

1. Ahead of the Universal Periodic Review of Turkmenistan by the United Nations (UN) Human Rights Council in April/May 2013, Forum 18 News Service has found no improvement in the country's record on freedom of thought, conscience and belief compared to the previous review in December 2008. In the 2008 UPR review, the Turkmen government made no acknowledgment that it violates the right to freedom of thought, conscience and belief and made no commitment to end such widespread, systematic violations.

2. The religious activity of people of all faiths in Turkmenistan is highly restricted. State officials frequently violate international human rights standards on freedom of thought, conscience and belief – which the country has freely signed. Serious violations include: prisoners of conscience including conscientious objectors jailed for exercising freedom of religion or belief, who face beatings and other maltreatment; prisoners' severely limited religious freedom; lack of fair trials and due legal process; state control of religious leaders and communities; racial discrimination; severe restrictions on religious education and sharing beliefs, including banning women from studying academic theology; a registration system apparently designed to impose state control; a ban on unregistered religious activity, and great difficulty in those who want it acquiring registration; raids on both registered and unregistered groups; Ministry of State Security (MSS) secret police informer recruitment; restrictions on having a place of worship, even for registered groups; fear of openly discussing human rights violations; severe haj restrictions, an exit blacklist and other freedom of movement restrictions; and censorship of religious literature and other material.

3. President Gurbanguly Berdymukhamedov has continued his predecessor's internal policies, including tight control of society and its isolation from other societies. Most of the population of some 5 million would identify themselves as Muslim by tradition. Poverty is widespread.

State controls on religious believers and communities

4. Article 11 of Turkmenistan's Constitution declares: "The state shall guarantee the freedom of religions and confessions and their equality before the law. Religious organisations shall be separate from the state and may not fulfil state functions. The state education system shall be separate from religious organisations and shall be of a secular nature. Everyone shall have the right independently to define his attitude toward religion, to profess any religion or not profess any either individually or jointly with others, to profess and disseminate beliefs associated with his attitude to religion, and to participate in the practice of religious cults, rituals, and rites."

5. However, in defiance of these constitutional guarantees all religious activity is tightly controlled and restricted by the state. The Sunni Muftiate (Muslim Spiritual Administration) is under tight government control. The government's Gengesh (Committee) for Religious Affairs names the Chief Mufti (who is also a Gengesh Deputy Chair) and imams at least down to regional level. Devout Muslims expressed concern about the state's appointment of imams who appear to have little formal Islamic education. Officials have declared that imams cannot be appointed if they have trained outside Turkmenistan. Muslims have told Forum 18 that they believe that the authorities' earlier removal from office of imams from the ethnic Uzbek minority in the northern Dashoguz Region and replacement with ethnic Turkmen imams was racially-motivated.

6. Although the government allows Sunni Islam to operate (within tightly controlled limits), this is not the case for Shia Islam, which is mainly professed by the ethnic Azeri and Iranian minorities in the west of the country who are traditionally more devout than ethnic Turkmen. Such official intolerance of Shia Islam may be linked to former President Niyazov's racially-motivated policy of promoting an ethnically homogenous Turkmen-speaking, Turkmen cultural national identity of which Sunni Islam was seen as a part. This racially-motivated policy is also evident in official harassment of ethnic Turkmen members of religious minorities. Ethnic Turkmen Protestants frequently complain of being accused by officials of being "traitors" to their faith and nation and that their children often face public vilification at school.

7. All other religious communities – whether legally allowed to exist or not – are also subject to state pressure, restrictions and attempts at control. The permission of the Gengesh at national level or through its local representatives is required for any activity, including state registration with the Justice (Adalat) Ministry, acquiring a place for religious meetings, acquiring religious literature or inviting foreign guests. Such requests are almost always denied, representatives of many religious communities have told Forum 18.

8. Also violating the constitutional separation of religion and state is the government role given to religious leaders, particularly giving them the right to interfere in the activity of other faiths. One of the deputy chairmen of the Gengesh for Religious Affairs is the Chief Mufti. Another is Fr Andrei Sapunov of the Russian Orthodox Church, who has particular responsibility for Christian affairs. This gives Fr Sapunov an official power of veto over the affairs of other Christian denominations. His state role is acknowledged within the MSS secret police, even by local officers outside the capital Ashgabad. During numerous raids on Protestant churches in different regions, MSS officers earlier told the Protestants that they must gain permission from Fr Sapunov before they can operate. Members of religious minorities have also complained to Forum 18 that recently-appointed officials of the Gengesh tend to be more Islamic-oriented than their predecessors and routinely deny permission for non-Muslim activity.

9. Sharing religious beliefs in public and in the media is impossible, while formal religious education, apart from at a basic level, within places of worship or elsewhere is impossible. The exception to this is a small Muslim theological section in the History Faculty of Magtymguly Turkmen State University in Ashgabad, the only institution authorised to train imams. The section faces restrictions on the number of students and has been banned from employing foreign staff. None of the students are women. However, although Muslims are not allowed to travel abroad for religious education, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood outside the country. Other religious communities have been harassed for trying to give their members less formal religious education.

10. Religious believers – especially Protestants and Jehovah's Witnesses - have been fired from their jobs or evicted from their homes because of their faith.

11. The registration system seems devised to ensure close control over religious communities that manage to overcome the hurdles to registration. The Gengesh has to approve applications, which are then handed to the Justice Ministry. A special commission attached to the Justice Ministry is entrusted with processing registration applications. This commission includes representatives of law enforcement agencies and other ministries. Any of these bodies can reject applications, a frequent occurrence for communities the government does not like. Shia Muslims, the Armenian Apostolic Church, Protestant communities and the Jehovah's Witnesses are known to Forum 18 to have had applications rejected or to feel themselves unable to submit applications because of the tight restrictions imposed. If communities get registration, they then need to be entered on the Register of Legal Entities, which has to be renewed by the religious community each three years. They also have to allow state officials to attend any meeting they wish to, read any document the community produces and check the counting and banking of donations. Registered religious communities have told Forum 18 that they are required to be ready to collaborate with the MSS secret police.

12. Religious communities have complained to Forum 18 that the 2004 Religion Law contains no mechanism for granting legal status to branches of religious organisations in other locations. This means that the main organisation has to approve in writing anything a local branch tries to do.

13. Unregistered religious communities face regular raids by MSS secret police officers, backed up by ordinary police officers (especially from the 6th Department, which notionally counters terrorism and organised crime), officials of the local administration and local religious affairs officials, who work closely together in suppressing and punishing as criminal all unregistered religious activity. Registered religious communities have often also suffered these raids or, more frequently, check-up visits.

14. Local MSS secret police officers regularly summon Muslim and Orthodox clerics to report on activity within their communities. Some believers have told Forum 18 that the MSS also runs "spies" in each Muslim and Orthodox community, sometimes as many as half a dozen. In addition to their spies – who attend the religious community solely at MSS behest to gain information – there might be another ten or fifteen believers who are regularly interviewed by MSS officers and forced to reveal details of the community's religious life. The MSS secret police and the ordinary police also try to recruit spies in unregistered religious groups.

15. The obstructions to travel abroad make it difficult to take part in international gatherings. Only about 188 pilgrims are allowed to travel on each year's haj pilgrimage to Mecca, an obligation on all able-bodied Muslims who can afford it (though in 2009 the Turkmen government prevented any pilgrims from travelling). This represents less than 5 percent of the quota allocated to Turkmenistan by the Saudi authorities. Given the long waiting list, those who applied for the haj from Mary Region in 2004 and 2005 had their applications considered only in 2012.

16. Many prominent religious figures are among those on an exit blacklist or are earmarked for close scrutiny on leaving or re-entering Turkmenistan.

Restrictions on places of worship

17. Places of worship are tightly restricted – with many faiths not being allowed any place of worship. Other religious minorities have been denied permission to buy land and build places of worship or buy buildings to use as places of worship. Even communities that have state registration often cannot rent premises for worship and thus cannot meet as communities. Some have told Forum 18 they can only meet in small groups for fear of police and secret police raids. They complain that "telephone law" prevails: the owner of a venue who agrees to rent to a religious organisation soon cancels the arrangement, apparently after a telephone warning from officials. Some registered religious communities have had to move their meeting place more than a dozen times over the period of a year.

18. Officials have indicated to Forum 18 that no compensation will be offered to Muslims for mosques destroyed in 2004-5; the Armenian Apostolic Church would get no compensation nor be allowed to get back their century-old church in Turkmenbashi, partially destroyed in 2005; nor will the Adventist and Hare Krishna communities be compensated for their places of worship destroyed in 1999; and nor will Ashgabad's Baptist and Pentecostal communities be able to get back their places of worship confiscated in 2001.

19. The state trumpets the mosque it built at state expense in Mary east of Ashgabad, and the mosque planned in Koneürgench in the northern Dashoguz Region. However, the decision to build these was taken by the state not by the Muslim community and the use of state funds violates the separation of religion from the state mandated in the Constitution.

Other "legal" controls

20. Since legal changes in 2004, in theory communities with just five adult citizen founders may apply for legal status. These changes allowed about a dozen previously "illegal" religious communities to gain legal status over the next year, even if in practice such registration is now rarely given. Also removed in 2004 were criminal penalties for unregistered religious activity. However, unregistered religious activity remains an offence under Article 205 of the Code of Administrative Offences and state agencies have continued to behave as if unregistered religious activity was still a criminal offence.

21. Article 205 of the Code of Administrative Offences specifies fines for those refusing to register their religious communities of five to ten times the minimum monthly wage. Fines can be doubled for repeat offenders. Many believers of a variety of faiths have been fined under this article,

including Protestants, Hare Krishna devotees and Jehovah's Witnesses, after raids on unregistered religious meetings. At least 20 Protestants from different communities are known to have been fined under this Article in summer and autumn 2012.

22. Officials have repeatedly claimed that the Religion Law is among several laws to be amended, but no sign of any amendments had been revealed by September 2012.

23. Despite Article 154 of the Criminal Code, which punishes "obstructing the exercise of freedom of conscience and religion", Forum 18 is not aware of any government officials punished for organising or taking part in harassment of religious communities, whether beatings, threats, detention, fines, demolition or seizure of places of worship, confiscation of religious literature or denial of the right to travel for religious purposes.

Control of religious literature

24. Religious literature found by police or the secret police in raids on religious meetings in private homes is routinely confiscated. Occasionally it is later returned, though often only after great efforts from the owners, who risk further punishment by so doing. Bibles and other literature were confiscated from a Protestant family home in Dashoguz in September 2012.

25. No religious literature may be published in Turkmenistan or imported into the country without permission from the Gengesh. Each title and the quantity must be specifically approved. The Post Office holds all religious literature received from abroad by post, releasing it only when the Gengesh has given written approval. Very occasionally the Gengesh allows small parcels of religious literature sent from abroad to registered religious organisations to be handed to them.

26. Customs officers sometimes allow travellers returning to the country to bring in a small quantity of religious literature for personal use. Anything more than a handful of books is confiscated. Muslims have complained that Koranic texts to hang on the wall and prayer rugs have also been confiscated on return to the country.

27. Some Russian Orthodox churches have small bookstalls, but supplies of books, baptismal crosses and icons are limited. Protestant Christians have lamented to Forum 18 that neither a Bible Society nor Christian bookshops are allowed to exist.

Prisoners

28. Some believers have been given long prison sentences for their religious activity. Pastor Ilmurad Nurliev, leader of a Protestant church in Mary, was imprisoned from August 2010 to February 2012 on charges his community insisted were fabricated to punish him for his religious activity. Similarly, Jehovah's Witness Vladimir Nuryllayev was imprisoned from November 2011 to May 2012. Since being amnestied he lives under strict conditions and has to report regularly to the police. Fellow Jehovah's Witness Aibek Salayev was arrested in March 2012 after a police raid on a religious meeting. He was beaten in pre-trial detention. He was given a four-year prison sentence on the same charges of "spreading pornography" as Nuryllayev, a charge his community rejects. News on other possible prisoners of conscience is sketchy. Musa (last name unknown), a young Muslim from Ashgabad, seems to have been given a four-year sentence to punish him for teaching the Koran to children. He leads prayers in the mosque in the labour camp in Seydi. Non-Muslim prisoners are denied access to any religious books of their choice.

29. Jehovah's Witnesses have expressed concern to Forum 18 about continuing sentences imposed on their conscientious objectors for refusing compulsory military service on grounds of religious conscience. All are sentenced under Criminal Code Article 219, Part 1, which carries a maximum punishment of two years' imprisonment. Eight young men, all Jehovah's Witnesses, are known to have been sentenced between January and September 2012. Navruz Nasyrlaev was given a two-year strict regime labour camp sentence in May 2012, his second such sentence. Two others were

given ordinary regime labour camp terms. The other five were given suspended sentences. Former conscientious objector prisoners report severe beatings while imprisoned. The lack of any alternative service means that any of their young men could still be arrested at any time. Government claims that it is considering introducing an alternative service have not yet materialised.

What changes do Turkmen citizens want in religious policy?

30. Religious believers of a variety of faiths have told Forum 18 that they most want to see Turkmenistan: end the obstruction to building, buying or opening places of worship; allow peaceful unregistered religious activity and register all religious communities that wish to apply for registration; cease attacking religious activity, including abolishing all legal barriers to peaceful religious activity; stop interfering with the beliefs and internal affairs of religious communities, including their internal personnel appointments; end police and secret police raids on religious meetings, whether in private homes or elsewhere; end interrogations and fines of peaceful religious believers; compensate people punished by the state for peacefully practising their faith; reinstate believers fired from their jobs for their membership of religious communities; bring to legal accountability all those responsible for attacking individuals' religious freedom; allow believers to publish and distribute religious literature; permit believers to freely provide voluntary religious education; and introduce a civilian alternative to compulsory military service. (END)