

**LAW OF TURKMENISTAN
ON FREEDOM OF RELIGION AND RELIGIOUS ORGANIZATIONS**

of October 21, 2003

In reaffirming the right of every person to freedom of religion and to equality before the law regardless of one's attitude to religion and conviction, considering that Turkmenistan is a secular state, recognizing the special role of the Muslim religion in the centuries-old history of Turkmenistan and in the formation and development of its spirituality and culture, respecting other religions, and considering it important to promote mutual understanding, tolerance and respect in matters relating to freedom of religion, Turkmenistan adopts the present Law as follows.

**CHAPTER 1.
GENERAL PROVISIONS**

Article 1. The subject matter of the present Law

The present Law regulates the legal right of man and citizen to freedom of religion, and the legal status of religious organizations.

Article 2. The legislation relating to freedom of religion and religious organizations is based on the Constitution of Turkmenistan and consists of the present Law and other legal regulations of Turkmenistan.

If Turkmenistan's international treaties establish other rules than those contained in the present Law, the rules of the international treaties are applied.

Статья 3. The right to freedom of religion

Freedom of religion is the constitutionally guaranteed right of citizens to profess any religion or none, express and disseminate their beliefs relating to their attitudes to religion, and participate in the administration of religious cults, rites and rituals.

No coercion is allowed for a citizen to determine his attitude to religion, to profess any religion or none, to participate or abstain from divine service, religious rites and ceremonies, and receive a religious education.

Persons under age may not be involved in religious organizations or taught religion contrary to their will or the will of their parents or substitute persons.

Exercise of the right to freedom of religion may not run counter to the established public law order, it may provisionally be limited if this is necessary to ensure national security and protect public order or the life, health, morals, and rights and freedoms of other citizens.

Foreign citizens and stateless persons who permanently reside or are temporarily present in Turkmenistan enjoy the right to freedom of religion on a par with citizens of Turkmenistan and bear responsibility in accordance with the legislation of Turkmenistan.

Article 4. Equality of citizens regardless of their attitudes to religion

Citizens of Turkmenistan are equal before the law in all areas of civil, political, economic, social and cultural life regardless of their religious beliefs. No mention of a citizen's attitude to religion is allowed in official documents.

Any direct or indirect limitation of rights and any advantages established for citizens depending on their religious or atheistic beliefs, or any incitement of enmity or hatred on this account or any insult of citizens' feelings entail responsibility in accordance with the legislation of Turkmenistan.

Nobody may on account of his religious beliefs evade exercise of the duties established by the legislation of Turkmenistan. One duty may be replaced by another on account of religious beliefs only as envisaged in the legislation of Turkmenistan.

Article 5. The state and religious organizations

Turkmenistan is a secular state. Religious organizations in Turkmenistan are separated from the state.

It is not allowed to establish any advantages or disadvantages for any one region or creed relative to others.

The state promotes an atmosphere of mutual tolerance and respect between citizens, organizations and non-believers, and between religious organizations and their members professing different religions, and prevents manifestations of religious or other fanaticism and extremism, or actions aimed at provoking confrontation, exacerbating relations and inciting enmity between different religious organizations.

Turkmenistan does not invest any state functions in religious organizations and does not interfere in the activities of religious organizations, provided they are not contrary to the legislation of Turkmenistan.

The state does not finance the activities of religious organizations or activities to promote atheism.

Turkmenistan does not allow the creation and operation of political parties and public movement based on religion, or the establishment of branches and chapters of religious parties outside the state.

The activities of religious organizations are incompatible with political propaganda. Religious organizations must observe the requirements of Turkmenistan's legislation. Religion may not be used for purposes of anti-state and anti-constitutional propaganda, incitement of enmity, hatred and ethnic strife, violation of the moral foundations and civil accord in society, spread of panic among the population and unhealthy relations between people, and other actions directed against the state, society and personality.

The activities of religious organizations, sects and other organizations are forbidden if they support and promote terrorism, illegal traffic in drugs, and other crimes.

Any attempts to bring pressure to bear on state bodies and officials, and unlawful religious activities, including activities in the home, are prosecuted in accordance with the legislation of Turkmenistan.

Article 6. Educational system and religion

The educational system in Turkmenistan is separated from religious organizations and is of a secular nature.

Citizens of Turkmenistan are guaranteed the right to a secular education regardless of their attitudes to religion.

Citizens of Turkmenistan have the right to learn religious dogma and receive a religious education of their choice individually or together with other persons.

Children may be taught religious dogma at mosques during off-hours from school for not more than four hours per week, subject to the approval of the Gengesh for Religious Affairs under the President of Turkmenistan and to consent from the parents, substitute persons, legal guardians and the children themselves.

Religion may be taught by persons who have graduated from higher religious educational establishments and who have secured permission from the Gengesh for Religious Affairs under the President of Turkmenistan.

Religion may not be taught privately and such teaching entails responsibility as envisaged in the legislation of Turkmenistan.

Article 7. State bodies and religious organizations

The state body that regulates the activities of religious organizations is the Gengesh for Religious Affairs under the President of Turkmenistan, which acts in accordance with the Regulation approved by the President of Turkmenistan.

The Gengesh for Religious Affairs under the President of Turkmenistan, within its competence:

- monitors the activities of religious organizations for compliance with the legislation relating to freedom of religion and religious organizations in Turkmenistan;

- ensures the exercise of constitutional rights and guarantees in matters of religion;

- represents the interests of religious organizations located and operating in Turkmenistan, in the state bodies;

- examines applications, letters and complaints from citizens relating to the activities of religious organizations, and takes measures to eliminate identified breaches and irregularities;

- gives explanations concerning the application of the Law on Freedom of Religion and Religious Organizations;

- creates a databank on religious organizations in Turkmenistan;

- sets up a council of experts on religion, representatives of religious organizations and human rights specialists to perform religious appraisal and, as necessary, provide official expert replies to queries from executive government bodies and courts of law;

- promotes mutual understanding and tolerance between religious organizations of different religions both inside and outside Turkmenistan; and,

- maintains contacts and coordinates with religious institutions abroad and with state bodies inside the country.

CHAPTER II.

RELIGIOUS ORGANIZATIONS IN TURKMENISTAN

Article 8. A religious organization

A religious organization is deemed to be a voluntary association of Turkmenistan citizens formed to jointly profess and disseminate their faith, conducting divine service and other rites and ceremonies, providing religious education, and registered in accordance with the procedure legislated in Turkmenistan.

A religious organization is set up on the initiative of at least 500 citizens of Turkmenistan who have come of age and who are permanently resident in Turkmenistan.

Religious organizations may be headed by citizens of Turkmenistan who have a higher religious education.

Religious organizations that profess the Orthodox faith and have religious centers abroad administer religious rites and train the clergy and other necessary religious personnel in accordance with the procedures established by such centers provided this does not run counter to the legislation of Turkmenistan.

Religious organizations may establish and maintain international ties for pilgrimage purposes and participate in other religious events in accordance with their charters and the legislation of Turkmenistan and with the consent of the Gengesh for Religious Affairs under the President of Turkmenistan.

Article 9. Religious educational establishments

The Gengesh for Religious Affairs under the President of Turkmenistan may set up religious educational establishments to train the clergy and other necessary religious personnel.

Religious educational establishments acquire the right to conduct their activities after they are registered at the Ministry of Justice of Turkmenistan and obtain the necessary license.

Citizens are admitted for training at higher religious educational establishments after they receive compulsory secondary education in conformity with the law of Turkmenistan.

Citizens of Turkmenistan may receive a religious education at the Department of Theology of the Mahtumkuli Turkmen State University.

Citizens of Turkmenistan who study at higher religious establishments enjoy the rights and benefits relating to deferment of military service, taxation, inclusion of the period of studies in the work record as established in the legislation of Turkmenistan for students of state-run educational establishments.

Article 10. The charter of a religious organization

A religious organization operates on the basis of its charter, which is approved by its founders. The religious organization's charter must contain the following information:

- name and type of religious organization, legal address, and religion;
- objective, tasks and key activities;
- conditions and procedure of reorganization, liquidation and property distribution;
- management structure and bodies, procedure of founding them, and their powers;
- sources of funds and other property of the organization;
- procedure of amending and supplementing the charter;
- procedure of entering and exiting the religious organization; and,
- other information relating to the activities of the religious organization.

The charters of religious organizations that have central management bodies must be coordinated with these management bodies.

Article 11. Registration of religious organizations

Religious organizations are registered by the Ministry of Justice of Turkmenistan at the proposal of the Gengesh for Religious Affairs under the President of Turkmenistan and based on material prepared by the justice departments of valayats. A religious organization acquires

the rights of a legal entity from its registration and inclusion in the Single State Register of Legal Persons.

The activities of an unregistered religious organization are forbidden. A person who conducts activities on behalf of an unregistered religious organization is liable under the legislation of Turkmenistan.

A religious organization submits the following documents in order to be registered:

- an application signed by the founders and other members of the religious organization indicating their places of residence, full names, and birth dates;
- the charter of the religious organization;
- the minutes of the founding meeting;
- a document confirming the address of the religious organization being founded; and,
- proof of payment of the registration fee.

The application to register a religious organization is examined within one month from the date of submission.

The Ministry of Justice of Turkmenistan has the right to ask for additional material and obtain an expert opinion from the bodies concerned. In this case, the decision is taken within three months from the submission of the application for registration.

Amendments and supplements in the religious organization's charter must be registered in accordance with the same procedure and timing as are applied to the registration of the religious organization.

Chapter 12. Refusal to register a religious organization

A religious organization may be refused registration on the following grounds:

- if the organization is not recognized as a religious one;
- if the provisions of the charter and other documents fail to meet the requirements of the present Law and other laws of Turkmenistan;
- if they contain patently false information; or,
- if the founders lack legal authority.

If a religious organization is refused registration, the applicants are notified in writing and the reasons for the refusal are stated.

The refused registration of a religious organization does not prevent a re-submission of the documents for registration provided the causes of the refusal are eliminated.

The repeated application is examined and the decision on it is taken according to the procedure envisaged in the present Law.

Chapter 13. Appeal against the refusal to register a religious organization

A refusal to register a religious organization may be appealed in a court of law according to the procedure established in the legislation of Turkmenistan.

Article 14. Liquidation of religious organizations

Religious organizations may be liquidated:

- by decision of the founders or the body authorized to do so by the religious organization's charter;
- if the registration is cancelled by the Ministry of Justice of Turkmenistan;

by decision of a court of law in the event of repeated and flagrant violations of the rules of the Constitution of Turkmenistan, the present Law and others laws; or,
if the religious organization systematically conducts activities that run counter to its founding purposes (purposes contained in the charter).

Grounds for a court of law to liquidate a religious organization are:

breaches of public safety and public order, and undermining of national security;
actions aimed at forcibly changing the foundations of the constitutional system and violating the integrity of the Turkmen state;
establishment of armed groups;
propaganda of war and incitement of social, racial, ethnic or religious strife;
interference in family affairs resulting in the breakup of the family;
attacks on the personality and on the rights and freedoms of citizens;
damage as defined by the law to citizens' morals and health, including the use of narcotics and psychotropics and hypnosis in religious activities, and perpetration of unlawful actions;
attempts to prevent a person from receiving compulsory education;
coercion of members of the religious organization and other persons to alienate their property in favor of the religious organization; or,
incitement of citizens to refuse to perform their civil duties as established by law and commit other unlawful actions.

A decision to terminate the activities of a religious organization is taken by the Ministry of Justice of Turkmenistan by agreement with the Gengesh for Religious Affairs under the President of Turkmenistan.

Bodies of the Prosecutor's Office system, the Ministry of Justice of Turkmenistan, which registers religious organizations, and bodies of local self-government have the right to file a request with a court of law to liquidate a religious organization or ban the activities of a religious organization.

The authority of a liquidated religious organization as a legal entity is terminated and the property of such religious organization is distributed in accordance with its charter and the legislation of Turkmenistan.

CHAPTER III. PROPERTY STATUS OF RELIGIOUS ORGANIZATIONS

Article 15. Property of religious organizations

The property of religious organizations may include buildings, structures, cult items, production, social and charity facilities, money and other property necessary for their activities, and also property acquired or created with their own funds, donated (willed) by citizens or public associations or transferred by the state, and property abroad or acquired for other reasons envisaged in the legislation of Turkmenistan.

Religious organizations must register receipts of financial and material resources related to projects and programs of foreign technical and other assistance at the Ministry of Justice of Turkmenistan.

State bodies of Turkmenistan may transfer cult buildings and other state-owned property into the ownership or disinterested use of religious organizations in accordance with the procedure defined by the legislation of Turkmenistan.

Religious organizations possess and use land in Turkmenistan in accordance with the procedure established by the legislation of Turkmenistan.

Article 16. Use of property owned by Turkmenistan, public organizations or citizens

Religious organizations have the right to use for their needs buildings and other property provided them on a contractual basis by state and public organizations or citizens.

Religious organizations have the precedent right to be provided with cult buildings with compounds.

A decision to transfer cult buildings or other property to a religious organization must be taken not later than one month from the receipt of the appropriate application, with the applicant simultaneously notified in writing.

The transfer to religious organizations of objects and items that are historical and cultural monuments and the use of such objects and items by religious organizations are regulated by the law of Turkmenistan.

Article 17. Production and economic activities

The central management bodies of religious organizations, based on the goals as inscribed in their charters, have the right to establish production, restoration/construction, agricultural and other enterprises in accordance with the legislation of Turkmenistan.

Financial and property donations and other incomes of religious organizations are exempted from taxes.

Article 18. Disposition of the property of religious organizations that have terminated their activities

When a religious organization terminates its activities, the property that has been given it for use by a state or public organization or citizens is returned to the former owner or legal successor.

When a religious organization terminates its activities, the property in its ownership is managed in accordance with its charter and the legislation of Turkmenistan. A list of properties of religious importance that may not be the subject of creditors' claims is defined by the Cabinet of Ministers of Turkmenistan at the proposal of the Gengesh for Religious Affairs under the President of Turkmenistan.

In the absence of legal successors, the property is transferred to the ownership of the state.

CHAPTER IV.

RIGHTS OF RELIGIOUS ORGANIZATIONS AND CITIZENS RELATED TO FREEDOM OF RELIGION

Article 19. Religious rights and ceremonies

Religious organizations have the right to freely found and maintain accessible places of divine service and religious rites, and maintain places of pilgrimage.

Divine service and religious rites and ceremonies are conducted at the locations of religious organizations within cult or prayer houses and on their compounds, at places of pilgrimage, at cemeteries and in the event of ritual necessity, at citizens' houses subject to their wishes.

The commanders of military units do not prevent servicemen from participating in divine service and performing religious rites in their free time.

Divine service and religious rites at hospitals, old and disabled people's homes, places of custody and penitentiaries are conducted at the requests of occupants.

The administrations of such institutions help to invite clergy and determine the place, time and other conditions of the divine service, rite or ceremony.

Public divine service and religious rites and ceremonies outside cult and prayer houses are conducted in accordance with the procedure established by the legislation of Turkmenistan. Citizens of Turkmenistan (except for ministers of religious organizations) may not appear in cult dress at public places.

Religious organizations have no right to conduct coercive fund raising or impose levies on believers, or to apply actions toward them that disparage their honor and dignity.

Article 20. Religious literature and religious items

Citizens of Turkmenistan and religious organizations have the right to acquire and use religious literature in any language of their choice, and other religious items and materials.

Literature that provokes religious, national, interethnic and racial strife may not be produced, imported, exported or distributed. Such actions entail responsibility as established by the legislation of Turkmenistan.

The delivery and sale of religious literature produced abroad are permitted once its content has been assessed by the Gengesh for Religious Affairs under the President of Turkmenistan in accordance with the procedure established by the legislation of Turkmenistan.

The manufacture, storage and distribution of printed matter, and cine-, audio- and video products and other materials that contain ideas of religious extremism, separatism and fundamentalism entail responsibility in accordance with the legislation of Turkmenistan.

Article 21. Charity, cultural and educational activities of religious organizations

Religious organizations have the right to conduct charity and other cultural and educational activities both independently and through public funds.

Donations and deductions for these purposes are tax-exempt

CHAPTER V.

LABOR AT RELIGIOUS ORGANIZATIONS AND AT THEIR ENTERPRISES

Article 22. Labor at religious organizations

The labor law of Turkmenistan applies to citizens who are employed at religious organizations and at their enterprises under labor contracts. Such citizens may be trade union members.

Article 23. Taxation of citizens employed at religious organizations

Employment incomes that citizens, including the clergy, receive from religious organizations and their enterprises are taxed according to the rates set for the workers and office employees of state-owned enterprises, institutions and organizations in Turkmenistan.

Статья 24. Social security and social insurance for citizens employed at religious organizations and their enterprises

Citizens of Turkmenistan who are employed at religious organizations and their enterprises, including the clergy, are entitled to social security and social insurance on a par with the workers and office employees of state-owned enterprises, institutions and organizations in Turkmenistan.

To these ends, religious organizations and their enterprises pay state social insurance deductions according to the procedure and in the amounts established for state-owned enterprises, institutions and organizations, and help contract voluntary pension insurance policies in accordance with the procedure established by the legislation of Turkmenistan.

All citizens who are employed at religious organizations and their enterprises are appointed and paid state pensions on common grounds in accordance with the legislation of Turkmenistan.

**CHAPTER VI.
SUPERVISION AND CONTROL OVER THE
ACTIVITIES OF RELIGIOUS ORGANIZATIONS**

Article 25. Supervision and control over the activities of religious organizations

The Ministry of Justice of Turkmenistan and the justice departments of velayats supervise the compliance of the religious organizations' activities with the goals contained in their charters. The Ministry of Justice of Turkmenistan and the justice departments of velayats have the right to ask the management bodies of religious organizations for their founding documents; dispatch their representatives to participate in the events organized by religious organizations; receive explanations from members of a religious organization and other citizens on issues related to compliance with the charter; issue written warnings to the management bodies of such organizations indicating the reasons for the warning in the event they identify violations of the legislation of Turkmenistan by religious organizations or the perpetration of actions by such organizations that run counter to the goals envisaged in their charters.

The Ministry of Justice of Turkmenistan cancels the registration if a religious organization has largely moved over to entrepreneurial activities or if the attainment of the goal envisaged in its charter becomes impossible.

If a religious organization is issued more than two written warnings or instructions to redress the breaches during one year or if it fails to submit updated information that must be registered to the Ministry of Justice of Turkmenistan during one year, the Ministry of Justice may file a request with a court of law to liquidate the religious organization.

The General Prosecutor of Turkmenistan and the prosecutors under his control supervise observance of the legislation relating to freedom of religion and religious organizations. Financial and tax bodies supervise the sources of income of religious organizations, the amounts of the funds they receive, and the payment of their taxes and other duties in accordance with the legislation of Turkmenistan.

Ecological, fire fighting, sanitary and epidemiological and other bodies of state control and supervision may enforce control and supervision over the compliance of religious organizations with current norms and standards.

Article 26. Responsibility for violating the legislation relating to freedom of religion and religious organizations

Officials and citizens of Turkmenistan and other persons guilty of violating the legislation relating to freedom of religion and religious organizations are liable in accordance with the legislation of Turkmenistan.

CHAPTER VII. FINAL PROVISIONS

Article 27. Final provisions

The charters and other founding documents of religious organizations that were established prior to the entry into force of the present Law must be brought into line with the present Law. The Law of Turkmenistan *On Freedom of Religion and Religious Organizations* adopted on May 29, 1991 as subsequently amended and supplemented is deemed to be abrogated on the day the present Law enters into force.

**President of Turkmenistan
Saparmurat NIYAZOV**

City of Ashgabat, 21 October 2003.