

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

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(Please use this reference in your reply)

11 February 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, pursuant to Human Rights Council resolutions 52/4, 52/9, 59/4 and 59/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **allegedly arbitrary dissolution of the Genç LGBTI+ Association and the criminal charges brought against the human rights defenders Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, Berhan Ocak and six other members of the organization.**

Genç LGBTI+ Association (Young LGBTI+ Association) is a civil society organization that was established in İzmir in 2016 with the aim of combating discrimination, violence and exclusion faced by LGBTI+ youth. It works to raise public awareness of such issues and advocates for access to safe spaces, legal and psychosocial support for LGBTI+ youth and builds peer solidarity and support networks.

Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, and Berhan Ocak are human rights defenders advocating for the rights of LGBTIQ persons and are part of the executive leadership and staff of Genç LGBTI+ Association.

According to information received:

Between 26 April 2019 and 14 May 2020, Genç LGBTI+ Association shared four illustrations on its social media account for Lesbian Visibility Day and the 4th LGBTI+ Youth Festival.

On 18 March 2021, the İzmir Governor's Office released the report of an audit it had initiated into the activities of Genç LGBTI+ Association during the period of 26 October 2019 – 26 January 2021, concluding that no legal action would be taken against the organization.

On 31 March 2022, Genç LGBTI+ Association shared an illustration on Lesbian Visibility Day on its social media account.

From 25-27 September 2024, an audit of Genç LGBTI+ Association's activities was carried out again by the İzmir Governor's Office for the period of 26 April

2019 – 1 January 2022. The audit was carried out in the context of a series of audits and inspections of organizations that advocate for the rights of LGBTIQ persons in Türkiye. The audit report detailed that five allegedly ‘obscene’ illustrations had been posted on the social media account of Genç LGBTİ+ Association between 2019 and 2022. This is despite the fact that four out of five of the illustrations were the subject of the inspection by the İzmir Governorate in 2021 and for which no legal action was pursued.

On 10 December 2024, the İzmir Governor’s Office reported Genç LGBTİ+ Association to the İzmir Chief Prosecutor’s Office, requesting that a criminal investigation be launched for the charge of obscenity in relation to the illustrations, and that a lawsuit be filed seeking the dissolution of the association. In response, the İzmir Chief Prosecutor’s Office Cybercrime Bureau initiated an investigation into the association as a legal entity on the charges of “facilitating the publication of obscene material” (article 226/2 of the Turkish Penal Code), and “establishing an association for prohibited purposes or to commit criminal acts” (articles 30(b), 32 (p) of the Law on Associations), with reference to the protection of the family under article 41 of the Constitution.

On 3 February 2025, a dissolution case was filed against Genç LGBTİ+ Association by the İzmir Chief Prosecutor’s Office before the İzmir 3rd Civil Court of First Instance, alleging that the association had encouraged society to adopt LGBTI+ identities by disseminating obscene content through the sharing of the illustrations on its social media.

On 5 March 2025, the İzmir Governor’s Office sent a second letter to the İzmir Chief Public Prosecutor’s Office, inquiring as to whether any action had been taken in response to its letter of 10 December 2024.

On 7 March 2025, the Prosecutor’s Office responded to the letter from the Governor’s Office to say that it could not access the letter and recommending that it be re-sent.

On 11 March 2025, the dissolution case against Genç LGBTI+ Association began before the İzmir Third Civil Court of First Instance. The organization was not notified of the hearing, leading to its members and legal representatives not being present at court. The Association’s representatives subsequently submitted a petition to the court requesting additional time to respond, which was granted by the court.

On 12 March 2025, the İzmir Governor’s Office sent a third letter to the İzmir Chief Public Prosecutor’s Office, to which it attached the letter dated 10 December 2024. The letter stated that although a dissolution case had been filed against the Genç LGBTİ+ Association, no information had yet been provided regarding the criminal investigation and asked for information about this. A second criminal investigation was subsequently initiated into the same five social media posts from 2019 – 2022, however this time the investigation was against 11 human rights defenders from Genç LGBTİ+ Association – including two members of the board of directors and supervisory board and two

employees. The 11 members being investigated included Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, Berhan Ocak and six others. The investigation document noted 12 March 2025 as the date of the alleged crime, the same date the third follow-up letter was received from the İzmir Governor's Office.

On 8 April 2025, the second hearing for the dissolution case was held, during which the lawyers for Genç LGBTİ+ Association were permitted to present their defense, having missed the first hearing due to lack of prior notification of its scheduling for that date.

On 18 June 2025, the Press Prosecutor's Office conducting the second investigation into the 11 members of Genç LGBTİ+ Association instructed the police and prosecutors' offices to take statements from these individuals. From then until October, statements were taken from Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, Berhan Ocak and six members of Genç LGBTİ+ Association.

On 14 August 2025, the İzmir Chief Public Prosecutor's Office Cybercrime Bureau closed the first of the two criminal investigations initiated against Genç LGBTİ+ Association, on the grounds that the illustrations posted on its social media account did not constitute obscenity.

On 4 September 2025, the third hearing in the dissolution case against Genç LGBTİ+ Association was due to be held before the İzmir 3rd Civil Court of First Instance. The judge that had been presiding over the case had been transferred to another court, and the newly appointed judge for the case did not come to the hearing. As a result, no proceedings took place.

On 22 October 2025, the Prosecutor leading the second criminal investigation – focused on 11 members of Genç LGBTİ+ Association – concluded that there should be no prosecution on the charge of obscenity, similar to the conclusion of the first criminal investigation against the association. The prosecutor reportedly stated to the lawyer of the file that whilst the charge relating to obscenity would not be pursued, the investigation would continue regarding the allegation under the Law on Associations.

On 28 October 2025, the İzmir Chief Public Prosecutor's Office filed a criminal case against Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, Berhan Ocak and six members of Genç LGBTİ+ Association before the İzmir 47th Criminal Court of First Instance. They were charged with “establishing an association for prohibited purposes or to commit criminal acts” under articles 30(b) and 32(p) of the Law on Associations, with the prosecutor seeking imprisonment and fines – despite the fact that in accordance with article 33 of the Law on Associations, the Chairperson of the board of an association will be held responsible for violations of its provisions. The first hearing for the trial of Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, and Berhan Ocak and six other members of Genç LGBTİ+ Association was scheduled for 8 April 2026.

On 27 November 2025, the judge presiding over the dissolution case was changed a second time, due to the judge being transferred to another court.

On 11 December 2025, the fourth hearing in the dissolution case against Genç LGBTİ+ Association took place before the Izmir 3rd Civil Court of First Instance. The judge – the third to preside over the case and despite it being the first and only hearing this judge oversaw – ruled that the social media posts contained obscene images. In the ruling, the judge stated that the images were viewed by many people and reached a wide audience, that they may encourage and promote lesbian, gay, bisexual, transvestite, or transsexuality, and that the association was not in line with the moral values of society or article 41 of the Constitution. In accordance with this, the court ruled for Genç LGBTİ+ Association to be dissolved.

At the time of writing, Genç LGBTİ+ Association is preparing to appeal the dissolution decision.

Without wishing to prejudge the accuracy of the information received, we express our serious concern regarding the legal order for the dissolution of Genç LGBTİ+ Association and the criminal charges brought against 11 of its leading members and employees, including Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, and Berhan Ocak.

We are concerned about the stated justification for launching both the dissolution case against the legal entity and the criminal case against the human rights defenders working for the association, ostensibly due to five illustrations posted on its social media account. In this regard, we recall that article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to hold opinions without interference and the right to freedom of expression, which applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. Any restriction on this right must be strictly compatible with the requirements set out in article 19(3) ICCPR and be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Furthermore, given that four out of five of the illustrations in question were already the subject of a previous audit, which did not find any basis for further action, we are concerned that they were selected for further scrutiny as a pretext for subjecting Genç LGBTİ+ Association to legal harassment based on its work more broadly, advocating for the rights of the young LGBTIQ community in İzmir.

A number of issues related to potential due process violations in this case give rise to concern, including the alleged interventions of the Governor’s Office, in response to which the criminal investigations appear to have been filed; the failure to notify the association’s lawyers of the first hearing in the case; the change in judge three times, over the course of what appears to be a relatively short trial to begin with; and the fact that the third judge issued a decision after presiding over just one hearing in the trial, and on the same day as such, raising concern as to whether sufficient time and consideration was paid.

We are also cognizant of and further concerned by the fact that the legal harassment against Genç LGBTİ+ Association is not an isolated incident but rather part of a broader pattern of penalizing civil society organizations and associations working to promote the rights of LGBTIQ persons.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information as to the factual and legal basis for the dissolution and criminal case filed against Genç LGBTİ+ Association, particularly given the information received which indicates that the illustrations in question had previously been the subject of an audit which did not find cause for further action. Please explain in detail how can these measures be compatible with international law, including the rights to freedom of association and expression.
3. Please provide detailed information as to the factual and legal basis for the criminal case filed against Kerem Dikmen, Ahmet Emirhan Şaşmaz, Aras Örgen, Barış Azar, Berhan Ocak and six other members of Genç LGBTİ+ Association. Please explain how can these be compatible with international human rights law and standards.
4. Please provide information on the measures taken by your Excellency's Government to ensure that human rights defenders and civil society organisations are able to carry out their peaceful and legitimate work and exercise their rights to freedom of peaceful assembly and association and freedom of expression in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any kind.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should

be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero

Special Rapporteur on the rights to freedom of peaceful assembly and of association

Graeme Reid

Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity

Annex

Reference to international human rights law

In connection with above-mentioned allegations and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by Türkiye on 23 September 2003, in particular its articles 2, 14, 19 and 22 which guarantee freedom from discrimination based on any status, the right to a fair trial, freedom of expression and freedom of association.

We would like to emphasize that human rights are universal and apply to everyone, irrespective of their political or other opinion and exercising of their human rights in relation thereto. The principles of equality and non-discrimination are part of the foundations of the rule of law and human rights. They are reaffirmed in article 2 (1) of the ICCPR.

Article 14 of the ICCPR enshrines the right to a fair trial and due process. In particular, article 14 (1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law. Article 14(2) of the ICCPR and article 6, paragraph 2 of the European Convention on Human Rights (ECHR) both provide that individuals charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law. The Human Rights committee commented that it is a duty for all public authorities to refrain from prejudging the outcome of a trial. In addition, article 14 (3) of the ICCPR guarantees the right of any individual charged with a criminal offence to have adequate time and facilities for the preparation of their defence, and to be informed promptly and in detail of the nature and the cause of the charge.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). Of particular relevance to the allegations related to Genç LGBTİ+ Association is the inclusion of artistic expression.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and

the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and any restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34).

Article 22 of the ICCPR protects the right to freedom of association with others. It stipulates that “everyone shall have the right to freedom of association with others” and that “no restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”.

As stated in a report by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, States not only have a negative obligation to abstain from unduly interfering with the rights of peaceful assembly and of association but also have a positive obligation to facilitate and protect these rights in accordance with international human rights standards (A/HRC/17/27, para. 66; and A/HRC/29/25/Add.1). This means ensuring that the rights to freedom of peaceful assembly and of association are enjoyed by everyone, without discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (article 2 (1) of the ICCPR).

Additionally, the former Special Rapporteur has called on States to implement their obligations in a nondiscriminatory manner, “with particular attention to the rights and needs of individuals from groups or populations at higher risk of facing discrimination and marginalization”, including those victims of discrimination because of their sexual orientation and gender identity (A/HRC/53/38/Add.4, para. 21).

In this sense, we would like to recall to your Excellency’s Government the findings of the former Special Rapporteur on the rights to freedom of peaceful assembly and of association, indicating that “[t]he suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human rights law. It should be strictly proportional to the legitimate aim pursued and used only when softer measures would be insufficient” (A/HRC/20/27, para. 75).

We would like to recall that the Special Rapporteur on the situation of human rights defenders noted in his report to the Human Rights Council (A/64/226) that the only legal grounds upon which an interference with the freedom of association that is prescribed by law can be justified is if it meets the test as outlined by article 22, paragraph 2 of the ICCPR. These provisions require the interference in question to be

pursuant to ‘**legitimate aims**’, such as in the interests of national security or public safety; public order (ordre public); the protection of public health or morals, or the protection of rights and freedoms of others. Without such a legitimate aim, interference is rendered contrary to international human rights law. In the context of the activities of NGOs, the Special Rapporteur has argued that “criminal sanctions for unregistered activities; government interference, supervision and monitoring of NGO activities; and difficulties in accessing funding may restrict the right to freedom of association and therefore must reach the very high threshold under article 22, paragraph 2, of the International Covenant on Civil and Political Rights in order to be admissible.” (A/64/226, para. 58.)

In this context, we would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would like in particular to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups.
- article 6 (b), which provides for everyone's right to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms.
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.