



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

TURKMENISTAN CHAPTER
USCIRF 2010 ANNUAL REPORT



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

- An independent, bipartisan federal government commission created by the U.S. Congress under the International Religious Freedom Act of 1998 (IRFA), charged with advising the President, Secretary of State, and Congress on policy options designed to protect and promote religious freedom worldwide.
- Led by nine individuals selected from the private sector to serve as Commissioners – three appointed by the President, three by the House of Representatives, and three by the Senate. The Executive Director heads a staff of 20 professionals with expertise in foreign affairs, human rights, and international law.

WHAT WE DO

- Monitor and report on religious freedom around the world and formulate policy recommendations for the Administration and Congress. Issue an annual report on May 1st of each year, and periodic policy briefs containing research findings and policy prescriptions (available on www.uscirf.gov).
- Recommend countries the Secretary of State should designate as “Countries of Particular Concern,” which IRFA defines as countries perpetrating or permitting “systematic, ongoing, egregious violations of religious freedom.” When a country is designated a “Country of Particular Concern,” the President is required by law to take one of several actions, including political or economic sanctions, or a waiver of action.
- Establish a “Watch List” of countries in which religious freedom conditions require close monitoring due to the nature and extent of violations of religious freedom the government engages in or tolerates.
- Undertake fact-finding missions to examine religious freedom conditions firsthand. The Commission has met with heads of state, senior government officials, representatives of human rights and other nongovernmental organizations, religious leaders, and others in: Afghanistan, Bangladesh, Belarus, China, Egypt, Eritrea, Iraq, Nigeria, Philippines, Russia, Saudi Arabia, Syria, Sri Lanka, Sudan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- Hold hearings to gather information about religious freedom violations, testify at Congressional hearings, and disseminate information to Congressional offices. The Commission has held a hearing on the intersection of religious freedom and security in Pakistan and testified in the House of Representatives on the history of Uighur persecution in China, human rights in Vietnam, the status of human rights and religious freedom in Iran, and the “Defamation of Religions” resolution in the United Nations.
- Participate in multilateral meetings related to religious freedom including at the United Nations and the Organization for Security and Cooperation in Europe (OSCE). Issues of concern that the Commission is addressing include the problematic “Defamation of Religions” resolutions at the UN as well as multilateral efforts to combat xenophobia and related intolerance in the OSCE region.
- Issued statements and press releases on issues including: the ruling of the Permanent Court of Arbitration in the Hague on the Abeyi border demarcation in Sudan; the release of Iranian Baha’is; religious persecution and government violence in China; attacks in Iraq against Christians and Muslims; attacks on Coptic Orthodox Christians in Egypt; and sectarian clashes in Nigeria .
- Issued special recommendations designed to save the Comprehensive Peace Agreement between North and South Sudan; a report on measures to end the severe abuses of religious minorities in Iraq; a report on the treatment of asylum seekers in Expedited Removal; and an analysis of the ”Defamation of Religions” resolution before the United Nations.

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Turkmenistan

FINDINGS: Significant religious freedom problems and official harassment of religious adherents persist in Turkmenistan despite steps taken by Turkmen President Berdimuhamedov since 2007 to reduce certain aspects of the repressive measures that existed under the country's former president. The country's laws, policies, and practices continue to violate international human rights norms, including on freedom of religion or belief. Police raids and other harassment of registered and unregistered religious groups continue more than three years after the death of longtime dictator Saparmurat Niyazov. The repressive 2003 religion law remains in force, causing major difficulties for religious groups to legally function.

In light of these persistent and severe problems, and until systemic human rights reforms are implemented, USCIRF continues to recommend in 2010 that the U.S. government designate Turkmenistan as a "country of particular concern," or CPC. The Commission has recommended the CPC designation for Turkmenistan since 2000, but the State Department has never followed this recommendation.

Under the late President Saparmurat Niyazov, who died in December 2006, Turkmenistan was among the world's most repressive and isolated states. Virtually no independent public activity was permitted and Niyazov maintained a vast cult of personality. Today, despite decreased emphasis, the Turkmen government still promotes the former president's personality cult through the *Ruhnama* (Niyazov's book of "spiritual thoughts") as a mandatory feature of public education. Turkmen law does not allow a civilian alternative to military service, and five Jehovah's Witnesses have been imprisoned for conscientious objection to military service. Although the new president has taken a few positive steps, including the 2007 release of the country's former chief mufti, systemic legal reforms directly related to religious freedom and other human rights have not been made.

PRIORITY RECOMMENDATIONS: The United States should appoint an ambassador to Turkmenistan as soon as possible, in part because previous U.S. ambassadors have played a key role in addressing that country's human rights issues. For four years, the United States has not been represented in this strategically important country by a fully accredited ambassador. The United States needs to increase exchange programs as well as broadcasts to Turkmenistan to attempt to overcome decades of isolation which have created a threatening cultural vacuum. The United States should also establish regular bilateral meetings with the Turkmen government on human rights and religious freedom, discuss ways Turkmenistan can implement laws and practices to comply with international human rights standards, and establish a regular reporting mechanism on these issues. In the absence of any measurable improvements in the human rights sphere by the Turkmen government, the United States should express its concern at appropriate international fora, including the United Nations and the OSCE. The United States should also consider whether relevant aspects of the human rights activities of the OSCE Center in Ashgabat can be replicated in OSCE states, including those of Central Asia. Additional recommendations for U.S. policy towards Turkmenistan can be found at the end of this chapter.

Religious Freedom Conditions

Governing and Legal Framework

Until the 2006 death of President Saparmurat Niyazov, Turkmenistan was among the world's most repressive and isolated states. Virtually no independent public activity was allowed, and the 2003 religion law banned most religious activity. Moreover, Turkmenistan's public life was dominated by Niyazov's quasi-religious personality cult that was expressed in the *Ruhnama*, and that the state imposed on the country's educational and religious life.

After elections in early 2007, Gurbanguly Berdimuhamedov succeeded Niyazov as president. He has implemented limited educational reforms and promised, but not yet made, certain reforms of the country's oppressive laws. He has also taken a few positive steps such as: the 2007 release of 11 political prisoners, including the former chief mufti; placing some limits on Niyazov's personality cult; the establishment of two new official human rights commissions; and the registration of 13 minority religious groups. In addition, police controls on travel inside Turkmenistan were eased, and the country is somewhat more open to the outside world.

The country's constitution purports to guarantee religious freedom, the separation of religion from the state, and equality regardless of religion or belief. However, the Turkmen religion law, promulgated in 2003, contradicts these provisions and violates international standards with regard to freedom of religion or belief. The law's problematic provisions include: intrusive registration criteria; the requirement that the government be informed of all financial support received from abroad; a ban on worship in private homes and the public wearing of religious garb except by religious leaders; and severe and discriminatory restrictions on religious education. In a January 2010 report to the UN Human Rights Committee, the Turkmen government stated that "[t]he activity of unregistered religious organizations is banned" in the country.

Religious matters fall under the purview of the government-appointed Council on Religious Affairs (CRA), which reports to the president. While the CRA's membership includes government officials and Sunni Muslim and Russian Orthodox Church representatives, no other religious groups are represented on the council. The CRA controls the hiring, promotion, and firing of Sunni Muslim and Russian Orthodox clergy, who must report regularly to the CRA, and examines and controls all religious publications and activities of all registered groups.

CRA Deputy Chair Andrei Sapunov, a Russian Orthodox Church (ROC) priest, oversees Christian affairs and reportedly has veto power over other Christian groups' ability to function. Some ROC members have told human rights groups that Sapunov has disclosed to the secret police confidential information from the confessional. Moreover, members of religious minorities believe that recently-named CRA officials tend to favor state-controlled Islam and deny permission for non-Muslim activity more often than did their predecessors appointed under Niyazov. Four of the officials appointed in September 2009 to head CRA regional branches were also appointed as new regional chief imams. In their dual role as CRA officials and imams they also collaborate with government agencies, including the security police.

Stalled Legal Reforms

In 2007, President Berdimuhamedov set up a new government commission, headed by the Chairman of the Supreme Court but specifying no other members or any procedures, to examine citizens' petitions on the work of law enforcement bodies. Reportedly, this commission received thousands of petitions on police abuse, bribery, and unjust arrests and prosecutions. In August 2007, the commission issued its first

decision: the pardon and release of 11 prisoners of conscience, including former Chief Mufti Nasrullah ibn Ibadullah, who had been sentenced to a 22-year prison term in a secret 2004 trial. Ibadullah had opposed Niyazov's decree that the *Ruhnama* be displayed in mosques, and had been charged with treason for his alleged role in a 2002 coup attempt against Niyazov. Following his release, Ibadullah was allowed to resume work as a senior adviser to the CRA.

During USCIRF's August 2007 visit to Turkmenistan, the Turkmen President established a new commission to examine how the country's laws conform to international human rights commitments. President Berdimuhamedov told USCIRF that his country "may have some shortcomings on religion and other issues." In February 2008, the then-director of the Presidential Institute on Democracy and Human Rights, Shirin Akhmedova, pledged that the process amending the Turkmen religion law would be "transparent" and involve "international experts," and claimed that Turkmen citizens could also suggest amendments.

The Turkmen government requested in 2008 that the U.S. Agency for International Development (USAID) provide a technical critique of Turkmen laws affecting religious freedom. USAID awarded a grant to a U.S. non-governmental group, the International Center for Not-for-Profit Law (ICNPL), to analyze the Turkmen religion law. ICNPL presented its review to the Turkmen government in July 2008. The Turkmen government postponed a follow-up seminar with international experts that had been scheduled for March 2010. Reportedly, the government has not yet even begun to draft a revised religion law; a draft NGO law, which would also affect religious communities, has been given priority.

Registration

In response to international pressure, President Niyazov issued several decrees in 2004 that reduced the registration requirement for religious groups from 500 members to five, eased other registration requirements, and decriminalized unregistered religious activity. However, unregistered groups still face administrative penalties that include imprisonment and large fines and, as mentioned above, the Turkmen government told the UN in January 2010 that it continues to ban unregistered religious activity. Moreover, the benefits of registration are not fully clear, since even registered groups are forbidden to meet for worship in private homes, print and import religious literature, and be led by foreign citizens. Registered groups also are subject to financial restrictions and required to provide the government with information about their meetings and activities.

The Justice Ministry manages the registration process, with the CRA playing an advisory role. A commission which includes representatives from the Ministries of Justice and Internal Affairs and the security services reviews applications. The review process is supposed to last no longer than three months and written denials are to be issued, but these standards are often not met. Reportedly, Justice Ministry officials have denied registration based on spurious clerical errors or required that religious groups change their church charters in order to register.

Following the 2004 decrees, nine small minority religious groups were registered, including the Baha'i, several Pentecostal communities, Adventists, several Evangelical churches and the Society for Krishna Consciousness. The Ashgabat parish of the ROC was reregistered in 2005 and the Turkmenabat ROC parish was reregistered in early 2006. The Source of Life Church in Turkmenabat and a Muslim group in Akhal were registered in late 2007. According to the CRA, Shi'a Muslim groups were allowed to register collectively, most likely in 2008.

In its January 2010 UN report, the Turkmen government claimed that 123 religious communities were registered in the country, a far lower number than previously cited. Of these, 100 are Muslim, both Sunni and Shi'a, and 13 are Russian Orthodox. The 10 others include Baptist, Pentecostal, Greater Grace,

Seventh-day Adventist, New Apostolic, Baha'i and Hare Krishna. After years of effort, Ashgabat's Catholic community, protected by the Vatican diplomatic status of its two priests and chapel, gained local legal status in March 2010. Nevertheless, it is unclear how the Catholic congregation met the Turkmen legal requirement that any religious community must be headed by a Turkmen citizen.

Also according to the January report, the Turkmen Justice Ministry was considering registration applications from four religious communities, including the Peace to the World Protestant Church in Mary and the Parth of Faith Church in Dashoguz, an independent ethnic Turkmen Baptist congregation whose registration has been under consideration for five years. According to Forum 18, some Shi'a Muslim groups, the Armenian Apostolic Church, some Protestant groups, and the Jehovah's Witnesses have had applications rejected or have decided that they should not submit applications due to the onerous and opaque process. Reportedly, the Turkmen government has also pressured some groups to write promises that they will not gather for worship until they receive official registration.

Government Interference in Internal Religious Structures

The Turkmen government also continues to interfere in the internal leadership and organizational arrangements of religious communities. The current Chief Mufti, Gurban Haitliev, appointed in September 2009, is widely believed to have been chosen by the president. At the time he was appointed, numerous regional imams were transferred to new duties, thereby continuing former President Niyazov's practice of frequent rotation of official leaders.

Muslims in Turkmenistan have expressed concern about the state's replacement of imams with formal Islamic theological education by those who lack such education. Indeed, the former Turkmen Chief Mufti, Nasrullah ibn Ibadullah, who was imprisoned from 2004-2007, is seen by many as the country's last Muslim leader with a good knowledge of Islam. Turkmen officials have stated that imams cannot be appointed if they have received training outside the country. Furthermore, observers note official ethnic discrimination as a factor in the recent removal from office of ethnic Uzbek minority imams in the Dashoguz region and their replacement with ethnic Turkmen imams.

Former President Niyazov requested that the ROC in Turkmenistan be removed from the Central Asian diocese in Tashkent and come under Moscow Patriarchate jurisdiction. The new president continued to press for this transfer. In October 2007, the ROC Holy Synod in Moscow voted to place Turkmenistan's 12 ROC parishes and one convent in Ashgabat under the Moscow Patriarchate's jurisdiction. In May 2008, subordination to the Moscow Patriarchate became official as a result of a meeting between President Berdimuhamedov and ROC officials. The ROC named Bishop Feofilakt (Kuryanov) as the first head of the Patriarchal Deanery for Turkmenistan.

USCIRF also was informed in 2007 that the Turkmen Justice Ministry reportedly "advised" several smaller unregistered groups to combine with other, currently registered communities, without considering possible doctrinal differences or need for organizational autonomy.

Penalties for Religious Activities

In recent years, members of religious communities, including Muslims, Protestants, Jehovah's Witnesses and a Hare Krishna, reportedly received prison terms or were sent into internal exile due to their religious convictions. There were, however, no reports of such punishments in the past year. A Sunni mullah reportedly has been held since 2006 in a closed psychiatric hospital; he gave sermons critical of the Turkmen government, according to Forum 18. His name and current status are unknown.

In April 2009, Turkmen officials ordered Shageldy Atakov, a Turkmen Baptist leader either to pay a fine of \$12,000 for his alleged swindle of the equivalent sum in 1995 or his home would be confiscated. A former political prisoner who already has served time for the alleged swindle, Atakov claims this penalty is due to his religious activities; since May 2009, there reportedly have been no official efforts to make him pay.

Local secret police officers reportedly require Muslim and Orthodox clerics to make regular reports on activities within their communities. At least six secret police agents, as well as informants, allegedly have been placed in each Muslim and Orthodox community and the secret police and ordinary police also try to recruit agents in unregistered religious groups. In addition, unregistered religious communities face raids by secret police, anti-terrorist police units, local government, and local CRA officials. Registered religious communities also are subjected to raids or check-ups.

For example, in December 2009 the Path of Faith Baptist congregation in Dashoguz, which is awaiting a decision on its registration application, was subjected to a police raid. The country's former Chief Mufti, who is now the senior regional CRA official, participated in the raid. Some 100 Christian books, including personal Bibles, were confiscated, Forum 18 reported. All 22 people at the service were taken to the local government building and pressured to sign statements not to attend the church. In January 2010 the pastor of a registered Protestant church in Dashoguz, was questioned by police and local CRA after he gave a brief prayer at a birthday party. He was charged with violating the religion law, even though the host had requested the prayer and the church's registration allows the pastor to conduct religious activity throughout Dashoguz region.

The only reported instance of physical abuse against a member of a religious minority in the past year also led to the unprecedented imposition of a penalty against the police officer involved, according to the State Department. On May 6, 2009, a police officer in Turkmenabad reportedly beat a Jehovah's Witness. Her mother later reported the incident to the local public prosecutor. The prosecutor reportedly summoned the police officer and ordered him to pay damages of about U.S. \$540.

Conscientious Objectors

Under Turkmen law, it is a crime for men to refuse military service and there are no legal provisions for a civilian service alternative. Those who refuse to serve in the Turkmen military face a maximum two-year term of imprisonment. Despite urging from the UN Special Rapporteur on Freedom of Religion or Belief, the UN Human Rights Council, and USCIRF, the Turkmen government has not introduced such an alternative.

As of March 2010, five Jehovah's Witnesses were imprisoned and two others were serving suspended sentences for refusing to perform military service. In December 2008, Sakhetsmurad and Mukhammedmurad Annamamedov each received a two-year suspended sentence, but in May 2009 were transferred to prison for the rest of their terms. They became the first Jehovah's Witnesses since 2007 to be jailed as conscientious objectors to military service. In July 2009, two other Jehovah's Witnesses were sentenced to prison terms; Shadurdi Ushotov received a two-year sentence and Akmurat Egendurdiev received an 18-month term. In December 2009, Navruz Nasyrlaev was sentenced to two years of imprisonment. In April 2009, two Jehovah's Witness conscientious objectors, Zafar Abdullaev and Dovran Kushmanov, received two-year suspended sentences. Both live under restrictions at home, having to report regularly to the police and requiring permission to travel out of the city.

Restrictions on Meeting for Worship

It is illegal for unregistered religious groups to rent, purchase, or construct places of worship. Registered groups must obtain government permission, which is often difficult to obtain, to build or rent worship places. For meeting to worship in unapproved areas, such as private homes, congregations face police raids, court-imposed fines and other forms of harassment. For instance, in 2008 several Jehovah's Witnesses who are members of an unregistered religious community were threatened by police with rape and efforts were made to force them to recant their faith due to their participation in "illegal" religious activities, according to Forum 18.

While some new construction of mosques is underway according to the State Department, the government also refuses to allow the construction of three Shi'a mosques. The Turkmen government is building monumental mosques in Koneürgenç in the northern Dashoguz region, in Mary in the east of the country, and in Gypchak. Reportedly, a mosque under construction in 2009 will be named in honor of President Berdimuhamedov; the equivalent of U.S. \$1,000,000 for the building will be drawn from a special presidential fund. It is unclear how the construction of these mosques is in line with the constitutional separation of religion from the state since they are built at public expense. In addition, the Turkmen government reportedly has not adequately compensated the owners of private houses destroyed on the sites of the future state-funded mosques.

With government permission, an ROC Cathedral is being constructed in Ashgabat, albeit slowly. The land for the cathedral was granted in 2007. In April 2009, for the first time in 12 years, Russian Orthodox church was consecrated in Turkmenistan, in the city of Tejan. In the summer of 2009, officials in the city of Dashoguz granted a construction permit for a new Russian Orthodox church. However, city authorities also reportedly decided to construct high-rise buildings around that church, apparently so that its domes will not be easily visible, according to the Turkmen Initiative for Human Rights.

Five registered minority religious communities have managed to establish places of worship. Three are rented and two are in the private homes of members of Baha'i and Hare Krishna communities. Worship in private homes, however, is limited to nuclear family members who belong to registered religious communities. Turkmen officials have told the State Department that if neighbors do not object, worship in private homes is allowed. Nevertheless, security police reportedly continue to break up religious meetings in private homes and search homes without warrants. The leader of a registered Christian community told USCIRF in 2007 that after registration, he could no longer invite friends and family to worship, even in his own apartment. Officials told him that private worship must be limited to husband and wife and children and could not include adult parents and siblings.

There have been no recent reports of destruction of houses of worship by the Turkmen authorities. In the Niyazov era the state reportedly closed, confiscated, or destroyed at least a dozen houses of worship. Despite the country's vast financial resources from the sale of natural gas (most funds reportedly are held in personal accounts in western banks), Turkmen officials told Forum 18 in August 2008 that no compensation would be paid to any religious community for the destruction or confiscation of at least 17 mosques and churches that took place under Niyazov.

One leader of a registered Pentecostal church told USCIRF in 2007 that his home in Ashgabat had been confiscated because unsanctioned worship services were held there. Despite years of effort, his personal property has not yet been returned to him.

Restrictions on Religious Literature

The publication of religious literature inside Turkmenistan is banned by decree. The CRA must approve all imported religious literature, but since Islam and Russian Orthodoxy are the only religions represented, the CRA's knowledge of other religions is limited. The State Department reported that the Koran was "practically unavailable" at state bookstores in Ashgabat in 2009. While most homes have one Arabic copy of the Koran, few are available in Turkmen. The local CRA branches frequently confiscate and photocopy literature. Religious communities need a license to copy religious literature already in their possession. One leader of a registered Protestant community said that the Justice Ministry had threatened his church for trying to copy religious material without a license.

By law, only registered religious communities can import religious literature, and the quantities must correlate to the number of members in their congregations. Members of religious minority communities report that they are usually denied official permission to import religious literature and it is often confiscated before it can be submitted for official examination. Customs officers restrict returning travelers, regardless of citizenship, to only a small amount of religious literature for personal use. The State Department reported in 2009 that Turks who reside in Turkmenistan have had their personal Korans confiscated at the border. Religious literature, CDs, and DVDs found during police raids are routinely confiscated and rarely returned. Bibles and other literature continue to be confiscated from minority religious communities. Unlike in previous years, however, ethnic Turkmen members of unregistered religious groups accused of disseminating religious material were not singled out for particularly harsh treatment.

The ROC can receive and distribute Bibles easily, but reportedly it does not share them with Protestants because it views them as competitors. Moreover, the Russian Orthodox community is impacted by the government's policy banning Turkmen residents from receiving Russian publications by mail, including the *Journal of the Moscow Patriarchate*. According to Protestant groups, neither a Bible Society nor Christian bookshops are allowed to exist.

Internet users in Turkmenistan cannot access most international religious websites because the state has a monopoly on Internet access. The government also reportedly uses a computer program to search emails for coded words and blocks "suspicious" messages. Moreover, in 2009 the Turkmen government established a new government committee to approve all books, films, plays, art, and cultural programs, the State Department reported.

Restrictions on Religious Education

Turkmenistan's religion law bans the private teaching of religion, as the Turkmen government recently acknowledged in its January 2010 report to the UN Human Rights Committee. Only individuals who have graduated from institutions of higher religious education (domestic or foreign is not specified) and are CRA-approved may offer religious instruction, and such instruction must take place in officially-approved institutions. However, some independent religious education unofficially takes place.

Under the religion law, mosques are allowed to provide religious education to children after school for four hours per week, as long as parents have given their approval. Some Sunni mosques have regularly scheduled Koran instruction. The 2003 religion law prohibits the ROC from conducting religious education programs without CRA and presidential approval and there were, according to the State Department, no reports that such programs had been approved.

Muslims are not allowed to travel abroad for religious education. In July 2009, the building of the Islamic Theology Department of Turkmen State University in Ashgabat reportedly was demolished.

Government officials refuted these claims, but an official at the university said that students have relocated to the main building of the university. According to Forum 18, the faculty only had 60 students in its five-year course and it no longer is allowed to employ foreign staff.

The country's largest religious minority, the Russian Orthodox community, has no institution in Turkmenistan to train clergy, although Russian Orthodox men are allowed to leave the country for clerical training. Shi'a Muslims, most belonging to Iranian and Azeri ethnic minorities, also have no religious training institutions in Turkmenistan. Even registered religious minority communities have difficulty with regard to training; one leader has said that most religious training is conducted informally and in private homes.

Restrictions on International Travel and Foreign Religious Workers

The current Turkmen government continues to interfere with the ability of Turkmen religious adherents to travel outside the country. In 2009, Turkmen authorities did not allow any Muslims to leave the country to perform the *hajj* (pilgrimage to Mecca), allegedly due to fear of swine flu infection. Instead, The Turkmen government organized "an internal *hajj*" for 188 officially-designated Muslim pilgrims to travel to 38 sites inside Turkmenistan. Some of these sites had religious significance, such as an eleventh-century mosque that honors Sufi saints, but others allegedly were selected to display government efforts to improve public welfare. The government had long limited the annual number of Turkmen *hajj* pilgrims to 188, even though the country's official Saudi quota is at least 4,000 people and Turkmen reportedly have had to pay bribes to be included on the list.

Obtaining entry visas continues to be difficult for certain groups of foreign religious workers and coreligionists. The last known visit to Turkmenistan by Armenian Apostolic Church clergy was in 1999, although the country has long had an ethnic Armenian minority. The Baha'is report that it is impossible for their foreign relatives to receive permission to visit Turkmenistan, although Baha'i adherents can leave the country on visits. However, in the past several years, the Turkmen government has allowed international travel for the representatives of certain religious communities. ROC Metropolitan Kyril was permitted to visit Turkmenistan in May 2008, the first visit by a ROC leader since 2003. During 2009, the Turkmen government permitted visits by foreign religious leaders to conduct religious services for at least three registered minority religious groups, according to the State Department. In addition, the New Apostolic Church received its first permission for a visit by a European church leader in April 2009.

Status of Presidential Personality Cult

The new Turkmen government appears to be moving away from Niyazov's personality cult and the forceful official promotion of the *Ruhnama*. The *Ruhnama* has been removed from government buildings and from mosques, including the large mosque in Niyazov's native village of Gipchak, although its inscriptions remain emblazoned on that mosque's walls. A USCIRF delegation visited the Gipchak mosque in 2007; above the *mikhrab*, or the special bay in the mosque wall directed toward Mecca, was the word "Turkmenbashi," Niyazov's self-designated title, in a display that most Muslims would consider deeply offensive.

Imams no longer are required to repeat a loyalty oath to the "fatherland" and Niyazov after each daily prayer. The amount of time public school students must spend studying the *Ruhnama* has been reduced, although Niyazov's works remain part of the curriculum and students still must pass examinations on them for advancement, graduation, or admission to higher educational institutions. The Turkmen Academy of Sciences, closed at Niyazov's order, has been re-opened. Articles by Turkmen historians and the works of four classical Turkmen authors have been published. Nevertheless, a university named in

honor of the *Ruhnama* was opened in 2009 and the Turkmen president recommended later in the year that the book be used to educate youth.

There are concerns that President Berdimuhamedov is seeking to establish a new presidential personality cult around himself, but without religious overtones. Although the new president in 2008 ordered the removal of all Niyazov portraits and *Ruhnama* citations from the outside of buildings throughout the country, many were replaced with large portraits and posters of the current President. Most secondary school textbooks were revised to remove all text devoted to Niyazov and his family, but a picture of Niyazov still appears on the first page of textbooks. The new books also include pictures of the new president, and the text on his “New Revival” ideology has replaced the previous text on Niyazov and his family, according to the State Department. Reportedly, Presidential administration representatives now sell the new president’s books on medicine, the history of his family and on Akhal-Tekke horses to public institutions, including schools.

The Turkmen government also requires teachers and students to spend 70 to 80 days of the academic year in state-sponsored extracurricular events. For example, in late 2009, hundreds were forced to stand on line overnight in sub-zero weather in the Dashoguz region to greet the new Turkmen president. The State Department reported in 2009 that secondary school teachers are now required to agree to salary cuts if they do not participate in such events, and participating students receive an “A” grade for the day.

Relations with International Organizations

After five years of requests, Asma Jahangir, the UN Special Rapporteur on Freedom of Religion or Belief, visited Turkmenistan in September 2008. Her report, which was published in January 2009, noted some improvements since 2007, but expressed concern about continuing legal restrictions, including regarding religious activities, places of worship, religious materials, and the arbitrary implementation of laws. As the Special Rapporteur observed in a press release, the official Turkmen media ignored these concerns and reported only her praise of new Turkmen president’s reforms. Moreover, according to Human Rights Watch, Turkmen security services warned representatives of at least three religious communities in Ashgabat not to meet with the Special Rapporteur during her visit.

In 2008, the UN Human Rights Council conducted its first Universal Periodic Review (UPR) of Turkmenistan’s human rights record. The Turkmen government rejected calls for various human rights reforms, such as the release of political prisoners. The government’s representative also stated during the UPR session that the government planned to amend the country’s religion law and address registration issues consistent with the USAID-funded ICNPL study. As discussed above, however, no such legal reforms have yet been undertaken.

In 2009, the Turkmen government continued its policy of boycotting human rights meetings of the Organization for Security and Co-operation in Europe (OSCE) and has not released from imprisonment Batyr Berdiev, the former Turkmen ambassador to the OSCE. The OSCE’s Ashgabat Center in 2009, however, held numerous events relating to human rights, including various seminars with foreign human rights experts. In addition the Ashgabat Center has created a free-of-charge searchable database, available online, containing Turkmen laws and international treaties signed by Turkmenistan for the use of lawmakers, parliamentary staff, courts and prosecutor’s offices, government officials, legal experts and the general public.

U.S. Policy

The United States for four years has not been represented in this strategically important country by a fully accredited ambassador, despite its many interests in Turkmenistan, including overflight rights to Afghanistan and the country's huge natural gas supplies. Moreover, previous U.S. ambassadors played an important role in highlighting the importance of respect for human rights in Turkmenistan.

The United States also has an interest in ensuring the Turkmen government does not again adopt isolationism as state policy. Such a policy, especially in view of the 20-year Niyazov era, runs the risk of continuing a cultural, ideological, and religious vacuum in Turkmenistan. Since Turkmenistan shares long and porous borders with Iran and Afghanistan, the country may also become open to radical Islamist influences.

In 2009, there were two reminders that the Turkmen government may be returning to isolationism vis-à-vis the United States, at least on policies that benefit the Turkmen population. In September, 47 U.S. Peace Corps volunteers were abruptly informed that they had been denied Turkmen entry visas. Even though it finally granted entry permits to seven Peace Corps members in March 2010, the Turkmen government reduced the total number of Peace Corps volunteers from 70 to 50. In the summer of 2009, the Turkmen government also refused exit permits to some 150 Turkmen who were students at the American University of Central Asia in Bishkek. While about half of those students were eventually given exit visas, others reportedly are still banned from foreign travel.

In its programs in Turkmenistan, the U.S. government has stressed the importance of freedom of information and media. The United States has sent Turkmen professionals, government officials, and students to the United States for study, including foreign policy and broadcast journalism programs. The U.S. government also provides funding for local civil society projects, including leadership camps and seminars, and promotes greater access to information by funding a resource center to provide Turkmen with Internet access and computer training. The United States also encourages the Turkmen government to revise its laws on religion and mass media and reform its criminal code. The U.S. government also meets with representatives of Turkmen religious groups to promote religious freedom.

Recommendations

I. Expanding U.S.-Turkmen Bilateral Relations

The U.S. government should:

- appoint an ambassador to Turkmenistan as soon as possible, as the United States has not been represented by a fully accredited ambassador for four years and previous U.S. ambassadors have played an important role in highlighting the importance of respect for human rights in Turkmenistan;
- urge the full implementation of USAID's technical critique of Turkmen laws affecting religious freedom; and
- establish a program of bilateral meetings with the government of Turkmenistan on human rights and on freedom of religion or belief, to discuss ways Turkmenistan can implement laws and practices to comply with international human rights standards, as well as establish a regular reporting mechanism on these issues.

II. Promoting Freedom of Religion or Belief and Other Human Rights

The U.S. government should urge the government of Turkmenistan to:

- repeal all laws, decrees or regulations, and amend those articles of the religion law, that are found to be in violation of international norms on freedom of religion or belief, for example by implementation of the recommendations of the recent USAID-funded analysis of that law;
- eliminate intrusive and onerous registration procedures and abolish criminal or other penalties for engaging in religious or other peaceful activity solely because it has not been approved by the state;
- halt unlawful arrest, detention, harassment, deportation, fines, and residential and workplace intimidation of members of religious communities due to their peaceful practice of religious or other beliefs;
- end fully the harassment and unlawful deportation of religious leaders and the imposition of fines on members of peaceful unregistered religious communities whose activities officially are deemed “illegal;”
- end the imposition of the *Ruhnama* or other state-sponsored texts or ideology in public institutions and religious organizations;
- promulgate new regulations and adopt new policies to ease the importation of religious and other material and permit the domestic printing and dissemination of such material in accordance with international standards;
- restore genuine legal alternatives to military service on the grounds of religious or conscientious objection based on international precedents, including those of the OSCE, and cease the criminal prosecution of, and fully restore the civil and political rights of, Jehovah’s Witnesses and others who refuse to serve in the army on the grounds of conscience;
- expand and regularize the work of the government’s Commission to Examine Turkmenistan’s Legal Obligations under International Human Rights Law, established in August 2007, including by the systematic and effective involvement of international legal experts, such as those of the OSCE Panel of Experts on Religion or Belief and the OSCE Panel on Freedom of Association, and relevant UN experts;
- reform the government’s other policies toward religious practice, including the end of state interference in the management of religious communities and the selection and training of religious leaders, including from Sunni and Shi’a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities; and
- permit a USCIRF delegation to return to Turkmenistan to assess progress on implementation on freedom of religion or belief, including Constitutional amendments and legislative reforms, speak with current or former prisoners of conscience in places of detention and speak unimpeded with religious and other organizations and their members.

III. Expanding U.S. Programs and Other Activities to Promote Human Rights and Reform Efforts

The U.S. government should:

- increase and improve radio, Internet, and other broadcasts of objective news and information, including on topics such as freedom of religion or belief and on other human rights and religious tolerance, by:
 - expanding and improving broadcasts to Turkmenistan by the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), including by increasing coverage of issues relating to freedom of religion or belief, adding Russian-language broadcasts, and providing additional programming for the estimated 12 million Turkmen in the diaspora, particularly in Iran, Iraq, and Afghanistan; and
 - restoring Voice of America's Russian-language television and radio broadcasts to Central Asia, particularly those broadcasts relating to human rights, including freedom of religion or belief.
- assist in improving Turkmenistan's educational system, particularly with regard to curricula on religious freedom and other human rights, by:
 - reprinting Russian and Turkmen language materials on human rights, particularly on international norms on freedom of religion or belief, including civic education materials such as "The Law that Unifies Us," first published and distributed by the OSCE Center in Ashgabat; and
 - providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote freedom of religion or belief, including by expanding legal assistance programs for representatives of religious communities through grants that address freedom of religion or belief via the USAID Democracy and Conflict Mitigation or the Democracy Commission Small Grants program administered by the U.S. Embassy;
- expand international contacts and increase U.S. involvement in communities in Turkmenistan by increasing the budgets of the Peace Corps and USAID programs, include religious leaders in community projects in efforts to address social problems and increase religious and ethnic tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights; and
- cooperating with the OSCE Center in Ashgabat, including by resuming joint activities with human rights activists from Turkmenistan to encourage civic education, including on international norms on freedom of religion or belief as well as other human rights, and also by encouraging the OSCE officially to respond to the Turkmen government's offer in May 2007 to host an OSCE experts' level meeting.

IV. Strengthening Efforts in the International Arena

With regard to international fora, the U.S. government should urge the government of Turkmenistan to:

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan and the 2008 recommendations of the UN Human Rights Council during the UPR of Turkmenistan;
- agree to the numerous requests for visits by the UN Special Rapporteurs, as well as representatives of the OSCE, including its Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, including in the annual Human Dimension meeting in Warsaw and expand the activities of the OSCE Center in Ashgabat, particularly on human rights, including programs with local schools, universities, and institutes on human rights standards, including freedom of religion or belief.