

Tuesday 27 September 2016

Working session 12: Fundamental freedoms I (continued), including freedom of thought, conscience, religion or belief

Christian Solidarity Worldwide (CSW) - a human rights NGO which works on Freedom of Religion or Belief (FoRB) for people of all faiths or none - notes that without human rights, there is no sustainable security.

In some parts of the OSCE, however, discrimination is a day-to-day reality for individuals of faith communities; from schoolchildren being singled out in class to adults being fined, losing their jobs, facing harassment and in extreme cases, there is torture and the jailing of people for their faith. Such acts do not foster sustainable security; they undermine it.

Looking at Turkmenistan, we welcome paragraphs in its Human Rights Action Plan referring to the incorporation of UN recommendations related to civil and political rights into national legislation, programmes and action strategies. Unfortunately, the Religion Law that came into force in April is neither in line with such standards nor with Article 12 of the Turkmen Constitution, and it ignores the recommendations set out by ODIHR in its 2010 legal review of the previous religion law.

In this vein of policy coherence, Turkmenistan should also allow Islamic and other belief communities to import, publish and distribute religious materials; allow the construction and hiring of places of worship; allow peaceful proselytism; prosecute public officials, including law enforcement officers, who fail in their duty to protect the rights of religious individuals and communities; and enable all religious and belief communities to establish their own clerical and theological institutions.

Equally, in the spirit of the OSCE Guidelines on the Legal Personality of Religious or Belief Communities, CSW recommends that the Turkmen government should ensure that all belief groups and their institutions can exercise the right to FoRB without state permission and obtain legal personality if they so desire. Relatedly, it should also ensure that the means of official registration for religious activities are neither discriminatory nor used in any way to curtail the right to religious freedom of any individual or group.

Lastly, we recommend that Turkmenistan implements the recommendations on FoRB made during the 2013 UPR and fully cooperates with UN Special Procedures. We also suggest that Turkmenistan should issue a standing invitation to the incoming UN Special Rapporteur on FoRB, offering unhindered access to all parts of the country, and cooperating constructively to find suitable dates for such a visit.