

1. Ahead of the Universal Periodic Review of Turkmenistan by the United Nations (UN) Human Rights Council in December 2008, Forum 18 News Service has found only slight improvement in the country's record on freedom of thought, conscience and belief.

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. Religious communities are raided and their members threatened and assaulted. The government tries to control the extremely limited legal religious activity it permits, which often does not - even for registered religious groups - include the right to worship. All unregistered religious activity remains banned and the government actively tries to suppress such activity along with its attacks on registered activity.

3. Gurbanguly Berdymukhamedov took over as president in the wake of the December 2006 death of his predecessor Saparmurat Niyazov. President Berdymukhamedov has downgraded his predecessor's personality cult, but has mostly continued other 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 Gengeshi (Committee) for Religious Affairs names the Chief Mufti (who is also a Gengeshi Deputy Chair) and imams at least down to regional level. Successive Chief Muftis were removed from office by former President Niyazov and one, Nasrullah ibn Ibadullah, was imprisoned on unclarified charges from 2004-7. Devout Muslims expressed concern about the state's replacement of imams who had theological education by those who had never been formally educated in Islam. 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' 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. One ethnic Turkmen Protestant reported to Forum 18 that in early 2008 he had been summoned before the community, accused of betraying his "ancestral faith" and pressured to renounce Christianity.

7. After isolating the dozen or so Russian Orthodox parishes from the rest of their Uzbek-based diocese, former President Niyazov pressured the Moscow Patriarchate to move them into a jurisdiction controlled from within Turkmenistan. In October 2007 – after Niyazov's death – the Russian Orthodox Church took the parishes away from the Uzbek-based diocese and a new jurisdiction is now being formed.

8. 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 Gengeshi 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.

9. Also violating the constitutional separation of religion from the 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 Gengeshi 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 Ministry of State Security (MSS) secret police, even by local officers outside the capital Ashgabad. During numerous raids on Protestant churches in different regions, MSS secret police 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 Gengeshi tend to be more Islamic-oriented than their predecessors and routinely deny permission for non-Muslim activity.

10. 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 in Turkmenistan authorised to train imams. The section faces restrictions on the number of students and has been banned from employing foreign staff. 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. About ten officials from the Religious Affairs Department of the Hyakimlik (the executive authority) of the city's Kopetdag district, the Justice Ministry, the MSS secret police, local police and the Tax Ministry raided a Bible class at a Protestant church in Ashgabad in April 2008. They threatened that any further religious teaching without specific permission from the Gengeshi could lead to the church being closed down.

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

12. The registration system seems devised to ensure close control over religious communities that manage to overcome the hurdles to registration. The Gengeshi 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, the Catholic 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.

13. 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.

14. 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.

15. 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.

16. The forced imposition on places of worship of the Ruhnama (Book of the Soul), written by former President Niyazov, seems to have lessened since his death in 2006. At one time all mosques and other places of worship were required to have copies available and officials likened it to the Koran or the Bible. The all-pervasive use of the Ruhnama, together with recitation of the oath of loyalty to the country and president, was objectionable to many religious parents who did not wish to subject their children to what they saw as blasphemous practices.

17. The obstructions to travel abroad have made it difficult to take part in international gatherings. Only 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. This represents less than 5 percent of the quota allocated to Turkmenistan by the Saudi authorities. Many prominent religious figures are among those on an exit blacklist or are earmarked for close scrutiny on leaving or re-entering Turkmenistan.

18. As part of its programme of isolating religious communities from their fellow-believers abroad, the government has expelled several hundred local residents with foreign passports over the past decade who had been prominent in religious activity. The last Shia imam of the Caspian port city of Turkmenbashi, an Azeri citizen who had lived in Turkmenistan for more than a decade, was forced to leave the country in about 2005. The community has since had no trained imam. Baptist pastor Vyacheslav Kalataevsky – a Ukrainian citizen – was freed from prison in November 2007 and hoped to return to his native city of Turkmenbashi to his wife, children and his congregation. He was forced to leave the country the following month, the second Baptist pastor expelled in 2007.

Restrictions on places of worship

19. Places of worship have been confiscated and destroyed in recent years. At least nine mosques – eight Sunni and one Shia - were reported to have been destroyed in 2004-5. One local Muslim suggested to Forum 18 that four Ashgabad mosques demolished in autumn 2004 were targeted because their imams refused to read Niyazov's Ruhnama in their mosques. Places of worship that are still open are tightly restricted – with many faiths not being allowed any place of worship. The administration chief in Dashoguz has halted work on building a Russian Orthodox church. 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 have complained to Forum 18 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.

20. Officials have indicated to Forum 18 that no compensation will be offered to Muslims for the destroyed mosques; 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.

21. The state trumpets the mosques it is building at state expense in Koneürgench in the northern Dashoguz Region and in Mary east of Ashgabad. However, the decision to build these mosques 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

22. March 2004 changes to the Religion Law and a presidential decree the same month in theory allowed communities with just five adult citizen founders to apply for legal status. This 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.

23. Article 205 of the Code of Administrative Offences, which was last amended in October 2003, 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 Baptists, Hare Krishna devotees and Jehovah's Witnesses, after raids on unregistered religious meetings.

24. Officials declared in early 2008 that the Religion Law is among several laws to be amended, but despite rumours that it was scheduled for adoption in parliament in September 2008 had made no draft text available by late July. Officials refused to explain to Forum 18 how the Law is likely to be amended.

25. 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

26. 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 and pressure from the owners, who risk further punishment by so doing. Bibles and other literature were confiscated from a group of Jehovah's Witnesses in Ashgabad in March 2008.

27. No religious literature may be published in Turkmenistan or imported into the country without permission from the Gengeshi. 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 Gengeshi has given written approval. Forum 18 has learnt that very occasionally the Gengeshi allows small parcels of religious literature sent from abroad to registered religious organisations to be handed to them.

28. 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.

One Orthodox believer told Forum 18 that on at least five occasions known to him, Orthodox priests had had literature taken from them at the border on their return to the country.

29. 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

30. Some believers have been given long prison sentences in recent years for their religious activity or have been sent into internal exile to remote parts of the country. These have included Muslims, Protestants, Jehovah's Witnesses and a Hare Krishna devotee. All of them have now been freed, though three Jehovah's Witnesses are serving suspended sentences.

31. Jehovah's Witnesses have expressed concern to Forum 18 about these continuing sentences imposed on their conscientious objectors for refusing compulsory military service on grounds of religious conscience. Six young men were sentenced in 2007, of which two are still serving suspended sentences. One, Vladimir Golosenko, was sentenced on 12 February 2008 to two years' forced labour. He is not in prison, but 20 percent of his wages go to the state. The lack of any alternative service means that any of their young men could still be arrested at any time. Rumours reaching Forum 18 in summer 2008 that the government is considering introducing an alternative service have not yet materialised.

What changes do Turkmen citizens want in religious policy?

32. 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; and permit believers to freely provide voluntary religious education. (END)