

## **Status of Human Rights in Turkmenistan for the 44<sup>th</sup> Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Turkmenistan for the 44<sup>th</sup> session of the Universal Periodic Review (UPR).

### **Background**

2. Turkmenistan is located in Central Asia and has an estimated population of 5.6 million people.<sup>1</sup> The population is predominately Muslim with 93% of the population identifying as Muslim and 6.4% as Christian.<sup>2</sup> The remaining population identifies as either Buddhist, Jewish, other, unspecified, or belonging to a folk religion.<sup>3</sup> In its 2023 World Watch List, a human rights watchdog organization has listed Turkmenistan as the 26th worst place for Christians to live.<sup>4</sup> This ranking stems from the fact that “[c]hurches are the target of police raids, which may result in those attending being arrested or fined. Fines can be issued for holding illegal gatherings, possessing religious literature and even downloading Christian songs.”<sup>5</sup>

3. Turkmenistan’s previous review was held on May 7, 2018.<sup>6</sup> As a result of the review, Turkmenistan received 191 recommendations, 172 of which Turkmenistan supported.<sup>7</sup> One recommendation made by the United States of America, and supported by Turkmenistan, was that the government “[r]eform government practices that restrict freedoms of religion or belief, expression and movement to ensure that individuals are not punished for expressing their opinions or beliefs.”<sup>8</sup> It was further recommended by Poland, and supported by Turkmenistan, that the government “[r]espect the rights of Christians to exercise their freedom of religion and belief without fear of imprisonments or other forms of persecutions.”<sup>9</sup>

### **Legal Framework**

4. Under Article 18 of the Constitution of Turkmenistan:

The state shall guarantee freedom of religion and belief, and equality before the law. Religious organizations shall be separate from the state, their interference in the state affairs and carrying out the state functions shall be prohibited. The public education system shall be separate from religious organizations and secular.<sup>10</sup>

5. Further, under Article 41, “[e]ach person shall independently determine his/her attitude toward religion, shall have 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.”<sup>11</sup>

6. However, in 2016, Turkmenistan enacted a new Religion Law to replace the 2003 one.<sup>12</sup> Under Article 16 of this new law, “[t]he activity of unregistered religious organisations on the territory of Turkmenistan is forbidden.”<sup>13</sup> This law also requires a religious group to have fifty adult citizens, and they must submit their names, addresses, and dates of birth in order to apply for registration.<sup>14</sup>

7. Moreover, under Article 32 of this law, Justice Ministry officials are permitted “to attend any religious event held by a registered religious community, and question community members and leaders about any aspect of the community’s activities.”<sup>15</sup>

8. Additionally, Article 76 Part 1 of the 2014 Administrative Code punishes the “violation of the procedure established by law for conduct[ing] 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” with a fine.<sup>16</sup>

9. Turkmenistan is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>17</sup> Under Article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.<sup>18</sup>

10. Further, under Article 27 of the ICCPR:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.<sup>19</sup>

## **Religious Persecution**

11. Despite the fact that Turkmenistan’s Constitution provides protections for religious liberty, the government’s practices and laws serve to undermine these protections.<sup>20</sup> In Turkmenistan, the government “imposes tight state controls on exercising freedom of religion or belief.”<sup>21</sup> As a result of Turkmenistan’s laws, many Christians feel forced to live out their faith in secret. In fact:

Survival is the first goal for most Christians in Turkmenistan, and as such few engage in any strategies of association or confrontation. Protestant churches especially have gone almost completely underground. Often church members gather in different places for worship to minimize the chances that neighbors will report on them. Underground networks and messaging systems work to

ensure the safety of their members, and church pastors or activists periodically travel to check on the conditions of their members and to bring church materials, particularly Bibles. Point people have the responsibility of notifying members or even international contacts in the event of government raids or arrests. They respond if a member needs legal assistance.<sup>22</sup>

12. As stated above, religious groups are required to register with the government in order to carry out their group religious activities in the country. However, the government “arbitrarily denies registration to communities it does not like.”<sup>23</sup> As a result, “[o]nly a small number of non-Muslim communities are allowed to register, while many (particularly Protestant communities outside the capital Ashgabat, as well as Jehovah’s Witnesses) have had registration applications rejected.”<sup>24</sup>

13. Further, since September 2018, Jehovah’s Witnesses have reported that “government interference with their religious activity has increased.”<sup>25</sup> They are harassed and threatened by police, face police interference with their religious activities, and are denied registration and the ability to possess religious materials.<sup>26</sup>

14. Additionally, the government has declared that a Turkmen-language Bible is illegal.<sup>27</sup> This is extremely problematic and a gross violation of human rights as possessing a holy text, especially in one’s own language, is an essential element of freedom of religion.

15. In addition to government restrictions on religious freedom, Christians, particularly those who convert from Islam, “experience pressure and physical violence from their families and local community, who seek to compel them to return to Islam.”<sup>28</sup> In fact, according to a report, between 2021 and 2022, seventy-four Christians were reported to have experienced physical or mental abuse.<sup>29</sup> Most of these abuses “took place in the family context, including beating, threats and isolation.”<sup>30</sup> It is important to note that the actual number of such cases is likely much higher as many cases go unreported.<sup>31</sup>

16. In February 2020, the Ministry of State Security (MSS) secret police officers “raided a home in the northern city of Dashoguz, where local Christians were meeting. They forced all those present, including the home owner, to go to the police station.”<sup>32</sup> The homeowner was subsequently fined 200 Manats for allegedly violating Article 76 of the Administrative Code.<sup>33</sup>

17. On December 26, 2019, a group of Protestant women who were gathered to celebrate Christmas were arrested by police.<sup>34</sup> Police then searched the home and took their phones before taking them to the police station to be interrogated.<sup>35</sup> In January 2020, the women were questioned again by the police and were forced to write statements, have their photos and fingerprints taken, and were given back their phones before they were allowed to leave.<sup>36</sup>

18. On October 24, 2019, police raided the religious meeting of Jehovah’s Witnesses.<sup>37</sup> Police took all attendees to the police station to be interrogated and photographed.<sup>38</sup>

19. On October 2, 2019, police raided the home of a Jehovah’s Witness while they were conducting a religious meeting.<sup>39</sup> Police took those participating in the meeting to the police station. According to a report:

The police officers twisted the hands of the host, took him back to his house, searched his property, and seized his personal literature, his laptop, and his daughters’ exercise books. The Jehovah’s Witnesses, including the young

children, were detained at the police station for six hours, from 9:00 pm till 3:00 am.<sup>40</sup>

20. In late 2019, police officers raided a meeting of Christians and threatened them to not meet again.<sup>41</sup> According to one of the Christians, this is not a random occurrence, and “[t]hey periodically get such visits or phone calls.”<sup>42</sup>

21. In 2019, the Customs Service refused to hand over a parcel of Christian books sent to an individual from Germany.<sup>43</sup> The officials said that these books were banned and gave no further explanation as to why they would not release the books.<sup>44</sup>

22. On February 5, 2019, a Jehovah’s Witness was summoned to her daughter’s school where a police officer “criticised her religious beliefs and threatened to fine her 3,000 Manats (about six weeks’ average wages for those in formal work).”<sup>45</sup> She was then ordered to stop sharing her religious beliefs with her daughter, and the officer took a photo of the mother and the daughter.<sup>46</sup>

23. As demonstrated above, Turkmenistan is failing to uphold the principles enshrined in its own Constitution, which states that everyone “shall have the right to, individually or jointly with others, profess any religion.”<sup>47</sup> As we have demonstrated with the stories above, Turkmenistan is actively targeting and threatening individuals who are gathering together, even in their own homes, to peacefully live out their faith. This also violates principles enshrined in the ICCPR, which states that everyone has the right “either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”<sup>48</sup>

## Recommendations

24. Clearly, Turkmenistan’s laws and practices violate its citizens’ right to freedom of religion and expression. Turkmenistan must reform its laws to ensure that all religious organizations can operate freely. Further, it must stop the practice of raiding and harassing Christians who are gathered in homes to peacefully live out the tenets of their faith. Turkmenistan must immediately take steps to uphold the principles enshrined within its own Constitution as well as the ICCPR to ensure that all of its citizens can freely practice their faith without fear.

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<sup>1</sup> *Turkmenistan*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/turkmenistan/> (Mar. 7, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *World Watch List 2023*, OPEN DOORS, <https://www.opendoorsus.org/en-US/persecution/countries/> (last visited Mar. 15, 2023).

<sup>5</sup> *Turkmenistan*, OPEN DOORS, <https://www.opendoors.org.za/christian-persecution/world-watch-list/turkmenistan/> (last visited Mar. 15, 2023).

<sup>6</sup> *Universal Periodic Review – Turkmenistan*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/t-mindex> (last visited Mar. 15, 2023).

<sup>7</sup> *Turkmenistan Infographic 30th*, OHCHR, [https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/TM/TURKMENISTAN\\_Infographic\\_30th.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/TM/TURKMENISTAN_Infographic_30th.pdf) (last visited Mar. 15, 2023).

<sup>8</sup> OHCHR, UPR of Turkmenistan (3rd Cycle – 30th Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session30/TM/MatriceRecommendationsTurkmenistan.docx> (last visited Mar. 15, 2023).

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15, 2023).

<sup>9</sup> *Id.*

<sup>10</sup> TÜRKMENISTANYŇ KONSTITUSIÝASY [CONSTITUTION] 2008, art. 18 (Turkm.), [https://www.constituteproject.org/constitution/Turkmenistan\\_2016?lang=en](https://www.constituteproject.org/constitution/Turkmenistan_2016?lang=en).

<sup>11</sup> *Id.* art. 41.

<sup>12</sup> Felix Corley & John Kinahan, *Turkmenistan: Religious Freedom Survey, January 2017*, FORUM 18 (Jan. 6, 2017), [https://www.forum18.org/archive.php?article\\_id=2244](https://www.forum18.org/archive.php?article_id=2244).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Ratification Status for Turkmenistan*, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=180&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=180&Lang=EN) (last visited Mar. 15, 2023).

<sup>18</sup> International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/sites/default/files/ccpr.pdf> [hereinafter ICCPR].

<sup>19</sup> *Id.* art. 27.

<sup>20</sup> ACN INT'L, *Religious Freedom in the World Report 2021: Turkmenistan 1* (2021), <https://acninternational.org/religiousfreedomreport/wp-content/uploads/2021/04/Turkmenistan-.pdf>.

<sup>21</sup> Felix Corley, *Turkmenistan: Raids, Fines for Religious Meetings*, FORUM 18 (Mar. 19, 2020), [https://www.forum18.org/archive.php?article\\_id=2555](https://www.forum18.org/archive.php?article_id=2555).

<sup>22</sup> *Scholarly Analysis: Christian Response to Persecution in Turkmenistan*, UNDER CAESAR'S SWORD UNIV. OF NOTRE DAME, <https://ucs.nd.edu/learn/turkmenistan/> (Aug. 2022).

<sup>23</sup> Felix Corley, *Turkmenistan: Raids, Searches, Fines, Threats, Beatings, Headscarf Bans*, FORUM 18 (Jan. 16, 2020), [https://www.forum18.org/archive.php?article\\_id=2534](https://www.forum18.org/archive.php?article_id=2534).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Voice of the Martyrs, *Turkmenistan*, PERSECUTION, [https://www.persecution.com/globalprayerguide/turkmenistan/?\\_source\\_code=WHPB20C](https://www.persecution.com/globalprayerguide/turkmenistan/?_source_code=WHPB20C) (last visited Mar. 15, 2023).

<sup>28</sup> OPEN DOORS, WORLD WATCH LIST 2022: TURKMENISTAN 3 (2022), [https://www.opendoors.org/persecution/reports/Turkmenistan-Media\\_Advocacy-Dossier-ODI-2021.pdf](https://www.opendoors.org/persecution/reports/Turkmenistan-Media_Advocacy-Dossier-ODI-2021.pdf).

<sup>29</sup> *Id.* at 4.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Corley, *Turkmenistan: Raids, Fines for Religious Meetings*, *supra* note 21.

<sup>33</sup> *Id.*

<sup>34</sup> Corley, *Turkmenistan: Raids, Searches, Fines, Threats, Beatings, Headscarf Bans*, *supra* note 23.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Corley, *Turkmenistan: Raids, Fines for Religious Meetings*, *supra* note 21.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Corley, *Turkmenistan: Raids, Searches, Fines, Threats, Beatings, Headscarf Bans*, *supra* note 23.

<sup>46</sup> *Id.*

<sup>47</sup> TÜRKMENISTANYŇ KONSTITUSIÝASY 2008, art. 41 (Turkm.).

<sup>48</sup> ICCPR, *supra* note 18.