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TURKMENISTAN

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name "Alliance Defending Freedom"), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why Turkmenistan must respect the right to freedom of religion and belief within its borders and jurisdiction, as well as the right to freedom of expression and association generally speaking, and alter its laws and policies which currently restrict these freedoms.

(a) Religious Freedom

3. Turkmenistan has an overwhelming Muslim majority of over 90%, with most of the remainder being adherents of Eastern Orthodox Christianity, with small numbers of other Christians, Buddhists, Hindus, Jews, and other sects.¹ Arguably as a result of being a former Soviet republic, however, the government has an unfavourable approach towards religion in general, and severe legal restrictions on religious expression exist. The new constitution guarantees freedom of religion and equality and non-discrimination on the basis of religion in theory, but these guarantees are not protected in practice.
4. Turkmenistan has been ranked 19th on the Open Doors 2017 World Watch List of countries where it is most difficult to be a Christian, due to dictatorial paranoia, Islamic extremism, and a particular regard for Christians as individuals that need to be intensely monitored and restricted in their activities.²
5. In April 2016 a new law on religion was introduced, changing a number of the provisions of the previous 2003 law. Registration as a religious group became easier as a result, with the minimum number of founding adherents being reduced from fifty to five adult citizens, but on the whole a number of the previous law's problematic aspects remain. These include oppressive criteria for registration, punishment for unregistered religious activity, mandatory reporting of financial support from abroad, and prohibition of private religious education, worship in private homes, and prison and military chaplaincy.³

¹ Pew-Templeton Global Religious Futures Project, *Pew Forum*, "Turkmenistan," last accessed 5th October 2017, available at: http://www.globalreligiousfutures.org/countries/turkmenistan/religious_demography#/?affiliations_religion_id=0&affiliations_year=2010.

² Open Doors USA, "World Watch List: Turkmenistan," last accessed 5th October 2017, available at: <https://www.opendoorsusa.org/christian-persecution/world-watch-list/turkmenistan>.

³ Felix Corley, *Forum 18*, "Turkmenistan: New religion law defies international human rights agreements," 11th November 2003, available at: http://www.forum18.org/archive.php?article_id=180; Felix Corley & John Kinahan, *Forum 18*, "Turkmenistan: Religious freedom survey, January 2017," 6th January 2017, available at: http://www.forum18.org/archive.php?article_id=2244; World Watch Monitor,

6. Before being sent to the Ministry of Justice, the Commission for Work with Religious Organizations (CWRO) and Expert Analysis of Resources with Religious Information, headed by the country's former chief imam, is required to approve all applications by religious communities for registration, as well as a number of other governmental entities including: the Justice Minister, the First Deputies of the Justice Minister, the Foreign Minister, the General Prosecutor, the Ministry of State Security (MSS) secret police, the Interior Minister, and the Deputy Head of the State Service for Registering Foreign Citizens. Even after this lengthy process, approval of registration is reportedly rare, and rejections are decided on an arbitrary and invidious basis, such as registered leaders being blind or female, for example.⁴
7. Governing statutes are required to be modified if the government demands so, and full re-registration of all already-registered religious communities will be mandatory once a so-called "model statute" has been unveiled by the Ministry of Justice.⁵ Full contact and personal details of the individuals supporting a community's application for registration must be given, and this has led to harassment and intimidation of such individuals, including those associated with Christian pastor Ilmurad Nurliiev, a former prisoner of conscience jailed on religious grounds.⁶
8. Conditions beyond the scope of the law also exist, such as required collaboration between religious leaders and the secret police. Religious groups, whether registered or not, are frequently raided by both secret and conventional police forces, and members are arrested, imprisoned, and forcibly displaced for their religious-oriented activities, with trials that are opaquely conducted without precise sentences even being made public.⁷
9. Forum 18 has reported that Turkmenistan's current legal regime on religion ignores recommendations by the OSCE which make clear that in accordance with international human rights law, there should be no obligation incumbent upon religious or belief communities to register and acquire legal personality, and that making the enjoyment of the right to freedom of religion or belief dependent on this is a contravention of international law.⁸
10. Due to alleged concerns regarding terrorism and "religious extremism," article 16 of the new law on religion states that the activity of unregistered religious organisations in Turkmenistan is forbidden, including the conducting of rites, rituals, and charitable or other activity, as well as the "production, import, export and distribution of literature and other materials of religious content and objects of religious significance." Article 13 also requires religious leaders to be Turkmen citizens with

"Turkmenistan's secret additions to already restrictive Religion Law," 18th May 2017, available at: <https://www.worldwatchmonitor.org/2017/05/turkmenistans-secret-additions-already-restrictive-religion-law>.

⁴ Felix Corley & John Kinahan, *Forum 18*, "Turkmenistan: Religious freedom survey, January 2017," 6th January 2017, available at: http://www.forum18.org/archive.php?article_id=2244.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

“appropriate religious education,” and special approval is required from the CWRO for the registration and operation of religious communities that are based outside the country. Protestants and Jehovah’s Witnesses are particularly impacted by these requirements.⁹

11. Muslims who convert to Christianity, especially to confessions other than Eastern Orthodoxy, can face harassment and sanction from state authorities. One example given by Open Doors Asia is that of a teacher of Muslim background named Karina who became a Christian. After engaging in translation work for an unregistered church, she was called in to a work meeting in which she was confronted by the police who questioned her and ask her to renounce her faith. Days later, her boss interrogated her further about her faith activities, likely under pressure from the police, and forced her to resign, leaving her without an income with which to support her two children. There are reportedly many such cases of government interference and intimidation occurring within the house church movement in Turkmenistan.¹⁰
12. Even the Russian Orthodox Church of the Moscow Patriarchate, one of the only registered denominations in the country, has reportedly been unable to operate with complete freedom. At present, the Orthodox community is under the direct jurisdiction of Patriarch Kirill of Moscow, as attempts to establish a local diocese have been blocked, and Father Grigory Bochurov, a Russian citizen serving for four years as the secretary of the patriarchal deanery, was ordered by the government in June 2016 to leave the country.¹¹
13. Requests to recover church buildings and properties confiscated during the communist era from a number of churches, including the Moscow Patriarchate and the Armenian Apostolic Church, have been ignored, despite previous promises by the government to make restitution.¹² Although Orthodox believers are often characterized as having relatively more privileges than other Christians in Turkmenistan, Orthodox laity are nevertheless afraid to voice these concerns for fear of reprisals from the State. Orthodox and Muslim clerics are often put under heavy scrutiny by the State and are regularly summoned to report on activity occurring within their communities.¹³
14. For these reasons, the overall climate for religious freedom in Turkmenistan is unfavourable for registered and unregistered faiths alike, and the national authorities must take steps to remedy State violations of the right to freedom of religion or belief.

⁹ Felix Corley & John Kinahan, *Forum 18*, “Turkmenistan: Religious freedom survey, January 2017,” 6th January 2017, available at: http://www.forum18.org/archive.php?article_id=2244.

¹⁰ Open Doors USA, “When she kept following Jesus, she was forced to resign,” 4th June 2017, available at: <https://www.opendoorsusa.org/take-action/pray/when-she-kept-following-jesus-she-was-forced-to-resign>.

¹¹ Felix Corley, *Forum 18*, “Turkmenistan: Who is obstructing Russian Orthodox diocese?” 30th November 2016, available at: <http://www.refworld.org/docid/584034394.html>.

¹² *Ibid.*

¹³ Felix Corley & John Kinahan, *Forum 18*, “Turkmenistan: Religious freedom survey, January 2017,” 6th January 2017, available at: http://www.forum18.org/archive.php?article_id=2244.

(d) Recommendations

15. In light of the aforementioned, ADF International suggests the following recommendations be made to Turkmenistan:
 - a. Remove burdensome and oppressive registration requirements and rescind intrusive governmental practices, including monitoring and raiding, which infringe upon the right to freedom of religion or belief;
 - b. Remove criminal prohibitions on religious or belief communities operating on an unregistered basis, as international human rights law does not allow the enforcement of any such alleged obligation;
 - c. Release all prisoners of conscience who are incarcerated or arbitrarily detained on account of their faith;
 - d. Foster an environment of religious harmony and cooperation, and do not invidiously discriminate against individuals or communities on the basis of their denominational affiliation; and
 - e. Cease all restrictions on the right to freedom of opinion and expression, and ensure that the right to manifest one's religion in private or in public is fully protected and realized.



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