Your Excellency,

On behalf of the International Gay and Lesbian Human Rights Commission (IGLHRC), I am writing to you as the head of the Republic of Turkey to ask that you investigate the order to disband Siyah Pembe Üçgen Izmir Association and affirm the right to freedom of association for lesbian, gay, bisexual, transgender, and transsexual (LGBTT) organizations.

As you may be aware, the Public Prosecutor filed an action on October 16, 2009 to close Siyah Pembe Üçgen Izmir Association, alleging that Article 2 of the organization’s statute disturbs public morality and the structure of the family in Turkey. The group is the fourth LGBTT organization to be targeted for closure by the government on these grounds: the objections against Kaos GL and Pink Life in Ankara were ultimately dropped, and efforts to close Lambda Istanbul were dismissed in decisions by the Supreme Court of Appeals and the Court of First Instance. As the Supreme Court of Appeals affirmed in its ruling, “no clause exists in our laws which prohibits lesbian, gay, bisexual, travesti and transsexual persons from assembly to form an association with aims of solidarity. As a result, it cannot be said that the defendant association’s aims are unlawful or immoral.”

A clear precedent suggests that Article 2 and the aims of LGBTT organizations do not violate public morality in a way that justifies restrictions on these groups. We therefore request the Turkish government to immediately drop all charges against Siyah Pembe Üçgen Izmir Association and expedite their legal registration as a valuable member of civil society.

Under Turkey’s Constitution “all individuals are equal without any discrimination before the law,” (Article 10), and “everyone has the right to form associations, or become a member of an association, or withdraw from membership without prior permission” (Article 33). Moreover, under the International Covenant on Civil and Political Rights, Turkey must protect freedom of association (Article 22) and equality under the law (Article 26). In Toonen v. Australia, the Human Rights Committee of the United Nations affirmed that Articles 2 and 26 of the ICCPR include sexual orientation as a protected status. The European Court of Human Rights has also called for states to eliminate discrimination on the basis of sexual orientation and gender identity.
In light of the repetitive legal challenges that LGBTTT people face in Turkey, we echo these organizations in requesting that the government add “sexual orientation and gender identity” as prohibited grounds for discrimination in the equality clause of the Constitution. Such an amendment would affirm existing legal precedent for LGBTTT organizations and clarify that all LGBTTT people must enjoy equal protection under the law. A number of countries have adopted such protections, including Portugal, Sweden, Switzerland, South Africa, Ecuador, and Fiji. They are especially useful in contexts like Turkey’s, where varying interpretations of expansive and undefined categories like “public morality” prevent LGBTTT people from reliably exercising their rights guaranteed to them under the law.

Organizations like Siyah Pembe Üçgen Izmir Association play a valuable social and political role in their community and in civil society, and spurious legal challenges prevent them from doing their work. In light of established precedent, we therefore respectfully ask that you investigate the closure of Siyah Pembe Üçgen Izmir Association and clarify that LGBTTT people enjoy the full rights of citizens provided by the Turkish Constitution.

Sincerely,

[Signature]
Cary Johnson
Executive Director
International Gay and Lesbian Human Rights Commission

CC:
Prime Minister of the Republic of Turkey, His Excellency Recep Tayyip Erdoğan
Distinguished Members of the Turkish National Assembly Human Rights Commission
Distinguished Members of the Turkish National Assembly Commission of Justice
Distinguished Representatives of Izmir Province, Turkish National Assembly
Ministry of Interior of the Republic of Turkey, Department of Associations
Governor of Izmir, His Excellency Mustafa Cahit Kiraç
Directorate General of Provincial Associations, Izmir Province
The Presidency of the European Union, Prime Minister Fredrik Reinfeldt of Sweden
European Commissioner for Enlargement, His Excellency Olli Rehn
Council of Europe Commissioner for Human Rights, His Excellency Thomas Hammarberg
US Ambassador to the Republic of Turkey, His Excellency James F. Jeffrey