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TURKMENISTAN: Children's summer camp warning, fines, new Religion Law, "no religion" in army

By Felix Corley, Forum 18

Secret police officers warned the pastor of the Baptist Church in Mary not to hold a children's summer camp in 2016 otherwise "it would be a different conversation", Protestants told Forum 18 News Service. One of the officers had led the raid on the same church's children's camp in 2013. Also in February, members of Greater Grace Protestant Church were fined for visiting the town of Tejen to talk to others of their faith. On 12 April, Turkmenistan's new Religion Law came into force. Among other restrictions it continues the existing ban on exercising freedom of religion and belief with others without state permission and increases the number of founders who can apply for legal status for a religious community from five to 50. The new government Commission that controls religion needs to approve all religious literature and any new places of worship. The Religion Law also repeats the existing ban on conscientious objection to military service. Two senior members of parliament refused to discuss the new Law with Forum 18. Members of several religious communities complained that "no religion" is allowed during military service. "You can't have a Koran, Bible or other religious literature and you can't conduct prayers visibly," one told Forum 18.

In two separate incidents in February, state officials moved to stop Protestants exercising their right to freedom of religion or belief. Officers of Turkmenistan's Ministry of State Security (MSS) secret police warned Baptist leaders in the town of Mary not to hold a children's summer camp in 2016, otherwise "it would be a different conversation", Protestants told Forum 18 News Service. In the town of Tejen, drugs officers seized Greater Grace church members offering religious literature. Church members were later fined.

In early April, the authorities in the capital Ashgabad bulldozed a Sunni Muslim Aksa Mosque with no prior consultation and apparently no compensation. As of 12 April, only the minaret was still standing. Demolition workers from the Hyakimlik (administration) justified the demolition by telling local people that "this mosque has been built without any kind of permission". This was the eighth of 14 mosques in the city to have been destroyed in recent years. Christian churches were earlier destroyed or confiscated in the capital, with no compensation (see F18News 14 April 2016 http://www.forum18.org/archive.php?article_id=2168).

New Religion Law retains ban on exercising freedom of religion or belief without state permission

The mosque demolition, threats and punishments come as Turkmenistan has once more changed its Religion Law. The new Law retains the earlier ban on exercising freedom of religion and belief with others without state permission, while increasing the number of founders who can apply for legal status for a religious community from five to 50.

Turkmenistan also imposes unwritten conditions for exercising freedom of religion or belief, for example close co-operation with the MSS secret police (see Forum 18's Turkmenistan religious freedom survey http://www.forum18.org/archive.php?article_id=1676).

Also, under international human rights law (which both the old and new Religion Laws contradict), state registration cannot be a precondition for exercising freedom of religion or belief, as is outlined in the Organisation for Security and Co-operation in Europe (OSCE)/Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (see <http://www.osce.org/odihr/139046>). Turkmenistan is an OSCE participating State.

The new Law was announced by President Gurbanguly Berdymukhamedov on 12 January, approved in the Mejlis (Parliament) on 26 March and came into force on 12 April, the day of its publication on the government website. The text of the new Law does not appear to have been made public in advance and no public discussion of any draft took place (see below).

Pirnazar Hudainazarov, Chair of the Mejlis Legislative Committee, refused absolutely to discuss the new Religion Law. "You shouldn't call me – you need to speak via the Foreign Ministry," he insisted to Forum 18 on 5 April. He then put the phone down without explaining why the Foreign Ministry needed to be involved.

The man who on 18 April answered the telephone of Atamurad Tayliev, Chair of the Mejlis Committee on the Protection of Human Rights and Freedoms, put the phone down as soon as Forum 18 introduced itself.

Amendments to the Religion Law in 2015 abolished the Gengesh (Council) for Religious Affairs, together with the dual role that regional imams had in implementing state policy on religion. The new government body - the Commission for Work with Religious Organisations, subject to the Cabinet of Ministers – is headed by Turkmenistan's former imam Mekan Akyev (see below).

Baptists warned

On 26 February, the pastor of Mary's Baptist Church – an officially recognised branch of the registered Baptist Church in Ashgabad - received a call saying the imam was summoning him to a meeting at the city's central mosque, Protestants told Forum 18. However, when the pastor and his assistant arrived, the mosque office was empty and the two waited for 15 minutes. Then two men arrived, who turned out to be from the MSS secret police.

The Baptists recognised one of the MSS secret police officers as the officer who had led the raid on the Church's summer camp for children in June 2013. Some 15 officers had raided the Church building where the camp was underway, questioning all the children for three hours, as well as their parents. The pastor was fined twice. In 2014, the then Gengesh ordered the Church to cancel its plans for a summer camp (see F18News 21 May 2015 http://www.forum18.org/archive.php?article_id=2063).

At the Imam's office at the central mosque, the MSS secret police officers asked the pastor's assistant to leave as they wished to speak to the pastor alone. The assistant reluctantly went outside, telling the MSS secret police officers that the pastor would in any case say afterwards what had been discussed.

The MSS secret police officers questioned the pastor for about 90 minutes. They told him they knew all about the children's camps the Church had held in 2013, 2014 and 2015, in Mary, Turkmenabad [Turkmenabat, formerly Charjew] and Turkmenbashi [Türkmenbashi, formerly Krasnovodsk]. The officers said they knew that the Church had received financial support to hold the camps and asked what countries the money had been from and insisted that such funds should be sent via a bank account.

The MSS secret police officers then demanded that the pastor write and sign a statement that he had violated the law, Protestants told Forum 18. However, despite threats the pastor refused to write and sign any statement.

The MSS secret police officers warned the pastor that they knew everything about him and about the summer camps. They warned him that if the Mary Church conducts a summer camp for children in 2016, "it would be a different conversation". Church members interpreted that as a threat.

Detained, fined

On 20 February, members of the Greater Grace Church congregations in Ashgabad and Mary visited the town of Tejen to talk to local people about their faith. Late in the morning one church member from Mary was talking on the street and offering religious literature to a man who turned out to be an officer of the State Service for Security Protection of Healthy Society (the former Anti-Drugs Police) in civilian clothes. The officer detained the church member and took him to the State Service offices, Protestants told Forum 18.

The church member – and three others soon detained by State Service officers – were held for questioning until 10 pm, Protestants added. Officers seized religious literature, phones and money from them.

At the same time as the four church members were being questioned by State Service officers, police officers detained several members of the Ashgabad congregation and took them to the police station for questioning. They too were freed that evening and told the police would call them when they needed to return.

Several church members were summoned to Tejen Police again on 29 February. They were immediately taken to Tejen District Court where they were fined for having "illegal" religious literature. Forum 18 believes they were punished under Administrative Code Article 76, Part 3. This punishes distribution of religious materials inciting hatred or promoting "religious extremism, separatism or fundamentalism" with, for individuals, imprisonment of up to 15 days or a fine of 2 to 5 base units (each base unit is 100 Manats). The religious materials can also be confiscated.

Each church member was fined 500 Manats (1,200 Norwegian Kroner, 125 Euros or 140 US Dollars at the inflated official exchange rate).

"The church members weren't immediately given the court decisions in writing," one Protestant told Forum 18. "But they chose to pay the fines immediately to avoid further problems."

New Religion Law retains old restrictions

President Berdymukhamedov first announced the new Religion Law in a talk to Mejlis (Parliament) deputies on 12 January. He

claimed a "need" for a new Law given the rise in terrorism and religious extremism around the world, the government website cited him that day as declaring. The draft was prepared and adopted in secret.

The Mejlis "unanimously" adopted the new Religion Law on 26 March, according to the government website. After being signed by President Berdymukhamedov, it was published on the government website on 12 April, coming into force the same day. It replaced the much-amended 2003 Religion Law.

The 2016 revision of the Religion Law totally ignores a 2010 Organisation for Security and Co-operation in Europe (OSCE) legal review of the then Religion Law, which criticised many of its provisions for violating international human rights standards. The Review called for many changes, including to allow conscientious objection to compulsory military service, as well as an end to the ban on the exercise of freedom of religion and belief without state permission, and the ban on private teaching of beliefs (see F18News 20 December 2010 http://www.forum18.org/archive.php?article_id=1523).

Two changes for the worse

Among the most significant changes in the 2016 Religion Law from previous versions is the abolition of the category of "religious group", which required (in theory) only five adult citizen founders to apply to register. Under Article 13 of the new Law, at least 50 adult citizens currently resident in Turkmenistan are needed to found a religious organisation and apply to register it with the Justice Ministry.

While this in theory makes it difficult for smaller religious communities to apply for state registration, in practice many that do apply face arbitrary obstacles to registration (see Forum 18's Turkmenistan religious freedom survey http://www.forum18.org/archive.php?article_id=1676).

The government told the United Nations (UN) Human Rights Committee on 27 July 2015 (CCPR/C/TKM/2) that 128 religious communities had state registration.

This was exactly the same number of registered communities as the government declared to the UN Committee on the Elimination of Racial Discrimination in February 2012. Of these, 99 were Sunni Muslim, five Shia Muslim, 13 Russian Orthodox and 11 of other faiths (including one Catholic, one Hare Krishna, one Baha'i, one Baptist, one Pentecostal, one Greater Grace, one Seventh-day Adventist and one New Apostolic community) (see Forum 18's religious freedom survey of Turkmenistan http://www.forum18.org/archive.php?article_id=1676).

It remains unclear if the 128 religious communities the government claims as registered include any of the Muslim communities whose mosques have been destroyed in recent years, most recently the Sunni Aksa Mosque in Ashgabad, bulldozed in early April 2016 (see F18News 14 April 2016 http://www.forum18.org/archive.php?article_id=2168).

One religious community that was able to gain state registration in 2005 – the Pentecostal Light of the East Church in Dashoguz – has been unable to meet for worship since early 2015. The church has no building of its own and no building owner able to rent premises to the church is willing to withstand state threats not to do so. Church members had earlier faced raids, religious literature seizures and threats (see F18News 20 December 2013 http://www.forum18.org/archive.php?article_id=1911).

Another change in the 2016 Religion Law compared to the previous version is the deletion of a clause in the old Article 19: "Commanders of military units do not obstruct the participation in services and the carrying out of religious rituals by servicemen in their free time" (see below).

Many restrictions remain

Many of the restrictions in previous versions of the Law are included in the new Law. Article 16 includes the declaration: "The activity of unregistered religious organisations on the territory of Turkmenistan is forbidden."

Article 13 restricts leaders of registered religious communities to citizens of Turkmenistan who have received "appropriate religious education". The same Article requires approval from the Commission for Work with Religious Organisations if an individual is named to lead a religious organisation with a "spiritual centre" outside Turkmenistan. Religious Organisations need Commission approval for links with foreign religious organisations, including for participation in pilgrimages abroad.

Similarly, under Article 26 a registered religious organisation requires a religious studies "expert" analysis by the Commission before it can import or distribute religious literature or other materials. The Article declares that a religious community can "acquire, produce and use" religious literature, but is silent on whether such permission is required for this also.

One of the few religious communities which can sell religious literature openly is the Russian Orthodox Church, which has kiosks at several of its churches. However, all the literature it sells needs to be stamped as approved by the government's Commission, local Christians told Forum 18. Christian Churches have been unable to register a Bible Society which could openly promote and sell

Christian scriptures.

The same Article specifies that individuals, whether Turkmen citizens or foreigners, are allowed to acquire and use religious literature and materials in any language. However, it is silent on whether individuals have the right to import, publish, print or distribute religious literature.

Searches for and confiscations of "illegal" religious literature remain a constant threat. One Protestant was fined in July 2015 for "illegal" literature, fellow Protestants told Forum 18. Another Protestant returning to the country had religious literature – including a personal copy of the Bible – confiscated at Ashgabad Airport in late 2015.

While Article 22 of the new Religion Law allows religious communities to own property, Article 11 requires approval to build any place of worship from the Commission and from the local Hyakimlik.

In practice, religious communities without an existing place of worship find it almost impossible to build or acquire a place of worship (see Forum 18's Turkmenistan religious freedom survey http://www.forum18.org/archive.php?article_id=1676). This can lead to obstructions to conducting worship meetings as faced by Light of the East Church in Dashoguz (see above).

Article 23 guarantees religious organisations priority over other entities in regaining former places of worship (presumably those confiscated in the Soviet period). It requires government bodies to respond to such applications in writing within one month.

Despite repeated attempts, the Armenian Apostolic Church has so far been unable to regain its former church in Turkmenbashi, confiscated during the Soviet period and partially destroyed in the mid-2000s. President Berdymukhamedov's November 2012 promise to return what remains of the church and allow it to be restored and reopened for worship have never been fulfilled (see F18News 23 May 2013 http://www.forum18.org/archive.php?article_id=1840).

"No fundamental changes" have occurred in the process of reactivating closed churches in Turkmenistan, a priest of the Moscow-based Armenian diocese lamented to Forum 18 from Moscow on 16 April. "The renewal of church life in this region is one of the objectives of Holy Echmiadzin [the Church headquarters in Armenia] and the Russian Diocese of the Armenian Apostolic Church."

Russian Orthodox Patriarch Kirill complained in February 2015 about difficulties his Church has faced recovering places of worship confiscated in the Soviet period in Turkmenistan. He complained that requests had been left unanswered (see F18News 14 April 2016 http://www.forum18.org/archive.php?article_id=2168).

Article 16 of the new Law requires all 50 founders of a religious community to submit their full names, addresses, dates of birth with the registration application. Under Article 17, the Justice Ministry must respond to a registration application within one month (three if an "expert" analysis is required from the Commission) and give any refusal in writing with reasons. Article 18 notes that registration denials can be challenged in court.

The new Law requires registered religious communities to bring their statutes into line with the new provisions. Such statute amendments would need to be submitted to the Justice Ministry. However, it does not require re-registration of registered religious communities.

New government Commission retains control

The government's Commission for Work with Religious Organisations and Expert Analysis of Resources Containing Religious Information, Published and Printed Production was established in summer 2015 when the former Gengesh was abolished. The change came in amendments to the Religion Law approved by the Mejlis on 23 May 2015 and which came into force on their publication on the government website on 4 June 2015.

The new 2016 Religion Law continues the role of the Commission, granting it wide responsibilities and powers in Article 10 to restrict the exercise of freedom of religion and belief by registered religious organisations. It organises religious "expert" analyses of literature, recommends to the Justice Ministry whether to approve or not approve religious communities' registration applications (or those of their branches), approves or rejects the appointment of religious leaders by religious organisations with a headquarters outside the country and presents to the Cabinet of Ministers "proposals to create religious educational institutions to train clergy and religious personnel needed by religious organisations".

Article 32 allows Justice Ministry officials to attend any religious event held by a registered religious community and question community members and leaders about any of the community's activities.

Local Hyakimliks have the power to grant or not grant permission for religious rituals to be held outside registered places of worship under Article 11 of the new Law. They also have the duty to agree with the Commission in Ashgabad any application to build a place of worship in their area and decide where, if approved, it should be built.

The 2015 and 2016 legal changes have removed the role of regional imams in implementing state policy (and thereby restricting the rights to freedom of religion or belief of members of faiths other than their own). "The imams are now only in the mosques," one non-Muslim told Forum 18 in early 2016. "They no longer have state functions."

The legal changes have also meant that religious communities applying for registration, to invite foreigners from abroad, or to import religious literature, or which have other questions to resolve with officials, now need to go direct to the Commission in Ashgabad. "After the Gengesh was abolished and in the transition, it was difficult to know who to go to," one religious leader told Forum 18.

As most applications to officials for permission (to build places of worship, to register a community, to invite foreigners or to import religious literature) are unsuccessful, it remains unclear if the change in the control bureaucracy will make a difference to the exercise of the right to freedom of religion or belief, Forum 18 notes.

No civilian alternative to compulsory military service

Article 7 of the new Religion Law includes the provision: "No one has the right on grounds of their religious convictions to refuse to fulfil obligations established by the Constitution and laws of Turkmenistan."

This appears to be a reference to military service, which remains compulsory, despite repeated calls by the United Nations Human Rights Committee that guaranteeing those with conscientious objections to serving in the armed forces requires the provision of a genuine civilian alternative. The Committee reminded this in its findings in 2015 that the rights of four former imprisoned conscientious objectors had been violated (see F18News 5 April 2016 http://www.forum18.org/archive.php?article_id=2164).

Hudainazarov, Chair of the Mejlis Legislative Committee, had also refused to discuss with Forum 18 why no law or regulation has yet been adopted to provide conscientious objectors with a civilian alternative to military service.

No freedom of religion or belief in army?

Article 25 of the new Religion Law fails to guarantee to soldiers the right to exercise freedom of religion or belief. It relegates responsibility on this point to the Law on the Status and Social Protection of Servicemen and Members of their Families.

The new Religion Law Article comes after the deletion of the commitment in the previous Religion Law that commanders should not obstruct the rights of servicemen to exercise freedom of religion or belief in their spare time (see above).

Article 8 of the 2009 Law on the Status and Social Protection of Servicemen does guarantee the participation of servicemen in religious events in their free time, but puts no obligation on commanders not to obstruct this. Article 8 says that servicemen may use religious literature and items "individually". It bans servicemen from using their position for "propaganda" of any attitude to religion and also bans using religious beliefs to avoid any obligations of military service.

Article 8 also bans the creation of religious associations in military units.

Despite commitments in the 2009 Law on the Status and Social Protection of Servicemen, "no religion is allowed in the army at all", several members of different religious communities complained to Forum 18 in 2016. "You can't have a Koran, Bible or other religious literature and you can't conduct prayers visibly," one noted.

Conscripts undergoing compulsory military service often have no leave during their entire service (which generally lasts two years). This means they have no free time away from their assigned place of service when, if they wish to, they can attend meetings for worship, a member of one religious community complained to Forum 18.

One young member of a registered non-Muslim religious community was insulted by officers on grounds of his religious faith in 2015. After complaints from the young man's parents such insults stopped, those familiar with the case told Forum 18. (END)

For a personal commentary by a Protestant within Turkmenistan, on the fiction - despite government claims - of religious freedom in the country, and how religious communities and the international community should respond to this, see http://www.forum18.org/Archive.php?article_id=728.

For a personal commentary by another Turkmen Protestant, arguing that "without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief," see http://www.forum18.org/Archive.php?article_id=1128.

More reports on freedom of thought, conscience and belief in Turkmenistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=32>.

For more background information see Forum 18's religious freedom survey of Turkmenistan at http://www.forum18.org/Archive.php?article_id=1676.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Turkmenistan is available at <http://nationalgeographic.org/education/mapping/outline-map/?map=Turkmenistan>.

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