



United States Mission to the OSCE

Statement on Turkmenistan

As delivered by Deputy Permanent Representative Douglas Davidson
to the Permanent Council, Vienna
November 20, 2003

Thank you, Mr. Chairman.

The United States takes note of the OSCE commitment that all participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments and we appreciate the opportunity presented in the Permanent Council to raise specific cases of human rights abuses.

We wish to comment today on recent disturbing legislation in Turkmenistan. We have learned that two new laws restricting human rights have taken effect in Turkmenistan in recent days.

One of these laws imposes additional, severe limitations on civil society groups. The Government of Turkmenistan recently adopted a restrictive law requiring that all associations register with the Ministry of Justice. The new law also prohibits operation of unregistered public associations and requires that all foreign assistance be registered with the Ministry of Justice and "coordinated" through the Ministry of Foreign Affairs, and specifies criminal penalties – including possible imprisonment – for those found guilty of violating the new rules.

This new law contradicts Turkmenistan's Copenhagen commitment to "allow members of such groups and organizations to have unhindered access to and communication with similar bodies within and outside their countries and with international organizations, to engage in exchanges, contacts and co-operation with such groups and organizations and to solicit, receive and utilize for the purpose of promoting and protecting human rights and fundamental freedoms voluntary financial contributions from national and international sources as provided for by law."

The new law also gives the Ministry of Justice the power to cancel public associations' registration at any time, for a number of reasons. Public Associations must also inform the Ministry of Justice in advance of planned events and facilitate attendance by representatives from the Ministry of Justice, ostensibly so that officials can "acquaint themselves" with groups' goals and their compatibility with Turkmen law.

These rules, together with provisions requiring re-registration of any changes to groups' charters or membership, strongly suggest that the purpose of the law is to limit and not promote, development of civil society groups. Rather than restrict the development of public association, we believe that Turkmenistan should create a climate of openness for these groups to establish themselves.

No registration procedures should restrict an individual's fundamental right to peaceful assembly or freedom of association. Our OSCE commitments state simply that the right of association "will be guaranteed."

The United States Government is equally concerned that a new religion law in Turkmenistan is even more restrictive than previous legislation on religion and criminalizes unregistered religious activity. This is inconsistent with a number of international agreements to which Turkmenistan is a party.

We urge the Government of Turkmenistan, to take measures to amend these laws, including in specific, the following actions:

- Submit both laws to the OSCE/ODIHR for review of their compliance with international norms.
- Remove from the jurisdiction of criminal laws the right to associate, assemble and receive national or international funding for the purpose of exercising and protecting internationally recognized freedoms. Turkmen residents should be able to associate, assemble and receive assistance freely.
- Remove religious worship from the jurisdiction of criminal laws. Believers should be able to practice freely the religion of their choice, whether alone or with fellow believers.
- Streamline NGO registration requirements in accordance with OSCE principles; immediately register those organizations that meet the requirements of the new law on religion, including the Jehovah's Witnesses, Baptists, Baha'is, the four non-registered Russian Orthodox congregations, Shi'a Islam, and any other affected groups.
- Promptly cease harassment of minority religious groups, including: raids on meetings in private homes, detention and arrest of religious minority group members, confiscation of religious literature and materials, pressure on individuals to abandon their religious beliefs, threats of eviction and/or dismissal from employment, and assessment of administrative fines against religious minority groups, for violating the legal prohibition on gatherings of unregistered groups. Believers should also have the freedom to pursue religious instruction in a variety of institutions.

We urge the Government of Turkmenistan to take immediate action to move towards complete freedom of religious worship and complete freedom of public association.

We thank the OSCE office in Ashgabat for its timely attention to these issues and would welcome future OSCE roundtable discussions between civil society and government authorities regarding these two laws.

Thank you, Mr. Chairman.