



President Abdullah Gül
President of the Republic of Turkey
T.C. Cumhurbaşkanlığı Genel Sekreterliği
06689 Çankaya, Ankara, Turkey
Tel: +90 (312) 470 23 08
Fax: +90 (312) 470 13 16
cumhurbaskanligi@tccb.gov.tr

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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 İzmir Association and affirm the right to freedom of association for lesbian, gay, bisexual, transgender, and transsexual (LGBT) organizations.

As you may be aware, the Public Prosecutor filed an action on October 16, 2009 to close Siyah Pembe Üçgen İzmir 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 LGBT 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 LGBT 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 İzmir 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 İzmir 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 İzmir Association and clarify that LGBTTT people enjoy the full rights of citizens provided by the Turkish Constitution.

Sincerely,



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 İzmir Province, Turkish National Assembly

Ministry of Interior of the Republic of Turkey, Department of Associations

Governor of İzmir, His Excellency Mustafa Cahit Kiraç

Directorate General of Provincial Associations, İzmir 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