



**Turkmenistan**

Persecution / Unchanged

Religion	Population	Area
<ul style="list-style-type: none"> <li>○ Muslims : <b>95.5%</b></li> <li>○ Agnostics : <b>2.5%</b></li> <li>○ Christians : <b>1.3%</b></li> <li>○ Others : <b>0.7%</b></li> </ul>	5,439,000	488,100 Km <sup>2</sup>

## Legal framework on freedom of religion and actual application

Article 12 of the constitution of Turkmenistan guarantees its citizens freedom of religion and worship and equality before the law. At the same time, it upholds the right of each person to profess any religion, individually or with others, to express and spread beliefs related to their views about religion and to participate in religious rituals and practices.<sup>[1]</sup>

Despite this, other legal provisions criminalise free religious activity, including, among others, articles 76 and 77 of the Administrative Code,<sup>[2]</sup> which is used to punish any activity by unregistered religious organisations with fines ranging from 100 to 1,000 manats (from €25 to €250, US\$ 28 to \$280);<sup>[3]</sup> article 177, paragraph two of the Criminal Code, which punishes inciting social, national or religious hatred; article 219, paragraph one, of the same code, which punishes failure to perform military service with a maximum jail sentence of two years.<sup>[4]</sup>

On 12th April 2016 a new law on religion came into force. Announced by President Berdymukhamedov in parliament on 12th January 2016 and seen as necessary to counter the worldwide increase in alleged terrorism and religious extremism, the new legislation was adopted without much fanfare on 26th March 2016.<sup>[5]</sup> The main change is the elimination of the category “religious groups” – i.e. movements composed of at least five members – replaced only by the category “religious organisations”, which require at least 50 adult members – whose personal data and contact information must be specified in detail – in order for them to apply for state recognition.<sup>[6]</sup> This means that it will be much harder for some religious groups to reach the minimum number of members to register.

Grounds for the suspension or dissolution of a religious organisation include activities that violate the constitution, “the lawful interests of the country’s citizens or [ . . . ] their ‘health and morale’.”<sup>[7]</sup>

The new law establishes that the leaders of registered religious organisations must be Turkmen citizens who have

received “appropriate religious education”.[8] Any tie with foreign religious organisations, including participation in pilgrimages abroad, requires the authorisation of the Commission for Work on Religious Organisations.[9]

The law states that officials of the Ministry of Justice can participate in any religious event held by a registered religious organisation and interrogate religious leaders on every aspect of their activities.[10]

According to the new law, local governments have the right to monitor and analyse the religious situation within their jurisdiction and submit proposals to modernise legislation on religious freedom.[11]

The new law allows registered religious organisations to set up religious schools to train clergy and other religious personnel after obtaining a special licence.[12] Children may receive religious education for up to four hours per week, subject to parental approval.[13]

State approval is needed to publish and distribute religious material,[14] a rigid and highly restrictive process that in recent years has made it harder for believers to have access to religious literature.

Although the previous religious law referred to no well-defined alternative to military service, the new law states that no one has the right to refuse – on religious grounds – to fulfil the duties established by the constitution and the law. Thus, no one can exercise the right to conscientious objection to avoid military service.[15]

Police, secret services and local authorities control the various religious communities and frequently carry out raids against both registered and non-registered Churches – many of which end in threats, beatings, arrests, fines and confiscation of religious material.[16]

The most active individuals in the various religious communities are often closely monitored by the secret and regular police and other state agencies. Religious leaders must regularly report on the activities of their communities and anything they consider “serious”.[17]

It is almost impossible for the various congregations to receive visits from foreign confreres. Only registered religious communities have the right to ask permission to invite foreigners for religious purposes, and such requests are rarely accepted.[18]

Religious activity by unregistered religious groups is illegal. For many communities, registration has always been very difficult; their requests have been rejected on several grounds, from grammatical errors in the application form to the blindness of their leader.[19] Under new legislation, applying has become more difficult. Even religious movements that had obtained state recognition in the past have to register again – with the outcome uncertain. For now, the number of religious organisations that have managed to register under the new rules is still unknown. Before the new law came into effect, the government formally recognised 130 entities: 106 Muslim, 13 Orthodox Russian and 11 other, including Catholics, Baha’is and Protestants.[20] The Catholic Church, formally reconstituted in 1997 with the *Missio sui iuris* established by Pope Saint John Paul II, was recognised in 2010 by the Turkmen government and has about 200 members.[21]

Another major difficulty for religious communities is finding locations or places to hold their religious meetings and celebrations since the government and state enterprises continue to interfere in the purchase or long-term rental of land and buildings. Even renting private spaces for special events or liturgical celebrations is made difficult by owners’ concern that they might incur the government’s displeasure.[22]

## **| Incidents**

Turkmenistan has one of the most repressive and restrictive governments in the world, with pervasive controls over all aspects of public life, a high level of corruption,<sup>[23]</sup> and great intolerance towards any form of dissent. Independent critics and the few activists who promote human rights face the constant threat of government reprisals.<sup>[24]</sup>

As in the case of other fundamental rights, freedom of religion and belief is also seriously restricted in Turkmenistan.<sup>[25]</sup> Various reports from international organisations have highlighted the seriousness of the situation. In 2017, the US State Department again designated Turkmenistan as a Country of Particular Concern for its systematic and persistent violation of religious freedom, a status it has had since 2014.<sup>[26]</sup> In its 2017 World Watch List, Open Doors ranked Turkmenistan 19th of the top 50 countries in the world where it is more difficult to live as a Christian.<sup>[27]</sup>

Many churches and mosques have been demolished in recent years. In March 2016, the Sunni Aksa Mosque in Ashgabat was torn down. Although it was built in the early 1990s, it lacked the necessary building permits, according to local authorities.<sup>[28]</sup>

Places of worship confiscated under Soviet rule have not been returned. The Armenian Apostolic Church is still waiting for the return of its chapel in Turkmenbashi, despite the promise to return it made in 2012 by President Berdimuhamedov. Although the Russian Orthodox Church has been authorised to maintain and occasionally build new churches over the past two decades, it has not yet been able to regain possession of all the properties seized during the Soviet period.<sup>[29]</sup>

Even for registered Christian groups, ordinary life is not easy. On several occasions, government officials have continued to ask them to obtain approval for routine religious activities, such as weekly liturgies, or social and charitable activities, including children's summer camps.<sup>[30]</sup>

In February 2016, the secret police summoned the pastor the Baptist Church in the city of Mary – an officially recognised branch of the registered Baptist Church of Ashgabat – for questioning because of allegations that he had received foreign funds to pay for summer camps held years earlier.<sup>[31]</sup> When the police asked him to sign a statement admitting that he violated the law, he refused. As a result, he was warned not to organise his annual summer camp. During the same period, members of the Greater Grace Protestant Church in Ashgabat and Mary were fined 500 manats each (€125, US\$140) for illegal possession of religious literature in the town of Tejen, where they had gone to talk about their faith. Police also questioned four other members from Mary, seizing religious literature, telephones and money.<sup>[32]</sup>

Some groups, such as the Jehovah's Witnesses, are especially targeted by the authorities and law enforcement agencies because they tend to proselytise and publicly share their religious beliefs, as well as object to military service.

Law enforcement frequently raid their meetings, often beating the faithful, who are then arrested and fined as a result of searches in their flats, or because they are found speaking about their faith with neighbours or other people. For example, in April 2016, in Gazadzhak, Lebap Region, as a result of the search of the flat of one believer, five people were arrested and fined 100 manats (€25, US\$28). During that period, in Turkmenbashi, two Jehovah's Witnesses who read the Bible with their neighbours were arrested and fined for the same amount.<sup>[33]</sup> In some cases, violence was used in house raids in the presence of children.<sup>[34]</sup>

Another Jehovah's Witness, Mansur Masharipov, 32, was arrested on 30th June 2016 in Ashgabat for allegedly attacking a police officer who had raided his flat in July 2014, during which religious literature, a computer and a mobile phone were seized. Despite denying the allegations and claiming that he was actually the victim of police brutality, Masharipov was sentenced to a year in prison on 18th August.<sup>[35]</sup>

Other Jehovah's Witnesses have been sentenced to conditional or corrective labour for a period of one to two years, for refusing to perform compulsory military service.<sup>[36]</sup>

An important source of problems for Protestant Christians is the widespread social prejudice against them, especially if they are converts from Islam. In this case, they face daily hostility from their own families, wider society and the authorities, putting them under strong pressure to return to Islam. Local mullahs preach against converts, and make sure

the whole community is united against them. Because of the intense pressure, many converts try to hide their faith, becoming so-called “secret believers”.[37]

The government is, however, most interested in controlling the followers of Islam, which is the majority religion. The Sunni Muftiate (Muslim spiritual administration) is under strict state control and the chief mufti is a government appointee<sup>[38]</sup> The Muftiate in turn appoints all the imams up to the district level, but the secret police have the main input, operating on the basis of information collected on the ancestry of candidates (who usually must be ethnic Turkmen), their relatives, political opinions and activities.<sup>[39]</sup> The sermons imams deliver during Friday prayers are used to convey state messages while the authorities “recommend” the topics imams can cover.<sup>[40]</sup> Any deviation from the centrally established line is strongly punished.

Very devout believers and people who theologically interpret Islamic religious doctrine in ways not considered acceptable in the country are deemed extremists and punished. The authorities often refer to these people as “Wahhabis”. Inmates classified as Wahhabis are treated brutally and are often confined to special prison wards, banned from receiving visits or exchanging correspondence with the outside world.<sup>[41]</sup> Many of them are locked up in the Ovadan-Depe maximum security prison in the Karakum Desert, 70 km north of Ashgabat.<sup>[42]</sup>

One of the Wahhabis currently in prison is Bahram Saparov, 43,<sup>[43]</sup> a devout Muslim who led an informal group of Sunni scholars. He and 20 members of his group received long prison sentences in May 2013 for allegedly plotting against the constitutional order, inciting social and religious hatred and setting up an organised criminal association. The sentences were handed down in three trials, the last of which was in June 2016, which combined all convictions into a new single sentence of 15 years in prison.<sup>[44]</sup>

Three members of the Saparov group – Lukman Yaylanov, Narkuly Baltaev<sup>[45]</sup> and Aziz Gafurov<sup>[46]</sup> – died between mid-2016 and 2017 in the Ovadan-Tepe prison, allegedly from torture.

At the end of a trial, a Turkmen court on 8th February 2017 convicted 18 men with sentences ranging from 12 to 25 years in prison, on the basis of various charges, including incitement to hatred and involvement in a criminal organisation. All the defendants were in some way linked to the Turkish-Turkmen schools affiliated to Muslim preacher Fethullah Gülen,<sup>[47]</sup> who has been accused by Turkish authorities of masterminding Turkey’s July 2016 coup. In July 2017, another 40 men from the province of Lebap were convicted – on the basis of similar charges – and sentenced to long prison terms.<sup>[48]</sup>

## Prospects for freedom of religion

Since 2006, Turkmenistan has been ruled by President Gurbanguly Berdimuhamedov, who was re-elected for the third time in February 2017.

The stability of his totalitarian regime, which until recently was based on gas revenues that allowed the state to provide important subsidies to the population, faces unprecedented challenges as a result of the collapse in the prices of oil and natural gas, security threats along its border with Afghanistan, and the radicalisation of Central Asian youth.<sup>[49]</sup>

In 2016, the president responded to the serious economic crisis by strengthening his institutional hold and that of his family by means of constitutional changes that removed the age limit for presidential candidates and extended the mandate from five to seven years,<sup>[50]</sup> and by appointing members of his family in leading positions in both the public and private sectors.<sup>[51]</sup> Improbable political changes, coupled with the worsening economic situation and the almost complete lack of fundamental rights, including freedom of thought, belief, the press<sup>[52]</sup> and politics, put the country at risk of greater domestic instability, which the government is likely to address with greater authoritarian rule.

## Endnotes / Sources

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