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TURKMENISTAN: New religion law defies international human rights agreements

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Turkmenistan's harsh new religion law, which came into force yesterday, outlaws all unregistered religious activity and a criminal code amendment prescribes penalties for breaking the law of up to a year of "corrective labour", Forum 18 News Service has learnt. Turkmenistan thus joins Uzbekistan and Belarus in defying the international human rights agreements they have signed, by forbidding unregistered religious activity. As only Sunni Muslim and Russian Orthodox communities are de facto able to achieve registration, this is a considerable further move in repressing minority faiths. Forum 18 knows of religious believers having been fined, detained, beaten, threatened, sacked from their jobs, had their homes confiscated, banished to remote parts of the country or deported for unregistered religious activity.

Turkmenistan's harsh new religion law specifically declares illegal all unregistered religious activity, while a new amendment to the criminal code prescribes penalties for breaking the law of up to one year of "corrective labour". Forum 18 News Service notes that although the authorities have in recent years treated unregistered activity as illegal, this is the first time that such a provision has formally been incorporated into law. With only Sunni Muslim and Russian Orthodox communities de facto able to achieve registration, the move marks a considerable further move to repress minority faiths.

The new law, which was signed by President Saparmurat Niyazov on 21 October, came into force at the time of its publication in the official press on 10 November. It entirely replaces the 1991 religion law, which had been amended several times.

The provision which will have the most serious impact on believers is the criminalisation of unregistered religious activity. "The activity of unregistered religious organisations is banned," Article 11 declares. "An individual carrying out activity in the name of an unregistered religious organisation bears responsibility in accordance with the laws of Turkmenistan." Turkmenistan thus joins Uzbekistan and Belarus as the only former Soviet republics where unregistered religious activity is specifically banned, in defiance of international human rights commitments these countries have undertaken.

The provisions relating to registration and what registered religious organisations can do are irrelevant to almost all religious communities, as they know they will never be allowed to attain this status, even if they can complete the necessary documentation.

As before, registration with the Justice Ministry requires 500 adult citizens living inside the country (Article 8), a condition that is almost impossible for many religious communities to fulfil. Such registration can be cancelled by the Ministry or, if there have been "repeated or crude violations of the norms of the Constitution of Turkmenistan, the present law or other laws", by a court (Article 14). Among the wide range of bases for liquidating a religious organisation through the courts are "interference in family relations leading to the breakdown of the family" and "violation of social security and social order".

Religious education is tightly restricted. "The teaching of spiritual beliefs on a private basis is banned and bears responsibility in the manner established by the law of Turkmenistan," Article 6 declares. Only Sunni Muslims and Russian Orthodox appear to be allowed to teach religion, but their teachers must have higher theological education and be approved by the government's Gengeshi (Council) for Religious Affairs. Mosques (though apparently not Russian Orthodox churches) are allowed to set up religious classes outside school hours – as long as they do not last more than four hours per week - providing the Gengeshi grants permission. Parents and children must give consent before they can attend.

The Gengeshi, together with the Cabinet of Ministers, founds religious higher education institutions to train clergymen and other "necessary personnel" (Article 9). These institutions must then be licensed by the Justice Ministry. It remains unclear whether such institutions can only be Sunni Muslim. It also appears that religious organisations themselves cannot found such institutions.

Among other restrictions, Article 19 bans anyone other than "servants of religious organisations" from wearing "cult vestments" in public places. Article 20 requires all religious literature imported by registered religious organisations to be approved by the Gengeshi. Article 15 requires all registered religious organisations receiving money or other support from foreign donors to notify the Justice Ministry.

The new article 223 part 2 of the Criminal Code, also signed by President Niyazov on 21 October, punishes "violation of the law on religious organisations". Those breaking the law who have already been punished within the space of a year under the Code of Administrative Offences "are to be punished by a fine of between ten and thirty average monthly wages, or corrective labour for a term of up to one year, or deprivation of freedom for a term of up to six months, with confiscation of illegally received means." Such criminal punishments could be imposed on those who lead unregistered religious communities or those who teach religion in such communities.

There are also punishments for religious leaders using their position "against the interests of their service or for mercenary aims".

Turkmenistan already had the tightest controls on religious activity before this new law came into force (see F18News 2 October 2003 http://www.forum18.org/Archive.php?article_id=151). All Shia Muslim, Baptist, Pentecostal, Adventist, Armenian Apostolic, Lutheran, Hare Krishna, Jehovah's Witness, Baha'i and Jewish activity was already treated as illegal. Believers have been fined, detained, beaten, threatened, sacked from their jobs, had their homes confiscated, banished to remote parts of the country or deported in retaliation for involvement in unregistered religious activity.

It remains unclear why the authorities have tightened controls on religious activity still further, given that they have already moved to crush all minority faiths. Speaking on television on 22 October, Justice Minister Taganmyrat Gochyev said tighter control of religious groups and public organisations was needed to address security concerns (see F18News 3 November 2003 http://www.forum18.org/Archive.php?article_id=173).

Underlining the importance for the authorities of registration, Murad Karryev, deputy head of the Gengeshi, declared during a half-hour television programme on the new law on 7 November that there is "complete freedom of belief for all sects and confessions" as long as they are registered officially. "We do not intervene in the affairs of religious sects and confessions if they are legally registered at the Ministry of Justice," he declared. He said there are some 395 registered mosques and 13 Russian Orthodox churches.

"Unfortunately, there are people who are abusing [religion]," Karryev claimed. "Certain persons, after getting some underground education in foreign countries, are trying to spread their ideas here, in our society." He said that only state-appointed clergymen had the right to preach sermons during Friday prayers. "We, members of the council, should not allow any foreign religious activities," he warned.

A printer-friendly map of Turkmenistan is at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=turkme>

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