



A monument in Turkmenistan. Photo: Dave Proffer

TURKMENISTAN

FREEDOM OF RELIGION OR BELIEF

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TURKMENISTAN

FREEDOM OF RELIGION OR BELIEF

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EXECUTIVE SUMMARY

- 1 The Turkmen constitution guarantees freedom of religion or belief (FoRB) to all citizens, in Article 12:
- 2
- 3 *Each person independently determines his attitude toward religion, has the right to, individually or jointly with others, profess any religion or none, to express and disseminate beliefs related to attitude toward religion, to participate in religious observances, rituals, and ceremonies.*¹
- 4
- 6
- 10 Turkmenistan has also undertaken international obligations to protect FoRB.
- 13 However, in practice, Turkmenistan is not a rule of law state. Officials behave arbitrarily with little fear of prosecution; and as such the government fails to protect or promote religious freedom for its citizens, rather making it as difficult as possible for people to practise their faith.
- 14
- 16
- 18 Religious freedom violations have long been widespread throughout the country. The current Religion Law, which came into force on 12 April 2016, contradicts the freedoms set out in the constitution, while all religious activity is monitored closely by such institutions as the police, the secret police and the Justice Ministry.

The government of Turkmenistan is extremely suspicious of any activity that is independent of the state, including religious activity. It views religious organisations as rivals to state authority and thus seeks to control and limit religious practices wherever possible.² National identity is extremely important in Turkmenistan; although Islam is tied up with being Turkmen – 89% of the population are believed to be Sunni Muslim – the constitution clearly separates state and religion.

The Religion Law forbids the private teaching of religion by religion and belief communities for their own people. While Muslims are not allowed to travel abroad for education, Russian Orthodox deacons can *only* train abroad. The government also restricts the numbers of

1 NGO Law Monitor: Turkmenistan, 24 March 2016 www.icnl.org/research/monitor/turkmenistan.html#analysis

2 See Appendix II for more information surrounding former President Niyazov's (1991-2006) attempts to force all religious organisations to recognise his spiritual authority. This included actively disseminating his book, the *Ruhmana*, as the official spiritual guidebook for all Turkmen.

Note of appreciation

It must be noted that researching Turkmenistan is extremely challenging due to the difficulties for civil society in accessing the country. There is no free media, limited internet and telephone usage, and above all a feeling of fear and suspicion. CSW is thus deeply indebted to our sources, citizens of Turkmenistan, who were willing to speak to us despite the risks and danger. We are immensely grateful to them for telling their stories so bravely and honestly.

individuals permitted to undertake *haji* each year, with only 188 people able to take part in 2015.³

The activity of all religious and belief communities comes under the control and direction of the Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production. The Commission has the final say on which religious communities can officially register. However, the registration process is extremely complex and applications are often denied with little or no explanation. Where permission is granted, this can come with unwritten demands, including formal and informal cooperation with the secret police.⁴ Religious individuals and communities therefore practise their faith with caution.⁵

Unregistered religious groups risk large fines or even imprisonment, and are often subject to police surveillance and harassment. Such groups are unable to legally worship together, and their literature is often forbidden, as is their ability to share their faith with others. Even registered groups can face challenges, such as police surveillance or being unable to rent a place for worship.

This discrimination is a day-to-day reality. Individuals belonging to a minority faith experience it in various ways: from schoolchildren being singled out in class, to adults being fined, losing their jobs, seeing their families targeted as a means of pressuring them to recant their faith and, in extreme cases, being subjected to physical violence.

3 The *haji* is a pilgrimage to Mecca, and is one of the five pillars of Islam. It is a compulsory religious duty for all adult Muslims to perform *haji* at least once in their lifetime unless they are physically and financially unable to do so. Saudi Arabia gives every country a quota for pilgrims wanting to make the *haji* (1,000 people for every million of a country's Muslim population). Turkmenistan has tended to restrict the number of Muslims allowed to go on *haji*. In 2014, the figure reached 650, a three-fold increase on previous years; nevertheless, this still means that many Muslims have a long wait before they can travel.

4 Forum 18, 'Turkmenistan: Children's summer camp warning, fines, new Religion Law, "no religion" in army', 18 April 2016 www.refworld.org/docid/57205ad54.html

5 At the time of writing, religious and belief communities in Turkmenistan include such groups as Russian Orthodox Christians, Catholic Christians, evangelical Christians (including Baptists and Pentecostals), Jews, Shi'a Muslims, Jehovah's Witnesses, and Baha'i and Hare Krishna followers. In the case of the Jewish community, a March 2016 report by Mission Eurasia entitled *Challenges to Freedom of Religion in Post-Soviet Central Asian States*, notes that being Jewish is often associated rather with ethnicity than with religious identity. However, it is difficult to know the exact composition of religious minorities in the country, as many operate underground or have left Turkmenistan in fear of their safety.

As one Turkmen described, "The mayor, local administration and secret police criticised Christianity, saying they wanted to get rid of them. Bury them alive. The message was: you can't be Turkmen and a Christian."

Religious practices currently restricted in the country, contravening international standards, include:

- Beards for men
- Islamic headscarves for women
- Wearing religious symbols in public, except for clergy of religious organisations
- Publication of religious literature
- Importing religious literature
- Sharing religious beliefs publicly or privately
- Private religious education
- Foreign missionary activity
- Registering places of worship
- Gathering for worship in non-state approved locations, including private homes

RECOMMENDATIONS

To the government of Turkmenistan

- Ensure that all belief groups and their institutions can exercise their right to freedom of religion or belief (FoRB) without state permission, and can obtain legal personality and exercise their internationally established rights if they so desire
- Ensure that the means of official registration for religious activities are non-discriminatory and are not used in any way to curtail the right to religious freedom of any individual or group
- Ensure that all national legislation and official actions on FoRB, and its interlinked rights of freedom of expression (FoE) and freedom of assembly (FoA), comply with international commitments ratified by Turkmenistan, including the International Covenant on Civil and Political Rights (ICCPR). Among other obligations, this would include immediately enabling all religious and belief communities to establish their own clerical and theological institutions; allowing religious organisations to import, publish and distribute religious materials; allowing the construction and hiring of places of worship; allowing peaceful proselytism; and upholding access to information by ending the practices of interfering with internet access and censoring online and print media
- Prosecute public officials, including those charged with law enforcement, who fail in their duty to protect the rights of religious individuals and communities
- Immediately release all prisoners of conscience detained in connection with the peaceful practice of their religion or belief, as well as conscientious objectors, and guarantee effective means of appeal against state decisions

- Ensure the implementation of recommendations on FoRB made in the 2013 UPR

- Fully collaborate with the UN Special Procedures and issue a standing invitation to the UN Special Rapporteurs on the rights to freedom of peaceful assembly, freedom of religion or belief, and freedom of expression, to visit Turkmenistan with unhindered access to all parts of the country; and cooperate constructively to find suitable dates for their visits

- Ensure that the revised Religion Law 2016 truly serves to promote equal rights and guarantee FoRB for all.

To the European Union and Member States

- Attend and observe trials of persons prosecuted for exercising their right to FoRB, and visit such persons in prison; insist on visiting persons prosecuted for exercising their right to FoRB in prison

- Ensure that FoRB, FoE and related rights are consistently raised in all appropriate high-level correspondence with the government of Turkmenistan, including high-level visits and other bilateral exchanges with Turkmenistan, as well as in correspondence by the EU liaison office and Member State embassies in Ashgabat, raising specific incidents of concern both in public and in private

- Encourage Turkmenistan to accede to and implement relevant international instruments

- Encourage Turkmenistan to invite the UN Special Procedures to visit the country, and to accept and implement recommendations from UN mechanisms and bodies

- Ensure that EU institutions and Member States visiting third countries are fully briefed on the situation of FoRB within Turkmenistan, as outlined in the 2013 EU Guidelines on the promotion and protection of freedom of religion or belief

- Include clear benchmarks for progress in human rights dialogues

- If independently verifiable good faith government attempts to improve FoRB exist, support efforts to promote the dissemination of best practices on FoRB in the Central Asia region, both at the regional level and in multilateral fora.

To the Organization for Security and Co-operation in Europe (OSCE)

- Encourage Turkmenistan to accede to and implement relevant international instruments

- Raise FoRB in appropriate high-level contact with the government of Turkmenistan

- Independently review existing initiatives and training courses that promote the dissemination of best practices on FoRB in the Central Asia region, at the regional level and in multilateral fora, and support those which are effective

- Encourage Turkmenistan to invite the UN Human Rights Council's Special Procedures to visit the country, and to accept and implement recommendations from UN mechanisms and bodies

- Actively promote the Guidelines on the Legal Personality of Religious or Belief Communities.

To the United Nations and UN Member States

- Strongly urge Turkmenistan to follow the recommendations listed above

- Encourage Turkmenistan to accede to and implement relevant international instruments

- Urge Turkmenistan to fully collaborate with the UN Special Procedures and to issue a standing invitation to the Special Procedures to visit the country with unhindered access to all parts of the country, and to find dates for UN Special Rapporteurs to visit

- Encourage Turkmenistan to implement the recommendations of the first and second UPR cycles, and to actively engage with the third UPR cycle in 2018

- Ensure that FoRB and FoE are consistently raised in all appropriate high-level correspondence with the government of Turkmenistan, including high-level visits and other bilateral exchanges with Turkmenistan as well as at the UN Human Rights Council sessions, raising specific incidents of concern both in public and in private

- Monitor the human rights situation in Turkmenistan; and if there is independently verifiable political will to improve the human rights situation, provide technical assistance to the government of Turkmenistan to implement its human rights commitments, and take all necessary measures to ensure full implementation of the United Nations Development Programme (UNDP) and the Government of Turkmenistan 2016-2020 Human Rights Action Plan.

INTRODUCTION

The government of Turkmenistan is extremely suspicious of all religious activity and places severe restrictions on religious practice. The legacy of Soviet rule still lingers over the country, and religions and their symbols are prohibited in the public sphere. Religion is regarded by the ruling elite as a potential threat to state authority. As such the state seeks to control and suppress religion, severely restricting Turkmen's ability to practise their faith both alone and in community with others.

This report looks at the current situation of freedom of religion or belief in Turkmenistan. It does this by looking at the elements of Turkmenistan's history, legislative framework, and certain socio-economic factors that influence Turkmen's ability to practise their religion or belief in their daily life. The report highlights the discrimination, difficulties and dangers that citizens face in this regard.

As all human rights are interlinked and interdependent, it is practically impossible to analyse the situation of freedom of religion or belief without addressing some of the other fundamental freedoms. This report, therefore, does not focus on FoRB through a narrow lens, but contextualises it by also addressing key challenges to freedom of expression and assembly.

Given the difficulties for NGOs in accessing Turkmenistan to conduct research, this report is primarily based on secondary data. Nevertheless CSW was able to interview religious leaders from within the country in safe locations, as well as Turkmen in exile. Given the risk to their lives should they be identified, CSW has not used any information that could reveal their identity. Where names are used, these are the names of individuals who are already mentioned in other reports.

It is also worth noting the challenges of gaining accurate data on the make-up of the religious communities within Turkmenistan, as many operate underground. This report does not claim to present a picture of the human rights situation for all religious communities, as some may be unknown. As one source told CSW, they are too afraid to speak to their neighbour, who is of another minority faith, for fear of raising suspicions around themselves.

This report has four appendices to show the wider religious and cultural heritage of Turkmenistan, as well as the way in which Turkmenistan's commitment to democracy and human rights is taking shape post-independence.

LEGAL FRAMEWORK

THE CONSTITUTION

According to Article 1 of the constitution, Turkmenistan is a secular, democratic presidential republic. Freedom of religion or belief is protected under Article 12:

The State guarantees freedom of religion and worship, and equality before the law. Religious organisations are separate from the state, cannot interfere in the state affairs and carry out state functions. The public education system is separate from religious organisations and is secular. Each person independently determines his attitude toward religion, has the right to, individually or jointly with others, profess any religion or none, to express and disseminate beliefs related to attitude toward religion, to participate in religious observances, rituals, and ceremonies.

The majority of the population are Muslim; however, the separation of state and religion is reinforced throughout the constitution by the absence of any reference to Islam. This is a very significant fact: most Muslim-majority countries frequently consider the Islamic religious tradition important for their own development, even when they recognise the principle of secularism in the constitution.

In Turkmenistan, however, the constitution sets out three fundamental principles:

1. freedom of religion or belief
2. secularism
3. equality before the law

The constitution is thus ostensibly consistent with the obligations listed in several international treaties ratified by the government, such as the International Covenant on Civil and Political Rights (ICCPR), to which Turkmenistan acceded on 1 May 1997.

In addition, Turkmenistan is a party to the following international human rights conventions:

- Convention on the Rights of the Child (CRC) and its two optional protocols
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

However, religious freedom in Turkmenistan is marked by a deep inconsistency between 'what is' – ie the current socio-political situation – and 'what should be', namely adherence to international standards.

The provisions formally adopted to protect the fundamental rights of Turkmen citizens are constantly ignored. This is especially true in regard to freedom

of religion or belief, which is contradicted both in law (notably the 2003 Religion Law, see below) and in practice.

The serious and persistent violations of religious freedom by the current government prove that the constitution is not considered legitimate, and can therefore be violated in the interests of the president. The government still considers faith – all faiths – as a potential competitor to state authority.⁶ Consequently any religious activity is monitored closely by various institutions such as the police, secret police, the Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, and the Justice Ministry. The decision-making authority between the latter two bodies is nebulous.

The constitution, therefore, appears to have been designed as a political and propaganda tool rather than as a safeguard for the rights of Turkmenistan's citizens. Furthermore, the country lacks an effective legal system to apply the law justly, to protect citizens' fundamental human rights.

NEW CONSTITUTION 2016

In February 2016 the government announced that a draft of a new version of the constitution had been submitted to the parliament for consideration.

The new constitution purports to improve the legal framework of the government, specifying the rights and duties of the president, the Cabinet of Ministers, the judiciary and local authorities. The new version also intends to strengthen the protection of fundamental human rights and create an Ombudsman institution.

According to the official government website of Turkmenistan, the constitutional reform provides stage-by-stage development of socio-political relations in the country as well as state and legal institutions with a view to their more effective functioning.

The website further adds that: 'Attaching great significance to the implementation of norms of the international agreements in the national legislation, the draft reflects the modern norms in the field of the rights and freedom of human beings. In particular, it is accurately fixed that each person has the right for protection of his honour and dignity...'⁷

However, behind this reform appears to be a thinly veiled attempt to protect the President's personal power. The new version of the constitution increases the presidential term from five years to seven and removes the age limit for a president – currently set at 70 years old. Thus,

President Berdymukhamedov will have the right to rule for life.

It is difficult to predict the impact that the new constitution will have. While it is promising that the country has initiated a series of reforms, the real test will be to put them into practice.

Oversight of all religious groups and enforcement of the relevant legislation lies with the Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, and the Justice Ministry. The Commission is made up of Sunni Muslim imams, the head of the Russian Orthodox Church, and government officials. No other religious groups are represented.

The Commission has the power to hire, promote and fire religious leaders from the Sunni Muslim and Russian Orthodox faith, from the chief mufti down to regional level imams. It also controls the nature and volume of religious literature in the country. The Commission appears to report directly to the president.

RELIGION LAW

Despite constitutional provisions for religious freedom, numerous articles of the 2003 Religion Law contradict this freedom and inhibit the actual practice of religion. In addition to requiring all religious organisations to register with the Ministry of Justice, the law restricts religious education and the distribution of religious literature. It also monitors financial and material assistance to religious groups from foreign sources, and stipulates that leaders of religious organisations must have advanced theological training. However, it only allows basic Islamic training for Sunni Muslims and does not provide any training for any other religious groups.

Article 11 of the Religion Law ultimately holds citizens liable for the practice of a religion of an unregistered organisation: 'A person who conducts activities on behalf of [an] unregistered religious organisation shall bear responsibility under the legislation of Turkmenistan.' Those who are found to be practising in an unregistered religious group are subject to penalties under the Administrative Code, outlined in the next section.

A new Religion Law was adopted by the parliament in March 2016; the full text has not yet been made public. This is part of the nationwide discussion on the new constitution.⁸

6 EurasiaNet, 'Central Asia: Mismanaging Religion', 8 May 2015 www.eurasianet.org/node/73351

7 Turkmenistan: The Golden Age, 'Work on draft of new version of the Constitution has been completed in Turkmenistan', 4 February 2016 www.turkmenistan.gov.tm/eng/?id=5497

8 Trend News Agency/Baku Network, 'Turkmen parliament adopts law on religious freedom', 31 March 2016 <http://en.trend.az/casia/turkmenistan/2512623.html>

ADMINISTRATIVE CODE

The 2014 Administrative Code introduced harsher fines for unregistered religious activity.⁹ Article 76 of the Administrative Code prohibits the 'violation of the procedure established by law for conducting religious rites and rituals, the carrying out of 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'.

Failure to adhere to the Administrative Code can result in monetary fines of one to two base units for individuals, two to five base units for officials and five to ten base units for organisations. One base unit equates to 100 manats. The average monthly salary for an individual is 1,000 manats (approximately \$290).

Citizens are pushed to pay fines quickly, otherwise personal items may be confiscated in lieu of payment. One individual told CSW, "You are required to pay within ten days. They threaten to put you in jail if you can't pay, for ignoring the judge. Or they take your car from you, or your personal belongings."

CRIMINAL CODE

Individuals belonging to unregistered religious groups can also face criminal charges for practising their faith. Formerly, individuals were sentenced under Article 233 of the Criminal Code, which provided for a severe sentence of imprisonment for practising the religion of an unregistered organisation. Since its repeal, citizens have found themselves sentenced on other charges, thanks to a vague or arbitrary interpretation of other criminal violations.

A recent example of this is the case of Bahram Hemdemov, who was given a four-year prison term for violating Criminal Code Article 177, namely 'inciting social, ethnic or religious hatred using mass media'. Mr Hemdemov is a Jehovah's Witness and had been hosting a prayer meeting at his home, which was raided by police.¹⁰

9 Statement by the European Association of Jehovah's Christian Witnesses, OSCE Human Dimension Implementation Meeting, Warsaw, 21 September-2 October 2015

10 Forum 18, 'Turkmenistan: Torture and jail for one 4 year and 14 short-term prisoners of conscience', 21 May 2015 www.forum18.org/archive.php?article_id=2063

FORB IN TURKMENISTAN

HUMAN RIGHTS ACTION PLAN 2016

On 18 January 2016 President Berdymukhamedov signed the Government of Turkmenistan 2016-2020 Human Rights Action Plan. This is a result of collaboration between the government of Turkmenistan and the United Nations Development Programme (UNDP).

The Action Plan aims to 'further improve and ensure respect for human rights through the implementation of state programmes and international obligations in the field of human rights.' It covers economic, social and cultural rights, civil and political rights, and the legal system, including the judiciary, law enforcement and the legal profession. It lists its objectives as follows:

- The establishment of baseline data and development of appropriate indicators with regard to realisation of economic, social and cultural rights in accordance with the country's obligations in the field of human rights; and development of specific programmes to achieve the stated goals in such areas as the right to an adequate standard of living, including food and housing, the right to health, the right to education, the right to social security, the right to participate in cultural life, the right to work, and the right to just and favourable conditions of work
- Non-discrimination in the realisation of economic, social and cultural rights
- The adoption of legislative and administrative measures aimed at strengthening the recognition of and compliance with economic, social and cultural obligations
- The use of effective measures to eliminate and prevent violations of economic, social and cultural rights
- A legal analysis of national legislation for compliance with the ICCPR, through implementation of recommendations, which Turkmenistan has committed itself to apply
- Incorporation of UN recommendations related to civil and political rights into national legislation, programmes and action strategies
- Further improvement of the judicial system to bring it into line with international standards and the principles of the rule of law, through implementation of relevant UN recommendations
- Bringing legislation and law enforcement practice into line with international standards in order to ensure a fair and effective justice system, aimed at preventing recurring juvenile crime
- Strengthening the capacity of the judicial bodies in the area of human rights and international norms ratified by Turkmenistan
- Enhancing the role of bar association and human rights protection practices in providing legal assistance.

In a positive development, one of the proposed activities (Section II Part II b.24) is to 'create a mechanism of consultation with representatives of national minorities and vulnerable groups', followed by the intention to 'carry out a number of meetings with representatives of

national minorities and vulnerable groups to discuss the co-operation mechanism' (Section II Part II b.25).

However, it should be noted that the Action Plan fails to mention freedom of religion or belief specifically. Implementation of the Action Plan is the responsibility of Turkmen ministries, local authorities and public organisations. Co-ordination of the plan is assigned to the Interagency Commission, which has the aim of ensuring Turkmenistan's international commitments to human rights.

REGISTRATION PROCESS

All religious communities are required to register with the Ministry of Justice. Until the 2004 amendment to the Religion Law, registration was effectively restricted to only the two largest religious groups in the country, namely Sunni Muslim and Russian Orthodox, due to the restrictive conditions of registration.

The 2004 amendment reduced the threshold for registration from 500 members to five. The amendment also established two categories of religious communities: religious groups, which comprise at least five but fewer than 50 adult members, and religious organisations, which comprise at least 50 members.

According to the former Council on Religious Affairs (CRA), now the Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production, only large mosques can register as religious organisations. The Commission does not consider smaller mosques, or houses of prayer, to be groups or organisations. Smaller mosques may or may not have a resident cleric, depending on the number of worshippers. Most houses of prayer are located in rural areas, and are staffed by elderly volunteer clerics who subsist on pensions and material support from their families. At larger mosques that are registered as religious organisations, each organisation pays clerics and owns its building.¹¹ According to the 2013 US State Department Report on Religious Freedom in Turkmenistan,¹² government figures show that there were 121 registered religious organisations and seven registered religious groups operating within the country. Of these, 104 were Muslim organisations, of which 99 were Sunni and five Shi'a; 13 were Russian Orthodox; and 11 represented other religious groups, including Roman Catholics, Bahá'is, Hare Krishnas, evangelical Christians and Seventh-Day Adventists.

In order to register, Article 16 of the new Religion Law states that each of the 50 founders of any new religious community must supply their full name, date of birth and address with the completed application.

Article 17 states that applications to register must be considered by the Justice Ministry within a one to three month period. In reality, the registration process can take years. The Roman Catholic Church in Turkmenistan only received official governmental recognition in 2010, over 13 years after the submission of its application. Ultimately, despite the revision of the registration process, religious communities still face discrimination and many have been routinely denied registration. They are thus prohibited from practising their faith in public or in their homes, a prohibition which contravenes international law.

CSW spoke to the leader of an unregistered Christian religious group, who explained the continuing obstacles they face: "For 18 years they have denied us registration. They ask for documents, such as names of members of the congregation, but then deny registration. They make up new reasons each time, for example, 'Write it in a different way' or 'This part is unnecessary'."

Even where groups are registered, this is not the end of their difficulties with the authorities or of the restrictions placed upon their worship.

RELIGIOUS COMPOSITION

Roughly 89% of the population is nominally Sunni Muslim; however, CSW learnt that Islamic practices and education are neither widely promoted nor encouraged, and that mosques are relatively empty. The form of Islam practised is also quite unique to Turkmenistan and recalls the country's varied history, blending elements of Sufi mysticism with orthodox Islam as well as shamanistic rituals (see Appendix I).

Muslim citizens are not allowed to travel abroad for religious education, and the government restricts the numbers of individuals permitted to perform *hajj*. As reported by Forum 18, some citizens have been on a waiting list for 11 years to take part in the pilgrimage.¹³

The constitution clearly separates state and religion, and there have been no attempts to introduce shari'a law in the country. The majority of the population appears to separate religion from politics altogether, and would be unlikely to lend support to any attempt to replace secular rule with religious rule.¹⁴

¹³ Forum 18, 'TURKMENISTAN: Eleven-year wait on haj pilgrimage list?', 25 August 2014 www.forum18.org/archive.php?article_id=1988

¹⁴ Chatham House, 'Turkmenistan: Power, Politics and Petro-Authoritarianism', 8 March 2016 www.chathamhouse.org/publication/turkmenistan-power-politics-and-petro-authoritarianism

¹¹ United States Department of State, 2012 Report on International Religious Freedom - Turkmenistan

¹² United States Department of State, 2013 Report on International Religious Freedom - Turkmenistan

Followers of the Russian Orthodox Church account for roughly 9% of the population, making them the second largest religion in the country, and the largest Christian community. The Russian Orthodox Church enjoys greater freedoms than other Christian minorities, although they face their own challenges. For example, there is no Russian Orthodox seminary in Turkmenistan; students must train abroad.

The position of Christian minorities is notoriously difficult in Turkmenistan. As one source told CSW, "The government has no tolerance for minorities. It's the political culture. Also the majority of people don't like Christians as they're taught that anything that isn't 'Turkmen' is wrong or evil."

PLACES OF WORSHIP

Permission to acquire land or build places of worship, or even to acquire buildings to use as places of worship, is routinely denied or left pending. Many religious groups, including evangelical Christians, Jehovah's Witnesses and Shi'a Muslims, thus cannot access any place of worship. Registered groups are also unable to worship freely in a place of their choosing.

One source from an unregistered evangelical Christian community explained the difficulties their church faced in finding a place to rent: "Officially we have a right to rent but unofficially no. The police say that they are under pressure and don't want to lose their jobs, so no rent."

Unregistered religious communities are left with no option but to meet for worship in private homes. A source described how their religious group meets in secret in the homes of fellow believers, not in a church building. "Evangelism is only possible through friendship and if people invite us to their homes."

Although no laws expressly prohibit holding religious services on residential property, the housing code states that communal housing should not be used for any activities other than living. Unregistered religious groups are thus in a perilous situation, and one which frequently leads to police raids, fines and imprisonment. In some cases local authorities have cut off gas and water supplies, as well as confiscated land.¹⁵

See below, 'Wider human rights concerns', for more information on the state of freedom of assembly within Turkmenistan.

15 Christianity Daily, 'Religious Freedom Is Violently Attacked By Turkmen Government', 6 June 2015 www.christianitydaily.com/articles/4149/20150606/religious-freedom-is-violently-attacked-by-turkmen-government.htm

SURVEILLANCE

The activities of both registered and unregistered religious groups are subject to state surveillance. Local secret police officers regularly summon Muslim and Orthodox clerics to report on activity within their communities. As has been well-documented by Forum 18, the secret police place agents in each Muslim and Orthodox community, and also try to recruit informers among unregistered religious groups.

A source from an unregistered Christian community told CSW that two members of their congregation were summoned to the local mosque, and were met by two secret police officers. One of the church members was told to wait outside while the other spoke to the officers. "The secret police told them, 'We know all about you, we know your every step, we know everything.'"

The Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production can prepare and submit legislation to regulate religious expression, and also has the power to examine possible violations and report back on 'illegal' religious activities to the government. In addition to inspecting religious literature in places of worship – be they mosques, churches, or private homes used for prayers – it also inspects the content of religious works held in national libraries.¹⁶

DEMONSTRATION AND DISCRIMINATION

Any overt demonstration of faith is discouraged, and this applies to appearance as well as actions; men are banned from having a beard and women are not allowed to wear an Islamic headscarf. Only the national headscarf is permitted.

Being regarded as 'too devout' in practice can have extreme consequences too; as one source told CSW, "If you're a devout Muslim you can be locked up and your family targeted. Family members can lose their jobs and even children [can be] pulled out of school."

Muslims who are seen as 'too' religious are often accused and convicted of Wahhabism, which the government equates with extremism. Its vague definition means the charge can be used to label critics of the government as fundamentalists, even where there is no link to religion. In February 2015 five Muslim men were sent to the Seydi Labour Camp in the Lebap Desert on a charge of Wahhabism. What this meant in practical terms was not clear.

Individuals and families from a religious minority often face severe discrimination in day-to-day life. One source described how Christian children in their local school are called out in class and other children "warned against them". In addition, the Christian children are routinely given low grades in school "because of their faith", while their photographs are given to the police.

16 EurasiaNet, 'Central Asia: Mismanaging Religion', 8 May 2015 www.eurasianet.org/node/73351

Religious minorities face being evicted, losing their job, or restrictions on their freedom of movement. The situation is becoming more dangerous, with one recent Turkmen convert to Christianity describing threats of violence: "The mayor, local administration and secret police criticised Christianity, saying they wanted to get rid of them. Bury them alive. The message was: You can't be Turkmen and a Christian."

CONSCIENTIOUS OBJECTION

Military service in Turkmenistan is compulsory for men over the age of 18, for two years. The country offers no civilian alternative to military service, and conscientious objectors can face up to two years' imprisonment. Upon release, some are even prosecuted as 'repeat offenders' and placed in a 'strict regime' prison camp.¹⁷ Until 2009 the government would give suspended sentences; however, in 2010 President Berdymukhamedov publicly stated his support for imprisonment for refusal to serve in the military.

Jehovah's Witnesses suffer greatly because of this, and report regular harassment and beatings by police officers during imprisonment. In October 2014 six imprisoned conscientious objectors were amnestied and released by presidential order; however, since that time another five Jehovah's Witness conscientious objectors have been prosecuted and convicted for refusing military service.

Rather than imposing a prison sentence, the courts have ordered the five young men to perform 'corrective labour' under Article 219 of the Criminal Code, often for the maximum period of two years.¹⁸ The sentence of 'corrective labour' further compels a conscientious objector to pay 20% of his salary to the state.

RELIGIOUS LITERATURE

The state places restrictive conditions on the acquisition and use of religious literature. Registered religious communities are permitted very limited copies of religious texts; copies for personal use are even more limited and can come at great risk. A source told CSW that it is possible to own a copy of the Qur'an or the Bible, but only one copy. A person found to own two copies is regarded as distributing them and is liable to be heavily fined.

The Religion Law prohibits the domestic publication of religious literature that will incite 'religious, national, ethnic, and/or racial hatred'. In order to publish or acquire any type of religious literature, permission must be granted by the Commission. Furthermore, the Commission must approve imported religious literature. Only registered religious groups can import literature from abroad; however, this is regularly confiscated.

Any item with a religious inscription is liable to be confiscated. Open Society Foundation and Forum 18 have both reported that in addition to books, CDs, bracelets and even carpets have been seized by customs officers. At the ferry port in Turkmenbashi in May 2010, custom officers confiscated framed verses from the Qur'an in Arabic that had been brought back by students returning from colleges in Azerbaijan.¹⁹

Penalties for owning multiple copies of religious literature can range from large fines to imprisonment. In February 2015 the home of Zeynep Husaynova and her son Tohtabay Husayno, both Jehovah's Witnesses, was illegally searched by Turkmenabat police. The police confiscated all religious literature and threatened Ms Husaynova with 15 days' imprisonment for possession of 'illegal' religious literature.²⁰

RELIGIOUS EDUCATION

Religion is not taught in the school system, nor are there any private religious schools in the country. The Religion Law prohibits the private teaching of religion, and by law the only access to religious education is through the local mosque. There is simply no other legal option, regardless of the faith background of the child being educated.

Families can choose to educate their children covertly at home. This not only goes against international standards, which state that 'parents should be able to educate their children in private religious schools or in other schools emphasising ideological values',²¹ but puts all members of the family at risk.

The only institution authorised to train imams in Turkmenistan is the Theological Faculty of the Turkmen State University, which bars women from studying Islam. Students are not allowed to travel abroad for theological education, with the notable exception of students of the Russian Orthodox Church.

Increasing numbers of young Turkmen are learning about Islam in Turkey. Often this is not at an institution, but simply as a result of staying with local families during their studies. One source told CSW that although knowledge of Islam is growing in the country due to students returning from Turkey, it is not possible for such education to continue once students return to Turkmenistan.

19 Open Society Foundations and Forum 18 (2010), *Violations of Freedom of Religion or Belief in Turkmenistan: A systematic challenge to human rights commitments*

20 Forum 18, 'Turkmenistan: Torture and jail for one 4 year and 14 short-term prisoners of conscience', 21 May 2015 www.forum18.org/archive.php?article_id=2063

21 OSCE, 'Guidelines for Review of Legislation Pertaining to Religion or Belief', 28 September 2004 www.osce.org/odihr/13993

17 Jehovah's Witnesses, 'Turkmenistan Releases Jehovah's Witnesses Imprisoned for Their Faith', 13 November 2014 www.jw.org/en/news/legal/by-region/turkmenistan/amnesty-jehovahs-witnesses-in-prison/

18 Statement by the European Association of Jehovah's Christian Witnesses, OSCE Human Dimension Implementation Meeting, Warsaw, 21 September-2 October 2015

The government has replaced imams who had formal Islamic theological training abroad with individuals lacking such education, as it is official policy not to name imams if they have had foreign theological training.²²

POLICE RAIDS

Raids by both the secret police and ordinary police forces are frequently experienced by individuals from both registered and unregistered religious communities. The police seize religious literature, harass individuals, and on occasion put pressure on individuals to renounce or change their religious faith.

One such example is from February 2015. Narmurad Mominov, a Protestant leader from Galkynysh in the eastern region of Lebap, was fined two weeks' wages after a raid on a private home.²³ Officials held Mr Mominov and members of his family until the early hours of the morning. The next day they were summoned to the police station, and pressured to write statements denouncing their faith and agreeing not to attend religious meetings.

The fines imposed on individuals can differ widely. "The police think up an amount of money and fine you," said one source, who also described how personal items are routinely confiscated in lieu of a monetary fine.

For unregistered religious communities, police raids are almost a way of life. The leader of an unregistered Christian religious group told CSW, "The national security service tells local police to do whatever they can to hinder the preaching of the gospel. They're doing the dirty work."

VIOLENCE AND TORTURE

Reports of police brutality and torture are not uncommon. A recent Turkmen convert to Christianity described how people accused of a crime are "taken to the police station and beaten up. You can be innocent, but the police call you a criminal and don't care why you're there. If you're there, you get beat up."

There have also been reports of violence during police raids in private homes. One member of an unregistered Christian community told CSW about a recent incident: "The police came to our home as we were gathered for worship. They arrested people, beat them up, then handcuffed them and took them away. We complained

and said 'We have submitted all the documents [for registration], why do you do this to us?' The police said 'You submitted the documents but that isn't our business. Our business is to beat you.'"

In February 2015 Forum 18 reported that the police/secret police arrested four Jehovah's Witnesses from Turkmenabad: Viktor Yarygin, Rustam Nazarov, Charygeldy Jumaev and Jamilya Adylova; and subjected three to severe beating. According to the report, Mr Jumaev 'was beaten so severely that he lost consciousness three times.'²⁴

Most religious prisoners of conscience are held at Seydi Labour Camp, where they face harsh conditions including torture. Prisoners held at the Ovadan Depe Prison, roughly 50km from Ashgabat, also reported consistent beatings and torture 'with the use of dogs and batons' so as to cause loss of consciousness, damage to the kidneys and the inability to walk.²⁵ The government of Turkmenistan continues to deny the International Committee of the Red Cross access to the country's prisons.²⁶

WIDER HUMAN RIGHTS CONCERNS

MEDIA CONTROL

The lack of press freedom is a major area of concern, with the government controlling all media outlets. The 2015 World Press Freedom Index ranked Turkmenistan 178 out of 180 countries, ahead of only Eritrea and North Korea.

In 2013 the government introduced its first Law on Mass Media, which purported to ban censorship and promote freedom of expression. In practice, independent media remain extremely restricted. Independent journalists risk detention, with human rights groups suspecting that such imprisoned journalists are subject to torture.²⁷

Internet access is fully controlled by the government through a single state-owned provider, Turkmen Telecom. However, the high cost is prohibitive for most of the population, and fixed broadband penetration reached less than 1% in 2015.²⁸

22 United States Department of State, Country Reports on Human Rights Practices for 2015: Turkmenistan www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252979#wrapper

23 Forum 18, 'Turkmenistan: Torture and jail for one 4 year and 14 short-term prisoners of conscience', 21 May 2015 www.forum18.org/archive.php?article_id=2063

24 Forum 18, 'Turkmenistan: Torture and jail for one 4 year and 14 short-term prisoners of conscience', 21 May 2015 www.forum18.org/archive.php?article_id=2063

25 Crude Accountability, 'Widespread Enforced Disappearances and Torture in Turkmenistan: New reports call for immediate action to "Prove They Are Alive!"', 24 September 2014

26 United States Department of State, Country Reports on Human Rights Practices for 2015: Turkmenistan www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252979#wrapper

27 Freedom House, Freedom in the World 2015: Turkmenistan <https://freedomhouse.org/report/freedom-world/2015/turkmenistan>

28 BuddeComm, 'Turkmenistan - Telecoms, Mobile, Broadband and Digital Media - Statistics and Analyses' www.budde.com.au/Research/Turkmenistan-Telecoms-Mobile-Broadband-and-Digital-Media-Statistics-and-Analyses.html#sthash.VPBIQJ6G.dpuf

Those who can afford internet access via Turkmen Telekom find that it blocks many independent and foreign news websites. The only other mode of access to the internet is a highly censored version called the Turkmenet. Nonetheless, despite the difficulties accessing the internet, user numbers are rising, especially among young people.

Any content that reflects badly on the regime or the president is systematically banned, although one source described to CSW how "young people are becoming more daring in criticising the government online. However, they do not criticise the president himself."

When the president and his horse fell at the end of a race on 28 April 2013, a vast operation was immediately launched to eliminate all visual, oral or written records. The police went so far as to check the equipment of all the journalists at the event, and the digital devices of all passengers leaving on flights from Ashgabat airport.²⁹

In April 2015 the government banned all privately owned satellite dishes and prohibited their use in homes as well as private businesses. People were commanded to dismantle their satellite dishes, as, according to the official line, they 'distort the architectural urban image of the city'.³⁰

It is widely believed that the government banned the satellite dishes in order to block citizens' access to independent international media outlets, especially radio stations; and in particular Radio Azatlyq, the Turkmen-language service of Radio Free Europe/Radio Liberty. Radio Azatlyq is the only independent source for news and information in the country, with special emphasis given to topics such as democracy and human rights.

As a replacement for the demolished satellite dishes, the authorities offered 'cable TV packages', made up of mostly entertainment channels produced by Russia, Turkey and India. All TV and radio channels offering news programmes were excluded from these packages. Moreover, authorities publicly stated their right to cut off the cable TV any time, as happened in 2011 after an explosion of military munitions in Abadan.³¹

In February 2016 the Chronicles of Turkmenistan reported that satellite dishes had started being dismantled again in Ashgabat. This was despite assurances to the contrary from the Turkmen Deputy Minister of Foreign Affairs, Vepa

Khadjiev, at the OSCE Human Dimension Implementation Meeting in October 2015.³²



The Human Rights Action Plan 2016-2020 states the intention of carrying out an analysis of the situation concerning the rights of journalists, including the development of a module on freedom of expression for faculties of journalism, and the introduction of training sessions for judicial officers, lawyers and media professionals on the rights and obligations of journalists (Section II Part II b.1-3). This is a positive development for freedom of expression, although it is still too early to assess the genuine will of the government, the implementation of the plan and subsequent results.

RESTRICTED MOVEMENT

The freedom of Turkmen citizens to move around inside and outside the country is worsening. The Law on Migration lists a number of reasons why citizens may be temporarily banned from leaving the country. These include concerns over national security, human trafficking, and individuals who have not undertaken the compulsory military service. A number of new, arduous and arbitrary conditions have also been introduced, such as from 1 January 2016 the requirement for individuals to own a Visa or Mastercard in order to be granted an exit visa.

Citizens who are regarded as activists or members of religious communities, as well as their families, are banned from travelling abroad. According to unofficial sources, up to 40,000 people are on a blacklist for various reasons, and are not allowed to leave the country.³³

Often, citizens do not know they are blacklisted until they wish to travel. This was the case for Yevgeniya Deeva, a dual Russian-Turkmen citizen who currently resides in Russia. It was not until she tried to board a plane back to Russia that she discovered she had been blacklisted; the border guard gave her no explanation, merely directing

32 Chronicles of Turkmenistan, 'Ashgabat again demolishes building extensions and satellite aerials', 20 February 2016 www.chrono-tm.org/en/2016/02/ashgabat-again-demolishes-building-extensions-and-satellite-aerials/

33 BTI (2016), *Turkmenistan Country Report* www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Turkmenistan.pdf

29 Reporters Without Borders, 'Turkmenistan: News black hole', 10 March 2014 <http://12mars.rsf.org/2014-en/2014/03/10/turkmenistan-news-black-hole-turkmentelekom/>

30 Civic Solidarity, 'Turkmenistan authorities ban satellite dishes', 19 April 2015 www.civicsolidarity.org/article/1080/turkmenistan-authorities-ban-satellite-dishes

31 *ibid.*

her to immigration services. Before this, Ms Deeva had frequently flown in and out of the country.³⁴

In recent years freedom of movement within the country has become more difficult. Non-native Ashgabat residents have been forced to give up residency and return to their home regions. The same is true regarding employment; all public and private businesses in Ashgabat are forbidden from employing non-Ashgabat citizens, thus effectively forcing them to leave.

In 2015 a number of residential areas in and around Ashgabat were razed, and residents displaced with no compensation or alternative accommodation. It is widely speculated that this was in preparation for the Asian Indoor and Martial Arts Games in 2017.³⁵

However, Amnesty International's report³⁶ on the demolition also cited high crime rates, distance to schools and non-compliance with housing regulations as other reasons for the demolition. Even more concerning, one source says the police told him that it was because it was a "Wahhabi village".

FREE ASSEMBLY

The right of assembly in Turkmenistan is extremely restricted. Recent legislation on freedom of assembly and association has sought to improve the situation; however, citizens still face heavy restrictions and regulations, which impede rather than promote the development of a healthy civil society and restrict the ability of religious communities to gather together.

The registration process for public associations is arduous and arbitrary. Groups are required to register with the Ministry of Justice, who also approve their internal governance structures.³⁷ The conditions for registration are extremely strict; for example, organisations operating nationally must have at least 400 members and can only operate in a limited location. The registration fee is between 280 and 2,100 manats (approximately \$80 to \$600).

34 IPHR, 'Spotlight: Fundamental Rights in Central Asia', 16 September 2015 <http://iphronline.org/spotlight-fundamental-rights-in-central-asia-20150916.html>

35 Eurasia Net, 'Turkmenistan: Homes Wrecked to Make Way for Sporting Venue', 28 October 2015 www.eurasianet.org/node/75776

36 Amnesty International (2015), *Deprived of Homes, Deprived of Rights: Uncovering evidence of mass forced evictions and house demolitions in Turkmenistan* www.amnesty.be/IMG/pdf/ai_turkmenistan_report_deprived_of_homes_deprived_of_rights.pdf

37 Chatham House, 'Turkmenistan: Power, Politics and Petro-Authoritarianism', 8 March 2016 www.chathamhouse.org/publication/turkmenistan-power-politics-and-petro-authoritarianism

A new Law on Organisation and Conducting of Assemblies, Public Rallies, Demonstrations and other Mass Events entered into force in July 2015. The law states that individuals, political parties, and religious and civil society organisations have the right to hold peaceful public events, provided they accept responsibility for their organisation and that local authorities are informed well in advance.

The law places restrictions on where such mass events can take place, stating that they 'must be held at least 200 metres from government buildings, including the president's residence',³⁸ and local authorities have the power to refuse permission for an event should the location be deemed unsuitable. As so few public gatherings have taken place, it is still unclear how the new law will be applied in practice.

The 2014 Law on Public Associations provided for foreign individuals and entities to found and join organisations, as well as for public associations to take part in elections. Nevertheless strict registration criteria still exist, creating a barrier for many groups. Furthermore, associations are subject to monitoring by the state regarding their funding and activities; the Ministry of Justice can send officials to attend internal meetings and events.

The 2013 Resolution on State Registration of Foreign Projects and Gratuitous Technical and Financial Assistance, Humanitarian Aid and Grants sets out a complicated registration process for all types of foreign aid, based on a specific request by the Ministry of Foreign Affairs. Ultimately, however, the decision is often postponed and subject to state discretion.

Activities by unregistered associations are completely prohibited and penalties include fines and short-term detention.

NON-GOVERNMENTAL ORGANISATIONS

The opportunities for NGOs to work independently are extremely restricted, with many unable or unwilling to register. It is telling that of the 106 registered public associations in the country, the majority are government-organised NGOs (GONGOs), such as the Women's Union, the Youth Union and the Centre of Trade Unions.³⁹

Some NGOs have tried to reinvent themselves in order to continue their activities, for example working under patents or registering as a commercial entity; however this raises further issues such as the tax implications of registering as a business.

38 Radio Free Europe/Radio Liberty, 'Turkmenistan Law Allows Some Public Demonstrations', 12 March 2015 www.rferl.org/content/turkmenistan-law-new-freedom-assembly-demonstrations/26897055.html

39 USAID (2015), *The 2014 CSO Sustainability Index for Central and Eastern Europe and Eurasia* www.usaid.gov/sites/default/files/documents/1863/EuropeEurasia_FY2014_CSOSI_Report.pdf#page=236

NGOs supporting democracy and human rights are not allowed to operate openly at all. The situation is even worse for individual human rights defenders, who face serious consequences such as harassment, intimidation and imprisonment – both for themselves and family members. Human rights defenders therefore operate either underground or in exile.

Some of the challenges facing NGOs in the country appear to be addressed by the Human Rights Action Plan 2016-2020, which intends to 'create favorable conditions for registration, operation and development of NGOs' and 'carry out an analysis of existing legal and regulatory acts on NGOs and their further improvement (Section II Part II b.4-5).' What this will mean in practice remains to be seen.

APPENDIX 1. TURKMENISTAN'S RELIGIOUS HERITAGE

The current religious make-up in Turkmenistan is predominantly Sunni Muslim, adherents of which account for 89% of the population. The Russian Orthodox Church makes up 9%, while the other 2% includes Shi'a Muslims, Jehovah's Witnesses, evangelical Christians, Roman Catholics, Jews and Bahá'í.⁴⁰

This diversity is a result of its geographical position at the crossroads between the East and the West, so that it has been conquered by various civilisations. Turkmenistan has been ruled by the Persian Empire, Muslim Arabs and Oghuz Turks. More recently it was annexed by the Russian Empire, and later became a constituent republic of the Soviet Union. Turkmenistan gained its independence in 1991.

TURKMENISTAN'S RELIGIOUS COMPOSITION PRE-RUSSIAN EMPIRE

Religious practices in Turkmenistan have historically centred on local, tribal traditions, and many of these traditions still exist today. The Arab invaders brought Islam to Turkmenistan in the 7th and 8th centuries CE, and by the 10th century CE most Turkmen had converted to Islam. However, unlike Islam in the Arab states, the religious practices were – and still are – tied up with strong elements of local shamanism and Sufi mysticism.

During the Middle Ages the Turkmen tribes were caught up in a vast number of military conflicts in the region. They became, like much of Central Asia, part of the Islamic caliphate, before coming under the rule of Oghuz Turks and later the Seljuk Empire. In the 13th and 14th centuries the Turkmen suffered centuries of Mongol invasions, which served to establish small, semi-independent states out of the traditional tribal groups.

THE RUSSIAN EMPIRE: TURKMENISTAN TOLERATES RELIGION

In the latter half of the 19th century, Russian forces entered the region. Turkmenistan was the last Central Asian territory to come under the control of the Russian Empire, and by 1895 most of the country had been annexed. Around this time the country also became home to fleeing Persian refugees, who brought with them their Bahá'í faith. In 1884 a Bahá'í community was founded in Ashgabat, where the first Bahá'í house of worship was constructed.

The attitude and policies of the Russian Empire towards the resident Muslim population were complex, 'leaning more towards negative'.⁴¹ The Russians tolerated Islam in Turkmenistan – and the wider Central Asia region – although this tolerance waned after the Revolution of 1917, when the Bolsheviks occupied the country and the policy changed from tolerance to eradication.

SOVIET RULE AND A POLICY OF REPRESSION

An autonomous Turkmen region was created in 1921, followed by the establishment of the Turkmen Soviet Socialist Republic in 1924. During Soviet rule the authorities tried to undermine the traditional Turkmen way of life by banning religious and cultural observances. All religious activity was repressed while the Communist ideology of universal atheism was promoted.

In 1928 the Soviet authorities implemented an anti-religious policy, aimed at eradicating Islam from the country. Of the approximately 500 mosques open in 1917, only four were still operating by 1979.⁴² Furthermore, all Islamic courts of law, *waqf* holdings, as well as Islamic primary and secondary schools were closed.

Certain religious customs were still permitted, such as Islamic burials and male circumcision. However, for the most part religious beliefs and practices were only preserved in rural areas, and tied up with local, folk tradition. In urban areas citizens were under strict Soviet rule that aimed to control not only what people could or could not do, but what they believed.

An official Muslim Board of Central Asia was established during the Second World War to supervise Islam throughout Central Asia. Based in Tashkent, Uzbekistan, it covered the five Central Asian republics and was in theory a way to regulate the remaining religious practices. In practice, however, the Muslim Board was little more than a propaganda machine for the authorities and did little to promote or protect religious practices.

41 Schwartz and Momen, *Worldmark Encyclopedia of Religious Practices*, 2nd Edition, Volume 4

42 Routledge (2003), *Eastern Europe, Russia and Central Asia*

During the Cold War period all political activity was fed from Moscow, which kept the country under firm control. Turkmenistan generally kept a low profile during this time, and thus found itself relatively unprepared for the dissolution of the Soviet Union in 1991. Indeed, the country's communist leader Saparmurat Niyazov had supported the Soviet coup d'état attempt in August 1991 to take control from Mikhail Gorbachev. After this failed, Mr Niyazov called for a national referendum on independence and the official result came out at 94% in favour.

APPENDIX II. CULTURAL, CIVIL AND POLITICAL RIGHTS IN THE POST-INDEPENDENCE PERIOD

On 27 October 1991 Turkmenistan declared independence. It was the penultimate of the Central Asian states to do so, followed only by Kazakhstan in December 1991.

After independence, Mr Niyazov was appointed president of the newly independent Turkmenistan by the Turkmen Soviet Socialist Republic. He stood as the sole candidate in the country's first presidential elections in 1992, and in 1994 his term was extended until 2002 in order for him to oversee a ten-year development plan.

In December 1999 Mr Niyazov was declared 'President for Life' after parliamentary elections. The elections themselves had taken place a few weeks earlier and all other candidates were of the same – the only – political party, and hand-picked by President Niyazov himself.

Since then, Turkmenistan has been marked by an intense nationalism and restrictions that have had a negative impact on the civil and political rights of its citizens.

NATIONALISTIC IDENTITY AND THE NEW 'RELIGION'

President Niyazov oversaw the transition of Turkmenistan from a Soviet to a presidential republic. He promoted a nationalistic identity, which included introducing a new Turkmen alphabet to replace the Cyrillic alphabet; creating public holidays celebrating well-known national features, namely melons and horses; and renaming the sea port city Krasnovodsk to Turkmenbashi. President Niyazov also changed the names of the months of the year to prominent Turkmen figures, which included himself and his family members.

Religious and educational practices moved away from the Soviet model and President Niyazov ordered that basic Islamic principles be taught in public schools. He saw Islam as part of the country's

national heritage and thus an integral part of Turkmen identity. He himself made the *hajj* in 1992, the first leader of the newly independent states to do so.

President Niyazov also encouraged a pseudo-personality cult centred on him, which dominated all aspects of public life. A major part of this was his spiritual/moral guidance book, the *Ruhmana*, which was published in 2001. Religious organisations were forced to recognise him as a spiritual authority and to cite his book during religious ceremonies. The *Ruhmana* became mandatory reading for all Turkmen in schools, universities and government organisations, a required part of the driving test, and placed alongside the Qur'an in mosques. When the then-chief mullah, Nasrallah Ibn Ibadullah, resisted the edict, he was sentenced to 23 years in prison.⁴³

A large monument of the *Ruhmana* was also constructed in Ashgabat, timed to open each day with a recording of one of the book's passages. As well as this, President Niyazov erected a gold-plated statue of himself on top of the Arch of Neutrality, which revolved to face the sun at all times. This was in line with official propaganda which pursued the idea that the president heralded a 'golden age' for the country.

In 2002 he built the Turkmenbashi Ruhy Mosque in his hometown of Gypjak, in whose mausoleum he was buried. It is the largest mosque in Central Asia, and attracted controversy for having quotations from both the Qur'an and the *Ruhmana* built into the walls.

TIGHTENING CONTROL OVER THE PUBLIC SPHERE

During his rule President Niyazov implemented a number of restrictive policies on civil liberties. Unfortunately, it garnered little international press coverage; that which there was focused on the eccentricities of his rule, thus drawing attention away from the more serious abuses.

Media freedom was particularly restricted, and President Niyazov revoked all internet licences except for the state-owned Turkmen Telecom in May 2000. This was followed by the closing down of all internet cafes in June 2001. Furthermore, the government took control of all Turkmen news media – a control it maintains to this day – and newspapers were encouraged to publish eulogies of the president. Editors who refused to comply were removed.⁴⁴

President Niyazov stamped out practices that he decided were 'un-Turkmen', which included opera, circuses and the ballet. He also outlawed beards and long hair for men, and discouraged the use of gold to crown rotten teeth – instead encouraging citizens to chew on bones to strengthen their teeth.

43 *Daily Telegraph*, 'A peep into the strange world of Turkmenbashi whose every word is law', 2 May 2004 www.telegraph.co.uk/news/worldnews/asia/turkmenistan/1460852/A-peep-into-the-strange-world-of-Turkmenbashi-whose-every-word-is-law.html

44 IPI Report (1993), *World Press Freedom Review*

The use of lip syncing at public concerts was also banned, and the president forbade the use of sound recordings on TV, at all cultural events and places of mass assembly – including weddings – due to their ‘negative effect on the development of musical arts’.⁴⁵

OPPOSITION

On 25 November 2002 President Niyazov was the target of an apparent assassination attempt. Four political opponents were named as being behind the plot, chief among them a former foreign minister and political rival, Boris Shikhmuradov. Shikhmuradov’s trial was broadcast on TV, and included a taped confession. He was sentenced to life in prison, along with two of the other alleged conspirators.

Critics of the Niyazov regime argued that the attempt was fabricated by the government in order to justify a crackdown on national and international political opposition. According to officials, 61 people were arrested as part of the investigation. However, human rights groups the International Helsinki Federation for Human Rights and Memorial said that at least 200 people had been detained, with more than 100 facing charges.⁴⁶

During the summer of 2004 a leaflet campaign throughout Ashgabat called for the overthrow and trial of President Niyazov. The authorities were unable to stop the campaign, which ultimately resulted in the president firing the Interior Minister and police academy director for incompetence during a live TV broadcast. No one claimed responsibility for the leaflets and the distributors were never caught.

SUCCESSION

Niyazov died of a heart attack on 21 December 2006. He was succeeded by Deputy Prime Minister Gurbanguly Berdymukhamedov, who became Acting President following Niyazov’s death. Mr Berdymukhamedov was elected president in February 2007, after winning 89% of the vote in the presidential election.⁴⁷

NEW LEADER, NEW POLICIES

President Berdymukhamedov quickly reversed some of the more eccentric policies of his predecessor, overturning the bans on opera, ballet and the circus. He also reversed the changes President Niyazov had made to the names of the days and months, restoring their traditional names, and revoked the right of a president to rename any cities or landmarks.

Only a few days after his election, President Berdymukhamedov reopened two internet cafés in Ashgabat, along with the promise of more in regional cities as well as internet services in every school, in a step towards greater modernisation in the country. However, citizens going to the newly opened cafés were met with high fees, erratic connection and in some cases, soldiers standing guard at the doors.⁴⁸

President Berdymukhamedov also instigated reforms to the education system, which included increasing the number of years of compulsory primary and secondary education from nine to ten, and higher education from four years to five.⁴⁹

Another notable reform was the establishment in 2007 of a human rights commission to oversee institutional human rights reform. Similar organisations already existed, namely the National Institute for Democracy and Human Rights (IDHR) and the Committee on the Protection of Human Rights and Liberties, although the former ‘appeared to have little real authority’ while the latter ‘was not an independent body, and its ability to obtain redress was limited’.⁵⁰

Regarding freedom of movement, President Berdymukhamedov abolished the requirement that residents who wished to travel to certain areas along the border should receive prior permission from the government. A number of individuals were also removed from the ‘blacklist’ of people banned from leaving the country. Journalists, members of religious minorities or alleged dissidents remained on the list.

President Berdymukhamedov also granted two presidential amnesties in 2007, whereby almost 9,000 prisoners were released. These included political prisoners as well as relatives of dissidents. The former chief mufti, Nasrullah Ibn Ibadullah, was also released, having been sentenced for alleged involvement in the 2002 assassination plot against President Niyazov. It was widely reported that the real reason for Mr Ibadullah’s imprisonment was his resistance to placing the *Ruhmanain* mosques.⁵¹

DISMANTLING THE PERSONALITY CULT

A key focus for President Berdymukhamedov’s early rule was to curb the personality cult of President Niyazov. He abolished the state-funded pageants held to honour

45 Turkmenistan.ru, ‘Saparmurat Niyazov bans use of “phonograms” at concerts and TV programs’, 22 August 2005 www.turkmenistan.ru/?page_id=3&lang_id=en&elem_id=7020&type=event

46 Radio Free Europe/Radio Liberty, ‘Turkmenistan: Ashgabat Marks Day Niyazov Was -- Or Was Not -- Almost Assassinated’, 24 November 2003 www.rferl.org/content/article/1105103.html

47 Radio Free Europe/Radio Liberty, ‘New Turkmen President Sworn In’, 14 February 2007 www.rferl.org/content/article/1074693.html

48 Eurasia Net, ‘In Turkmenistan, Internet Access Comes with Soldiers’, 7 March 2007 www.eurasianet.org/departments/insight/articles/eav030807.shtml

49 UNESCO-IBE, World Data on Education 2010/2011 www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Turkmenistan.pdf

50 United States Department of State, Country Reports on Human Rights Practices for 2007: Turkmenistan

51 *ibid.*

the president when visiting towns around the country, instead encouraging that the money be put towards festivals and competitions.

He put an end to the daily recital of the 'sacred oath' by students and state employees, as well as recordings of the oath several times a day on state television. President Berdymukhamedov instead called for it to be used only for special occasions.

In 2008 President Berdymukhamedov ordered the removal of the rotating gold statue of President Niyazov outside the city centre. While many saw this as a significant step, the statue reappeared in 2011 on top of the new Monument of Neutrality in a suburb of Ashgabat. Commentators felt that any symbolism of its removal was ultimately lost, as its reappearance showed how the political course of the country had not changed.⁵²

Regarding the *Ruhnama*, President Berdymukhamedov removed the book as a compulsory subject in secondary schools in 2011. However, it remained on the curriculum, as well as forming an integral part of university entrance exams.

2012 PRESIDENTIAL ELECTIONS

The 2012 presidential elections saw President Berdymukhamedov win 97% of the vote. In total there were eight official candidates, but all were from the Democratic Party and many vocally supported President Berdymukhamedov during the election campaign. An international expert on the region, Annette Bohr at Chatham House, described the election results as 'typical faux democracy'.⁵³

President Berdymukhamedov's rule is arguably more open than that of President Niyazov, but it is still highly authoritarian. While there have been some moves towards opening up the country, the lives of Turkmen citizens are rigidly regulated by the government. Ultimately there have been no significant improvements in regards to human rights or civil liberties, and Turkmenistan remains one of the most repressive countries in the world.

APPENDIX III. CURRENT SOCIO-POLITICAL FEATURES

The socio-political landscape of Turkmenistan has been relatively constant in recent years. The country does not have any heritage of democracy, multi-party politics or pluralism, and the current political system is more akin to an authoritarian regime, not unlike the Soviet model.

Despite the wealth afforded by the country's oil and gas industry – Turkmenistan possesses the fourth largest reserve of natural gas resources in the world – the country remains mired in high levels of poverty, corruption, crime and unemployment.

The government controls all aspects of citizens' lives and civil liberty is practically non-existent. There is a constant climate of fear and suspicion, and almost no opportunity for citizens to exercise their freedom of expression or freedom of religion or belief.

As one source commented to CSW, "The government wants to keep citizens poor, unintelligent and locked in. The general human rights situation is worsening and there is no hope. People are too scared to speak out."

FALSE POLITICAL PLURALISM

Officially the country is a presidential republic whereby the president, Gurbanguly Berdymukhamedov, holds ultimate power. President Berdymukhamedov is both head of state and head of government, and he holds executive control over the country. He is also commander-in-chief of the armed forces, as well as 'guarantor of independence'. There is no vice president.

The parliament, the *Mejlis*, is made up of 125 members, and is the country's highest representative body. Members are elected for a five-year term and come from individual districts. They represent political parties as well as public associations. The associations are registered as public groups; in reality they lack any independence from the state.⁵⁴

The *Mejlis* is the sole legislative body in the country and responsible for enacting laws, making constitutional amendments and monitoring their implementation. Despite its pluralistic appearance, the *Mejlis* is ultimately under tight control by the president.

Breakdown of the Mejlis, 2015:

Democratic Party (DPT): 47 seats
Organisation of Trade Unions (OUT): 33 seats
Women's Union of Turkmenistan (WUT): 16 seats
Party of Industrialists and Entrepreneurs (PIE): 14 seats
Magtumguly Youth Organisation (MYO): 8 seats
Groups of Citizens of Turkmenistan (GCT): 7 seats

⁵² Eurasia Net, 'Turkmenistan: Golden Turkmenbashi Statue is Back', 7 November 2011 www.eurasianet.org/node/64458

⁵³ *Guardian*, 'Turkmenistan president wins re-election with 97% of vote', 13 February 2012 www.theguardian.com/world/2012/feb/13/turkmenistan-president-wins-election

⁵⁴ European Parliamentary Research Service, 'Political parties in Turkmenistan' [www.europarl.europa.eu/RegData/etudes/ATAG/2015/565877/EPRS_ATA\(2015\)565877_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/565877/EPRS_ATA(2015)565877_EN.pdf)

In former years there was a People's Council, made up of 2,507 members; this was abolished in the 2008 constitutional amendment and its powers divided between the president and the parliament.

The current ruling political party is the Democratic Party, which has dominated politics for the last two decades. Recently Turkmenistan has made tentative steps towards a pluralistic political system, with a 2012 law authorising the registration of political parties. However, the law actually saw the government regulate the establishment of two new political parties, including their rights, obligations and guarantees of activity.

The 'new' parties were set up by sitting members of the Democratic Party itself, and are loyal to the president. The Party of Industrialists and Entrepreneurs was formally registered in 2013, and so could take part in the national elections. The Agrarian Party, although announced at the same time, only submitted its formal application for registration in 2014 and thus has no members in the current parliament. No further political parties have been registered.

There are a number of opposition parties, but due to extreme repression by the current government, they operate in exile. The most prominent opposition groups are the National Democratic Movement of Turkmenistan, the Republican Party of Turkmenistan, Watan and the Turkmen Movement for Democratic Reform.

President Berdymukhamedov has supreme control over all political and legislative branches. He oversees the parliament and appoints the cabinet of ministers, local authorities and judges – including the members of the Supreme Court of Turkmenistan. He also has significant law-making powers in his own right, and is thus able to manipulate the legislative and judicial process, as well as override the law in favour of personal rule.

In many ways the government retains the features of the communist regime. There is a supreme leader, no opposition party (at least not within the country), and a political elite unwilling to relinquish power. Furthermore, the government often uses 'national security' as a pretext to suppress political opponents, dissidents and religious minorities.

NEW PERSONALITY CULT

In the early years of his rule, President Berdymukhamedov took steps to distance himself from the personality cult around his predecessor. However, recent years have shown that a new personality cult is starting to grow around the current president himself, although to a lesser degree.

A key example of this is the six metre-high statue of President Berdymukhamedov that was erected in 2015. The statue, gilded in 24-carat gold, shows the president riding a horse on top of a marble cliff. There are large billboards of him placed around the country, a museum dedicated to exhibits of his reforms, and numerous televised appearances.

President Berdymukhamedov has also written various literary works, covering topics such as Ahalteke horses (his favourite breed), the art of carpet weaving, medicinal plants, as well as a work of fiction centred on his father. Since 2014 it has been reported that his books have appeared as compulsory reading material in secondary schools.⁵⁵

EDUCATION SYSTEM

Although President Berdymukhamedov instigated reforms to the education system when he first came to power, educational standards have only marginally improved.⁵⁶ There have been a number of changes: high school students are no longer required to undergo two years of practical work before applying to universities.

New subject areas have been introduced or reintroduced, such as physical education and social sciences. Postgraduate and doctoral studies have also been re-established at some universities.

Nonetheless, there is a lack of sufficient basic learning materials: textbooks are outdated and often in short supply. Despite the construction of new schools there is a serious shortage of qualified teachers, who are not regularly paid and need to take on additional jobs.⁵⁷

University students are subjected to greater restrictions on their personal lives, including dress codes and curfews. They are required to sign an agreement that they will not drive a car or travel with another student driving a car until they have finished their studies, under threat of expulsion. Students are also forbidden to go to bars or nightclubs.⁵⁸

Many students choose to study abroad, often in Turkey or another former Soviet state such as Kyrgyzstan or Belarus. At present the procedure for foreign diplomas to be legalised in the country is 'temporarily suspended', thus dissuading students from going abroad.

55 Radio Free Europe/Radio Liberty, 'The King's Book Is Dead, Long Live The King's Book', 21 January 2014 www.rferl.org/content/king-book-dead-long-live-king/25237344.html

56 Open Equal Free, 'Changes in Turkmenistan's Compulsory Education System' www.openequalfree.org/archives/ed-news/changes-in-turkmenistans-compulsory-education-system

57 Gulen Movement, 'The role of Turkish schools in the educational system and social transformation of Central Asian countries', 6 February 2015 www.gulenmovement.us/the-role-of-turkish-schools-in-the-educational-system-and-social-transformation-of-central-asian-countries.html

58 Freedom House, Nations in Transit Turkmenistan Report, 2015

APPENDIX IV. KEY FACTS AND FIGURES

Population: 5,231,422 (July 2015)⁵⁹

Languages:

Turkmen (official) 72%

Russian 12%

Uzbek 9%

Other 7%

Ethnic groups:

Turkmen 85%

Uzbek 5%

Russian 4%

Other 6%

Religious groups:

Sunni Muslim 89%

Russian Orthodox 9%

Other 2% (including Shi'a Muslim, Jehovah's Witnesses, Evangelical Christian, Roman Catholic, Jew, Bahá'í)

INTERNATIONAL MEMBERSHIP

Asian Development Bank (ADB)

Commonwealth of Independent States (CIS) (associate member, has not ratified the 1993 CIS charter although it participates in meetings and held the chairmanship in 2012)

Euro-Atlantic Partnership Council (EAPC)

European Bank for Reconstruction and Development (EBRD)

Economic Cooperation Organization (ECO)

Food and Agriculture Organization (FAO)

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59 CIA World Factbook, Turkmenistan www.cia.gov/library/publications/resources/the-world-factbook/geos/tx.html

The International Bank for Reconstruction and Development (IBRD)

The International Civil Aviation Organization (ICAO)

International Development Association (IDA)

Islamic Development Bank (IDB)

International Finance Corporation (IFC)

The International Federation of Red Cross and Red Crescent Societies (IFRC)

International Labour Organization (ILO)

International Monetary Fund (IMF)

Interpol

International Olympic Committee (IOC)

International Organization for Migration (IOM) (observer status)

International Organization for Standardization (ISO) (correspondent)

International Telecommunication Union (ITU)

Multilateral Investment Guarantee Agency (MIGA)

Organization of Islamic Cooperation (OIC)

Member States of the Organization for the Prohibition of Chemical Weapons (OPCW)

Organization for Security and Cooperation in Europe (OSCE)

Partnership for Peace (PfP)

United Nations (UN)

United Nations Educational, Scientific and Cultural Organization (UNESCO)

United Nations Industrial Development Organization (UNIDO)

United Nations World Tourism Organization (UNWTO)

Universal Postal Union (UPU)

World Customs Organization (WCO)

World Federation of Trade Unions (WFTU)

World Health Organization (WHO)

World Intellectual Property Organization (WIPO)

World Meteorological Organization (WMO)

World Bank