



# LGBT PERSONS IN TURKMENISTAN: THE INVISIBLE, THE DISCRIMINATED AGAINST, AND THE STIGMATIZED

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Turkmenistan is one of the world's most closed and authoritarian countries, where citizens' rights and liberties are almost completely denied in practice. The government's authoritarian grip extends to all areas of life: the country's governing institutions, the national media, and the civil society sector (which is limited to state-controlled or -affiliated organizations) all serve as megaphones for regime propaganda and conduits of its interests. In such an environment, groups that fail to conform to the prevailing traditionalist patriarchal norms and practices, such as the LGBT community, face an elevated danger of being discriminated against and stigmatized. They are deprived of effective mechanisms to express their concerns and enjoy and protect their fundamental rights and freedoms. Members of the community are forced to live in secrecy out of fear of ill-treatment by state and non-state actors.

This brief contributes to discussions on the situation facing LGBT persons in Turkmenistan. It analyzes the current state of the relevant legislation and law enforcement practices, as well as changes thereto since the country's independence in 1991. It also identifies actors who perpetuate traditionalist socio-cultural norms and practices that discriminate against and stigmatize non-heterosexual persons.

## Legal Framework as the Basis of Discrimination and Social Stigmatization

Turkmenistan lacks a comprehensive legal framework for adequate and effective protection against all forms of discrimination, especially discrimination based on sexual orientation and gender identity (SOGI). Furthermore, Turkmenistan is one of just two post-Soviet countries (the other being Uzbekistan) where homosexuality is still a criminal offense. While the country's Criminal Code has undergone several revisions in the post-Soviet period, all of them have not only avoided the decriminalization of same-sex sexual relations between consenting adults, but even gradually increased the penalty for such acts.

The Criminal Code of Turkmenistan came into force on January 1, 1998, replacing the Criminal Code of the Turkmen Soviet Socialist Republic that had been in force from 1961. The new code preserved the Soviet-era provisions and penalties regarding homosexuality, including the term *muşhelozhstvo* (*beçebazlyk* in Turkmen) for defining such relationships. The new code thus followed the Soviet practice of not explicitly criminalizing female homosexuality, which was viewed instead as a mental illness requiring medical and psychiatric intervention. [Under the "sodomy" article](#) (art. 135), consensual sexual acts between men were punishable by imprisonment for a maximum of two years, with more severe criminal liability available for non-consensual acts, repeated acts, acts with juveniles, and those that put people at risk of contracting HIV or other sexually

transmitted infections (up to 20 years). Regarding the latter, the wording of the Code did not—and still does not—comply with UNAIDS recommendations, perpetuating a faulty perception of HIV as a condition characteristic of homosexual relations, which causes LGBT persons to avoid getting tested for fear of imprisonment.

In the following decade, during Saparmurat Niyazov’s presidency (1991-2006), the 1997 Criminal Code underwent several revisions in the form of specific amendments and additions, none of which affected the provisions on homosexuality. When Gurbanguly Berdimuhamedov first assumed presidential office in 2007, there were hopes that the government would abolish its discriminatory frameworks as part of proposed legal reforms that aimed to demonstrate the new leadership’s “commitment” to international standards and human rights obligations. In 2010, the authorities introduced the revised Criminal Code, which featured some modest improvements, such as the decriminalization of certain acts previously considered criminal. Nonetheless, contrary to the recommendations of international organizations and other concerned parties, the government increased the liability under article 135. [The new code](#) added a provision allowing for the imposition of an obligation to reside in a specific area for a period of two to five years following conviction for any and all acts under the article.

In 2021, [it was reported](#) that the Turkmen government planned to reconsider the reasoning behind the article criminalizing consensual same-sex relations and study the option of introducing anti-discrimination legislation within the third cycle of reporting under the International Covenant on Civil and Political Rights. The government’s actions, however, highlighted that there was no real intent behind such claims. As independent media and [experts underlined](#), Turkmenistan consciously marked the UPR recommendations regarding the adoption of legislation to tackle discrimination against non-heterosexuality as “noted” without taking any real steps to decrease the stigma attached to homosexuality. Indeed, the authorities have never yet drafted all-inclusive non-discrimination laws for consideration by the parliament.

Furthermore, in dialogue at the level of UN Treaty Bodies, state officials have repeatedly referred to traditional and cultural values as grounds for maintaining the existing institutional discrimination against non-heterosexual people, arguing that any deviations pose a threat to the fabric of Turkmen traditions and society. To give just one example, in 2017, Shemshat Atadzhanova, head of the Department for Democracy and Human Rights of the Turkmen National Institute of Democracy and Human Rights under the President of Turkmenistan, [stated that](#): “[Abolition of the criminal penalties for sodomy] is contrary to Turkmen culture and the mentality of the Turkmen people, which are based on traditional family values. Therefore, making such changes to the legislation is unacceptable.” [The most recent changes](#) to the Criminal Code, adopted in April 2022, confirm the government’s unwillingness to alter its course. The new code changed the number of the “sodomy” article from 135 to 133, increased the criminal liability for non-consensual acts to a maximum of eight years in prison (from six), and placed same-sex sexual relations on par with severe crimes such as rape and murder, for which liability is imposed from the age of 14.

### **Enforcement of the “Sodomy” Article**

The continued presence of the “sodomy” article serves as the foundation for state-sanctioned homophobia, solidifying the general public’s stigmatization of LGBT persons in all areas of life and subjecting them to profound systemic discrimination and degrading treatment, particularly during the investigation process.

According to [U. Valodzin’s data](#), 772 persons were prosecuted for “sodomy” in the Turkmen SSR in the period between 1946 and 1991. The exact number of persons prosecuted under this article since 1991 is unknown; it is extremely challenging even to estimate, given that the government does not disclose any information on such taboo subjects. The authorities’ remarks are limited to [statements](#) at the UN level that the “sodomy” article is rarely enforced in practice and denials of the very existence of the gay community in the country. Considering

the state's extreme secretiveness, independent media and experts are the only sources of (albeit scarce and patchy) information about arrests, ill-treatment, and blatant humiliation of non-heterosexual persons.

Prosecution has varied considerably over the last 30 years. [According to experts](#), homosexuality was rarely prosecuted during Niyazov's presidency, allowing a gay subculture to enjoy a relatively less stifling environment, albeit not without the risk of ill-treatment and violence from state and non-state actors. SOGI-based discrimination and prosecution, coupled with cruel treatment, have [intensified dramatically](#) since Berdimuhamedov came to power. Since then, law enforcement officials have been engaged in an active "hunt" for homosexual men, organizing (sporadic) raids and ambushes in purported meeting-places and monitoring online forums and dating sites. For example, in 2021, [Turkmen.news reported](#) that 30 men had been detained and accused of group sex as a result of one such raid.

[While under arrest](#), persons accused of "sodomy" are subjected to degrading procedures, such as forensic examination of their rectum and anal area. Officials also torture detainees to force them to reveal the names of other gay men; their phones are examined for the same reason. Analysis suggests that imprisonment under the article remains selective: law enforcement officials primarily use the "sodomy" article as leverage to blackmail and extort large bribes from detainees, threatening them with harsh prison conditions and the disclosure of this information to friends and relatives.

Those convicted under the article [also often face charges](#) under other provisions of the Code, such as for the gratification of perverted sexual desires, [or are assigned](#) psychiatric intervention ("conversion" therapy). In prisons, these individuals [are subjected to further torture](#), violence, and humiliation by authorities and other inmates; [they are also not eligible](#) for pardon. The ill-treatment that non-heterosexual persons undergo before, during, and after the trial highlight the country's gruesome violation of its international obligations and lack of decisive steps to improve its practices. There are no effective mechanisms through which to protect the rights of these persons, as the government enforces its legislation regarding the prohibition of torture and other inhuman behavior arbitrarily.

### **Actors Reinforcing Discriminatory Norms and Practices**

In Turkmenistan, as in other Central Asian countries, sexual orientation and gender identity-related issues retain a taboo status. Even so, in neighboring countries, these issues are gaining increasing visibility thanks to the growing activist community, sparking public debates and backlash from conservative segments of society. In Turkmenistan, SOGI-related topics are completely absent from public discourse due to the government's actions. Thirty years of isolationist and rigid authoritarian policies have resulted in the complete absence of democratic and accountable institutions, an independent civil society sector, or free mass media. As a result, the government retains an unchallenged monopoly on shaping socio-cultural norms and practices, intruding into virtually all aspects of citizens' private lives.

That being said, the authorities' stance on the issue is publicly divulged only in communications with international organizations (namely the UN bodies). Domestically, the government demarcates the boundaries of permitted conservatism concerning such "sensitive" topics through a larger narrative of promoting and upholding traditional gender roles and (heterosexual) family models as fundamental elements of a stable and moral society, avoiding direct public engagement in the issue. All other institutions act as conduits of this agenda; local media and the civil society sector, comprised of state-organized or -affiliated public associations, do not cover LGBT-related issues in any way. The state-backed agenda extends to the education system as well; [as noted by experts](#), the country lacks comprehensive sexuality education in all educational institutions at all levels. Furthermore, medical and educational resources are outdated and reflect prevailing homophobic attitudes.

When it comes to religious institutions, they play a lesser role in these processes than even their counterparts in other countries defending “traditional values” (e.g., [Russia](#)), as they have no room for ideological maneuver and independent action. Islam, which exists under tight government control, is essentially viewed as an important secular component of national culture—and the religious establishment as an extension of the state bureaucracy. The closed nature of Turkmen society makes it difficult to ascertain definitively the extent to which religious institutions influence the shaping of homophobic attitudes and their proliferation in society; there are no surveys in Turkmenistan on popular attitudes toward non-heterosexual people.

The available evidence, however, suggests that the overwhelming majority of the population either (tacitly) endorses existing practices or else is simply unconcerned/is uninformed/has only a vague understanding of the issue. Homophobia is rarely manifested [in direct physical assaults](#), even though people can be aggressive. More often, non-heterosexual persons are subjected to verbal abuse and derogatory remarks; are pressured to live a “normal” life (heterosexual marriage) or to cut ties with family, relatives, and friends; and see their socialization and employment opportunities curtailed, to name but a few consequences. To give just one example, in 2019 Kasymberdy Garayev, a young cardiologist from Ashgabat, [publicly came out about his sexual orientation](#) in a narrative published by Radio Free Europe/Radio Liberty to “start a discussion in Turkmen society so that (hostile) attitudes towards sexual minorities would change.” Consequently, he was arrested and held incommunicado. He also had to face verbal abuse and forced to seek psychological treatment and “conversion” therapy from imams by his parents.

There are no identified groups inside the country that have the resources and motivation to openly challenge the status quo. Due to oppressive conditions, the LGBT community is largely invisible and deeply fragmented. Instead, it is international organizations, human rights-focused INGOs, policy experts, and foreign-based media (including independent Turkmen media in exile) that are the principal actors spotlighting the authorities’ abuse of power and advocating for the establishment of effective legislative and practical means to prevent and prosecute systemic discrimination against and ill-treatment of LGBT persons. Given current socio-political realities, however, their impact on domestic processes remains negligible.

## Conclusions

The existing discriminatory norms and practices, the abuse of anti-gay laws, torture and ill-treatment, and a lack of information resources and access to essential services (e.g., HIV testing and treatment) pose significant psychological challenges and health risks that LGBT individuals are daily forced to face unaided, including overcoming their own internal homo-, bi-, and transphobia.

This oppressive environment forces non-heterosexual persons to live a clandestine life in which they suppress their desires or (in the best-case scenario) to [flee the country and seek refuge](#) in more hospitable countries. While nearly all the available evidence captures discriminatory practices against homosexual men, this is by no means meant to suggest that lesbian and bisexual women enjoy better living conditions. Given patriarchal socio-cultural norms and practices, the lack of evidence most likely reflects the fact that Turkmen women face a more constraining environment (including early marriages, among them arranged ones), resulting in their stories being less visible.

The hyper-centralized character of the country’s political system explains the lack of “norm contestation” or any deviation from state-endorsed narratives regarding LGBT rights and similar “sensitive” issues (e.g., gender-based violence), which are present to varying degrees in other countries that defend “traditional” norms. Moreover, a specificity of the Turkmen regime is that such issues are only discussed in meetings with international organizations and concerned foreign partners, the detailed contents of which are not divulged to the domestic audience. The government and other social institutions openly neglect SOGI-related issues in

their domestic rhetoric, concealing them under the overarching project of promoting traditionalist social and familial norms and behaviors.

While there is a widespread negative attitude toward homosexuality, ordinary citizens engage in direct physical violence against members of the LGBT community relatively infrequently. Violence against non-heterosexual persons is, however, prevalent among law enforcement officials, who subject these individuals to torture, ill-treatment, and inhuman behavior, including unjustifiable medical examinations.

It is evident that in the current socio-political reality, any meaningful change is highly unlikely for the foreseeable future. The arguments presented above attest to the absence of any real commitment on the part of the government to implement meaningful reforms to tackle systemic discrimination and decrease the stigmatization of LGBT persons and other vulnerable groups, including through the decriminalization of consensual same-sex sexual conduct. There are no groups inside the country that can challenge the status quo, while efforts by external actors to promote an inclusive environment are severely curtailed.