



Open Doors

Serving persecuted **Christians** worldwide

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Kate Fox
Secretary of the Human Rights Committee
Human Rights Treaties Branch
Office of the High Commissioner for Human Rights
UNOG-OHCHR
CH-1211 Geneva 10
Switzerland

Harderwijk, 21 April 2011.

Reference: Initial Periodic Report of Turkmenistan

Dear Madam Fox,

Open Doors International is an international NGO, established in 1955, with at present offices and representations in more than 50 countries all over the world. For the funding of its activities, the organisation depends on individual donations.

Open Doors is fully supporting the fundamental right to Freedom of Religion or Belief, in practice, however, we mainly monitor the plight of Christians.

Open Doors annually issues a World Watch List ranking fifty countries where Christians are discriminated against, harassed, arrested, or even killed because of their religious conviction only.

Open Doors has taken note of the *Initial Periodic Report of Turkmenistan on the International Covenant on Civil and Political Rights*, dated February 2010. We compared the content of the state report with information from our own sources and would like to share some of our observations with the members of the UN Human Rights Committee (see the report attached).

Open Doors International would appreciate if the respected committee could take note of our observations while drafting a list of issues for the review based on the Initial Periodic Report of Turkmenistan.

Thanking you very much in anticipation.

Yours faithfully,

Mr. Arie de Pater
(Director Advocacy)



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Freedom of Religion or Belief in Turkmenistan

Some Observations

on the

Initial Periodic Report of Turkmenistan on the International Covenant on Civil and Political Rights (February 2010)

Introduction

Open Doors International is an international NGO, established in 1955, with at present offices and representations in more than 50 countries all over the world. For the funding of its activities, the organisation depends on individual donations.

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Open Doors annually issues a World Watch List ranking fifty countries where Christians are discriminated against, harassed, arrested, or even killed because of their religious conviction only. Turkmenistan is number 15 on this list.

Methodology

Open Doors has taken note of the Initial Periodic Report of Turkmenistan on the International Covenant on Civil and Political Rights, dated February 2010 (hereafter: The Initial Periodic Report). We compared the content of the state report with article 18 of the International Covenant on Civil and Political Rights (ICCPR), its interpretation according to General Comment 22, information from our own sources, and media reports. We hereby share some of our observations with the members of the UN Human Rights Committee.

Acknowledgements

Open Doors International acknowledges the time and resources made available by Turkmenistan to draft the Initial Periodic Report. The report provides interesting and detailed insight in Turkmenistan's interpretation of Freedom of Religion or Belief.

Further, Open Doors International acknowledges Turkmenistan's history and the progress made since the disintegration of the Soviet Union and Turkmenistan's establishment as an independent State.

Open Doors International appreciate the fact that under article 12 of the Constitution, the State guarantees freedom of religion and worship, and equality before the law.



Open Doors International appreciates the invitation to the UN Special Rapporteur on Freedom of Religion or Belief who visited the country in 2008.

Open Doors International also commends Turkmenistan for accepting several recommendations on freedom of religion or belief under the Universal Periodic Review. We trust that Turkmenistan will take these recommendations seriously.

Observations on the Freedom of Religion or Belief

General Observations

According to paragraph 569, Turkmenistan prohibits the manifestation of religious or other fanaticism or extremism, and of any actions seeking to polarize and degrade relations and to kindle hostility among religious organisation.

Open Doors International would appreciate if Turkmenistan could explain the process and procedure to discern between normal religious activities and religious fanaticism or extremism.

Paragraph 571 states that a religion may not be used to undermine society's moral foundation or social harmony.

Open Doors International would appreciate if Turkmenistan could explain what religious activities would undermine the society's moral foundation or social harmony.

Registration of religious organisations

Paragraph 573 introduces the Council for Religious Affairs attached to the Office of the President of Turkmenistan. This Council plays a key role in the registration of religious organisations. Reportedly, a representative of the Russian Orthodox Church holds veto power in the council on the affairs of all Christian groups.

Open Doors International would appreciate if Turkmenistan could explain why they granted veto power to the Russian Orthodox Church.

Further, we would appreciate if Turkmenistan could guarantee that this veto power of the Russian Orthodox Church in the CRA would not limit the rights of Christian groups applying for registration.

According to paragraph 577, the activity of unregistered religious organisations is prohibited. This prohibition could *de facto* limit the freedom of religion or belief as laid down in article 18 of the ICCPR.

Open Doors International would appreciate if Turkmenistan could explain why they deem registration of religious organisations necessary. Further, we would appreciate if Turkmenistan could guarantee that the registration requirements in practice do not limit the right to freedom of religion or belief as laid down in article 18 ICCPR.



State censorship

The publication and distribution of religious literature is prohibited, and its import is monitored and censored. Approval needs to be obtained from the Council on Religious Affairs for each title and quantity and permission is seldom given. The CRA refused permission to a pastor of a registered church to import ten Bibles.

The Bible Society is not allowed to function, neither is there any Christian bookshop in the country.

Open Doors International would appreciate if Turkmenistan could explain why the publication and distribution of religious literature is prohibited. Further, we would appreciate if Turkmenistan could explain the procedure to obtain permission to import and distribute religious literature.

Private religious education

According to paragraph 573, instruction in a spiritual doctrine in a private framework is prohibited and punishable according to the law.

Open Doors International would appreciate if Turkmenistan could explain why a prohibition on private teaching of religion is necessary. Further, we would appreciate if the state party could explain how this prohibition relates to its obligation under article 18 ICCPR.