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Home Office

Country Information and Guidance

Turkey: Military Service

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Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

Updated: 2 March 2016

1. Basis of Claim

- 1.1.1 Fear of persecution or serious harm by the state because of:
- (a) the treatment and/or conditions likely to be faced by the person during compulsory military service duties; and/or
 - (b) the penalties likely to be faced by the person's refusal to undertake, or their desertion from, military service duties.

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2. Consideration of Issues

2.1 Credibility

- 2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision-makers must also check whether there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision-makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Does the requirement to undertake national/military service put the person at risk of serious harm or mistreatment?

- 2.2.1 Military service, which can last up to twelve months, is compulsory for Turkish males aged between 20 and 41. There are limited exemptions and also the option for persons to 'buy out' their military service (see [Exemptions and Alternatives](#)).
- 2.2.2 Those who evade military service are registered on the national information system, GBTS, and are likely to come to the attention of the authorities in routine checks, such as border checks and cases of arrest throughout the country. Lists of people who have evaded military service are also distributed to the authorities at local level (see [Detecting Evaders/Deserters](#)).
- 2.2.3 Compulsory national service is a prerogative of sovereign states. It is therefore reasonable that draft evasion and desertion are criminal offences and punishable by law – points provided for in the [UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status](#) (paras 167-174) and confirmed by the House of Lords in the case of [Sepet & Another v. SSHD \[2003\] UKHL 15](#).
- 2.2.4 Therefore, a requirement to undergo compulsory military service – or punishment for failing to complete this duty – does not, in itself, constitute persecution. It will only do so where:

- (a) military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct;
- (b) the conditions of military service would be so harsh as to amount to persecution; or
- (c) the punishment for draft evasion or desertion is disproportionately harsh or severe.

2.2.5 For further information on this, see the [Asylum Instruction on Military Service and Conscientious Objection](#).

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2.3 Would military service in Turkey involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct?

- 2.3.1 'Acts ... which are contrary to the basic rules of human conduct' is taken to mean being required to act in a way that would bring that person within the scope of Article 1F of the Refugee Convention and/or Article 12 of Council Directive 2004/83/EC ('the Qualification Directive'). For further information see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#).
- 2.3.2 In [Sepet & Another v. SSHD \[2003\] UKHL 15](#), the House of Lords held in relation to military service in Turkey that '...there is no reasonable likelihood that the applicants would have been required to engage in military action contrary to basic rules of human conduct, whether against Kurds or anyone else' (paragraph 26).
- 2.3.3 It is therefore not reasonably likely that a person would be required to engage in actual military conflict or involved in acts which are contrary to the basic rules of human conduct.
- 2.3.4 For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Are the conditions of military service in Turkey so harsh as to amount to persecution?

- 2.4.1 In general, the conditions and/or treatment likely to be faced by a person required to undertake compulsory military service would not be so harsh as to amount to persecution or serious harm (see [Exemptions and alternatives](#)).
- 2.4.2 There have been reports of alleged mistreatment of conscripts and a high suicide rate has also been documented. However, it has been reported that the government's awareness of conscripts' rights has improved, with civil initiatives undertaken to prevent maltreatment, forced excessive physical activity and torture. Monitoring of ill-treatment during military service also now takes place (see [Mistreatment of conscripts](#)).

Sexual Orientation

- 2.4.3 In the country guidance case of [SD \(military service – sexual identity\) Turkey CG \[2013\] UKUT 612 \(IAC\)](#) (5 December 2013), the Upper Tribunal found that 'if during his military service a recruit (whether he has not sought

exemption or has been refused) is discovered or is perceived to be homosexual as understood in Turkey, there is a reasonable degree of likelihood of ill-treatment of sufficient severity to amount to persecution on the basis of his sexual identity and there is no sufficiency of protection. The risk of such discovery or perception arising during his service will require a fact sensitive analysis of an individual's particular circumstances including his appearance and mannerisms, the way in which he describes his sexual identity, the extent to which he fits the stereotype of a homosexual as understood within Turkish society and the extent to which he will conceal his sexual identity for reasons not arising from a fear of persecution. Any such risk likely to arise during service is not negated by the fact that there is an exemption process as that process itself carries a real risk of a breach of article 3' (paragraph 111 of determination).

2.4.4 Depending on the person's circumstances, the conditions and/or treatment likely to be faced by actual or perceived gay men required to undertake compulsory military service may amount to persecution.

2.4.5 See also country information and guidance on [Turkey: Sexual orientation and gender identity](#).

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2.5 Is the punishment for draft evasion or desertion disproportionately harsh or severe?

2.5.1 In [Sepet & Another v. SSHD \[2003\] UKHL 15](#), the House of Lords found that Turkish law provides no non-combatant alternative to military service. Draft evaders are liable to a prison sentence of between 6 months and 3 years. On completion of the sentence the offender is required to undertake his military service (paragraph 5).

2.5.2 There remains no civilian alternative to military service (see [Civilian Alternatives](#)) and penalties for draft evasion – including, potentially, repeated penalties – remain in place (see [Consequences of Draft Evasion](#)).

2.5.3 However, paragraph 5 of [Sepet & Another v. SSHD \[2003\] UKHL 15](#) goes on to conclude that 'It is an agreed fact that those who refuse to perform military service in Turkey (including Kurds) are not subject to disproportionate or excessive punishment, in law or in fact, as a result of their refusal. Draft evaders are liable to prosecution and punishment irrespective of the reasons prompting their refusal'.

2.5.4 Therefore it is unlikely that in the majority of cases the consequence of a person's general unwillingness to serve in the armed forces or objection to enter a 'combat zone' will be such that they can make out claim for protection.

Conscientious Objection

2.5.5 Decision-makers must establish and determine the nature, reasons and extent/conviction of the person's reason for objecting to military service. The onus is on the person to demonstrate that they have deeply-held convictions and as a direct result they would be reasonably likely to face a disproportionate penalty/punishment for draft evasion/ desertion. It is not sufficient for a person to show they would be penalised/punished for failing

to comply with the law and that they happen to have particular religious, moral or other convictions (see [Asylum Instruction on Military Service and Conscientious Objection](#)).

- 2.5.6 As regards conscientious objectors to military service, the European Court of Human Rights (ECtHR) in the case of [Savda v Turkey](#) (Application No. 42730/05, judgment of 12 June 2012, final on 12 September 2012) found unanimously that there had been violations of Article 3 (prohibition of degrading treatment) and 9 (right to freedom of thought, conscience and religion) of the European Convention on Human Rights; and a violation of Article 6(1) of the Convention on account of the lack of independence and impartiality of the military court. The ECtHR reiterated that the system of compulsory military service in force in Turkey allowed for no exceptions on grounds of conscience and resulted in heavy and repeated criminal sanctions being imposed on those who refused to comply. Such a system failed to strike a proper balance between the general interest of society and that of conscientious objectors. The penalties, sanctions, convictions and prosecutions imposed on conscientious objectors, when no measures were provided to take account of the requirements of their consciences and convictions, could not be regarded as necessary in a democratic society.
- 2.5.7 If the person can demonstrate that they have deeply-held convictions which prevent them from undertaking military service, and can demonstrate that they do not have the option to buy out their military service, the likely repeated punishment will result in persecution.

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2.6 Protection

- 2.6.1 As the person's fear is of ill-treatment/persecution at the hands of the state they will not be able to avail themselves of the protection of the authorities.
- 2.6.2 For further guidance on assessing the availability, or lack of availability, of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.7 Internal relocation

- 2.7.1 As the person's fear is of ill-treatment/persecution at the hands of the state they will not be able to relocate to escape that risk.
- 2.7.2 For further guidance on internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.8 Certification

- 2.8.1 Where a claim based on military service or draft evasion falls to be refused, it is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002 unless the claim is based on the person's conscientious objection to military service or on their sexual orientation.

- 2.8.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under Section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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3. Policy Summary

- 3.1.1 Military service of up to 12 months is compulsory for Turkish males aged between 20 and 41. There are limited exemptions – but not for conscientious objection - and also the option for persons to 'buy out' their military service and for Turkish citizens who have lived abroad for at least three years to complete their military service in 21 days.
- 3.1.2 It is legitimate for countries to require their citizens to perform compulsory military service and punishment for failing to complete it does not, in itself, constitute persecution.
- 3.1.3 Military service in Turkey would not involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct; the conditions of military service are not so harsh as to amount to persecution; nor is the punishment for draft evasion or desertion disproportionately harsh or severe.
- 3.1.4 The situation is, however, different for conscientious objectors who face repeated criminal sanctions which are likely to amount to persecution. Gay men (or those perceived as such) serving in the military in Turkey also face a real risk of ill-treatment of sufficient severity as to amount to persecution on the basis of their sexual orientation.

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Country Information

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4. Legal Context

4.1 Requirement to do Military Service

- 4.1.1 According to Article 72 of the Turkish constitution, 'National service is the right and duty of every Turk. The manner in which this service shall be performed, or considered as performed, either in the armed forces or in public service, shall be regulated by law.'¹
- 4.1.2 The relevant law is Law No. 1111 of 1927, Article 1, which states that 'Every male Turkish citizen is obliged to perform his military service in accordance with this law.'²
- 4.1.3 Various sources cited in a June 2014 'Response to Information Request' by the Research Directorate of the Immigration and Refugee Board of Canada ('the Canadian IRB') also indicated that 'all male citizens are subject to compulsory military service in Turkey.'³

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4.2 Eligibility

- 4.2.1 The same document also quoted sources which show conflicting information about the age range in which a person is liable to perform military service. Commencement starts at between 19 and 21 years of age and lasts until either 38 or 41 years of age.⁴
- 4.2.2 However, Article 2 (as amended) of Law No. 1111 of 1927 states that 'Military [eligibility] age for every man shall be according to his age recorded in his basic citizenship register and shall begin on 1st January of the year when he reaches the age of 20 and shall end on 1st January of the year when he reaches the age of 41.'⁵
- 4.2.3 In its December 2014 Briefing paper for the Universal Periodic Review, War Resisters International explained that Article 3 of the Law on Military Service 'divides military service into draft period, active service and the reserve. The draft period starts from the beginning of military [eligibility] age and continues until the time of entry into a unit; the normal duration of active military service

¹ Constitution of the Republic of Turkey (English version), undated (page 33).

http://global.tbmm.gov.tr/docs/constitution_en.pdf Date accessed: 17 February 2015.

² Turkey: Law No. 1111 of 1927, Military Law [], 20 March 1927, available at UNHCR's RefWorld website: <http://www.refworld.org/docid/3ae6b4d020.html> Date accessed: 17 February 2015.

³ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 17 February 2015.

⁴ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 17 February 2015.

⁵ Turkey: Law No. 1111 of 1927, Military Law [], 20 March 1927, available at UNHCR's RefWorld website: <http://www.refworld.org/docid/3ae6b4d020.html> Date accessed: 17 February 2015.

is twelve months, and is followed by reserve service until the age of 41. However, there is no definition of the age of eligibility for active military service, and in practice no upper age limit on the when one may begin or complete the requirement.⁶

- 4.2.4 Huzeyfe Torun and Semih Tumen from the Central Bank of the Republic of Turkey provided background to compulsory military service in Turkey in a January 2015 research paper. They explained that ‘The system requires all males above 20 years old with good health, normal BMI values, and no disabilities to enlist in the military.’⁷

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4.3 Size of the Military

- 4.3.1 In an article by Dr. Chris Kilford, a former Canadian defense attaché to Turkey, published in the Daily Zaman, ‘... according to the latest figures, the armed forces – including the Gendarmerie General Command (JGK) and the Coast Guard Command (SGK) – include 624,618 personnel, of which 400,806 are male conscripts.’⁸
- 4.3.2 According to the website ‘Global Firepower,’ Turkey’s armed forces (as of 2014) numbered 410,500 ‘Active Frontline Personnel’ plus 185,630 ‘Active Reserve Personnel.’⁹

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5. Exemptions and Alternatives

5.1 Civilian Alternatives

- 5.1.1 Citing several sources, the June 2014 ‘Response to Information Request’ by the Research Directorate of the Canadian IRB reported that ‘there is no civilian alternative to military service available.’¹⁰
- 5.1.2 The Torun and Tumen research paper explained that ‘Unlike the case in some other countries, there is no occupation-based exemption, which keeps the number of permanent exemptions at reasonably low levels. For example, police and firemen are not exempt from the military service.’¹¹

⁶ War Resisters International. ‘Briefing paper for the Universal Periodic Review: Turkey,’ dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

⁷ Torun, H; Tumen, S. ‘The Effects of Compulsory Military Service Exemption on Education and Labor Market Outcomes: Evidence from a Natural Experiment,’ 30 January 2015 (section 3.1). http://mpra.ub.uni-muenchen.de/61722/1/MPRA_paper_61722.pdf Date accessed: 23 February 2015.

⁸ Daily Zaman. ‘Paid exemptions and falling fertility rates mean challenges ahead for Turkey’s military,’ 30 December 2014. http://www.todayszaman.com/op-ed_paid-exemptions-and-falling-fertility-rates-mean-challenges-ahead-for-turkeys-military_368398.html Date accessed: 8 April 2015.

⁹ Global Firepower. ‘Turkey’s military strength,’ undated. http://www.globalfirepower.com/country-military-strength-detail.asp?country_id=turkey Date accessed: 8 April 2015.

¹⁰ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 17 February 2015.

¹¹ Torun, H; Tumen, S. ‘The Effects of Compulsory Military Service Exemption on Education and Labor Market Outcomes: Evidence from a Natural Experiment,’ 30 January 2015 (section 3.1). http://mpra.ub.uni-muenchen.de/61722/1/MPRA_paper_61722.pdf Date accessed: 23 February 2015.

5.2 Exemptions

- 5.2.1 The same paper goes on to state that ‘Yet there are other forms of exemptions. For example, a male whose brother lost his life during military service or was seriously injured is exempt from compulsory military service’ and that ‘Males that are physically and mentally fit are not necessarily called up immediately. Those who are enrolled in college or graduate school can defer their military service until age 29. High school graduates and the ones with two-year college degrees can defer their service until the age 22 and 23, respectively. Males with four-year college degree can defer their service up to two years following graduation.’¹²
- 5.2.2 Section 2.1 of the June 2014 ‘Response to Information Request’ by the Research Directorate of the Canadian IRB cited the Turkish Government’s report to the OSCE in which they explained that exceptions to compulsory military service include:
- ‘Those who are mentally or physically unfit for military service
 - ‘Brothers of those who died in military service; both brothers and sons of those who were killed as a result of terrorism during their military service
 - ‘Turkish citizens who immigrated from other countries and already served in the military of their country of origin.’¹³
- 5.2.3 Articles 35–37 of Law No. 1111 of 1927 provide the grounds on which a person can postpone their military service and Article 41 explains the mechanism for those to be discharged if medically unfit.¹⁴

5.3 Buy-Out

- 5.3.1 According to a December 2014 Al-Monitor news article, ‘[US] \$8,700 [approx £5,500] will let young Turks “buy out” their military service’.¹⁵
- 5.3.2 A December 2014 article by Hurriyet News also confirmed that ‘The Turkish government revisited a fresh implementation of what is called “paid military service” on the eve of next year’s parliamentary elections, exempting those who are over 27-year-old from compulsory military service in return of an 18,000 Turkish Lira [approx £4,780] as of 31December 2014. The

¹² Torun, H; Tumen, S. ‘The Effects of Compulsory Military Service Exemption on Education and Labor Market Outcomes: Evidence from a Natural Experiment,’ dated 30 January 2015 (section 3.1). http://mpira.ub.uni-muenchen.de/61722/1/MPRA_paper_61722.pdf Date accessed: 23 February 2015.

¹³ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 17 February 2015.

¹⁴ Turkey: Law No. 1111 of 1927, Military Law [], 20 March 1927, available at UNHCR’s RefWorld website: <http://www.refworld.org/docid/3ae6b4d020.html> Date accessed: 17 February 2015.

¹⁵ Al-Monitor. ‘\$8,700 will let young Turks “buy out” their military service,’ 10 December 2014. <http://www.al-monitor.com/pulse/originals/2014/12/turkey-compulsory-military-service-buy-exemption.html##ixzz3S1Yhvnit> Date accessed: 17 February 2015.

government expects nearly 700,000 Turkish men to benefit from the exemption, while also boosting the country's budget.¹⁶

- 5.3.3 A December 2014 news article by Daily Sabah also confirmed that 'The Turkish parliament approved a bill on December 3, which enables men born after 1 January 1988 to skip their compulsory military service by paying 18,000 TL ([US] \$8,103) [£5,100]. Accordingly, many people wishing to utilize the new law visited the recruiting offices early on Monday morning, after having paid the arranged amount.'¹⁷
- 5.3.4 The same article continued, 'There are reportedly 800,000 people who will be exempted from military service in accordance with the new law. The deadline for applications has been announced as 13 February 2015 ... Men of any age who cannot undertake their military service due to various health problems will also be able to benefit from the law.'¹⁸
- 5.3.5 In an article dated 13 February 2015, Today's Zaman quoted an announcement by the Turkish Defence Minister, İsmet Yılmaz, that 'More than 200,000 young Turks have applied to benefit from a new regulation that will allow men to be exempt from completing their compulsory military service by paying TL 18,000 [£5,100].'¹⁹

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5.4 Sexual Orientation

- 5.4.1 A report by the 'European network of legal experts in the non-discrimination field' stated:

'On 31 March 2013, the Turkish Parliament adopted a discriminatory law which makes homosexual conduct a ground for dismissal from the Turkish Armed Forces. Article 20 of the law enumerates homosexuality among the violations of disciplinary rules which require immediate dismissal from the Turkish Armed Forces. According to clause (ğ), "engaging in unnatural intercourse or voluntarily submitting oneself to such an act" is a ground for dismissal from the army. It is common knowledge in Turkey that the term "unnatural intercourse" refers to intercourse between men. There are several cases of dismissal of homosexual men from public service or the military

¹⁶ Hurriyet Daily News. 'Turkish gov't revisits exempted military service before 2015 polls,' dated 2 December 2014. <http://www.hurriyetdailynews.com/turkish-govt-revisits-exempted-military-service-before-2015-polls.aspx?PageID=238&NID=75106&NewsCatID=338> Date accessed: 17 February 2015.

¹⁷ Daily Sabah. 'Applications for paid exemption from military service open,' dated 15 December 2014. <http://www.dailysabah.com/nation/2014/12/15/applications-for-paid-exemption-from-military-service-open> Date accessed: 17 February 2015.

¹⁸ Daily Sabah. 'Applications for paid exemption from military service open,' dated 15 December 2014. <http://www.dailysabah.com/nation/2014/12/15/applications-for-paid-exemption-from-military-service-open> Date accessed: 17 February 2015.

¹⁹ Today's Zaman. 'Military service paid exemption option sees record number of applicants,' dated 13 February 2015. http://www.todayszaman.com/national-military-service-paid-exemption-option-sees-record-number-of-applicants_372598.html Date accessed: 19 February 2015.

upon oral evidence of their engagement in “unnatural intercourse” with other men.’²⁰

- 5.4.2 In its Turkey Country Report on Human Rights Practices for 2013, the US State noted that ‘.. While the practice of expelling gay men from the military was not new, this was the first time that the armed forces defined homosexuality as “unnatural intimacy.” Under the disciplinary law, gay enlisted service personnel are considered guilty of a disciplinary crime and are discharged from the military due to their “psychological disorder.”’²¹
- 5.4.3 See also country information and guidance [on Turkey: Sexual orientation and gender identity](#).

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6. Length of Service

6.1 Conscripts

- 6.1.1 On 21 October 2013, military service was reduced from 15 to 12 months,²² with the move coming into force on 1 January 2014.²³ [Deputy Prime Minister] Bulent Arinc confirmed this approach to reporters after a cabinet meeting.’²⁴
- 6.1.2 A Hurriyet Daily News article dated 1 January 2014, also reported that: ‘Thousands of soldiers have been discharged from their duty Jan. 1 after the entry into effect of the new regulation decreasing the compulsory military service from 15 months to 12 months.
- ‘Soldiers performing their military service across Turkey left their barracks or military posts three months earlier, following a government decree in October.
- ‘Over 70,000 soldiers have benefitted from the early discharge, according to the Defense Ministry.’²⁵

²⁰ European network of legal experts in the non-discrimination field. ‘News Report: Turkish Parliament adopts a new military discipline law which makes homosexual conduct a ground for dismissal from the army,’ dated 14 July 2013. <http://www.non-discrimination.net/content/media/TR-21-Turkish%20Parliament%20passes%20a%20bill%20renderind%20homosexuality%20ground%20for%20dismissal%20from%20the%20army.pdf> Date accessed: 20 July 2015.

²¹ US Department of State. ‘Country Reports on Human Rights Practices for 2013; Turkey,’ dated 27 February 2014. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220341> Date accessed: 19 February 2015.

²² European Commission. ‘2014 Progress Report on Turkey,’ dated 8 October 2014 (page 12). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 17 February 2015.

²³ IHS Jane’s. Jane’s Sentinel Security Assessment; Turkey; Armed Forces, dated 10 June 2015. Subscription source. Date accessed: 20 July 2015.

²⁴ Defense News. ‘Turkey Reduces Length of Compulsory Military Service,’ dated 21 October 2013. <http://archive.defensenews.com/article/20131021/DEFREG01/310210039/Turkey-Reduces-Length-Compulsory-Military-Service> Date accessed: 23 February 2015.

²⁵ Hurriyet Daily News. ‘Thousands of soldiers discharged after reduction of compulsory military service,’ dated 1 January 2014. <http://www.hurriyetdailynews.com/thousands-of-soldiers-discharged->

6.2 Students

- 6.2.1 Sources cited in a June 2014 'Response to Information Request' by the Research Directorate of the Immigration and Refugee Board of Canada ('the Canadian IRB') indicate that 'university graduates with four-year degrees can serve for either 6 months as a private or 12 months as a second lieutenant'.²⁶
- 6.2.2 In their research paper, Torun and Tumen explained that 'the duration of military service also depends on the higher education status ... A four-year college graduate serves under more preferable conditions. Those who have four-year college degree either serve full term, 18 months, as an officer candidate among military officers or they serve half term, 9 months, among enlisted soldiers. The final allocation of college graduates between 18-month service and 9-month service depends on both individual preferences and the necessities of the army. Males who studied in certain fields, such as medicine or engineering, are more likely to be assigned 18-month officer candidate service. Unlike other conscripts, college graduates who serve for 18 months receive a monthly salary.'²⁷

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6.3 Others

- 6.3.1 The same document also explains that 'Turkish law also allows Turkish citizens who have lived abroad for at least 3 years to complete their military service in 21 days of basic military training.'²⁸

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7. Evasion and Desertion

7.1 Definitions

- 7.1.1 A November 2010 article in Today's Zaman explains that 'According to Article 12 of the Law on Military Service (No. 1111), those eligible for military service who have completed their registration obligations but do not appear at the right time for examination are considered to be draft evaders. Those

[after-reduction-of-compulsory-military-service.aspx?pageID=238&nID=60419&NewsCatID=341](#) Date accessed: 23 February 2015.

²⁶ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 23 February 2015.

²⁷ Torun, H; Tumen, S. 'The Effects of Compulsory Military Service Exemption on Education and Labor Market Outcomes: Evidence from a Natural Experiment,' dated 30 January 2015 (section 3.1). http://mpira.ub.uni-muenchen.de/61722/1/MPRA_paper_61722.pdf Date accessed: 23 February 2015.

²⁸ Torun, H; Tumen, S. 'The Effects of Compulsory Military Service Exemption on Education and Labor Market Outcomes: Evidence from a Natural Experiment,' dated 30 January 2015 (section 3.1). http://mpira.ub.uni-muenchen.de/61722/1/MPRA_paper_61722.pdf Date accessed: 23 February 2015.

who do not appear for examination generally receive a reminder from the military registration office after about three months.’²⁹

- 7.1.2 In its December 2014 Briefing paper for the Universal Periodic Review, War Resisters International noted that ‘Objectors are criminalised as “evaders” or as “deserters” if they have ever been nominally incorporated in the army.’³⁰

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7.2 Numbers of Evaders/Deserters

- 7.2.1 In October 2013, the then Prime Minister Recep Tayyip Erdoğan was quoted in a Hurriyet Daily News article as saying that ‘some 600,000 Turkish men are in the position of “draft-evaders.”’³¹

- 7.2.2 In its December 2014 Briefing paper for the Universal Periodic Review, War Resisters International cited figures on the numbers of evaders in Turkey ranging from ‘590,000 according to the Ministry of Defence; 800,000 according to the Turkish Institution of Statistics.’³²

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7.3 Consequences of Evading/Deserting

- 7.3.1 Using a variety of sources, section 5.2 of the June 2014 ‘Response to Information Request’ by the Research Directorate of the Canadian IRB explained the consequences of draft evasion. It set out that draft evasion in peacetime carries the following penalties:

- One month imprisonment for those who report to the authorities within seven days;
- Three months for those who are arrested within seven days;
- Three to twelve months for those who report within three months;
- Four to eighteen months for those who are arrested within three months;
- Four to twenty-four months for those who report after three months;
- Six to thirty-six months for those who are arrested after three months.³³

- 7.3.2 Articles 63-81 of the Turkish Penal Code outline the full range of penalties for evasion and desertion, or for assisting evasion and desertion.³⁴

²⁹ Today’s Zaman. ‘Can dual citizen Turks enter Turkey without doing military service?’, dated 8 November 2010. http://www.todayszaman.com/columnist/berk-cektir/can-dual-citizen-turks-enter-turkey-without-doing-military-service_226608.html Date accessed: 9 April 2015.

³⁰ War Resisters International. ‘Briefing paper for the Universal Periodic Review: Turkey,’ dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

³¹ Hurriyet Daily News. ‘If there is a dictator, topple him at elections, says Turkish PM Erdoğan,’ dated 25 October 2013. <http://www.hurriyetdailynews.com/if-there-is-a-dictator-topple-him-at-elections-says-turkish-pm-erdogan.aspx?pageID=238&nID=56846&NewsCatID=338> Date accessed: 19 February 2015.

³² War Resisters International. ‘Briefing paper for the Universal Periodic Review: Turkey,’ dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

³³ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 19 February 2015.

7.4 Detecting Evaders/Deserters

7.4.1 The November 2010 article in Today's Zaman explained that:

'Those who evade military service are registered with the military staff and in the national information system, GBTS. Hence, in routine checks, such as border checks and cases of arrest throughout the country, it can be ascertained whether a person is wanted for evasion of military service. At the local level, too, there are lists of people who have evaded military service. Periodically, these lists are sent by the Directorate for the Admission of Conscripts at the Ministry of Defense to local military registration offices. As a rule the lists are sent after a certain delay to give the conscripts the possibility of turning themselves in.'³⁵

7.4.2 War Resister's report also added that 'evaders identified by the Ministry of Defence and recruiting offices are notified to the Ministry of Interior and the highest civilian authority of the district respectively. When an evader is apprehended by the police or the gendarmerie he must be sent to the nearest recruiting office within 24 hours. There is no domestic remedy to challenge this procedure.'³⁶

7.4.3 In its December 2014 Briefing paper for the Universal Periodic Review, War Resisters International concluded that 'the dangers of apprehension [for evasion or desertion] have significantly increased in recent years as a result of the general information gathering system.'³⁷

7.4.4 They further explained that 'During the last three months of 2013, 4,920 evaders were detained as a result of regular ID checks under the General Database system. This system also enables evaders including conscientious objectors to be immediately identified while carrying out transactions at banks, airports, health institutions, etc.'³⁸

7.4.5 For further information see country information and guidance on [Turkey: Background including actors of protection and internal relocation](#).

³⁴ Turkish Penal Code. CHAPTER THREE - Absentee conscripts, draft evaders, persons unregistered [for military service], and deserters, 22 May 1930, available via UNHCR's RefWorld website: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=3ae6b4d01c> Date accessed: 19 February 2015.

³⁵ Today's Zaman. 'Can dual citizen Turks enter Turkey without doing military service?' dated 8 November 2010. http://www.todayszaman.com/columnist/berk-cektir/can-dual-citizen-turks-enter-turkey-without-doing-military-service_226608.html Date accessed: 9 April 2015.

³⁶ War Resisters International. 'Briefing paper for the Universal Periodic Review: Turkey,' dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

³⁷ War Resisters International. 'Briefing paper for the Universal Periodic Review: Turkey,' dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

³⁸ War Resisters International. 'Briefing paper for the Universal Periodic Review: Turkey,' dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

8. Conscientious Objection

8.1 Option to Conscientiously Object

- 8.1.1 Citing several sources, the June 2014 'Response to Information Request' by the Research Directorate of the Canadian IRB concluded that 'Turkey does not recognize the right to conscientious objection to military service'.³⁹
- 8.1.2 In its 2014 Progress Report on Turkey, the European Commission reported that 'No step was taken to recognise conscientious objection'.⁴⁰
- 8.1.3 In his 2014 book, 'The Right to Conscientious Objection to Military Service and Turkey's Obligations Under International Human Rights Law', Özgür Heval Çınar explains that 'legal obstacles to the right to conscientious objection are presented by Article 45 of the Military Penal Code and by Article 1 of the Military Service Act. Moreover, the relevant articles of the Military Penal Code and Turkish Penal Code envisage severe penal and disciplinary sentences for conscientious objectors'.⁴¹
- 8.1.4 According to a June 2012 article in Today's Zaman, 'Article 45 of the Military Penal Code explicitly states, "Individuals may not evade military service, and penalties may not be revoked, for religious or moral reasons."'⁴²

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8.2 Numbers of Conscientious Objectors

- 8.2.1 In its December 2014 Briefing paper for the Universal Periodic Review, War Resisters International reported that 'It is not known how many persons in Turkey have conscientious objections to military service'.⁴³

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8.3 Treatment of Conscientious Objectors

- 8.3.1 The UN Human Rights Committee highlighted its concern in November 2012 that conscientious objectors are 'still at risk of being sentenced to

³⁹ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 19 February 2015.

⁴⁰ European Commission. '2014 Progress Report on Turkey,' dated 8 October 2014 (page 12). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 17 February 2015.

⁴¹ Özgür Heval Çınar. 'The Right to Conscientious Objection to Military Service and Turkey's Obligations Under International Human Rights Law,' Palgrave Macmillan (Palgrave Online) – Law, 26 July 2014 (page 121). <https://books.google.co.uk/books?id=bG0UBAAAQBAJ&pg=PA121&lpg=PA121&dq=Turkish+Military+Penal+Code+article+45&source=bl&ots=XQZi64i-fN&sig=Tg3rv-7Pw1DsIQHakDIA5E4nfoY&hl=en&sa=X&ei=J9XIVIGeCcaa7gbr3oHwCw&ved=0CDQQ6AEwAw#v=onepage&q=Turkish%20Military%20Pen> Date accessed: 19 February 2015.

⁴² Today's Zaman. 'Turkey says working to address conscientious objection,' dated 27 June 2012. http://www.todayszaman.com/national_turkey-says-working-to-address-conscientious-objection_284772.html Date accessed: 19 February 2015.

⁴³ War Resisters International. 'Briefing paper for the Universal Periodic Review: Turkey,' dated 3 December 2014. <http://www.wri-irg.org/UPR-Turkey-2014> Date accessed: 19 February 2015.

imprisonment and that [...] they are practically deprived of some of their civil and political rights such as freedom of movement and the right to vote.⁴⁴

- 8.3.2 It recommended that Turkey 'should adopt legislation recognizing and regulating conscientious objection to military service, so as to provide the option of alternative service, without the choice of that option entailing punitive or discriminatory effects and, in the meantime, suspend all proceedings against conscientious objectors and suspend all sentences already imposed.'⁴⁵
- 8.3.3 In July 2014, Turkey responded by citing Article 72 of the [Turkish] Constitution and Article 1 of Law no. 1111, adding that 'At present there is no work regarding introduction of a civilian alternative for military service.'⁴⁶
- 8.3.4 The European Bureau for Conscientious Objection believed this 'confirmed [their] earlier suspicions that the moves which were being made in this direction [civilian alternatives] have been abandoned.'⁴⁷
- 8.3.5 In July 2013, Amnesty International reported that 'Conscientious objectors who have publicly stated their refusal to carry out military service have been subjected to criminal prosecution and imprisonment of up to three years.'⁴⁸
- 8.3.6 This is quoted in the June 2014 'Response to Information Request' by the Research Directorate of the Canadian IRB which goes on to state that 'Several sources indicate that upon release, conscientious objectors are often re-drafted into the military, and the process of detention is repeated.'⁴⁹

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⁴⁴ UN Human Rights Committee. Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session (15 October - 2 November 2012), C. Principal matters of concern and recommendations, paragraph 23, 13 November 2012.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshMktQJn68GxgXXTdAYdq%2fuKuHnlZeSAm6riCmQa6vtlbHKlbogtDJZeptw7i5KBK45f81nqutF%2bjTOLw1jBzkZCdXMBj%2ftmhFSUOAEge%2fUQ> Date accessed: 19 February 2015.

⁴⁵ UN Human Rights Committee. Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session (15 October - 2 November 2012), C. Principal matters of concern and recommendations, paragraph 23, 13 November 2012.

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhshMktQJn68GxgXXTdAYdq%2fuKuHnlZeSAm6riCmQa6vtlbHKlbogtDJZeptw7i5KBK45f81nqutF%2bjTOLw1jBzkZCdXMBj%2ftmhFSUOAEge%2fUQ> Date accessed: 19 February 2015.

⁴⁶ Additional information submitted by the Government of Turkey on the issues specified in paragraphs 10, 13 and 23 of the concluding observations of the Human Rights Committee on the Initial Report of Turkey, UN Document reference INT/CCPR/AFR/TUR/18277/EN, 22 July 2014 (page 3).

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TUR/INT_CCPR_AFR_TUR_18277_E.pdf Date accessed: 19 February 2015.

⁴⁷ European Bureau for Conscientious Objection. '2014 Annual Report,' October 2014 (section 1.2.8). <http://ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2014-EBCO-REPORT-EUROPE.pdf> Date accessed: 19 February 2015.

⁴⁸ Amnesty International. 'Urgent Action: Conscientious Objector Detained in Turkey,' dated 18 July 2013. <http://www.amnesty.org/en/library/asset/EUR44/018/2013/en/8bd99777-d7c2-4c3c-a344-eb6a1cb2e01b/eur440182013en.pdf> Date accessed: 19 February 2015.

⁴⁹ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 19 February 2015.

8.4 European Court of Human Rights (ECtHR) Rulings

- 8.4.1 In its 2014 Progress Report on Turkey, the European Commission reported that ‘In June the European Court of Human Rights found Turkey in violation of Art. 3 (prohibition of torture) and of Art. 9 (freedom of thought, conscience and religion) of the ECHR for prosecuting and sentencing four Jehovah’s Witnesses who refused compulsory military service.’⁵⁰
- 8.4.2 In February 2015, Hurriyet Daily News reported that: ‘A military court in the Central Anatolian province of Sivas has sentenced Mehmet Tarhan, an outspoken conscientious objector and politician, to 15 months in jail, as well as a fine of 9,000 Turkish Liras, for “failing to obey orders.”
- ‘The verdict disregards a previous ruling by the European Court of Human Rights [(ECtHR)], therefore paving the way for Tarhan to apply to the [ECtHR] again.’⁵¹
- 8.4.3 Amnesty International had previously noted that:
- ‘This [the ECtHR’s 2012 ruling on Halil Savda] is the fourth time in less than a year that the ECtHR found Turkey to have violated the right to conscientious objection, following the landmark ruling in July 2011 in the case of Bayatyan v. Armenia in which, for the first time, the Court found the refusal to recognize the right to conscientious objection to military service to be a violation of Article 9 of the Convention.’⁵²
- 8.4.4 In its 2014 Progress Report on Turkey, the European Commission reported that ‘As regards conscientious objection, several ECtHR judgments have to be implemented. ... Turkey is the only member of the Council of Europe that does not recognise the right to conscientious objection for conscripts.’⁵³

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9. Treatment

9.1 Mistreatment of conscripts

- 9.1.1 Section 1.1 of a June 2014 ‘Response to Information Request’ by the Research Directorate of the Canadian IRB cited the European Commission’s 2013 Progress Report on Turkey plus reporting on alleged mistreatment of conscripts from 2012 by Asker Haklari (The Rights of

⁵⁰ European Commission. 2014 Progress Report on Turkey, 8 October 2014 (page 55). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 17 February 2015.

⁵¹ Hurriyet Daily News. ‘Turkish military court sentences conscientious objector to 15 months despite ECHR ruling,’ dated 11 February 2015. <http://www.hurriyetdailynews.com/turkish-military-court-sentences-conscientious-objector-to-15-months-despite-echr-ruling.aspx?pageID=238&nID=78208&NewsCatID=339> Date accessed: 17 February 2015.

⁵² Amnesty International. ‘Turkey: Time to recognise right to conscientious objection,’ dated 12 June 2012. <http://www.amnesty.org/en/library/asset/EUR44/010/2012/en/17b8ac95-5b00-4523-b520-771a09c28d74/eur440102012en.html> Date accessed: 19 February 2015.

⁵³ European Commission. 2014 Progress Report on Turkey, dated 8 October 2014 (page 56). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 20 July 2015.

Conscripts Initiative), an organization that aims to prevent ill-treatment and abuse of conscripts.⁵⁴ It also pointed to various sources who have documented a high suicide rate amongst conscripts.⁵⁵

- 9.1.2 Despite this, in its 2014 Progress Report on Turkey, the European Commission reported that 'Awareness of conscripts' rights increased, with civil initiatives undertaken to prevent maltreatment, forced excessive physical activity and torture.'⁵⁶
- 9.1.3 The same report also noted that 'Parliament's Human Rights Inquiry Committee started monitoring ill-treatment during military service. Instances of ill-treatment of conscripts continued to be reported.'⁵⁷ The report further stated, 'a number of trials relating to allegations of ill-treatment of conscientious objectors in military prisons continued.'⁵⁸
- 9.1.4 The US Department of State's Country Report on Human Rights Practices for 2014 stated that 'The military reported that 21 military prisons held eight convicted prisoners and 212 pretrial detainees...The General Staff reported there were no deaths of detainees or convicts in military prisons during the year...The parliament's Human Rights Investigation Commission (HRIC) and the Ombudsman Institution had authorization to visit and observe prisons, including military prisons, without advance permission.'⁵⁹

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⁵⁴ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 17 February 2015.

⁵⁵ Immigration and Refugee Board of Canada. Response to Information Requests, 4 June 2014, Ref: TUR104876.E. <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=455353&pls=1> Date accessed: 17 February 2015.

⁵⁶ European Commission. 2014 Progress Report on Turkey, 8 October 2014 (page 12). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 17 February 2015.

⁵⁷ European Commission. 2014 Progress Report on Turkey, 8 October 2014 (page 50). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 17 February 2015.

⁵⁸ European Commission. 2014 Progress Report on Turkey, 8 October 2014 (page 50). http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf Date accessed: 17 February 2015.

⁵⁹ US Department of State. Country Reports on Human Rights Practices for 2014; Turkey (Section 1c. Prison and Detention Center Conditions), published 25 June 2015. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236586> Date accessed: 20 July 2015.

Version Control and Contacts

Contacts

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Clearance

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