

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

Ref.: AL TUR 5/2026  
(Please use this reference in your reply)

26 March 2026

Excellency,

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

**Defne Güzel** is a trans woman human rights defender who has actively defended LGBTI+ rights in Türkiye for many years. She is renowned for her expertise in monitoring and documenting LGBTI+ human rights violations, including hate speech. Defne Güzel is a founding member and Chairperson of the **17 Mayıs Derneği** (May 17 Association), an organization dedicated to combatting discriminatory practices based on sexual orientation, gender identity, and expression, through advocacy, awareness raising and strengthening LGBTI+ networks in Türkiye.

The judicial harassment of human rights defenders and organizations defending LGBTI+ rights has been the subject of communications TUR 3/2026, sent on 11 February 2026, and TUR 10/2025 sent on 8 September 2025. We thank your Excellency's Government for the response received to the latter communication on 4 November 2025. We remain nonetheless concerned regarding the new alleged violations.

According to the information received:

In 2024, the May 17 Association was subjected to an audit conducted by the Ankara Directorate of Relations with Civil Society under the Ministry of Interior.

In October 2024, the audit inspection was completed. On 23 October 2024, a report was prepared by the Ankara Directorate under the Ministry of Interior citing the May 17 Association's digital content as grounds for non-compliance with the organization's statute.

On 21 November 2024, the Ankara Directorate, upon the instruction of the Ministry of Interior, filed a notice with the Ankara Chief Public Prosecutor's Office, alleging that some of the content on the website and social media posts

of the May 17 Association could not be considered in line with the organization's statute.

The Ankara Chief Public Prosecutor's Office appointed a three-member expert panel to investigate the notice filed against the May 17 Association. On 9 July 2025, the panel issued its report and concluded that the activities of the Association were lawful, in compliance with its statutory objectives and that no irregularities were found.

On 20 January 2026, the Ankara Chief Public Prosecutor's Office filed an indictment against Defne Güzel, in her capacity as Chairperson of the May 17 Association, for the alleged violation of the Law of Associations. The indictment alleges that online materials published by the May 17 Association are "contrary to public morality" and contain "content of a nature that disrupts mental, moral, psychological, and social development beyond their intended purpose." The materials cited as evidence included, *Children, Roe Deer, Flowers, Fires*, a catalogue of an art exhibition illustrating gender-diverse bodies, published on the May 17 Association website on 9 December 2022, and the Turkish translation of *My Intersex Story*, a book in which intersex individuals share their personal life experiences, published on the May 17 Association website on 10 May 2023. Additionally included is the promotion of *BeniminterSeksHikayem (My Intersex Story)* through a post uploaded on 10 May 2023 on the May 17 Association Instagram page. This post uses the hashtag "#BenimInterSeksHikayem" which links to social media posts made by third parties using the same hashtag or the English translation "#MyIntersexStory." These are also referenced as evidence attributable to Defne Güzel under the indictment.

The first hearing in the trial against the human rights defender has been scheduled for 12 May 2026 before the Ankara 74<sup>th</sup> Criminal Court of First Instance. The Prosecution allegedly seeks a prison sentence of one to three years under article 32 of the Law of Associations should Defne Güzel be convicted, as well as the application of article 53 of Türkiye Penal Code which would restrict her ability to vote, run for election, serve on association supervisory or management boards and work in jobs requiring a license.

Without wishing to prejudge the accuracy of the information received, we are deeply concerned by the criminal case filed against Defne Güzel, as Chairperson of the May 17 Association, as it appears to be directly linked to the exercise of her rights to freedom of opinion and expression and freedom of association, including her defense of LGBTI+ rights, and it forms part of the wider pattern of judicial harassment faced by LGBTI+ defenders and organizations in Türkiye. We express deep concern that the indictment was filed despite an appointed expert panel finding the activities of the Association to be lawful, and that in this indictment third-party social media posts are attributed to Defne Güzel without substantial evidence, which appears prima facie in violation of the principle of individual criminal responsibility.

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 criminal case filed against Defne Güzel, as Chairperson of the May 17 Association, including in relation to the attribution of the authorship to her, particularly given the information received which indicates that the materials in question had previously been the subject of an expert panel review which did not find cause for further action or for this attribution. Please explain in detail how these measures are compatible with international law, including the rights to freedom of expression and association, as well as the principle of individual criminal responsibility.
3. Please explain which measures have been or will be taken to review the criminal case against Defne Güzel, including due diligence to seriously examine whether the case may be linked to her human rights activities, as well as to examine it from the perspective of international human rights law and Türkiye's obligations in this regard.
4. Please provide information on the measures taken by your Excellency's Government to ensure that human rights defenders and civil society organizations are able to carry out their peaceful and legitimate work and exercise their rights to freedom of expression and freedom of association of 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](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic 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.

Irene Khan

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

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

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 alleged facts 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).

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 19(3) may never be invoked to justify the muzzling of any advocacy of democratic tenets and human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest and torture, be compatible with article 19 (para. 23). The Human Rights Committee also explicitly noted that the penalization of a media outlet or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (para. 42).

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).

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.