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TURKMENISTAN: Work not even begun on new Religion Law

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

Shemshat Atajanova of the government's National Institute for Democracy and Human Rights has admitted that work on a proposed new Religion Law has not even begun. "We were working on the NGO Law first," she told Forum 18 News Service. She then admitted that the proposed NGO Law has not even gone to Parliament yet. Both were among the "priority" laws marked for "reform" in January 2008. Religious believers told Forum 18 they remain sceptical that any legal changes will end the violations of religious freedom. "Nothing good for you will come from the new Religion Law," one Protestant cited Nurmukhamed Gurbanov, deputy head of the government's Gengeshi (Committee) for Religious Affairs, as having told them back in 2008. Nor has any non-Muslim community been able to gain legal status since September 2007. "We don't understand why they won't do it," members of the Path of Faith Baptist church in Dashoguz – which applied in 2005 – complained to Forum 18. The church was raided during worship in December 2009 because it is unregistered.

More than two years after the Turkmen government announced that the current restrictive Religion Law will be revised, work on a draft text has not even begun, Shemshat Atajanova, a head of department at the government's National Institute for Democracy and Human Rights, admitted to Forum 18 News Service from the capital Ashgabat [Ashgabat] on 28 January. Religious believers told Forum 18 they remain sceptical that any legal changes will end the violations of religious freedom. "Nothing good for you will come from the new Religion Law," one Protestant cited Nurmukhamed Gurbanov, deputy head of the government's Gengesh (Committee) for Religious Affairs, as having told them back in 2008 as discussion of amending the Law was first raised.

The proposed new Religion Law was declared to be among the "priority" laws needing improvement back in January 2008. The then Director of the National Institute, Shirin Akhmedova, claimed to Forum 18 that the process would be "transparent", but was unable to see any violations of Turkmenistan's international human rights commitments in the current Religion Law and angrily denied that religious believers faced any restrictions (see F18News 14 February 2008 http://www.forum18.org/Archive.php?article_id=1088).

It remains unclear whether the recent change of leadership at the National Institute will make any difference. President Gurbanguly Berdimukhamedov removed Akhmedova as Director in early February after she became a member of the Mejlis (parliament). Appointed in her place was Yazdursun Gurbannazarova, who had been named Chair of the Mejlis Committee on the Protection of Human Rights and Freedoms in January 2009. Forum 18 was unable to reach Gurbannazarova at the National Institute on 11 and 12 February.

Forum 18 was unable to reach Gurbanov at the Gengesh between 8 and 12 February.

No "reform" as restrictions continue

The failure to reform the Religion Law to remove restrictions on religious activity which violate Turkmenistan's international human rights commitments – particularly to end the ban on unregistered religious activity – comes as religious believers face continuing raids, pressure and interference by the government. It is all but impossible for communities that want to receive state registration to get it (see below).

Path of Faith Baptist church in the northern town of Dashoguz [Dashhowuz] and Light to the World Pentecostal church in the south-eastern town of Mary have faced recent raids and threats by Police and religious affairs officials (see F18News 1 February 2010 http://www.forum18.org/Archive.php?article_id=1401).

Religious believers are among many Turkmen citizens on the country's exit ban list, while religious communities have been denied permission to invite foreigners for religious purposes. Even the 188 Muslims allowed annually to travel on the haj pilgrimage to Mecca (out of a reported quota of 5,000) were banned from travelling in 2009. Religious literature is routinely confiscated from travellers arriving in Turkmenistan and often destroyed (see F18News 2 February 2010 http://www.forum18.org/Archive.php?article_id=1403).

Conscientious objectors to compulsory military service continue to be imprisoned (see F18News 3 February 2010 http://www.forum18.org/Archive.php?article_id=1404).

Government "reform" claims

The government claimed in its 11 January 2010 report to the UN Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) that "a process of reform of national legislation, including on the Religion Law" is now underway (see report CCPR/C/TKM1 at http://www2.ohchr.org/english/bodies/hrc/hrcs_future.htm). It said (in Paragraph 589) that with the help of USAID and the International Center for Not-for-Profit Law (ICNL) an analysis of international practice on legislating on religion was underway and a series of seminars are to be held. After this recommendations of any changes to the Law would be drawn up.

The government report also claimed that recommendations on improving the Religion Law and the registration system by UN Special Rapporteur on Freedom of Religion or Belief, Asma Jahangir, in the wake of her September 2008 visit to Turkmenistan were being studied.

Although the ICNL submitted its analysis to the National Institute in July 2008 while Jahangir published her report and recommendations in January 2009, the Turkmen government report to the UN Human Rights Committee gives no explanation of why no progress has yet been made.

Why the delay on legal changes?

Although Atajanova of the National Institute agreed that the proposed Religion Law was one of the priority laws, "we were working on the NGO Law first". However, she then conceded that the NGO Law has not been adopted either and is unlikely to be adopted soon. "During the first quarter of the year we will hand over the NGO Law to the Mejlis [parliament]," she told Forum 18. "Our National Institute has given its recommendations which will be handed over to the Inter-agency group soon."

Atajanova told Forum 18 that only when work on the NGO Law is complete will the National Institute start to work on the proposed new Religion Law. Asked why there has been such delay, she pointed out that UN Special Rapporteur Jahangir had visited Turkmenistan and made her recommendations. Asked why Turkmenistan has not enacted any of Jahangir's recommendations, given that she had visited in September 2008 and issued her report and recommendations in January 2009, Atajanova responded that the National Institute had been concentrating on the NGO Law.

Civil society activists in Ashgabad told Forum 18 in early February that none of them has seen even the draft NGO Law text, let alone any proposals for a new Religion Law.

Atajanova pointed out that plans are underway to hold a "first, initial seminar" in Ashgabad at the end of February or early March as the start of the process to adopt the new Religion Law. However, she stressed that the seminar will not discuss any draft text as no work on it has yet begun and will merely examine the practice of other states in legislation on religion. "We will then discuss recommendations from the seminar as to what changes will be put forward," she told Forum 18.

Atajanova had put the phone down before Forum 18 could ask why her National Institute had not saved time by using for example the Guidelines for Review of Legislation Pertaining to Religion or Belief, produced in 2004 by the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe's Venice Commission (see <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282004%29028-e>).

No progress on registration

The lack of progress on amending the Religion Law is paralleled by a lack of progress in registering religious organisations that wish to gain legal status. The government's report to the UN Human Rights Committee admits in Paragraph 587 that only 123 religious communities currently have registration, a far lower figure than officials have previously given. It says 100 of them are Muslim, 13 are Russian Orthodox and 10 of other faiths.

Shia Muslims, the Armenian Apostolic Church, the Catholic Church, Protestants and Jehovah's Witnesses are known to Forum 18 to have had applications rejected or to have decided that they should not submit applications because of the tight restrictions imposed.

The government report to the UN reveals that no non-Muslim communities have been granted registration since September 2007, when the Source of Life Protestant church was registered. It mentions the registration of the main mosque in Mary Region in May 2009, implying that no mosques have been registered since then.

The government's report also notes that the Adalat (Justice) Ministry "is studying the materials of a further four religious communities which have expressed the desire to register" without explaining why they have not been given state registration.

One of the communities that has applied for registration is Path of Faith church in Dashoguz, an independent Turkmen-speaking Baptist congregation. It lodged its application back in 2005. "We don't understand why they won't do it," church members told

Forum 18 on 25 January. "The Adalat Ministry finally said they would register us in January 2009 and that a commission would come here to Dashoguz to examine our documents. But nothing has happened."

The Path of Faith church was raided by police and religious affairs officials during Sunday worship in December 2009. Officials, who questioned church members and confiscated their literature, told them meeting for worship without registration is illegal (see F18News 1 February 2010 http://www.forum18.org/Archive.php?article_id=1401).

Another community which has been unable to gain registration is Light to the World Protestant church in Mary. "We went to the Adalat Ministry in Ashgabad on 4 February 2007," the church's pastor Ilmurad Nurliev told Forum 18 on 25 January. "We corrected all the mistakes they told us to correct and there are now no mistakes." He said Kumish Gurbanniyazova, the head of the Adalat Ministry's department that registers religious communities, had written in November 2009 to say the application is being considered. "We don't understand why our church has not been registered."

Members of Light to the World Church have been interrogated and pressured by the local Ministry of State Security (MSS) secret police (see F18News 1 February 2010 http://www.forum18.org/Archive.php?article_id=1401). Pastor Nurliev has been on Turkmenistan's exit ban list since October 2007 (see F18News 2 February 2010 http://www.forum18.org/Archive.php?article_id=1403).

The woman who answered Gurbanniyazova's telephone on 12 February, who refused to identify herself, told Forum 18 that it was a wrong number. However, she then referred Forum 18 to Maral Bayramova in the department. Bayramova told Forum 18 that she was not informed about registration of religious communities and said she would have to consult Gurbanniyazova.

Government report admits restrictions

Although the government report blandly assures the UN Human Rights Committee that religious freedom is guaranteed in Turkmenistan, it also makes clear that restrictions abound.

"The activity of unregistered religious organisations is banned," Paragraph 577 states. "An individual carrying out religious activity in the name of an unregistered religious organisation bears responsibility in accordance with the Law of Turkmenistan."

Paragraph 573 declares: "Teaching of religion privately is banned and is subject to responsibility in accordance with the procedure established by the Law of Turkmenistan." (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=1167.

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

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