



His Excellency Mehmet Ali Sahin, Minister of Justice, the Republic of Turkey
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October 16, 20007

Your Excellencies:

On behalf of the International Gay and Lesbian Human Rights Commission (IGLHRC), I am writing to ask that the Government of Turkey respect and protect the freedom of association and expression of all citizens, and take measures against the closure of the lesbian, gay, bisexual, travesty, and transsexual (LGBT) group Lambda Istanbul.

Denial of the right to free association effectively denies the right to free expression. We urge you to consider the following arguments in your position:

The right to free association falls within the scope of the political criteria that Turkey is required to observe for accession to the European Union, as established by the European Council in Copenhagen in 1993. On this basis and upon insistence from the European Union, Romania eliminated from its Penal Code the former art. 200 on same-sex relations, which had explicitly outlawed *association* and infringed upon free *expression* related to homosexuality.

Freedom of association and expression are guaranteed under international human rights law. LGBT people are fully included in the right to enjoy freedom of association and expression -- discrimination on the basis of sexual orientation or gender identity is prohibited (the Council of Europe's European Convention of Human Rights, art. 11 and 10, and the United Nations' International Covenant on Civil and Political Rights art. 22 and 19, both ratified by Turkey). In its decision in *Toonen v. Australia* (1994), the UN Human Rights Committee affirmed that existing protections against discrimination in Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR) include *sexual orientation*. The European Court of Human Rights has also established a consistent jurisprudence in support of the elimination of discrimination based on *sexual orientation and gender identity* under the European Convention on Human Rights. This

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Court takes an *evolutionary* approach to interpreting the provisions of the European Convention of Human Rights, basing its rulings on current understandings of the provisions of the European Convention of Human Rights, as opposed to the understanding when the Convention was adopted more than 50 years ago.

Turkey decriminalized consensual same-sex relations between adults in the 19th century, ahead of most other European countries, thus showing respect for the human being even before human rights became a universal reference and an element of international law.

We urge you to continue this vision and take measures against the closure of the Lambda Istanbul association, in order to respect and protect the right of association and expression for LGBT people.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula Ettelbrick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paula Ettelbrick
Executive Director

IGLHRC works to secure the full enjoyment of the human rights of all people and communities subject to discrimination or abuse on the basis of sexual orientation or expression, gender identity or expression, and/or HIV status. A US-based nonprofit, nongovernmental organization, IGLHRC effects this mission through advocacy, documentation, coalition building, public education, and technical assistance.