



Home Office

# Country Policy and Information Note

## Turkey: Military service

Version 2.0

September 2018

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis of COI; and (2) COI. These are explained in more detail below.

## Analysis

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

## 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 support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

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. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Analysis

Updated: 6 September 2018

## 1. Introduction

### 1.1 Basis of claim

#### 1.1.1 Fear of persecution or serious harm by the state due to:

- (a) the treatment and/or conditions likely to be faced by the person as part of compulsory military service duties; and/or
- (b) the person's actual or perceived sexual orientation; and/or
- (c) 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 information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

#### 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum claims 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 Convention reason

#### 2.2.1 A person could establish a convention reason in relation to the issues covered in this note on one of the following grounds:

- (a) Political opinion if the person is a conscientious objector; and/or
- (b) Particular social group if the person belongs to the LGBTI community.

#### 2.2.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their actual or imputed convention reason.

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### 2.3 Exclusion

#### 2.3.1 If there are serious reasons for considering that the person has been involved in war crimes, serious human rights abuses or other serious crimes, decision makers must consider whether one of the exclusion clauses is applicable.

- 2.3.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.3.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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## 2.4 Risk

### a. Whether the requirement to perform military service puts the person at risk of serious harm or mistreatment

- 2.4.1 Military service, which can last up to 12 months, is compulsory for Turkish men aged between 20 and 41. There are limited exemptions (such as ill-health, close family who have died due to terrorism during military service and those who have previously served for another country). Certain persons can also 'buy out' of, or delay, their military service (see [Requirement to do Military Service](#), [Eligibility](#) and [Exemptions and alternatives](#)).
- 2.4.2 Compulsory national service is a prerogative of sovereign states. The penalties for draft evasion and desertion are not normally regarded as persecution, as is confirmed in the [UNHCR Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status](#) (paragraphs 167-174) and by the House of Lords in the case of [Sepet & Another v. SSHD \[2003\] UKHL 15](#), particularly at paragraph 22; treatment is not persecutory if it is meted out to all and is not discriminatory.
- 2.4.3 Therefore, a requirement to undergo compulsory military service – or punishment for failing to complete this duty – does not, in itself, give rise to a well-founded fear of persecution. It will only do so where, on account of a Convention reason:
  - (a) military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct; or
  - (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.
- 2.4.4 For further information on this, see the [Asylum Instruction on Military Service and Conscientious Objection](#). For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

### b. Whether military service would involve acts which are contrary to the basic rules of human conduct

- 2.4.5 '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](#).

- 2.4.6 In [Sepet & Another v. SSHD \[2003\] UKHL 15](#), it was accepted that, in relation to military service in Turkey, ‘...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).
- 2.4.7 Recent country information does not indicate that the situation for men engaged in military action, including that in Afrin, Syria, has changed and there is no reason to depart from the House of Lords’ ruling, and it is not reasonably likely that a man would be required to engage in acts which are contrary to the basic rules of human conduct (see [Turkish military operations in Syria](#)).
- 2.4.8 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#) and the [Asylum Instruction on Military Service and Conscientious Objection](#).

#### c. Conditions of military service

- 2.4.9 There are reports of alleged mistreatment of conscripts and the suicide rate among soldiers is said to be high. However, the actual percentage of conscripts reporting ill-treatment is not known. Not all alleged ill-treatment is defined in the country information available, and where it is defined, it would not necessarily amount to persecution or serious harm, if not sufficiently serious by its nature or repetition. Additionally, it is not known whether complaints of ill-treatment were investigated, whether they were found to be substantiated, or if and how they were addressed. Furthermore, it was not possible to find suicide statistics more current than for 2015, and the actual percentage of soldiers committing suicide is not available for any year, and so it cannot be compared with the suicide rate for the Turkish population as a whole (which is [reported](#) to be 4.11 per 100,000 people). The government has introduced measures to help prevent suicide amongst soldiers and rates are falling. It is reported that the government’s awareness of conscripts’ rights has improved, and civil initiatives are ongoing to prevent maltreatment. Monitoring of ill-treatment during military service also takes place with avenues of redress available (see [Conditions of service](#)).
- 2.4.10 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 ([Conditions of service](#)).
- 2.4.11 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

#### d. Sexual orientation

- 2.4.12 In the country guidance case of [SD \(military service - sexual identity\) Turkey CG \[2013\] UKUT 612 \(IAC\)](#) (heard 4 and 5 June 2013 and promulgated 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 as 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).

- 2.4.13 However, it should be noted that at the time of the hearing of [SD \(military service - sexual identity\) Turkey CG \[2013\] UKUT 612 \(IAC\)](#) (heard 4 and 5 June 2013 and promulgated 5 December 2013) the requirement for a rectal examination and explicit photographs in the exemption process had only just been withdrawn by the Turkish authorities. The Tribunal is slightly ambiguous about this process, stating that they understood that these requirements were not generally imposed (paragraph 93), but also stating that they can be included in the exemption process (paragraph 98). The evidence strongly suggests that these are no longer required (see [Sexual orientation](#)).
- 2.4.14 Depending on the person's circumstances, the conditions and/or treatment likely to be faced by actual or perceived LGBTI persons required to undertake compulsory military service, or who undertake the exemption process as an LGBTI person, may amount to persecution (see also [Sexual orientation](#)).
- 2.4.15 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#). See also the country policy and information note on [Turkey: Sexual orientation and gender identity](#).

#### e. Punishment for draft evasion or desertion

- 2.4.16 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 police checks, border checks and cases of arrest throughout the country. The police will also search for the person at their home address (see [Evasion and desertion](#)).
- 2.4.17 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).
- 2.4.18 Other sources note that the shortest sentence for draft evasion is one month for those who report to the authorities within seven days and three months for those arrested within seven days. There is a possibility of up to ten years' imprisonment in the case of aggravating circumstances, such as self-inflicted injuries or the use of false documents (see [Evasion and desertion - consequences](#)).
- 2.4.19 There is no civilian alternative to military service and penalties for draft evasion – including, potentially, repeated penalties – are in place (see [Civilian alternatives](#) and [Evasion and desertion](#)).

- 2.4.20 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.'
- 2.4.21 Therefore, in the majority of cases, it is unlikely that 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 demonstrate that they would be at real risk of serious harm and require protection.
- 2.4.22 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

#### f. Conscientious objection

- 2.4.23 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. An [information note](#) on the case was also published, which is in English.
- 2.4.24 Sources indicate that conscientious objectors have been subjected to ill-treatment when in detention (see [Treatment of conscientious objectors](#)).
- 2.4.25 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. 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 (see), the likely repeated punishment for refusing to undertake military service is likely to result in persecution (see [Asylum Instruction on Military Service and Conscientious Objection](#) and [Exemptions and alternatives](#)).

- 2.4.26 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

- 2.5.1 As the person's fear is of persecution and/or serious harm by the state, they will not be able to avail themselves of the protection of the authorities.
- 2.5.2 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 As the person's fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk.
- 2.6.2 For further guidance on internal relocation and the factors to be considered, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 Where a claim is 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.
- 2.7.2 For further guidance on certification, see [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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# Country information

Updated: August 2018

## 3. Legal context

### 3.1 Requirement to do military service

- 3.1.1 In a response dated June 2017 to the Organisation for Security and Co-operation in Europe (OSCE) on a questionnaire on security, the Turkish delegation stated, 'Rules and procedures for enlisting has been specified in the Law on Military Service (Law No. 1111) and in the Law on Reserve Officers and Reserve Military Employees (Law No. 1 076) in accordance with Article 72 of the Constitution.'<sup>1</sup>
- 3.1.2 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.'<sup>2</sup> However, women are not required to do military service<sup>3</sup>.

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### 3.2 Eligibility

- 3.2.1 In a response dated June 2017 to the OSCE on a questionnaire on security, the Turkish delegation stated 'Regular female officers and non-commissioned officers serving in the Turkish Armed Forces join the armed services voluntarily. [...] Since male conscripts meet the needs of the Turkish Armed Forces, there are no plans for female nationals to be bound by compulsory military service.'<sup>4</sup>
- 3.2.2 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.'<sup>5</sup>
- 3.2.3 In its December 2014 Briefing paper for the Universal Periodic Review, War Resisters International provided the following information about Article 3 of the Law on Military Service, stating that it:
- '[...] 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 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.'<sup>6</sup>

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<sup>1</sup> OSCE, 'Response by the Delegation [...]', 14 June 2017, [URL](#)

<sup>2</sup> Canadian IRB, Ref: TUR104876.E, 4 June 2014, [URL](#)

<sup>3</sup> OSCE, 'Response by the Delegation [...]', page 20, 14 June 2017, [URL](#)

<sup>4</sup> OSCE, 'Response by the Delegation [...]', page 20, 14 June 2017, [URL](#)

<sup>5</sup> Turkey: Law No. 1111 of 1927, Military Law, 20 March 1927, [URL](#)

<sup>6</sup> War Resisters International, 'Briefing paper [...]', 3 December 2014, [URL](#)

3.2.4 See [Exemptions and alternatives](#) for information on this subject.

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### 3.3 Length of service

3.3.1 The Canadian IRB noted that the length of military service was reduced from 15 to 12 months as of January 2014.<sup>7</sup>

3.3.2 In a response dated June 2017 to the OSCE on a questionnaire on security, the Turkish delegation stated:

‘In the conscription system the draftees serve in different forms in the military. The first one is the service in enlisted status. This status is applied to the draftees who have two-year occupational college or lower degree of education. The service period for these draftees is 12 months.

‘The second form is the service in officer status. It’s applied to the draftees who have four-year college or higher degree of education. The length [sic] of service is 12 months, and these personnel serve in the rank of 3rd Lt.

‘The third form is the service as short-term enlisted. This status is also applied to the draftees who have four-year college or higher degree of education. The service period for these individuals is the half of the officer status, which is currently 6 months.’<sup>8</sup>

3.3.3 The DFAT report noted that University students can delay their service until they have completed their studies<sup>9</sup>.

3.3.4 See [‘Buyout’ options](#) for information about a law ratified in 2018 which can enable university graduates to serve a shorter term.

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## 4. Exemptions and alternatives

### 4.1 Exemptions

4.1.1 In a response dated June 2017 to the OSCE on a questionnaire on security, the Turkish delegation stated:

‘[...] pursuant to Article 10 of the Law No. 1111, those who are not physically or mentally fit for military service are exempted from this obligation if documented by a health report provided by a competent authorized hospital.

‘Another exemption specified in the same article is for the brothers of those who have died and for both brothers and sons of martyrs who fell victim to terrorism during their military service. Those categories of citizens are not enlisted unless they declare that they voluntarily want to be enlisted.

‘Turkish citizens who have gained Turkish citizenship by way of migration and who have enlisted or accomplished their military service in the state that they have migrated from, are also exempted from military service.

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<sup>7</sup> Canadian IRB, Ref: TUR104876.E, 4 June 2014, [URL](#)

<sup>8</sup> OSCE, ‘Response by the Delegation [...],’ page 14, 14 June 2017, [URL](#)

<sup>9</sup> Australian Government, ‘DFAT Country Information Report,’ page 28, 5 September 2016, [URL](#)

'Turkish Military Service Code (Law No. 1111) permits students to complete their high education (in the universities or institutes for L.L.M. or Ph.D. programs), before they are conscripted provided that they preserve their student status and are not older than 35.'<sup>10</sup>

- 4.1.2 In a report dated December 2016, the Council of Europe noted that on 23 November 2016 Statutory Decree number 678 was published, leading to, '[...] the exemption from mandatory military service of the children and brothers of those "who had lost their lives trying to prevent the coup attempt by the Fethullahist Terrorist Organisation (FETÖ) and subsequent actions" (Decree-Law No. 678).'<sup>11</sup>
- 4.1.3 The Australian Department of Foreign Affairs and Trade (DFAT) issued a Country Information Report on Turkey in September 2016 which noted that, 'If a physical disability is claimed, the individual is subject to follow-up checks every two years or so during their period of eligibility to ensure their physical disability still exists.'<sup>12</sup>
- 4.1.4 The same report stated:  
'Military authorities issue documents for exemption of service that indicate the person has no outstanding liability or obligation in terms of military service. Such documents do not include information on reasons for being unfit. People who are unfit for military service can obtain public or private sector employment without difficulty. While military conscription is seen as a rite of passage for young men, societal discrimination against those that are granted exemption is rare.'<sup>13</sup>
- 4.1.5 In January 2018, Hurriyet Daily News reported:  
'Male judges and prosecutors will be exempt from compulsory military service until the age of 35 in a bid to fill vacancies left after many judiciary members were dismissed from their jobs over links to the Gülen network, in line with a protocol signed between the defense and justice ministries and the Board of Judges and Prosecutors (HSK), daily Habertürk reported on Jan. 11. [...] The move comes after around 4,500 prosecutors and judges were expelled from their jobs over links to the Gülen network, which is widely believed to have been behind the July 15, 2016 coup attempt... the defense and justice ministries and the HSK signed the "conscription delay" protocol, which is set to be in effect for the next 10 years.'<sup>14</sup>
- 4.1.6 See [Sexual orientation](#) for exemption on these grounds.

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## 4.2 Sexual orientation

- 4.2.1 In the report of November 2016, the European Asylum Support Office (EASO) stated that, 'In 2013, the army introduced a new category to the pre-draft exams, the "sexual identity and behavioural disorders", which replaced

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<sup>10</sup> OSCE, 'Response by the Delegation [...]', page 14, 14 June 2017, [URL](#)

<sup>11</sup> Council of Europe, 'The failed coup in Turkey [...]', paragraph 19, 12 December 2016, [URL](#)

<sup>12</sup> Australian Government, 'DFAT Country Information Report,' page 28, 5 September 2016, [URL](#)

<sup>13</sup> Australian Government, 'DFAT Country Information Report,' page 28, 5 September 2016, [URL](#)

<sup>14</sup> Hurriyet Daily News, 'Turkish judges, prosecutors exempt [...]', 11 January 2018, [URL](#)

the long-criticised definitions of “unnatural” or “mental illness”. While there is no legislation against homosexuality in Turkey, openly gay men are not believed to be welcome in the army. It is possible to avoid military service in Turkey by declaring one’s homosexuality...<sup>15</sup>

#### 4.2.2 In November 2015 Pink News reported:

‘Gay men who want to be exempt from military service in Turkey will no longer be made to prove their sexual orientation with sex pictures and anal examinations...

‘The whole ordeal often proves humiliating for gay men either because they have to disclose their sexual orientation or hide it. Previously, those who wish to be exempt on the basis of their sexual orientation had to make a public declaration, often leading to discrimination. If they go into the draft, gay men usually have to hide their sexual orientation for a year of service.

‘Now the rules of pre-draft medical examinations have been relaxed, removing some of the stipulations for “tests” on men who say they are gay. The requirement for men to “prove” their homosexuality by showing photos of them having sex with men has also been removed.

‘However, gay men will still be forced to undergo examinations by doctors, who will “observe the behaviours” of gay men, and the way they speak.

‘But the disclosure of a man’s sexual orientation will constitute the sole basis for the decision on military exemption.’<sup>16</sup>

#### 4.2.3 LGBTI News Turkey published the following, which was based on a source dated February 2018:

‘The Constitutional Court’s verdict found the Martial Penal Code’s ruling of expulsion from the Armed Forces for soldiers having homosexual relations to be in compliance with the Constitution. [...] According to the ruling, a public action was filed against a soldier due to his homosexual orientation, with the allegation of “engaging in unnatural intimacy”. The Chamber of the 1. Military Supreme Court ruled in favour of the Martial Penal Code’s rule which states: “Soldiers engaging in unnatural intimacy with someone are subject to the sentence of expulsion from Turkish Armed Forces and soldiers are to be stripped of their rank” [...].

‘The ruling explained that the regulation in question prohibited “engagement in unnatural intimacies”. The clause “engaging in unnatural intimacies” being defined as “demonstrating unnatural sexual behaviour” [...].’<sup>17</sup>

#### 4.2.4 For further information about LGBTI people, see the country policy and information note on [Turkey: Sexual orientation and gender identity](#).

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### 4.3 Civilian alternatives

#### 4.3.1 There is no civilian alternative to military service<sup>18</sup>.

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<sup>15</sup> EASO, ‘Country Focus: Turkey,’ November 2016, page 37, November 2016, [URL](#)

<sup>16</sup> Pink News, ‘Turkey relaxes rules [...],’ 20th November 2015, [URL](#)

<sup>17</sup> LGBTI News Turkey, ‘Constitutional Court Deputy Chair’s [...],’ 20 February 2018, [URL](#)

<sup>18</sup> Canadian IRB, TUR104876.E, 4 June 2014, [URL](#)

#### 4.4 'Buyout' options

4.4.1 In January 2016, Daily Sabah noted that President Erdoğan had ratified the law reducing the fee that Turkish expats are required to pay for exemption from military service. They reported that 'Accordingly, Turkish citizens who have been living outside of Turkey for at least three years or have worked for at least three consecutive years outside of the country will have the option to pay 1,000 euros instead of the current 6,000 euro fee to be exempt from mandatory military service. The citizens however need to be at least 38 years old to benefit from the new law.'<sup>19</sup>

4.4.2 The British Embassy in Ankara provided the following information on 8 May 2018, which is available at [Annex A](#):

'According to information received from the Turkish Ministry of Foreign Affairs in April 2018, legislation governing the military service exemption of Turks living abroad - The Law on the Amendments to the Military Law - was adopted on 14 January 2016, and was valid from 27 January 2016 to 31 December 2017 (Turkey 24 Oct. 2016). This entitled certain citizens meeting a number of criteria, to be exempt from military service upon payment of €1000 (or equivalent).

'This particular option for buyout ended in December 2017 as intended. It was essentially a special deal, offering a much lower buyout fee. The process has gone back to the previous system, where applicants were paying 6,000 Euros. (All the other requirements will be the same except the fee).'<sup>20</sup>

4.4.3 In July 2018 Daily Hurriyet reported:

'The Turkish Parliament on July 26 [2018] ratified a law that will enable Turkish citizens to reduce the term of their military service by paying a certain amount of money. It was backed by lawmakers of the ruling Justice and Development Party (AKP) and the Nationalist Movement Party (MHP).

'The law enables young Turkish men to complete their military service in 21 days instead of five-and-a-half or 12 months if they are university graduates and pay an amount of money to the government through bank accounts.

'According to the law, citizens born on or before Jan. 1, 1994 will be required to complete just 21 days of military service if they pay 15,000 Turkish Liras (\$3,141) [approximately 2,627.00 Euros at the time of writing this report].

'The law will be forwarded to President Recep Tayyip Erdoğan for approval and will later be published in the Official Gazette.'<sup>21</sup>

4.4.4 Referring to a 'buyout' option introduced in 2015, EASO noted, 'At the time approximately 700,000 men met this criteria but only 69,000 took the option. Generally, only the affluent are able to pay.'<sup>22</sup>

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<sup>19</sup> Daily Sabah, 'President Erdoğan ratifies law on military exemption fee,' 26 January 2016, [URL](#)

<sup>20</sup> British Embassy, Ankara, 'Information on military service [...],' 8 May 2018, available on request.

<sup>21</sup> Daily Hurriyet, 'Turkey's parliament ratifies paid military service law,' 26 July 2018, [URL](#)

<sup>22</sup> EASO, 'Country Focus: Turkey,' November 2016, page 37, November 2016, [URL](#)



4.4.5 See [Length of service](#) for further information on this subject.

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## 5. Conscientious objection

### 5.1 Options

5.1.1 The US Department of State's Report on International Religious Freedom for 2017 (USSD IRF Report 2017) noted that, '[...] there is no provision for conscientious objection.'<sup>23</sup>

5.1.2 The DFAT report of September 2016 stated that, 'The right to conscientious objection to military service on the basis of religion is not enshrined in law; military service applies to all religious groups... A right to conscientious objection to military service on the basis of religion has recently been recognised by military courts on the basis of the European Court of Human Rights jurisprudence, although this right is not protected in law and cannot be applied to Sunni Muslims.'<sup>24</sup>

5.1.3 The same report stated:

'There is currently no domestic legislation in Turkey providing a legal basis for conscripts to claim exemption from military service on the basis of conscientious objection. The Constitution gives primacy to international law, and on that basis military courts have permitted at least one conscript to claim a right of conscientious objection on the basis of religion. The claimant in that case was a Jehovah's Witness. However, in a subsequent case military courts have found that Sunni Muslims do not have a basis for claiming conscientious objection, on the basis of advice from the Directorate of Religious Affairs that Islam has no concept of conscientious objection.'<sup>25</sup>

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### 5.2 Treatment of conscientious objectors

5.2.1 In June 2014, the Canadian IRB reported:

'Several sources indicate that upon release, conscientious objectors are often-re-drafted into the military, and the process of detention is repeated.

'IFOR [International Fellowship of Reconciliation] reports that "[m]ost conscientious objectors who have been detained in Turkey have reported physical mistreatment".'<sup>26</sup>

5.2.2 The USSD IRF Report 2017 stated:

'Those who oppose mandatory military service on religious grounds may face charges in military and civilian courts and if convicted are subject to prison sentences ranging from two months to two years... As of August [2017], 68 Jehovah's Witnesses faced prosecution as conscientious objectors to military service. Jehovah's Witnesses officials stated the

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<sup>23</sup> USSD IRF Report 2017, Turkey, 29 May 2018, [URL](#)

<sup>24</sup> Australian Government, 'DFAT Country Information Report,' page 17, 5 September 2016, [URL](#)

<sup>25</sup> Australian Government, 'DFAT Country Information Report,' page 28, 5 September 2016, [URL](#)

<sup>26</sup> Canadian IRB, Ref: TUR104876.E, 4 June 2014, [URL](#)

government subjected Witness conscientious objectors “to unending call-ups for military duty, repeated fines, and threats of imprisonment.”<sup>27</sup>

5.2.3 In November 2017 Bianet reported:

‘Conscientious objector Burak Özgüner has been fined 1,486 TL [...] for draft evasion. The decision of an administrative fine that was issued on October 5 [2017] by Akören Sub-Governorate of Konya province in accordance with the Military Service Law No. 1111, was served to Özgüner on October 27 by the Ministry of Defense Military Recruiting Office Directorate.

‘Özgüner has been noticed [sic] that he would face trial before the Criminal Court of Peace, after 15 days after the date of the notification. He has also been informed, that his fine would be reduced by half in case he immediately attended to the military unit which he was assigned to.

‘In June 2017, Özgüner had submitted an application to the Ministry of Defence demanding to be exempted from military service. [...]

‘Özgüner had also been fined once in August, 2017 for draft evasion. Özgüner reported that despite having applied to a Criminal Court of Justice to challenge the fine, he has not received any response yet.<sup>28</sup> There was no further information available about this case at the time of writing this report.

5.2.4 In March 2017, Bianet reported:

‘Trials of conscientious objectors Onur Erden and Uğur Gültekin, who were pending a trial without arrest on charge of deserting mandatory military service, were heard by Gelibolu 2nd Corps Commandership Military Court.

‘As Gülen’s trial was adjourned to July, Erden was sentenced to 12 months in prison and reduced to 10 months by the court, however, announcement of his verdict was not deferred. Erden will be behind bars for 10 months in case the penalty is approved by the Military Supreme Court.

‘According to a report on vicdaniret.org, Gültekin’s trial was adjourned due to the agenda that military courts may be lifted.

‘In a statement following the trial, Conscientious Objection Association lawyer Gökhan Sosyal said it is unlawful that his clients are tried by the military court over being conscientious objectors.<sup>29</sup>

5.2.5 In its 2014 Progress Report on Turkey, the European Commission stated that, ‘a number of trials relating to allegations of ill-treatment of conscientious objectors in military prisons continued.’<sup>30</sup> CPIT was unable to find more recent information in the [sources consulted](#).

5.2.6 See [Monitoring](#) for information about the monitoring of military prisons. See the country policy and information note on [Turkey: Prison conditions](#) for further information on this subject.

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<sup>27</sup> USSD IRF Report 2017, Turkey, 29 May 2018, [URL](#)

<sup>28</sup> Bianet, ‘Conscientious Objector Özgüner Fined 1,486 TL,’ 3 November 2017, [URL](#)

<sup>29</sup> Bianet, ‘Jail Term for Conscientious Objector Onur Erden,’ 23 March 2017, [URL](#)

<sup>30</sup> European Commission, ‘2014 Progress Report on Turkey,’ 8 October 2014, page 50, [URL](#)

### 5.3 European Court of Human Rights (ECtHR) rulings

#### 5.3.1 In June 2016, Bianet reported:

‘European Court of Human Rights (ECtHR) has ruled in favor of conscientious objector Enver Aydemir.

‘Ruling that Turkey had violated Article 3 of the European Convention on Human Rights (ECHR) prohibiting torture, and "inhuman or degrading treatment or punishment”, ECtHR has convicted Turkey to compensation payment of 18,000 euro.

‘After being enrolled to military service by force in 2007, penal action had been taken on Aydemir on grounds of disobedience of an order. Refusing to do military service due to his religious beliefs, Aydemir had been arrested three times till now and charges have been pressed against him five times.

‘Aydemir has also been exposed to torture in Maltepe Military Prison.’<sup>31</sup>

#### 5.3.2 See [Monitoring](#) for information about the monitoring of military prisons. See country policy and information note on [Turkey: Prison conditions](#) for further information on this subject.

#### 5.3.3 Citing various source, the EASO Country Focus report of November 2016 also mentioned the above case, stating:

‘Recently the ECHR found Turkey guilty of inhuman treatment of the first known Muslim objector who declined to serve in the Turkish military due to its secular identity. But the ECHR ruled that Turkey had not violated Article 9 of the European Convention on freedom of thought, conscience and religion since the complainant’s objection was not based on religious beliefs preventing him to carry out military duty but on his political ideas rejecting the secularism of the Republic of Turkey.’<sup>32</sup>

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## 6. Conditions of service

### 6.1 Mistreatment

#### 6.1.1 The US Department of State’s Country Report on Human Rights Practices for 2017 (USSD HR Report 2017) stated, ‘According to media reports, some military conscripts endured severe hazing, physical abuse, and torture that sometimes resulted in suicide.’<sup>33</sup>

#### 6.1.2 In June 2014, the Canadian IRB published the following information:

‘According to the European Commission’s 2013 Progress Report for Turkey, there were reports that conscripts were subject to "ill-treatment" and government efforts were needed to address the issue (EU 2013, 50). The European Commission also reports that Parliament’s Human Rights Inquiry Committee opened a "monitoring dossier" on human rights abuses during military service (EU 2013, 50). Asker Haklari (The Rights of Conscripts Initiative), an organization that aims to prevent ill-treatment and abuse of

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<sup>31</sup> Bianet, ‘ECtHR Rules in Favor of Conscientious Objector Aydemir,’ 9 June 2016, [URL](#)

<sup>32</sup> EASO, ‘Country Focus: Turkey,’ November 2016, page 37, [URL](#)

<sup>33</sup> USSD HR Report 2017, Section 1c, 20 April 2018, [URL](#)

conscripts and set up a website for the reporting of abuses against conscripts, indicates that they received 432 complaints between April 2011 and April 2012, of which:

- 48 percent complained of insults
- 39 percent complained of beatings
- 16 percent complained of forced excessive physical activity
- 15 percent complained of denial of proper health care
- 13 percent complained of threats
- 9 percent complained of disproportional punishment
- 5 percent complained of being forced to run errands for supervisors
- 4 percent complained of sleep deprivation
- 4 percent complained of institutionalized bullying (Asker Haklari [2012], part II)

'Sources report that there is a high number of suicides among military conscripts (Asker Haklari [2012], part IV; Hurriyet Daily News 3 Dec. 2012). According to the head of the Parliament's Human Rights Inquiry Committee, 175 soldiers had committed suicide between June 2010 and December 2012 (ibid.). Asker Haklari reports of one case in which a conscript was beaten to death and another case in which a conscript became disabled as a result of a severe beating ([2012], part IV).'<sup>34</sup>

6.1.3 In December 2013, Bianet stated:

'National Defense Minister Ismet Yılmaz said at least 1036 committed suicide during compulsory drafting since 2002 - the beginning year of AKP rule in Turkey. Responding to an official inquiry by CHP deputy Mahmut Tanal, Yılmaz announced the distribution of suicidal soldiers according to years as follows:

'157 in 2002, 95 in 2003, 87 in 2004, 99 in 2005, 85 in 2006, 88 in 2007, 83 in 2008, 75 in 2009, 80 in 2010, 65 in 2011, 69 in 2012 and 52 in 2013 (until October 30).'<sup>35</sup>

6.1.4 The Daily Sabah reported in March 2015 that:

'Some 983 soldiers committed suicide between 2002 and 2012, while 158 more have perished from suicide during the last three years.

'Some 42 percent of the military personnel complain of "insults", whereas many others are psychologically exhausted of "disproportionately severe punishment", not getting adequate health services, being "threatened", running about high-ranking officers' personal affairs, and sleep deprivation, according to the panel discussion.

'The military, aware of the alarming suicide rates, initiated a project at the end of 2013, according to which each soldier was assigned with a "buddy" to help them handle the military life in a better manner. The "buddies" are

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<sup>34</sup> Canadian IRB, TUR104876.E, 4 June 2014, [URL](#)

<sup>35</sup> Bianet, '1036 Committed Suicide on Drafting in 12 Years,' 3 December 2013, [URL](#)

reportedly helping soldiers to cope with personal problems, who are experiencing emotional conflicts.

'According to Anatolia News Agency, the project is partially successful as the suicide rates in the army decreased by half in 2012.'<sup>36</sup>

- 6.1.5 Hurriyet Daily News also reported in February 2015, that in response to a parliamentary question from the opposition, the Defence Minister replied, "Efforts have been launched to found a center under the Gülhane Military Academy of Medicine [sic] [GATA] to investigate suicides," [...] The military is taking measures to prevent accidents or other deadly incidents and offers pre-emptive services, particularly for personnel marked as problematic, he added.'<sup>37</sup>
- 6.1.6 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.'<sup>38</sup> 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.'<sup>39</sup>
- 6.1.7 CPIT was unable to find further information about mistreatment of conscripts in the [sources consulted](#) at the time of writing this report.

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## 6.2 Avenues of redress

- 6.2.1 In a response on a questionnaire on security to OSCE, dated June 2017, the Turkish delegation provided the following information, which is relevant to both conscripts and other service personnel:

'It is ensured by statutes for military personnel to seek their rights in order to have an effective remedy either through administrative or judicial means. Right to petition, right to information and right to effective remedy are guaranteed by the Constitution and military personnel have the same opportunities in exercise of these rights with non-military citizens. Any crimes perpetrated in the military are investigated without requiring a complaint by the plaintiff or victim. The commanders and the superiors are responsible for the enactment of the relevant statutes in this regard.'<sup>40</sup>

- 6.2.2 The same report noted that, 'Any military personnel (including privates and conscripts) who think that their rights or interest pertaining to either military service or private affairs have been prejudiced have the right to file a complaint or application to their commanders beginning from their immediate superior, with respect to Articles 25-26 of the Law on Internal Service of TAF (Law No. 211) or file a case in Court of law.'<sup>41</sup>
- 6.2.3 LGBTI News Turkey published an article, based on a source dated August 2014, in which a gay man who had served as a conscript described his

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<sup>36</sup> The Daily Sabah, 'More Turkish soldiers died from suicide [...],' 14 March 2015, [URL](#)

<sup>37</sup> Hurriyet, 'Military academy to investigate suicide among Turkish soldiers,' 14 March 2015, [URL](#)

<sup>38</sup> European Commission, '2014 Progress Report on Turkey,' 8 October 2014, page 12, [URL](#)

<sup>39</sup> European Commission, '2014 Progress Report on Turkey,' 8 October 2014, page 50, [URL](#)

<sup>40</sup> OSCE, 'Response by the Delegation [...],' page 15, 14 June 2017, [URL](#)

<sup>41</sup> OSCE, 'Response by the Delegation [...],' page 13, 14 June 2017, [URL](#)

experiences, stating that military service was hard but, 'If you know yourself and your rights, nobody can dare to do anything to you. [...] Listen, they have set up quite strict mechanisms for raising complaints should anyone, including the officers, try to abuse you. They have the Prime Ministerial Center for Communications. They can, within a week, announce that "A soldier has lodged such a complaint" and ask for a defense from the accused.'<sup>42</sup>

- 6.2.4 See [Sexual orientation](#) for further information on this subject.
- 6.2.5 The USSD HR Report 2017 noted that 'The constitutional changes approved in the April [2017] referendum abolished the country's military courts, reserving military justice for disciplinary cases only.'<sup>43</sup>
- 6.2.6 In December 2012, Bianet reported on the death of a man who died during his military service, and referred to various avenues of redress:
- '[...] the European Court of Human Rights ruled its verdict against Turkey in the Lütfi Volkan Akıncı case, saying that his right to life was abused. However, the court did not rule for any non-peculiarly damages.
- 'ECHR ruled that Turkey abused Akıncı's right to life according to European Declaration of Human Rights Article 2. "The military appeals court did not rule an independent and objective decision," the ECHR verdict said.
- 'In November 2001, Akıncı started his compulsory military service. In June 2002, Akıncı (22) was found shot during his compulsory military service. He died immediately which, the autopsy said, was caused by a bullet fire on his left temple. [...]
- 'The official military investigation on Akıncı's case found military officials not guilty for misconduct and attempted murder, saying that Akıncı committed suicide.
- 'Another civil-led investigation confirmed the first report and said: "Akıncı was in a confused state of mind. He shot himself with a pistol that was officially appointed to him by the military."
- 'In April 2003, Akıncı's family took the case to Military Appeals Court, saying that military officials did not sufficiently investigate for misconduct. The appeals court ruled that "no misconduct was committed by military officials".
- 'In 2004, Akıncı's family took the case to the European Court of Human Rights, where the Turkish government defended the military appeals court saying that Akıncı committed suicide due to psychological reasons prior to the beginning of his compulsory military service.'<sup>44</sup>

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### 6.3 Monitoring

- 6.3.1 In its 2014 Progress Report on Turkey, the European Commission reported that, 'Parliament's Human Rights Inquiry Committee started monitoring ill-

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<sup>42</sup> LGBTI News Turkey, 'A gay man's conscript experience [...],' 16 August 2014, [URL](#)

<sup>43</sup> USSD HR Report 2017, Section 1e, 20 April 2018, [URL](#)

<sup>44</sup> Bianet, 'ECHR Finds Turkey Guilty For Abusing Right to Life,' 12 December 2012, [URL](#)

treatment during military service. Instances of ill-treatment of conscripts continued to be reported.<sup>45</sup>

- 6.3.2 The USSD HR Report 2017 stated, 'Parliament's Human Rights Commission (HRC) and the Ombudsman Institution had authorization to visit and observe prisons, including military prisons, without advance permission; while they did so, the frequency of such visits remained unclear.'<sup>46</sup>

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## 7. Evasion and desertion

### 7.1 Definitions

- 7.1.1 Quoting various sources, the Canadian IRB provided the following information in June 2014:

'Male Turkish citizens are called to report to the military draft branches between July 1st and October 31st of the year of their twentieth birthday. At this time, the process of "final military draft inspection" is initiated for draftees to register themselves for military service. Those draftees who are not ready for military service have to submit their documents showing the reasons (being a student, being unable to perform military service due to health reasons, being in prison, etc.). If these persons fail to report to their military branches, they become yoklama kaçagi (pre-registration draft evaders) as of November 1st of that year.

'Draftees who complete their final military draft registrations join the military during the year that they become 21 years old. Those who do not attend to the call of the military branches or those who fail to join the related military training center or unit after completing their registrations become bakaya (post-registration draft evaders).'<sup>47</sup>

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### 7.2 Numbers of evaders/deserters

- 7.2.1 In July 2018, Daily Hurriyet referred to over 400,000 persons having deserted military service<sup>48</sup>.

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### 7.3 Detection of evaders/deserters

- 7.3.1 The DFAT report noted that, 'Authorities maintain a sophisticated national database of military service, making evasion almost impossible. For instance, if an individual is stopped by police for a traffic infringement, their military service record will be cross-checked at the same time.'<sup>49</sup>

- 7.3.2 Quoting various sources, the Canadian IRB provided the following information in June 2014:

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<sup>45</sup> European Commission, '2014 Progress Report on Turkey,' 8 October 2014, page 50, [URL](#)

<sup>46</sup> USSD HR Report 2017, Section 1c, 20 April 2018, [URL](#)

<sup>47</sup> Canadian IRB, TUR104876.E, 4 June 2014, [URL](#)

<sup>48</sup> Daily Hurriyet, 'Turkish government submits paid military exemption bill,' 17 July 2018, [URL](#)

<sup>49</sup> Australian Government, 'DFAT Country Information Report,' page 28, 5 September 2016, [URL](#)

‘Once the government is aware of those who have become yoklama kaçagi or bakaya [see [Definitions](#)], their name and address is forwarded to the security authorities (the police or gendarme) by the administrative authorities (the governorships) and consequently, security authorities are authorized to begin to search for these persons. Simultaneously, the military branches of the persons in question send an official letter to their address, stating that they have become draft evaders and that they have to apply to their military branch to complete the relevant procedures. [...]

‘Military draft affairs (in Turkish: Asker Alma Subesi) are branches of the military that are located in every district. Every male Turkish citizen is automatically registered to these offices at birth. Once they reach 18, each male citizen is given 2 options. They either enroll in higher education and postpone their military service - schools send letters of enrollment and the branches postpone the draft - or they go and serve in the military. There are draft terms, and if your extension is up, you receive a notification letting you know that you are going to be called for service.

‘Once a draftee is called for service, if they are a no show, the military draft branch sends a letter to the police, and once the police register that letter to the system, the person becomes registered as a draft dodger. The police will then go to the address registered to the draft dodger to check on his whereabouts. Since the information on the draft dodger would be entered into the police database, if they are stopped in a regular police control (which happens regularly in Turkey) they would be detained and then sent to the military branch for processing and then sent to their military service.

‘In correspondence with the Research Directorate, a representative of the Vicdani Ret Dernegi (VR-DER, the Association of Conscientious Objection), an Istanbul-based organization established in May 2013 that promotes the rights of people who reject mandatory military service, said that in cases of draft evasions, the Ministry of National Defence releases an arrest warrant against the draft evader, but does not send a notification to the subject (VR-DER 20 May 2014). The information in the warrant is entered into the GBT database [also known as GBTS (Genel Bilgi Toplama Sistemi--General Information Gathering System) (IFOR Jan. 2014)] and the police or gendarme can arrest the subject at the time of detection.

‘IFOR [International Fellowship of Reconciliation] explains that there have been recent technological developments that have aided in identifying people who have evaded military service (IFOR Jan. 2014). The bar code in recent passports and identity documents is linked to the person's entry on the GBTS, which includes the person's military status along with other information, such as convictions, arrest warrants and tax arrears. Police officers and border guards can read this information with a hand-held device and can detain the person if the person is in default.’<sup>50</sup>

7.3.3 See also [Travel abroad](#) for information about the detection of draft evaders.

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<sup>50</sup> Canadian IRB, TUR104876.E, 4 June 2014, [URL](#)



## 7.4 Travel abroad

### 7.4.1 Quoting various sources, the Canadian IRB continued:

'[...] neither yoklama kaçagi nor bakaya [see [Definitions](#)] are permitted to travel abroad until they "legalize their situation" [...].

'[...] Turkey has border exit controls and the person's identity is checked in a database called PoINET that looks for a number of markers, including draft status. If the person's draft evasion report is entered into the system, the person cannot travel abroad. However, [...] there is often some time that elapses before the person's status is entered into the system, which may enable a person to leave the country.'<sup>51</sup>

### 7.4.2 See also [Detection of evaders/deserters](#) for further information on this subject.

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## 7.5 Consequences

### 7.5.1 The DFAT report noted that, 'Consequences for evasion of military service include prosecution and either a fine or imprisonment of between one and 36 months. Both military and civilian law are applied in these cases, and the cases can be heard in either court depending on location.'<sup>52</sup>

### 7.5.2 Quoting various sources, the Canadian IRB published the following in June 2014:

'According to Turkish military law (and corroborated by officials at both the Turkish embassy in Ottawa and the Canadian embassy in Ankara), Article 63 of the Law on Absentee Conscripts, Draft Evaders, Persons Unregistered [For Military Service], and Deserters, 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.

'Sources confirm that this law is still in use [...]. In correspondence with the Research Directorate, the Canadian embassy official in Ankara said that this law also carries a penalty of up to ten years' imprisonment in the case of aggravating circumstances, such as self-inflicted injuries, or using false documents [...].

'According to the VR-DER [Vicdani Ret Dernegi, the Association of Conscientious Objection] representative, Article 63 can be applied multiple

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<sup>51</sup> Canadian IRB, TUR104876.E, 4 June 2014, [URL](#)

<sup>52</sup> Australian Government, 'DFAT Country Information Report,' page 28, 5 September 2016, [URL](#)

times; there is a separate case for each time the evader refuses to carry out military service.

‘According to IFOR [International Fellowship of Reconciliation], military deserters or evaders may also be charged under Articles 87 or 88 of the same law, for refusal to take the military oath, to wear a uniform or to obey orders.’<sup>53</sup>

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## 8. Turkish military operations in Syria

8.1.1 In August 2018, ‘following an in-depth investigation into life under the Turkish military occupation,’ Amnesty International stated:

‘Turkish forces are giving Syrian armed groups free rein to commit serious human rights abuses [...] residents in Afrin are enduring a wide range of violations, mostly at the hands of Syrian armed groups that have been equipped and armed by Turkey. These violations include arbitrary detentions, enforced disappearances, and confiscation of property and looting to which Turkey’s armed forces have turned a blind eye. Some of these groups, and Turkish armed forces themselves, also have taken over schools, disrupting the education of thousands of children.’<sup>54</sup>

8.1.2 The UN Office of the High Commissioner for Human Rights (OHCHR) published a report in June 2018, which described Turkish military operations in Syria:

‘On 24 August 2016, the Office of the Prime Minister of the Republic of Turkey announced the start of “Operation Euphrates Shield”, which was described as a military operation by Turkish air and ground forces supported by affiliated armed groups with the objective of clearing areas of north Syria bordering Turkey of what it termed as “terrorist groups”, including both ISIL and the Kurdish dominated, United States-backed Syrian Democratic forces (SDF). The operation lasted from August 2016 until end of March 2017, and led to Turkish forces and affiliated armed groups taking control of Jarablus and Azaz districts, and Al-Bab City of Aleppo Governorate.

‘A second military offensive, “Operation Olive Branch” was launched by Turkish military forces on 20 January 2018, soon after the US-led Coalition announcement of the creation and deployment of a 30,000 strong border protection force constituted primarily of the Kurdish YPG-dominated SDF along Syria’s northern border with Turkey. The operation was aimed directly at Kurdish forces in the district of Afrin, using both air and ground forces alongside armed groups that had formerly participated in Operation Euphrates Shield...

‘By 18 March, Turkish forces and affiliated armed groups had captured the city of Afrin, with the entire district of Afrin coming under their control shortly thereafter. Subsequent to taking control of these areas, Turkish forces assumed responsibility for local health care delivery, law enforcement, and

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<sup>53</sup> Canadian IRB, TUR104876.E, 4 June 2014, [URL](#)

<sup>54</sup> Amnesty International, ‘Syria: Turkey must stop serious violations [...],’ 2 August 2018, [URL](#)

public administration. Administration of Hospitals was handed to the Turkish Red Crescent Society; a new civilian police force was established with officers trained in Turkey, and local administrators were replaced by persons selected by Turkey.<sup>55</sup>

8.1.3 The OHCHR also reported on the situation for civilians:

‘The situation of civilians in areas under the control of Turkish forces and affiliated armed groups operating under their control remains underreported, despite information raising serious concerns with regard to their safety and well-being. In areas such as Afrin, al-Bab, Azaz, and Jarablus, the security situation remains volatile, with de facto authorities currently unable or failing to act to ensure public order and safety - a situation exacerbated by fighting between various armed groups made worse by the arrival of additional fighters from armed groups from other areas of Syria, including Eastern Ghouta. Sources in Afrin and other areas in northern Aleppo Governorate report to OHCHR that there are high levels of violent crime, with civilians falling victim to robberies, harassment, abductions, and murder. OHCHR continues to receive allegations of discrimination against civilians perceived to hold sympathies or affiliations to Kurdish forces.

‘OHCHR has received reports of lawlessness and rampant criminality committed by armed groups in areas under the control of Turkish forces and armed groups operating under their control in northern Syria. Reports include allegations of theft, harassment, cruel treatment and other abuse, and on occasion murder [...]

‘OHCHR has also documented an increase in armed clashes between different armed groups reported to be under the control of Turkish forces, which is having a serious impact on civilians, including deaths and injuries. [...].

‘OHCHR has also confirmed reports of looting of private property from houses, shops, along with governmental and military facilities, and seizures of private real estate by fighters from various Turkish-affiliated armed groups. Large scale looting is believed to have taken place immediately after each area was taken, although reports continue to be received that looting – particularly of vehicles and agricultural equipment - continues on a daily basis.<sup>56</sup>

8.1.4 The OHCHR also reported on discrimination against Kurds and journalists and activists:

‘Reports continue to be received by OHCHR that civilians, particularly ethnic Kurds from Afrin, are being targeted for discrimination by the de facto authorities. [...]

‘OHCHR is concerned that permitting ethnic Arabs to occupy houses of Kurds who have fled, effectively prevents the Kurds from returning to their homes and may be an attempt to change permanently the ethnic composition of the area. [...]

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<sup>55</sup> OHCHR, ‘Caught between a rock and a hard place [...],’ June 2018, [URL](#)

<sup>56</sup> OHCHR, ‘Caught between a rock and a hard place [...],’ June 2018, [URL](#)

‘OHCHR received information that people originally from Afrin district – particularly Kurds - are subjected to stricter screening procedures and lengthier processes to obtain approvals [to move between different areas of Afrin district] than internally displaced fighters and their civilian families and other civilians ... – allegedly due to security reasons linked to the perception that such persons might possibly have links to Kurdish forces. [...]

‘OHCHR continues to receive reports from Afrin district of civilians, including women, being taken from their homes or detained at checkpoints, based on accusations of being former fighters of/or affiliation with Kurdish forces. The whereabouts of a large number of such civilians remain unknown. Many such civilians had been forcibly recruited into various Kurdish armed forces prior to Operation Olive Branch, but subsequently found themselves targeted by both Turkish forces and affiliated armed groups.[...]

‘OHCHR has confirmed reports of attacks directed against journalists and activists by Turkish-affiliated armed groups in Afrin and other areas in northern Aleppo Governorate.’<sup>57</sup>

#### 8.1.5 The OHCHR report further stated:

‘The assumption of control of areas by Turkish forces and affiliated armed groups has further subjected civilians to violations and abuses of their human rights. As noted, civilians continue to suffer from lack of access to basic humanitarian services, displacement, the direct and indirect effects of armed violence, harassment, kidnappings, disappearances and other discriminatory policies, as well as high levels of criminality.[...]

‘As a matter of priority, OHCHR urges the Republic of Turkey to ensure that all armed groups over which it exercises control in Afrin and other areas of Syria strictly adhere to their obligations under international humanitarian law.’<sup>58</sup>

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<sup>57</sup> OHCHR, ‘Caught between a rock and a hard place [...],’ June 2018, [URL](#)

<sup>58</sup> OHCHR, ‘Caught between a rock and a hard place [...],’ June 2018, [URL](#)

# Annex A



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## INFORMATION ON MILITARY SERVICE IN TURKEY

According to information received from the Turkish Ministry of Foreign Affairs in April 2018, legislation governing the military service exemption of Turks living abroad - The Law on the Amendments to the Military Law - was adopted on 14 January 2016, and was valid from 27 January 2016 to 31 December 2017 (Turkey 24 Oct. 2016). This entitled certain citizens meeting a number of criteria, to be exempt from military service upon payment of €1000 (or equivalent).

This particular option for buyout ended in December 2017 as intended. It was essentially a special deal, offering a much lower buyout fee. The process has gone back to the previous system, where applicants were paying 6,000 Euros. (All the other requirements will be the same except the fee).

Migration Section

**This letter has been compiled by staff of the British Embassy Ankara entirely from information obtained from the sources indicated. The letter does not reflect the opinions of the author(s) nor any policy of the Foreign and Commonwealth Office. The author(s) have compiled this letter in response to a request from the Home Office and any further enquiries regarding its contents should be directed to the Home Office.**

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

## Legal context

- Requirement to do military service
- Eligibility

## Exemptions and alternatives

- Exemptions
- Civilian alternatives
- Buy-out
- Sexual orientation

## Conscientious objection

- Options
- Numbers of conscientious objectors
- Treatment of conscientious objectors
- European Court of Human Rights rulings

## Length of service

- Conscripts
- Students
- Others

## Conditions of service

- Mistreatment
- Avenues of redress
- Monitoring

## Evasion and desertion

- Definitions
- Numbers of evaders/deserters
- Detection of evaders/deserters
- Consequences

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **2.0**
- valid from **5 September 2018**

## Changes from last version of this note

Updated country information and guidance.

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