) In emergencies, appropriate information is disseminated immediately and without

delay;

(b) With respect to **paragraph 2**, measures taken to ensure that the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

(e) Measures taken to disseminate the information referred to in **paragraph 5**;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

a) The Constitution of Turkmenistan of 1992 (new version of 2016) provides for the rule of law. State mass media promulgate regulatory legal acts or bring them to the public attention in another way provided by law. Regulatory legal acts affecting human and civil rights and freedoms that have not been made publicly available shall be invalid with immediate effect after their passing. (Article 8).

Environmental and other legislation contains provisions on the dissemination of environmental information by government authorities. **The Law ‘On Information and Its Protection’ (2014)** regulates the issue of not only the search, collection, receipt and storage of information, but also its provision, distribution and use, and access to information. Legal regulation of relations arising in the field of information and its protection is based on the freedom to search, receive, transfer, produce, collect, store and disseminate information by any legal means (Article 3).

In Turkmenistan, the responsibility for the formation of state information resources, intended, *inter alia*, to meet the needs of the public, is assigned to government authorities and organizations. Pursuant to the **Law ‘On Environmental Information’ (2020)**, the Ministry of Environmental Protection is entrusted with the formation and maintenance of the State Fund of Environmental Information, coordination of the activities of government authorities, local self-governments and other legal entities in collecting, storing, reviewing, analyzing, providing and **disseminating environmental information** (Article 7).

According to the current environmental laws of the country, the duties of the relevant ministries and agencies include the recording and storage of environmental information and its dissemination. For example, in accordance with the Law on Environmental Information, the establishment of the State Fund of Environmental Information will facilitate the accumulation of environmental information within the Fund and its dissemination, including among the public.

b) and c) Government environmental protection authorities, in accordance with their competence, disseminate materials and information on the state of the environment, on strategic and policy documents in environment by posting them on the Internet and through other means. The website of the MEP contains environmental information related to legislation, policy and programmatic documents, international conventions and agreements related to environment and sustainable development. However, such information on its website is not regularly updated or is updated with

a significant delay. This also applies to other ministries and agencies whose activities are related to the protection and use of natural resources (State Water Management Committee, Ministry of Agriculture, etc.)

The Aarhus Centre's web portal www.aarhusashgabat.org, created in early 2024, systematically posts information in the field of environmental protection, new environmental legislation, scientific publications, materials from workshops, seminars, 'round tables', conferences and other fora. The web portal is in three languages: state Turkmen language, English and Russian. In July 2024, the main page of the Aarhus Centre web portal posted the Communication Strategy of Aarhus Centres 'The Guidelines for effective communication for Centres' and the Guidelines for the Association of Aarhus Centres 'On engaging young people in the activities of Aarhus Centres' developed by the Office of the Coordinator of OSCE Economic and Environmental Activities (OCEEA). The Aarhus Centre of Turkmenistan guided by these documents intends to create a youth movement where young people will take part in promoting the main objectives of the Aarhus Convention and improving the environmental component of the country. This initiative promotes the development of eco-volunteering, eco-blogging, educating young leaders and regarding young people not only as beneficiaries, but also as participants and full-fledged partners in the activities of the Aarhus Centre of Turkmenistan.

e) The country takes measures to widely disseminate information through its publication in legislative acts, national strategies, policies, programmes and action plans. For example, legislative acts passed, including those in the field of environmental protection, are published in the open press in the Gazette of the Mejlis of Turkmenistan, which is issued on a monthly basis, and are also posted on the website of the Mejlis. <https://mejlis.gov.tm/single-law/351?lang=ru> and the Ministry of Justice (<https://minjust.gov.tm/ru/hukuk/merkezi>). All decisions of the President and the Cabinet of Ministers are also published monthly in a special publication and openly distributed through the outlet chain (Collection of Acts of the President of Turkmenistan and Decisions of the Government of Turkmenistan). Select decrees, resolutions and orders are posted on the Internet (www.turkmenistan.gov.tm). Departmental legal acts are published on the websites of the relevant ministries and agencies and the Ministry of Justice of Turkmenistan. In addition, the Ministry of Justice regularly issues Collection of Regulatory legal acts of the ministries and agencies of Turkmenistan. National strategies, policies, programmes and action plans, including in the field of environmental protection, can be published as a separate publication (for example, the National Strategy of Turkmenistan on Climate Change, 2019, etc.) or posted on the websites of the relevant ministries and agencies, and public associations.

d) The draft of this National Report was first posted on the websites of the Ministry of Environmental Protection and the Aarhus Centre with the aim of preliminary discussion of its contents among the public. After its final approval by the MEP, the final version of the Report was posted on the said websites.

f) and h) The country is taking steps towards developing mechanisms to ensure that the public is provided with sufficient information about products. For example, according to the **Law 'On Ensuring the Safety and Quality of Food Products' (2014)**, the main directions of government policy for ensuring the safety and quality of food products are established. These include:

- 1) prevention of production and import into the territory of Turkmenistan of poor-quality and dangerous food products, materials and items;
- 2) **realization of the right of citizens to consume safe and high-quality food products;**
- 3) legal regulation of relations in the area of ensuring the safety and quality of food products, materials and items;

- 4) implementation of state programmes to ensure the safety and quality of food products, materials and items;
- 5) **exercising state control for ensuring the safety and quality of food products, materials and items;**
- 6) state registration of food products, materials for packaging food products;
- 7) organization and implementation of certification of food products, materials and items;
- 8) improvement of the system of training and re-training of specialists engaged in the production and turnover of food products, materials and items;
- 9) sensitizing the population on issues of ensuring the safety and quality of food products;
- 10) improving the legislation of Turkmenistan on ensuring the safety and quality of food products, materials and items;
- 11) involving in international cooperation for ensuring the safety and quality of food products (Article 4).

In addition, authorized bodies inform citizens on issues of ensuring the safety and quality of food products, materials and items (Article 7).

i) In Turkmenistan, the relevant authorized government bodies in accordance with the legislation of Turkmenistan develop sectoral cadasters. As for pollution registers, in accordance with the **Law ‘On Chemical Safety’** (2011), an essential component of pollution registers is the identification of the *List of hazardous chemicals that are not prohibited for use*, which is approved by the Cabinet of Ministers of Turkmenistan. The government also establishes the procedure for maintaining the state register of hazardous chemicals, and establishes rules for the import, export and transit of hazardous chemicals to Turkmenistan and control over their observance. In addition, it is responsible for approving the *List of hazardous chemicals subject to state control and accounting in Turkmenistan*.

XII. Obstacles encountered in the implementation of article 5

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.*

Answer: There are no obstacles to the implementation of the provisions of any of the paragraphs of Article 5.

XIII. Further information on the practical application of the provisions of article 5

*Provide further information on the **practical application of the provisions on the collection and dissemination of environmental information in article 5**, e.g., are there any statistics available on the information published?*

Answer: Currently, the **Law ‘On Environmental Information’ (2020)** provides for the establishment of the State Environmental Information Fund (Article 7), which is a state information base created to provide government authorities, local self-governments, other legal entities, and individuals with reliable information on the state of the environment and its objects; factors affecting the environment; measures taken to protect it, prevent and reduce environmental pollution; and rational use of natural resources. The Ministry of Environmental Protection establishes and maintains the Fund. All government authorities will be required to provide the Fund with all relevant information and materials on an annual basis. In turn, the MEP will register and systematize all information provided by them for the purpose of dissemination, including among the public.

Some environmental information is published in annual publications of the State Statistics Committee of Turkmenistan: Statistical Yearbook, Statistical Digest 'Environmental Protection and Use of Natural Resources in Turkmenistan', Statistical Digest on Agriculture, et al. It is important to regularly disseminate these publications not only among government agencies and institutions, but to the public as well.

XIV. Website addresses relevant to the implementation of article 5

Give relevant website addresses, if available:

www.mineco.gov.tm, www.aarhusashgabat.org, www.turkmenistan.gov.tm,
www.osce.org/ashgabat, www.stat.gov.tm, www.oilgaz.gov.tm,
www.minjust.gov.tm и др.

XV. Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed early in any environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;
- (d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;
- (e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to **paragraph 6**, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;
- (g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;
- (h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;
- (i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;
- (j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied, making the necessary changes, and where appropriate;
- (k) With respect to paragraph 11, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

a) In Turkmenistan, the requirements of Article 6 of the Aarhus Convention on public participation in decision-making on specific types of activities are directly expressed in legislation. For example, the **Law ‘On Urban Development’ (2015)** stipulates that citizens can participate in the discussion and adoption of urban development documents, make comments and suggestions on draft urban development documents before their approval, and suggestions for current urban development plans (Article 6). **The Law of Turkmenistan ‘On Nature Protection’ (2014)** provides that citizens have the right to put forward proposals for conducting public environmental assessments and *participate in their implementation; and public associations have the right to participate in the established order in decision-making* on issues related to nature protection and the rational use of natural resources.

The Sanitary Code (2009) establishes that every citizen has the right, directly or through his/her representative, public associations or in some other way, to *participate in the preparation, implementation and control over the implementation of decisions* taken by bodies and officials both collegially and individually, the implementation of which is associated with the impact on public health and the environment. These are just a few examples of public participation in decision-making on specific types of activities. In addition, similar norms are contained in the laws: ‘On Environmental Expertise’ (2014), ‘On Waste’ (2015), ‘On Pastures’ (2015), ‘On Atmospheric Air Protection’ (2016) and the Water Code of Turkmenistan (2016).

The legal basis for EIA is enshrined in the **Law ‘On State Environmental Expertise’ (2014)**. Article 13 of the law stipulates that the List of environmentally hazardous types of planned economic and other activities, for which the development of EIA project documentation is mandatory, be determined by the regulatory legal acts of Turkmenistan before the start of designing the objects of planned economic and other activities. Requirements for the EIA procedure and for the EIA project documentation are determined by the regulatory legal acts of Turkmenistan. That is, the Law refers to special legislation in this area. To this end, Turkmenistan has the **State Standard of Turkmenistan TDS 579-2001: ‘Environmental Impact Assessment in Planning Economic and Other Activities in Turkmenistan’ of 2001**.

In addition, a **draft Procedure for Conducting Environmental Impact Assessment** has been prepared, which provides an opportunity for public participation in decision-making on planned economic and other activities. The draft of this document is currently under consideration by the Ministry of Environmental Protection.

The State Standard of Turkmenistan TDS 579-2001 ‘Environmental Impact Assessment in Planning Economic and Other Activities in Turkmenistan’ of 2001 contains provisions on conducting EIA, establishes the planned types of activities subject to assessment, as well as public participation in this process. However, in practice, EIA with public participation (public hearings) is not carried out regularly, and if so, with a limited number of opponents. Legislation on strategic environmental assessment (SEA) has not yet been adopted.

b) Measures to ensure that the public concerned is adequately, timely and effectively informed at the earliest stage of the environmental decision-making procedure on the issues referred to in paragraph 2 of Article 6 of the Convention are ensured extremely rarely.

The issues specified in points **c), d), e), f), g), h), i), j), k)** are to a certain extent reflected in the draft of the aforementioned Procedure for Conducting Environmental Impact Assessment, which is planned to be adopted in the very near future.

XVI. Obstacles encountered in the implementation of article 6

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.*

Answer: State standard (TDS-*Türkmen Dowlet Standartlary*) on EIA 2001 as a document is of a recommendatory nature and does not have the same legal force and obligation to implement compared to other regulatory legal acts. Therefore, its requirements are not fully implemented. In this regard, government agencies and organizations, as well as private legal entities conducting EIA are not always interested in involving the public in this process.

XVII. Further information on the practical application of the provisions of article 6

*Provide further information on the **practical application of the provisions on public participation in decisions on specific activities in article 6**, e.g., are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.*

Answer: No additional information available.

XVIII. Website addresses relevant to the implementation of article 6

Give relevant website addresses, if available:

www.mineco.gov.tm, www.aarhusashgabat.org, www.turkmenistan.gov.tm, www.osce.org/ashgabat, www.stat.gov.tm, www.oilgaz.gov.tm, www.minjust.gov.tm etc.

XIX. Practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment pursuant to article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer: In Turkmenistan, there is a practice of discussing draft policy documents (concepts, strategies, plans and programmes) related to the environment, as well as collecting and taking into account proposals and recommendations from the public. Representatives of public associations, including environmentalists, individual citizens, scientists and teachers of specialized higher educational institutions and other activities take part in the discussion of draft concepts, strategies, plans and programmes. An important mechanism for involving the public in the development of environmental policies is their participation in the implementation of various international projects with the support of UNDP, UNEP, USAID, etc. In particular, during the reporting period, the National Forest Programme of Turkmenistan for 2021-2025, the National Aral Sea Programme 2021-2025, etc. were prepared through

the involvement of experts from public associations. A draft Law ‘On Hunting and Protection of Hunting Wealth’, which was passed by the country’s parliament on 18 December 2021, was prepared with the direct participation of the Society of Hunters and Fishermen of Turkmenistan; the staff of the Aarhus Centre participated in the preparation of the draft Law ‘On Energy Saving and Energy Efficiency’, which was passed in April 2024.

The definitions provided for in Article 2 of the Aarhus Convention are duly transposed into national legislation. In particular, the Law on Administrative Procedures contains definitions such as ‘administrative authority’ and ‘interested person’, which fully comply with the definitions of the Convention (see ‘State Authority’, ‘Interested Public’). The definition of ‘Environmental Information’ of the Convention is reflected in the Law on Environmental Information (2020). Moreover, according to the legislation, the public has the right to participate in the decision-making process on environmental issues without discrimination based on citizenship, nationality or place of residence and, in the case of a legal entity, without discrimination based on its registered location or actual centre of activity. For example, in accordance with the Law on Administrative Procedures, the main principles of implementing administrative procedures are:

(1) legality - implementation by the administrative authority of administrative procedures within its competence and in accordance with the requirements stipulated by the legislation of Turkmenistan; and

(2) equality before the law - the obligation of administrative authorities to ensure equal treatment in implementing administrative procedures. This provides grounds for asserting the right of the public to participate in the decision-making process on matters relating to the environment, without discrimination based on citizenship, nationality or place of residence and, in the case of a legal entity, without discrimination based on its registered office or actual centre of activity.

XX. Opportunities for public participation in the preparation of policies relating to the environment provided pursuant to article 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer: There are great opportunities for public participation in the development of environmental policy in accordance with the provisions of Article 7 of the Convention. They are ensured based on cooperation between ministries and agencies with public associations. For example, the MEP and its subordinate institutions have close ties with environmental public associations. The MEP has a Memorandum of Cooperation signed in 2012 with the Aarhus Centre (updated in 2023); it uses the services of its specialists in legal issues for preparing draft regulatory legal acts, and staff for holding training seminars, environmental campaigns, etc. Other public associations are also involved in the preparation of programmes and plans on environment and sustainable development, draft regulatory legal acts. A positive example in this regard is the fact that the draft of this Report was previously discussed twice in May and October 2024 with representatives of more than 15 public associations of the country and some changes and additions were introduced to it.

XXI. Obstacles encountered in the implementation of article 7

Describe any obstacles encountered in the implementation of article 7.

Answer: Unfortunately, in a number of laws, the provisions on public participation in decision-making are still declarative in nature and are not properly implemented in practice.

XXII. Further information on the practical application of the provisions of article 7

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer: In order to increase the effectiveness of public participation in decision-making, it is important to prepare a **legal act on public hearings on environmental issues**, as well as to provide in the relevant documents for the procedures for public participation in environmental decision-making. This can be done by preparing relevant by-laws arising from laws on environmental protection and nature management. In particular, the Aarhus Centre, represented by its experts, directly participated in the preparation of the draft Law of Turkmenistan ‘On Environmental Information’, and then its representative was included in the working group of the Mejlis (Parliament) during the discussion of the draft of the said Law. They also took part in the preparation of the draft Procedure for Conducting EIA, which is under discussion in the MEP.

XXIII. Website addresses relevant to the implementation of article 7

Give relevant website addresses, if available:

www.mineco.gov.tm, www.aarhusashgabat.org, www.turkmenistan.gov.tm, www.osce.org/ashgabat, www.stat.gov.tm, www.oilgaz.gov.tm, www.minjust.gov.tm etc.

XXIV. Efforts made to promote public participation during the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer: The legislation of Turkmenistan does not provide for any restrictions regarding public participation in the discussion and preparation of proposals for draft regulatory legal acts. For example, the **Law ‘On Nature Protection’ (2014)** stipulates that public associations have the right to make proposals to hold referenda on nature protection issues and to discuss projects related to the environment; to participate in the established order in decision-making on issues related to nature protection and the rational use of natural resources. In accordance with the **Law ‘On Public Associations’ (2014)**, public associations have the right to participate in the decision-making by government authorities and local self-governments in the

manner prescribed by this Law and other regulatory legal acts of Turkmenistan. Such provisions are included in almost all other environmental laws adopted over the past 10-12 years.

As mentioned above, the MEP has close relationships with environmental public associations, which are involved, as necessary, in the development of draft regulations and other generally applicable legally binding norms that may have a significant impact on the environment. Examples of NGO's participation in the preparation of draft laws were provided above.

XXV. Obstacles encountered in the implementation of article 8

*Describe any **obstacles encountered** in the implementation of article 8.*

Answer: The main obstacle to the implementation of Article 8 is that some government authorities have little interest in engaging members of the public in the preparation of draft self-executing regulations and other generally applicable legally binding rules that may have a significant impact on the environment. As a rule, such draft documents are not published or made available to the public before they are passed. An obstacle may be the fact that the provisions of laws on this matter are not set out in detail in by-laws, as well as the lack of practice in preparing and discussing draft regulatory documents through the websites of ministries and agencies.

Concurrently, the Society of Nature Protection of Turkmenistan, the Aarhus Centre and the Union of Industrialists and Entrepreneurs of Turkmenistan are actively engaged in the process of preparing draft regulatory legal acts by including their representatives in various interagency commissions, in working groups of ministries, agencies and Parliament when preparing environmental laws, etc. For example, to update the Forest Code of Turkmenistan (2011), an interagency Working group was set up under the MEP in 2024, which included a representative of the Aarhus Centre and a private enterprise engaged in forestry.

XXVI. Further information on the practical application of the provisions of article 8

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Answer: No additional information available.

XXVII. Website addresses relevant to the implementation of article 8

Give relevant website addresses, if available:

www.mineco.gov.tm, www.aarhusashgabat.org, www.turkmenistan.gov.tm,
www.osce.org/ashgabat, www.stat.gov.tm, www.oilgaz.gov.tm,
www.minjust.gov.tm и др.

XXVIII. Legislative, regulatory and other measures implementing the provisions on access to justice in article 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that, within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

a) In Turkmenistan, the requirements of Article 9 of the Aarhus Convention on public access to justice are enshrined in and based on legislation, including environmental legislation. During the reporting period, no significant changes occurred in the relevant legal framework of Turkmenistan thereto. The Constitution guarantees everyone judicial protection of honour and dignity, as well as the rights and freedoms provided for by the Constitution and laws. Everyone has the right to appeal to the court against decisions and actions of government authorities, public associations, local self-government bodies and officials. (Article 60); to demand compensation in court for material or moral damage caused to him/her by illegal actions of government authorities, other organizations, their employees, and individuals (Article 61).

The laws that ensure the implementation of Article 9 of the Aarhus Convention include the **Civil Procedure Code (2015)**, which guarantees the right of access to the resolution of civil cases, the **Criminal Procedure Code (2009)**, which establishes procedural rules for ensuring public access to justice, etc. Pursuant to the Law **‘On the Court’ (2014)**, citizens of Turkmenistan have the right to protection in court from unlawful actions of government authorities, public associations and officials, from any encroachment on the honour and dignity, life and health, personal and political human and civil rights and freedoms, as provided for by the Constitution of Turkmenistan.

Foreign citizens and stateless persons enjoy the right to protection in court on an equal basis with citizens of Turkmenistan pursuant to the legislation and international treaties of Turkmenistan (Article 6). Any person who believes that his/her request for access to information has not been considered, has access to the procedure for consideration in court with the participation of a lawyer.

As for the implementation of paragraphs 1, 3, 4 and 5 of Article 9 of the Convention, the relevant provisions are enshrined, primarily, in the **Law ‘On Administrative Procedures’**. The Law establishes the legal basis, principles and procedural rules for the activities carried out by administrative bodies in connection with the adoption, execution or cancellation of administrative acts, and is aimed at ensuring the observance of human rights and freedoms and the rule of law. Other laws also provide for the exercise of the public’s right of access to justice. Therefore, within the framework of national legislation, members of the public have access to justice in the courts and are entitled to challenge the legality from a legal and procedural point of view of any decision, action or inaction.

XXIX. Obstacles encountered in the implementation of article 9

*Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.*

Answer: There are no particular obstacles to the implementation of Article 9 of the Aarhus Convention. An obstacle may be the low legal literacy of the population about protecting their environmental rights and ignorance of where to turn in the event of a violation of their rights.

XXX. Further information on the practical application of the provisions of article 9

*Provide further information on the **practical application of the provisions on access to justice pursuant to article 9**, e.g., are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?*

Answer: The legislation of Turkmenistan provides for an **extrajudicial mechanism for considering cases**. This means that before going to court, individuals or legal entities must first contact the relevant administrative bodies and use an extrajudicial mechanism to protect violated rights. Appealing to administrative bodies to challenge violated environmental rights is one of the most accessible and fast ways. A review of the current legislation of Turkmenistan regarding the presence of norms for extrajudicial mechanisms for considering cases shows that the majority of regulatory acts on the status of government authorities (regulations on ministries, state committees and agencies, charters of public associations and enterprises, legislation on local authorities, etc.) contain such provisions. Moreover, in a number

of ministries and agencies there are special structural divisions (departments/units) that consider letters, applications and complaints from citizens. However, the rules on extrajudicial consideration of cases, unfortunately, are not enshrined in all regulatory acts on the status of administrative bodies.

Pursuant to the **Law of Turkmenistan ‘On Administrative Procedures’ (2017)**, the administrative procedure begins from the moment of registration of the application (complaint) or from the moment of the first procedural action (Article 11). The administrative body does not have the right to refuse to accept applications or petitions submitted by persons participating in the administrative procedure on the grounds that they are not relevant to the case or are unfounded (Article 13, para 5). Pursuant to the Law, every person has the right to apply to an administrative body on issues directly related to his/her rights and legitimate interests, to file petitions or to receive information from the administrative body. The administrative body is obliged to assist the interested person in filing applications or petitions, identifying and correcting errors made in the application or petition, and explaining the rights and obligations of the person participating in administrative procedures (Article 14). Interested persons have the right to familiarize themselves with the materials of the administrative procedure, since knowledge of the documents contained therein is necessary for the implementation or protection of their legitimate interests, with the exception of information containing state or other secrets protected by law (Article 17). Interested persons may familiarize themselves with the materials of the administrative procedure in the administrative body in which the procedure was carried out. In exceptional cases, interested persons may, based on a written request, familiarize themselves with the materials of the administrative procedure in other administrative bodies. An interested person has the right to receive copies of documents and other materials related to the administrative procedure. A fee is charged for services related to making copies of documents and other materials and sending them by mail, in the amount stipulated by the legislation of Turkmenistan (Article 17). The administrative procedure is carried out within a period determined based on the time required to receive and process all documents and (or) information necessary to carry out the administrative procedure. The administrative body makes a decision on the adoption of an administrative act or on the refusal to adopt it within a period of no more than one month. If a longer period is required to establish circumstances that are significant for administrative procedures, this period may be extended by the administrative body to forty-five days, unless another period is established by the legislation of Turkmenistan. The administrative body shall notify the interested party of the extension of the term. In the event that the administrative body sends a request to the competent body for the submission of documents and (or) information that are necessary for the implementation of the administrative procedure, when they cannot be obtained in any other way, the term for the implementation of the administrative procedure shall be suspended from the day the request is sent until the day the requested documents and (or) information are received (Article 20, paras 1-2).

The consideration of applications, complaints and proposals from citizens addressed to the President of Turkmenistan is carried out pursuant to the **Decree of the President of Turkmenistan ‘On working with citizens’ appeals addressed to the President of Turkmenistan’ (1999)**. According to the Decree, a Department for the consideration of citizens’ appeals has been created in the Presidential Executive Office.

One of the extra-judicial mechanisms for implementing access to justice in environmental matters is filing a complaint with the **prosecutor’s office**. In accordance with the new version of the **Law ‘On the Prosecutor’s Office of**

Turkmenistan’ (2015), the prosecutor’s office, in the manner established by the legislation of Turkmenistan, considers and resolves applications, complaints and other appeals from citizens and legal entities containing information about the violation of the law. It is prohibited to forward a complaint to the body or official whose actions or decisions are being appealed. Appeals from citizens and legal entities received by the prosecutor’s office are considered in the manner and within the timeframes established by the legislation of Turkmenistan. The prosecutor personally conducts reception of citizens, supervises the implementation of the requirements of the legislation regulating the procedure for considering complaints and applications by state administration bodies, local self-governments, enterprises, institutions and organizations regardless of their form of ownership. For each fact of identified violations of the law, the prosecutor takes measures to restore the violated rights and legitimate interests of citizens and legal entities, to bring violators to justice, established by the legislation of Turkmenistan. Responses to applications, complaints and other appeals must be justified and contain an explanation of the procedure for appealing the decision taken (Article 10). The procedure for citizens to appeal to the prosecutor’s office can be found on the website of the Prosecutor General’s Office of Turkmenistan <https://bp.gov.tm/contact/guide/procedure>

Unfortunately, judicial and administrative bodies in Turkmenistan do not keep separate records of appeals related to violations of the environmental rights of citizens and legal entities. It is important to make additions to the Law ‘On Administrative Procedures’ regarding the procedure for considering letters, applications and proposals from citizens. In particular, the Law should define the mechanism for citizens to exercise their right to appeal to government, public and other bodies, enterprises and organizations of all forms of ownership and regulate the procedure for considering citizens’ appeals.

XXXI. Website addresses relevant to the implementation of article 9

Give relevant website addresses, if available:

<http://minjust.gov.tm/>, <https://bp.gov.tm/contact/guide/procedure>

Articles 10-22 are not for national implementation.

XXXII. General comments on the Convention’s objective

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer: The Convention has had a great influence on the development of the country’s national legislation, especially in the field of the environment and nature management. The provisions of the Convention are reflected in the country’s Constitution, current environmental and other national legislation. The process of promoting the provisions of the Convention is carried out on an ongoing basis, through:

- the adoption of new and improvement of existing regulatory legal acts,
- the creation of an organizational and legal mechanism for monitoring the implementation of the provisions of the Convention,
- the dissemination and promotion of information on its application among

government officials and the public.

The Aarhus Convention provides public associations, citizens and government authorities with vast international experience in the field of environmental rights protection, and allows for the exchange of experience and best practices of other countries in terms of the application and implementation of international obligations under the Convention. Concurrently, compliance with the provisions of the Convention necessitates the following:

- further improvement of national legislation in accordance with its requirements;
- enhancement of the practices of government authorities for improving public access to environmental information;
- taking public opinion into account when making decisions that affect the environment; and
- ensuring guarantees of the rights of the public when protecting their violated environmental rights.