



Home Office

# Country Policy and Information Note

## Turkey: Military service

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# Executive summary

The country guidance case of [GS \(Article 3, Persecution, Military Service\) Turkey CG \[2004\] UKIAT 00041](#) found that military draft evaders are not at risk of persecution for one of the 5 Convention reasons.

Compulsory national service is a prerogative of sovereign states. The requirement to undertake military service does not, in itself, amount to 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.

In general, none of these conditions apply for Turkish nationals undertaking compulsory military service. Those who are exempt from, have bought out of, or have completed military service will also not have a well-founded fear of persecution.

The country guidance case of [SD \(military service - sexual identity\) Turkey CG \[2013\] UKUT 612 \(IAC\)](#) found that there is a reasonable degree of likelihood of gay and bisexual men and trans persons, as well as perceived homosexual men suffering treatment amounting to persecution during their compulsory military service. Since [SD](#) was promulgated, it remains that the risk of such discovery or perception arising during a person's service will require a fact sensitive analysis of an individual's particular circumstances, including the expression of their sexuality and/or gender identity.

However, gay and bisexual men and trans persons are able to apply for an exemption from military service on account of their sexual orientation and/or gender identity. Whilst [SD](#) found, in 2013, that there was a real risk of persecutory treatment during the exemption process, current available information indicates such elements of the exemption process are no longer undertaken or required and the findings of [SD](#) in this regard are no longer accurate. It is therefore considered reasonable for a gay or bisexual man or trans person to seek an exemption certificate to avoid undertaking compulsory military service.

In some limited cases based on their specific, individual circumstances, a conscientious objector may be at risk of persecution or serious harm.

Where a person has a well-founded fear of persecution from the state, they will not be able to avail themselves of the protection of the authorities or relocate to escape that risk.

Where a claim is refused, it is likely to be certifiable as 'clearly unfounded' unless the claim is based on the person's sexual orientation or conscientious objection.

Each case must be considered according to its individual facts. Decision makers must read the assessment in full, and use relevant country information as the evidential basis for decisions.

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# Assessment

Updated: 2 August 2023

## About the assessment

This section analyses the evidence relevant to this note – that is, information in the [Country information](#) section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of whether, **in general**:

- a person is reasonably likely to face a real risk of persecution/serious harm by the state because:
  - military service would involve acts, with which the person may be associated, which are contrary to the basic rules of human conduct; or
  - the conditions of military service would be so harsh as to amount to persecution; or
  - the punishment for draft evasion or desertion is disproportionately harsh or severe
- a person is able to obtain protection from the state (or quasi-state bodies)
- a person is reasonably able to relocate within Turkey
- a grant of asylum, humanitarian protection or other form of leave is likely, and
- if a claim is refused, it is likely 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.

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Credibility

- 1.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 1.1.2 Decision makers must also check if 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](#)).
- 1.1.3 In cases where there are doubts surrounding a person’s claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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## 1.2 Exclusion

- 1.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 1.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.2.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2. Convention reason(s)

- 2.1.1 In general, a person evading or deserting from military service does not fall within the scope of one of the 5 Refugee Convention grounds (race, nationality, religion, political opinion or membership of a particular social group). The country guidance case of [GS \(Article 3, Persecution, Military Service\) Turkey CG \[2004\] UKIAT 00041](#) found that military draft evaders are not at risk of persecution for one of the 5 Convention reasons.
- 2.1.2 Persons who have evaded or deserted from military service do not form a PSG within the meaning of the 1951 UN Refugee Convention. This is because they do not share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it – and they do not have a distinct identity which is perceived as being different by the surrounding society.
- 2.1.3 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) a Particular Social Group (PSG) if the person belongs to the LGBTI community.
- 2.1.4 The [Asylum Instruction on Military Service and Conscientious Objection](#) explains that it is necessary to carefully examine the reason for the persecution in the mind of the persecutor rather than the reason which the victim believes is why they are being persecuted. Whilst not directive country

guidance, this is also reflected at paragraph 22 of the House of Lords judgement in [Sepet & Another v. SSHD \[2003\] UKHL 15](#).

- 2.1.5 Gay and bisexual men and trans persons in Turkey form a PSG within the meaning of the Refugee Convention because they share an innate characteristic or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to their identity or conscience that they should not be forced to renounce it, and have a distinct identity which is perceived as being different by the surrounding society.
- 2.1.6 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.
- 2.1.7 In the absence of a link to one of the 5 Refugee Convention grounds necessary for the grant of refugee status, the question is whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).
- 2.1.8 For further guidance on Humanitarian Protection see the Asylum Instruction, Humanitarian Protection and on the 5 Refugee Convention grounds see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

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### 3. Risk

#### 3.1 Overview

- 3.1.1 Compulsory national service is a prerogative of sovereign states. 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.
- 3.1.2 In general, none of these conditions apply in respect of Turkish nationals undertaking their compulsory military service.
- 3.1.3 Similarly, those who (a) are exempt from, (b) have ‘bought out’ of, or (c) have completed military service will not have a well-founded fear of persecution.

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#### 3.2 Requirements and exemptions

- 3.2.1 The Turkish Armed Forces (TSK) is one of the world’s largest militaries, boasting a total strength of approximately 355,000 active personnel and 380,000 reserves, and it is estimated that 1.4 million Turkish citizens reach

military age annually. Military service is compulsory for Turkish males between the ages of 20 and 41 for a period of 6-12 months. Conscripts are given 1 month of military training and are then deployed into service and further training, receiving an allowance throughout their tenure. Non-commissioned officers and privates undertaking their compulsory military service are not deployed to counter-terrorism operations or conflict zones unless 'gravely required', due to the size of the TSK and the number of professional soldiers already in service (see [Overview](#), [Eligibility for military service](#), [Length of military service](#), [Buy-out scheme](#), [Exemption and deferral of military service](#)).

- 3.2.2 After completing 1 month of basic training, conscripts have the option to 'buy out' from the last 5 months of compulsory military service at a cost of 122,351 Turkish lira as of July 2023 (approximately £3,495). This is known as 'paid military service', i.e. paid release from military service. Those who have started their military service, those who have been assigned evader status and those who are draft evaders and in hiding cannot take this option. Certain men may be exempt from undertaking compulsory military service, such as those who are 'medically unfit'. Others may be permitted to defer military service on account of their specific circumstances, including if they are pursuing further education. It was previously compulsory for Turkish nationals living abroad to buy out of military service but they now have the option of serving full time if they want to (see [Overview](#), [Eligibility for military service](#), [Length of military service](#), [Buy-out scheme](#), [Exemption and deferral of military service](#)).
- 3.2.3 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](#).

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### 3.3 Acts contrary to the basic rules of human conduct

- 3.3.1 It is not reasonably likely that the requirement to undergo compulsory military service in Turkey would involve acts which are contrary to the basic rules of human conduct. The onus is on the person to demonstrate otherwise. Each case must be considered on its individual facts.
- 3.3.2 Whilst in the context of military service in Ukraine, in the country guidance case of [PK and OS \(basic rules of human conduct\) Ukraine CG \[2020\] UKUT 00314 \(IAC\)](#), heard on 3 and 4 June 2020 and promulgated on 19 November 2020, the Upper Tribunal (UT) found that: 'The individual concerned must demonstrate that it is reasonably likely that their military service would involve the commission of acts contrary to the basic rules of human conduct, or that it is reasonably likely that, by the performance of their tasks, they would provide indispensable support to the preparation or execution of such acts' (para 1 f.).
- 3.3.3 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. For further information on exclusion see the Asylum Instruction on [Exclusion: Article 1F of the Refugee Convention](#).

- 3.3.4 Whilst not authoritative country guidance, the House of Lords judgement in [Sepet & Another](#) held 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’ (para 26).
- 3.3.5 There have been developments in military operations undertaken by Turkey in recent years, including reportage of human rights abuses committed by Turkish-affiliated armed groups against civilians in Syria. However, the information available does not support that:
- these incidents are state-sponsored or systemic throughout the TSK,
  - a recruit within the armed forces would be expected or forced to commit acts contrary to the basic rules of human conduct (see [Impact of military operations](#)).
  - conscripts undertaking their mandatory period of military service are deployed to any combat areas (see [Overview of mandatory service](#)).
- 3.3.6 It is therefore not considered that a conscript would be expected to engage in or commit acts contrary to the basic rules of human conduct during their compulsory military service.
- 3.3.7 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](#).

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### 3.4 Conditions during military service

- 3.4.1 In general, the conditions/treatment likely to be faced by a person required to undertake compulsory military service are not sufficiently serious by nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm. The onus is on the person to demonstrate otherwise. Each case must be considered on its individual facts.
- 3.4.2 A person serving their compulsory military service has rights and freedoms guaranteed by the Constitution. Those rights and freedoms guaranteed by the Constitution also apply to military personnel. Discrimination is an offence defined and punished in the Turkish Criminal Code and personnel who violate these rules are prosecuted. In a response to a security questionnaire composed by the Organization for Security and Co-operation in Europe in August 2021, the Turkish delegation stated that military personnel who violate the law are prosecuted, although CPIT were unable to find statistics or information on this in practice, nor on how the government investigates and addresses abuse and cases of ‘suspicious deaths’. There are avenues of redress available to military personnel including the right to petition, information, and effective remedy, which are provided for in law (see [Legal rights, Current situation and Avenues of redress](#)).
- 3.4.3 There is limited, recent information on conditions of military service in practice. The US Department of State noted that in 2022, some conscripts were subjected to severe hazing, abuse and torture which sometimes resulted in death or suicide but did not quantify how many conscripts

constituted 'some' or that this was commonplace. Human rights groups reported at least 10 deaths of soldiers performing compulsory military service were the result of accidents or occurred under suspicious circumstances during the first 11 months of 2022, and 13 cases of suspicious or accidental deaths in the first 11 months of 2021. For context, according to the UK's Ministry of Defence, there were 57 deaths in the UK armed forces in 2020: 26% due to 'other accidents' and 16% due to suicide. The USSD also noted 'several' instances of abuse or suspicious deaths relating to ethnic minorities whilst in military service, including those from Kurdish and Alevi backgrounds (see [General conditions of military service](#)).

- 3.4.4 An absence of reporting could be an indicator that conditions or mistreatment amounting to persecution is not a systemic or systematic problem, since there are a number of NGOs and human rights organisations reporting on human rights issues in Turkey and it is reasonable to conclude it would be reported on if so. Generally, whilst there are some reports regarding abuse and deaths of conscripts in service, such instances are low, relative to the size of the military force in Turkey, and does not generally support that conscripts systematically face a real risk of discrimination or ill-treatment during conscription (see [Current situation](#)).
- 3.4.5 Kurdish and ethnic minorities are required to undertake compulsory military service. Gülenists are also required to, even if state action has been taken against them due to their (suspected) support of Gülenism. Like other conscripts, ethnic minorities and Gülenists can buy out their military service but must still carry out the remaining month of service. The Netherlands Ministry of Foreign Affairs reported that Gülenists could be subjected to bullying, torture and murder during this month. However, no further sources could be found at the time of writing which corroborated these claims and, as above, in the absence of quantifiable data outlining the scale and extent, this does not, in general, amount to a real risk (see [Alleged Gülenists](#) and Country Policy and Information Note on [Turkey: Gülenist movement](#) for information on assessing these claims).
- 3.4.6 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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### 3.5 [Gay and bisexual men and trans persons: treatment during compulsory military service](#)

- 3.5.1 The conditions and/or treatment faced by actual or perceived openly gay, bisexual or transgender persons required to undertake compulsory military service could amount to persecution, depending on the person's circumstances. This includes: their appearance and mannerisms, the way in which they describe their sexual identity, the extent to which they fit the stereotype of a gay man as understood within Turkish society; and the extent to which they will conceal their sexual identity and why. The onus is on the person to demonstrate that they would face a real risk. Each case must be considered on its individual facts.
- 3.5.2 A person is not exempt from carrying out military service purely on the grounds of their sexuality but can be exempted if a medical committee finds

that the expression of their sexuality would lead to ‘undesirable’ or ‘uncomfortable’ situations, or undermine the ability of the Turkish armed forces (see [Exemptions and alternatives](#) and [Gay and bisexual men and transgender persons](#)).

- 3.5.3 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:

‘Homosexuality is regarded by the Turkish army as a sexual identity disorder but the perception of homosexuality in Turkey is not reduced to a person’s sexual preference but is informed by an assessment of his whole personality including his outward appearance and behaviour. It is associated with the passive role which is seen as unmanly whereas taking the active role does not attract the same disapproval and is not considered to undermine the essence of manliness.’ (paragraph (ii)).

- 3.5.4 The UT in [SD](#) also 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...’ (paragraph 111).

- 3.5.5 Available, recent information on the treatment of conscripts who identify as gay, bisexual or trans during their compulsory military service is scant. There is limited anecdotal and academic evidence from recent years on treatment of conscripts during compulsory military service, with some persons describing relatively more positive experiences and others reporting experiences of physical and sexual mistreatment at the hands of other conscripts. The open expression of a person’s sexuality or gender identity, age, social status and level of education were identified by some as being factors which affected how they were treated in light of their sexuality or gender identity, during their service, consistent with the findings of [SD](#) (see [Perceptions and treatment of gay and bisexual men and trans persons in the military](#)).

- 3.5.6 Whilst recent information on the general treatment of gay and bisexual men and trans persons undertaking their compulsory military service is limited, available information does support that negative attitudes towards such persons persist in the military (see [Perceptions and treatment of gay and bisexual men and trans persons in military](#) and [General treatment of LGBTI persons in Turkey](#)). It is considered that there are not, therefore, very strong grounds supported by cogent evidence to justify a departure from [SD](#) on this.

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### 3.6 Gay and bisexual men and trans persons: exemption process

- 3.6.1 In general, treatment likely to be faced by a person who opts to engage in the exemption process is not sufficiently serious by nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm. The onus is on the person to demonstrate otherwise. Each case must be considered on its individual facts.
- 3.6.2 In the country guidance case of [SD](#) the Upper Tribunal found that the exemption process carries a real risk of a breach of Article 3. However, it should be noted that at the time of the hearing of [SD](#), the requirement for a rectal examination and explicit photographs in the exemption process had not been officially withdrawn by the Turkish authorities. The Tribunal considered the exemption process requirements at that time and recognised that these elements were generally no longer imposed:
- ‘...A number of procedures have been adopted to determine whether a recruit should be exempted. These include a personality test, the production of explicit videos or photos of sexual activity or wearing women’s clothes in public places, a medical examination, a hospital stay in the “pink” ward and confirmation of sexuality from a relative. This will be followed by questioning by a military doctors’ council and meeting with the military doctors’ committee. Which procedures are used in any given case are in the discretion of the relevant doctors and military personnel. Some people are granted exemption after the psychological test and interview whereas others have to provide further evidence. The further evidence now most commonly required is confirmation from family members and we accept in the light of Mr Irlenkäufer’s evidence that the requirements of personal explicit photographs and of a rectal examination are now generally not imposed.’ (paragraph 93).
- 3.6.3 However, the UT also held that ‘The process can include the authorities resorting to intrusive requirements such as carrying out a rectal examination or requiring the production of explicit photographs or evidence of dressing in female clothes and there is evidence that those exempted have been stigmatised as “rotten” by failing to meet society’s expectation of how a man should be.’ (paragraph 98).
- 3.6.4 As part of their consideration of the exemption process and what elements may be persecutory, the UT in [SD](#) also considered the European Court of Human Rights (ECtHR) decision in [Pretty v United Kingdom \[2002\] 35 ECHR 1](#) which says that: ‘Where the treatment humiliates or debases an individual showing a lack of respect for, or diminishing, his or her human dignity or arouses feelings of fear, anguish or inferiority capable of breaking an individual’s moral and physical resistance, it may be characterised as degrading and also fall within the prohibition of article 3.’ (paragraph 52).
- 3.6.5 Available information, including testimonies from persons who have undergone the exemption process since 2015, strongly suggests that there are no longer persecutory elements to the exemption process. Evidence from the recruits also suggests that after 2016 coup attempt the exemption process has become civilianised and has been conducted at government hospitals rather than military hospitals (see [Gay and bisexual men and](#)

[transgender persons](#) and [Exemption process](#)).

- 3.6.6 Recent available information shows that interviews, psychological assessments, the presentation of non-explicit photographic evidence or testimony from a family member may be undertaken or requested as part of the exemption process. Gay and bisexual men or trans persons whose appearance is perceived to be 'feminine' by a doctor undertaking the exemption assessment are particularly likely to receive an exemption certificate on the grounds of their sexuality. The available information also supports that there is an appeal process in place should a person wish to pursue an appeal during the exemption process (see [Gay and bisexual men and transgender persons](#) and [Exemption process](#)).
- 3.6.7 Whilst a person undergoing the exemption process may find the elements of the process uncomfortable or unpleasant in nature, such treatment is no longer considered to attain the minimum level of severity, or intense physical or mental suffering, as to fall within the scope of Article 3. The available information supports that the exemption process does not include treatment that is at such a level to 'humiliate or debase an individual showing a lack of respect for, or diminishing, his or her human dignity or arouse feelings or fear, anguish or inferiority capable as to break an individual's moral and physical resistance' in line with the consideration of [Pretty v United Kingdom \[2002\] 35 EHRR 1](#) and the UT in [SD](#).
- 3.6.8 There are, therefore, very strong grounds supported by cogent evidence to justify a departure from [SD](#) on this point, and it is reasonable to expect gay and bisexual men and trans persons to engage in the exemption process to avoid undertaking their compulsory period of military service.
- 3.6.1 Paragraphs 35 and 82 of the determination of the Supreme Court's ruling in [HJ \(Iran\) and HT \(Cameroon\) v Secretary of State for the Home Department \[2010\] UKSC 31](#), heard 10,11,12 May and promulgated 7 July 2010, has set out the approach to take and established the test that should be applied when assessing a claim based on a person's sexual orientation, which can also be applied to claims based on a person's gender identity / expression.
- 3.6.2 For further information, see the Asylum Instruction on [Sexual identity issues in the asylum claim](#) and [Gender identity issues in the asylum claim](#).
- 3.6.3 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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### 3.7 Draft evasion and desertion

- 3.7.1 In general, a person is unlikely to be subject to punishment that amounts to serious harm or persecution solely as a result of evading or deserting military service. The onus is on the person to demonstrate otherwise. Each case must be considered on its individual facts.
- 3.7.2 It is legitimate for countries to require their citizens to perform compulsory military service. The penalties for draft evasion and desertion are not normally regarded as persecution, as is confirmed in the [UNHCR - Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of](#)

[Refugees](#) (paragraphs 167- 174).

- 3.7.3 Draft evasion and desertion are considered as two different crimes and are punished under the Law on Military Criminal Code. There are no official statistics on the number of draft evaders in Turkey, but it was estimated by President Erdoğan in 2022 that there were 550 thousand draft evaders and 'late joiners' in Turkey (see [Law](#) and [Number of draft evaders](#)).
- 3.7.4 In the country guidance case of [GS](#) which considered the risk posed to a Turkish military draft evader of Kurdish ethnicity, it was held that:
- '...The appellant's claim now ... seems to be he would be charged with evasion of military service. He would be found guilty and receive a penalty of between four months and two years imprisonment. If the sentence was for more than six months, part of the sentence may be served in a civilian prison. It has been suggested that the civilian prisons are harsh and that when he started his military service, the regime there, would also be harsh. He may also be subjected to harsher treatment because of his ethnicity and his failure to serve his country...
- 'The Adjudicator went on to take account of the background material and concluded that there was no evidence that the appellant would be subjected to inhuman or degrading treatment if he served a period of imprisonment and that such treatment would not amount to persecution because of his ethnicity. The sentence would not be disproportionate and not in breach of the appellant's his rights under the ECHR.' (paragraphs 9 and 10).
- 3.7.5 Recent information cited by a number of sources including the Australian Department for Foreign Affairs and Trade (DFAT), the Immigration and Refugee Board of Canada and the Netherlands Ministry of Foreign Affairs highlighted the likely punishments a draft evader in Turkey could face. Those who do not present themselves for military service are registered on a national system (General Information Gathering System, GBTS), thus freedom of movement of those considered draft evaders and deserters is severely restricted (see [Freedom of movement](#)).
- 3.7.6 Draft evaders are likely to be apprehended through routine identity checks and may also be denied a range of civil rights and services. Once registered on the GBT system, a person is issued with a fine which increases as time passes and reportedly vary from approximately £0.14 to £0.28 for each day that a person is absent. DFAT reported that, although the law allows for the imprisonment of draft evaders, it is not used in practice, and whilst the non-payment of fines could result in asset seizures or the withholding of salary and pensions, it was reported that in practice, the state lacks capacity to follow up on the large number of draft evaders (see [Freedom of movement](#)).

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- 3.7.7 It is considered that the punishments meted out to draft evaders are not

sufficiently serious by nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm. In the absence of cogent evidence to the contrary, the findings of GS continue to apply.

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

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### 3.8 Conscientious objection

- 3.8.1 Turkish nationals who refuse to partake in compulsory military service on account of a 'partial' or 'absolute' conscientious objection are not, in general, subject to a punishment that amounts to serious harm or persecution for a convention reason. However, if the person can demonstrate that (a) they have deeply-held convictions which prevent them from undertaking military service, **and** (b) they would be reasonably likely to face repeated, disproportionate penalty/punishment for draft evasion/desertion, they may encounter treatment by its nature and repetition that amounts to persecution or serious harm. Each case must be decided on its facts. (See the Asylum Policy Instruction on [Military Service and Conscientious Objection](#) for definitions and further information).
- 3.8.2 Whilst not authoritative country guidance, the House of Lords judgement in the reported case of [Sepet & Another](#) noted that punishment for refusing to perform military service because of a conscientious objection will not in itself give rise to a well-founded fear of persecution. The Court held that there is no provision in international law which requires States to recognise the right to conscientious objection or to provide some form of alternative service. Therefore, it is legitimate for States to treat conscientious objectors in the same way as any other draft evader. As a result, punishment for refusing to perform military service due to genuine reasons of conscience does not amount to persecution (see [Conscientious objection: Current position](#)).
- 3.8.3 There is no civilian alternative to military service in Turkey. There are no official statistics on the number of conscientious objectors in Turkey, but it was noted by the Turkish Minister of National Defence in 2019 that 28 people 'applied' in 2017; 23 in 2018 and 18 in 2019. Refusal to undertake compulsory military service on the grounds of conscience attracts the same prosecution as for 'regular' draft evaders, with the European Bureau of Conscientious Objection (EBCO) reporting in 2018 that conscientious objectors are not imprisoned but rather issued fines. The EBCO noted in their 2021 report that there were active prosecutions against conscientious objectors (see [Conscientious objection: current position](#)).
- 3.8.4 The case of [Savda v. Turkey](#) in the ECtHR 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 specifically in Mr Savda's circumstances. 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. However, that should be seen as specific to Mr. Savda's circumstances and not necessarily reflective of the situation in general.

- 3.8.5 The Asylum Policy Instruction on [Military Service and Conscientious Objection](#) noted that punishment for draft evasion and desertion can, in particular circumstances, amount to persecution on political or religious grounds. However, if the state was simply punishing a conscientious objector for their failure to comply with its laws rather than being motivated by a Convention reason, it would not amount to persecution.
- 3.8.6 There is no available information to suggest that the Turkish government views a refusal to undertake military service as an act of political disobedience or that, in general they are treated differently to draft evaders or deserters who do not hold deeply held convictions preventing them from participating. As outlined in the country guidance of [GS](#), the punishment for draft evaders is not sufficiently serious by nature and/or repetition, or by an accumulation of various measures, to amount to persecution or serious harm (see Evasion, desertion and conscientious objection: [Legal consequences and punishment](#)).
- 3.8.7 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 4. Protection

- 4.1.1 Where the person has a well-founded fear of persecution from the state they will not, in general, be able to obtain protection from the authorities.
- 4.1.2 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 5. Internal relocation

- 5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 5.1.2 For further guidance on internal relocation, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 6. Certification

- 6.1.1 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.
- 6.1.2 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

## About the country information

The country information section contains open source material which has been sourced and analysed by CPIT in line with the [CPIN and COI methodology](#). It provides the evidence base for the assessment.

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

Decision makers must use relevant country information as the evidential basis for decisions.

Section updated: 14 April 2023

## 7. Overview

7.1.1 The Australian Department of Foreign Affairs and Trade (DFAT) published a country information report on Turkey in September 2020 which stated:

‘The Turkish Armed Forces (TSK), comprising an army, navy and air force, are responsible for territorial defence, including having overall responsibility for border security. The coast guard, formerly part of the TSK, but now a component of the Interior Ministry, shares maritime border responsibility with the TSK. The president is Commander-in-Chief, while the Chief of General Staff is Commander of the Armed Forces with responsibility for the day-to-day running of the military. With a total strength of approximately 355,000 active personnel, 380,000 reserves, and 1.4 million Turkish citizens reaching military age annually, the TSK is one of the world’s largest militaries. Global Firepower ranked Turkey 11th out of 138 countries in its annual review of military strength for 2020.

‘The TSK played a central role in the establishment of the Republic of Turkey, and has long played a prominent role in Turkish politics and society. The overwhelming majority of Turkish men undergo national service. The TSK has traditionally seen itself as the guarantor of secularist values, and has intervened in domestic politics on several occasions. Since 2002, the AKP government has greatly strengthened civilian oversight over the military, and it is now fully under civilian control.’<sup>1</sup>

7.1.2 Fanack is an independent online media organisation which is ‘committed to publishing and disseminating balanced and informed analysis about the Middle East and North Africa.’<sup>2</sup> On 20 March 2018, Fanack published an article which stated, ‘On completion of military service, soldiers are issued a green certificate proving their honourable service. It is common for employers and even potential fathers-in-law to demand to see a young man’s green certificate as a judge of his character.’<sup>3</sup>

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## 8. Legal context

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<sup>1</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>2</sup> Fanack, [About Fanack](#), no date

<sup>3</sup> Fanack, [Turkey’s Gay Soldiers in the Crosshairs](#), 20 March 2018

## 8.1 Law relating to military service

- 8.1.1 [Military law No. 1111 of 1927](#) sets out the requirements for military service.
- 8.1.2 Article 72 of the [Constitution](#) states that national service is the right and duty of every Turk<sup>4</sup>.

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## 8.2 Eligibility for military service

- 8.2.1 Article 2 of Military Law No. 1111 states, '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>
- 8.2.2 Articles 3 to 5 of Military Law No. 1111 state:

'Military [eligibility] age shall be divided into three periods: the draft period, active service, and the reserve [list]...

'The draft period is the period starting from the beginning of military [eligibility] age and continuing until the time of entry into a unit...'<sup>6</sup>
- 8.2.3 Women may volunteer for military service<sup>7</sup>. In a response to a questionnaire from the Organisation for Security and Co-operation in Europe (OSCE), the world's largest regional security-oriented intergovernmental organization<sup>8</sup> on security matters in August 2021, the Turkish delegation referred to the obligation of every male Turkish citizen to complete military service and continued:

'Female Turkish citizens are not under such obligation. Regular female officers and non-commissioned officers serving in the TAF [Turkish armed forces] join the armed services voluntarily...

'Since male conscripts meet the needs of the TAF, there are no plans for female nationals to be bound by compulsory military service.'<sup>9</sup>
- 8.2.4 The Response by the Delegation of Turkey to the Questionnaire on the Code of Conduct on Politico-Military Aspects of Security provided further information about the position of women in the Turkish armed forces at Annex 1.
- 8.2.5 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted:

'The General Staff informs the Ministry of Defence the number of reserve officers, non-commissioned officers and privates that the Turkish Armed Forces needs each year before November 30 so that the Ministry can determine the schedule of summons and deployment; allocation rates, and; classes, profession, branch and specialization of new recruits. The need for reserve officers and reserve NCOs may be re-reported before each

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<sup>4</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>5</sup> [Turkey: Law No. 1111 of 1927, Military Law](#), published by Refworld

<sup>6</sup> [Turkey: Law No. 1111 of 1927, Military Law](#), published by Refworld

<sup>7</sup> US CIA, [The World Factbook, Turkey](#), Military & Security, last updated: 28 March 2023

<sup>8</sup> OSCE, '[Who we are](#)', no date

<sup>9</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

classification period... Soldiers are deployed to their units in a completely random system. If there is a surplus of soldiers in a certain region during that summons period, new recruits may be sent to another region: for example, if the conscription to the west was high in the previous period, deployment is made mainly to the east to meet the need for soldiers in the east...'<sup>10</sup>

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### 8.3 Length of military service

#### 8.3.1 An article published by Al-Monitor in 2019 noted:

'Durations for mandatory service are already inegalitarian in Turkey, where all men above the age of 20 who are physically and mentally fit (and apparently heterosexual) are expected to serve between six to 12 months. Graduates from four-year programs at institutions of higher learning serve either as privates, corporals or sergeants for six months or as commissioned officers for 12 months. Those with two-year college degrees and below, however, must serve 12 months as privates, corporals or sergeants...'<sup>11</sup>

#### 8.3.2 In the response to OSCE in August 2021, the Turkish delegation reported:

'In the conscription system the draftees serve in different positions in the military structure. The first one is the service in enlisted status. This status is applied to the draftees who have high school or lower degree of education. The service period for these draftees is 6 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 of service is 12 months, and these personnel serve in the rank of 3<sup>rd</sup> Lt.

'The third form is the service in NCO [non-commissioned officer] status. It's applied to the draftees who have two year occupational collage [sic] or higher degree of education. The length of service is 12 months, and these personnel serve in the rank of subordinate staff sergeant [sic].'<sup>12</sup>

#### 8.3.3 The period of conscription has been six months for privates and non-commissioned soldiers since a 2012 law. Prior to this the term was 12 months. The service term for reserve officers chosen among university or college graduates remains 12 months.<sup>13</sup> The 2012 law also permanently established the option of buying out of military service.

#### 8.3.4 After completing six months of service, if a conscripted soldier wants to and is suitable for extending his military service, he may do so for an additional six months in return for a monthly salary<sup>14</sup>.

#### 8.3.5 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted:

'...The period for mandatory military service is 6 months for non-commissioned officers and privates, and 12 months for reserve officers and reserve sergeants. Non-commissioned officers and privates are given 1

<sup>10</sup> FCDO, 'Annex B - Correspondence', 14 April 2023

<sup>11</sup> Al-Monitor, '[Turkey's paid exemption from military service system begins](#)', 27 November 2018

<sup>12</sup> OSCE, '[Response by the Delegation of Turkey to the Questionnaire...](#)', August 2021

<sup>13</sup> US CIA, '[The World Factbook, Turkey](#)', Military & Security, last updated: 28 March 2023

<sup>14</sup> US CIA, '[The World Factbook, Turkey](#)', Military & Security, last updated: 28 March 2023

month of basic military training and then deployed to troops for 5 months for further training and service. During this training they are paid an allowance which cannot be less than the minimum wage. [R]reserve officers and sergeants are trained for 2 months and deployed for 10. [T]they are paid a salary during their 10 months deployment...<sup>15</sup>

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## 8.4 Overview of mandatory service

### 8.4.1 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted:

‘Since early 1990’s Turkish Ministry of National Defence has been working on professionalising the Turkish Army which means that only professional soldiers should be deployed to conflict zones. In 2010 then Minister of Defence Ismet Yılmaz said that non-commissioned officers and privates were not deployed to counter-terrorism operations or conflict zones unless gravely required... There are now very few non-commissioned officers and privates deployed to conflict zones such as Northern Iraq and Syria, the army mainly deploys professional soldiers. Independent Turkish reported ... that with the number of professional soldiers in the TSK [Turkish Armed Forces] reaching a sufficient level, the soldiers and enlisted men in the army within the scope of military service are not taken out into operations and have not been put into conflicts unless absolutely necessary. They were also less likely than before to be positioned in risky areas, especially those referred to as base points on the Iraqi border. As a result of these efforts, there was a significant decrease in the number of martyrs in the fight against terrorism...<sup>16</sup>

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## 9. Exemptions and alternatives

### 9.1 Exemption and deferral of military service

#### 9.1.1 In the country information report published in September 2020, DFAT stated:

‘Although military service is viewed as a rite of passage for young men, exemption or deferment on a non-financial basis from military service is possible. University students can delay their service until they have completed their studies, and potential conscripts can be exempted for being medically unfit, for residing outside the country (although if they later return to Turkey they have to pay a fee), or for “proving” their homosexuality. Local sources report a potential conscript can also be exempted if his brother died while undertaking military service. Tests to prove an individual is medically unfit for duty are rigorous... If a physical disability is claimed, the individual must undergo checks every two years during their period of eligibility to confirm their disability still exists.<sup>17</sup>

#### 9.1.2 The same report added that ‘...Military authorities issue documents for exemption of service that indicate the person has no outstanding liability or

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<sup>15</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

<sup>16</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

<sup>17</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

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.’<sup>18</sup>

- 9.1.3 In a response to the OSCE security questionnaire of August 2021, the Turkish delegation reported:

‘...pursuant to Article 16 of the Law No.7179, those who are not physically or mentally eligible for military service are exempted from this obligation if documented by a health report provided by a competent authorized hospital.

‘Another exemption specified ... is for the brothers of those who have died and for both brothers and sons of martyrs who became victim of terrorism during their military service. Those categories of citizens are not enlisted unless they declare 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.

‘Recruitment Law (Law No.7179) permits students to complete their high education (in the universities or institutes for LLM or PhD programs), before they are conscripted provided that they preserve their student status and are not older than 32.’<sup>19</sup>

- 9.1.4 The US Central Intelligence Agency (CIA) World Factbook reported that ‘[military] service can be delayed if in university or in certain professions (researchers, professionals, and athletic, or those with artistic talents have the right to postpone military service until the age of 35).’<sup>20</sup>

- 9.1.5 See [LGBTI community](#) for further information on sexuality and exemptions from service.

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## 9.2 International travel

- 9.2.1 Citing other sources, the Canadian Immigration and Refugee Board (Canadian IRB) report of 18 November 2021 stated:

‘The Netherlands Ministry of Foreign Affairs notes that according to confidential sources, there is no legal provision restricting the ability of an individual to obtain a passport while completing military service, “except when a conscript deserts during the performance of military service” (Netherlands July 2019, 10). Australia’s DFAT reports that eligible citizens who have not yet completed military service “but are yet to be sanctioned for it” are not restricted from obtaining a passport and that completion of military service is not a requirement to obtain a passport (Australia 10 Sept. 2020, para. 5.39). According to the same source, individuals registered in MERNIS [Central Civil Registration System] as military draft evaders are not issued passports (Australia 10 Sept. 2020, para. 5.39).’<sup>21</sup>

- 9.2.2 In the General Country of Origin Information report dated 2 March 2022, the

<sup>18</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>19</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

<sup>20</sup> US CIA, [The World Factbook, Military service age and obligation](#), no date

<sup>21</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

Netherlands Ministry of Foreign Affairs stated, 'As far as is known, persons who have yet to complete their military service may legally leave Turkey.'<sup>22</sup>

- 9.2.3 See [Buy-out scheme](#) for information about options for persons who have lived and worked abroad.

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### 9.3 Documentation

- 9.3.1 The Canadian IRB published a response to an information request on 18 November 2021 which cited various sources and stated:

'According to a "confidential source" cited in a thematic report on Turkey's military service published by the Ministry of Foreign Affairs of the Netherlands, Turkey's legislation on military service "makes no mention" of when documents or records are issued to conscripts indicating their respective military service status, except for "a military identity document (askerlik cüzdanı)," which is issued "during military service" (Netherlands July 2019, 10).'<sup>23</sup>

- 9.3.2 The Canadian IRB report also referred to Articles 44 and 55 of Turkey's Law No. 1111 of 1927, Military Law, which provide details of recruitment:

'Article 44

'As well as informing local governments of the orders to assemble so that the announcement can be made, the military service branch offices shall draw up two copies of a form with the name of the person to be recruited, for those with numbers and those without, those who are healthy and those who are disabled, (those to do full service and those on short term), according to their village and district, and according to the numbers they have drawn by lots, and below the form, they shall indicate in a letter on which day the person on the form who is called up must be present at the branch office centre, they shall stamp it with an official seal and shall send it to the highest administrative officer in the locality.

'Article 45

'The administrative officer shall send one [copy of the] form by way of the police and Gendarmerie to the village or district council or board of elders to order to inform the person called up himself as to which day he should be present at the branch office centre, or his father, sibling or other such relatives if he is not present in the village or district. The administrative officer shall have the other [copy] signed or sealed by the council of elders to show that they have received the form and then shall return it to the military service branch office. Wherever they are located, those called up to the military shall be considered to have been called up by means of the announcements made at the locality where they are resident, in accordance with this article and with Article 43. (Turkey 1927, bold and square brackets in original)<sup>24</sup>

- 9.3.3 The same source reported on military identity documents:

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<sup>22</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#), section 9.3, 2 March 2022

<sup>23</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

<sup>24</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

'According to a confidential source cited by the Netherlands Ministry of Foreign Affairs, a male Turkish citizen approved for military service is issued "written notification" from the military registration office instructing them to collect the documents pertaining to their registration and the details of their military duty, including their assigned unit and the training facility where they must report for basic training (Netherlands July 2019, 10). The same source adds that according to the Law on the Turkish Armed Forces and Internal Services, the military identity document represents "the official proof of identity" of serving members of the armed forces (Netherlands July 2019, 10). The Netherlands Ministry of Foreign Affairs further notes that according to a confidential source, the military identity document is issued to conscripts during their military service, "usually" at the beginning, and it is "required" to be carried by members of the armed forces "at all times," "even if they are wearing civilian clothing" (Netherlands July 2019, 10).

'In correspondence with the Research Directorate, a representative of the Stockholm Center for Freedom (SCF), a non-profit organization created by journalists "self-exile[d]" in Sweden that advocates for the rule of law, democracy, and human rights, particularly in Turkey (SCF n.d.), stated that Turkish citizens in active military service are "issued military identification cards by the Turkish Armed Forces" (SCF 26 Oct. 2021).'<sup>25</sup>

9.3.4 The Canadian IRB's [response to an information request](#) also provided details of the appearance and security features of the military identity card<sup>26</sup>.

9.3.5 The Canadian IRB further noted that all Turkish nationals who have served in the military are served with discharge papers, which are also referred to as military service status documents. The report continued:

'...[discharge papers] are accessible via the e-Government Gateway website (US n.d.). The same source reports that to access this portal, users need to register through the Turkish postal service (US n.d.). The US Reciprocity Schedule further notes that for those who have deferred their military service, military records must be obtained through a military branch (US n.d.). Similarly, according to the SCF, citizens who have completed or have "yet to complete" their military service can obtain a military service status document through the government's online portal [e-Government Gateway] (SCF 26 Oct. 2021). The same source added that the document includes information on "the current status of military service" for a Turkish citizen, such as whether it has been completed or deferred (SCF 26 Oct. 2021).' A sample of a military service status document was attached to the report<sup>27</sup>.

9.3.6 The Canadian IRB added:

'The information in the following section was provided by the SCF in correspondence with the Research Directorate:

'Eligible citizens may submit a request to obtain, via the online government portal, a military service status document using their national identification number and password, which they can obtain from the post office within Turkey and from Turkish diplomatic missions from abroad. "[N]o other

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<sup>25</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

<sup>26</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

<sup>27</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

supporting documents are necessary" for the retrieval of a military service status document once an individual obtains authorized access to the online government portal (SCF 26 Oct. 2021).<sup>28</sup>

- 9.3.7 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<sup>29</sup>.

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## 9.4 Buy-out scheme

- 9.4.1 In a response to the OSCE security questionnaire of August 2021, the Turkish delegation reported:

'There are ... special arrangements for citizens working abroad. More than 5 million Turkish Citizens live in [sic] abroad. In order to help them protect their rights and status in the countries they live in, a special arrangement is in effect since 1980, which allows them to complete their obligatory military service by paying a compensation fee. The pre-condition to benefit from this right is minimum 3 years of ongoing employment, either as an employee or employer in a foreign country.'<sup>30</sup>

- 9.4.2 New laws introduced in June 2019 allow conscripts who have completed one month of military training to buy out the remaining five months for a fee of 31,000 Turkish Lira [approximately £898<sup>31</sup>] (... as at June 2020). This applies only to those called up after the introduction of the new law. Those already considered draft evaders are not eligible for the new law and buy-out scheme<sup>32</sup>. NB: The USSD 2021 Report on International Religious Freedom, which covered the year 2021, stated that the fee to be paid to buy out military service had increased to 43,151 Turkish lira [approximately £1,251<sup>33</sup>] and that individuals were required to complete a three week training programme<sup>34</sup>.

- 9.4.3 In an article by the Daily Sabah in 2019, it was noted that:

'The new system aims to boost the efficiency of the army and enable it to switch a "professional" concept relying on well-trained professionals instead of young men who had to undergo short military training before being dispatched to risky areas for counterterrorism operations. Turkey already abandoned deployment of conscripts to risky zones and through new system, aims to decrease the number of conscripts as low as possible while boosting revenues with paid military service. The law makes paid military exemption, previously implemented scarcely, permanent and for a fee, for people between the ages of 20 and 41. Except a short training period, less than one month, they will be exempted from military service for a set fee.

'Accordingly, mandatory service for every able-bodied young man at the age

<sup>28</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

<sup>29</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>30</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

<sup>31</sup> [Xe Currency Converter](#), 1 TRY = 0.028983897 GBP, 18 August 2023

<sup>32</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>33</sup> [Xe Currency Converter](#), 1 TRY = 0.028983897 GBP, 18 August 2023

<sup>34</sup> USSD, [2021 Report on International Religious Freedom: Turkey](#), 2 June 2022

of 20 will be reduced to six months from 12 months. Another landmark change to the conscription system is a voluntary extension of the conscription. Anyone seeking to extend their service for six months more will be allowed to for a set wage, which will not be lower than minimum wage currently standing at TL 2,000.<sup>35</sup>

- 9.4.4 A report published in 2021 by the VR DER (Vicdani Ret Dernegi, the Association for Conscientious Objection), on military service in Turkey (VR DER report 2021) noted that:

‘Since 2019, with the adoption of the Law on Conscription, shortened military service through payment of a sum of money has become permanently possible under the Turkish military service system. Under Article 9 of the Law on Conscription those who pay a certain sum that is determined by the Ministry of Defense and complete one month of basic military training will be considered to have completed their military service. In case the number of those who opt for this option exceeds the number determined for the shortened military service through payment those who can opt for this option will be determined by draw.

‘Those who are eligible for the shortened military service through payment option and yet forfeit this right will not be given the option again. Those who have started their military service, those who have been assigned evader status and those who are draft evaders and in hiding cannot benefit from this option.’<sup>36</sup>

- 9.4.5 See [Travel abroad](#) for information about permission to leave Turkey for those who have yet to complete their military service.

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## 10. Gay and bisexual men and trans persons

### 10.1 Perceptions and treatment of gay and bisexual men and trans persons in the military

- 10.1.1 In an article by Hurriyet Daily News, a Turkish news source<sup>37</sup> published 23 August 2014, one gay man’s experience of compulsory military service at the age of 27 in 2014 was described. Asked whether he faced difficulties, Kaan Arter described:

“How couldn’t there be? It is a place where there is no reason or logic. But it is tough for everyone. That’s what I’m trying to say. If you are aware of yourself and your rights, no one dares to do anything to harm you. If you are educated or active on the Internet and social media, they get frightened. See, if anybody, even commanders, try to abuse you, there are very strong mechanisms for complaints. There is the Prime Ministry Communications Center. Within a week, they say, “This soldier filed these complaints” and ask for a defense. But of course, if someone is “too effeminate” or transsexual or really don’t want to go to serve, then they shouldn’t go. There you live together with 60 men...”<sup>38</sup>

<sup>35</sup> Daily Sabah, [‘Parliament adopts bill reducing conscription, making paid...’](#) 25 June 2019

<sup>36</sup> VR DER [‘Conscientious objection to military service in Turkey’](#), 2021

<sup>37</sup> Hurriyet Daily News, [‘Homepage’](#), nd

<sup>38</sup> Hurriyet Daily News, [‘Being a gay man in the Turkish military’](#), 23 August 2014

10.1.2 The same article further quoted Kaan Arter, who said:

‘Some of us don’t have the possibility to get a certificate of disability for discharge. For instance, if they want to work as a government official after serving in the military. Or if they don’t want to say that they are gay. If they don’t have the strength to deal with it. They are facing an enormous dilemma. They have to serve in the military, but they are frightened. I want to speak to them: Don’t be afraid, go. It isn’t that bad. And I did mine under very difficult circumstances.’<sup>39</sup>

10.1.3 Considering how Mr Arter was able to avoid mistreatment during his military service, he said: “I am 27 years old. I was older than many people there. And because I am a teacher, they all addressed me as teacher.”<sup>40</sup>

10.1.4 The same article explored whether Mr Arter was aware of other gay men during his compulsory military service:

‘[“]How could there not be?... My boyfriend came to visit me. We were talking on top of the wall in front of the guardhouse at the entrance of my barracks. We were eating some food that he brought. Right next to us, there were two men, they were also talking just like us. One of them was a soldier and I knew him. We were asking if they were gay, too, because it is not written on people’s forehead. Not everyone has to be feminine either. Anyway we returned to the guardhouse and our boyfriends talked on their way back. My boyfriend phoned and said “Yes, you have another friend who is a gay soldier!”[“]’<sup>41</sup>

10.1.5 Fanack published an article on 20 March 2018 which stated:

‘In February 2018, Turkey’s Constitutional Court rejected an application to do away with a rule in the Military Penal Code allowing the expulsion of homosexual members of the armed forces. One of the military’s own courts had found that the rule, which calls for the expulsion of any military personnel engaged in, or facilitating, “unnatural intimacy”, infringed upon constitutional rights protecting the individual....

‘Nevertheless, the court upheld the regulation, meaning that gay officers can be expelled from the Turkish military and non-commissioned officers demoted.’<sup>42</sup>

10.1.6 A journal article by Tankut Atuk at the Department of Gender, Women, and Sexuality Studies at the University of Minnesota, published 2019 (T. Atuk article 2019) sought to explore military perceptions and experiences of gay and bisexual men and trans persons. His methodology was explained as follows:

‘...based on seven oral histories of gay men and a trans woman (then identified as a gay man) who served in the military, and five oral histories of gay men who obtained the certificate of discharge, including myself. In addition, I interviewed a psychiatrist who worked at a military hospital and attended the medical examination of draftees who claimed to be homosexual

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<sup>39</sup> Hurriyet Daily News, [‘Being a gay man in the Turkish military’](#), 23 August 2014

<sup>40</sup> Hurriyet Daily News, [‘Being a gay man in the Turkish military’](#), 23 August 2014

<sup>41</sup> Hurriyet Daily News, [‘Being a gay man in the Turkish military’](#), 23 August 2014

<sup>42</sup> Fanack, [‘Turkey’s Gay Soldiers in the Crosshairs’](#), 20 March 2018

or trans. Respondents range from 25 to 45 years of age. The oldest attended the military service in 1995, and the youngest in 2014. I reached my respondents, who served in different military units from distinct cities and in different years, over the course of 2015 and 2016 through snowball sampling and through personal connections. All of them went through the medical examination in the same military hospital in Istanbul, except myself. Of the respondents, the earliest discharge issue date is 1990 and the latest 2012, whereas I obtained mine in 2017. As a result of the general reluctance and fear to talk about the certificate or the military service, it was unfortunately not possible to encounter more respondents even after a yearlong search.<sup>43</sup>

10.1.7 The same article noted:

‘Until 2013, the Turkish Armed Forces ... defined “homosexuality, transvestism, and transsexualism (sic)” as “psycho-sexual defects” under Article 17 and a cause for exclusion from the military service, otherwise compulsory for all male Turkish citizens since 1927. In 2013, the “list of illnesses and disorders” was modified to exempt those with “visible sexual identity and behavioral defects.”... The medico-military gaze reads (in fact, produces) those men who are “visibly and excessively feminine,” that is, who are effeminate, as threatening figures who pose a grave danger to the military order.’<sup>44</sup>

10.1.8 The same article continued:

‘... the binary of male homosexuality/heterosexuality, which is the organizing principle of modern Western societies according to Sedgwick (1990), is substituted in Turkey by a binary defined less by sexual orientation than by a gendered division between masculine (real) men and effeminate ones. This is not to say that heterosexuality is not the original norm, but rather it implies that sexual orientation and deviancy is primarily understood not in terms of sexual preferences but by gendered performances and practices.’<sup>45</sup>

10.1.9 The T. Atuk article further described military perceptions of sexuality: ‘In the Turkish Armed Forces Health Regulation, under the section of Mental Health Illnesses (Health Regulation 2013), it is indicated that those who suffer “visible sexual identity defects and behavioral defects” are not permitted within the military. The key words here are visible and behavioral as it is crystal clear that the visible behavioral defects are the ones that appear on the surface of a body.’<sup>46</sup>

10.1.10 Considering the concept of ‘femininity’ as important in assessing a person’s ability to undertake military service, the same article noted:

‘Except for Selim (29; service year: 2014/2015), who believes “[t]here are no boundaries in the military environment...what happens there stays there....They would think that you’re just horny, nothing more,” all of the respondents pointed out that there is indeed a limit to jokes and intimacy between soldiers and it is femininity/effeminacy. Fahri (25; service year:

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<sup>43</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

<sup>44</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

<sup>45</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

<sup>46</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

2013/2014) noted,

‘[“]The limit is femininity. The femininity is extremely important. There is no distinction between homo and hetero in the service. They suppose that if one is feminine, you can fuck him. And, the top [insertive] participant can get along with that without being called faggot... They think that ‘I can fuck him and still be a real man’. But if you are effeminate, you cannot sexually approach anyone, not even for fun.[“]

‘What these gay ex-soldiers help us to recognize anew is the pivotal role of effeminacy for the organization of homosocial [social bonds between persons of the same sex] military culture. If one is not feminine, he can ramble safely within the well-protected limits of homosociality; that is, as long as a body maintains its virile masculinity, the limits of homosociality are not transgressed easily. Another anecdote was shared by Yilmaz, who intended to give a kiss back to a soldier, but was aggressively rejected by him, even though the soldier had first kissed Yilmaz on the lips, “jokingly.” Yilmaz, too, was convinced that homoerotic jokes are tolerated insofar as one is performing masculinity, which he claims he fails at.’<sup>47</sup>

10.1.11 The same article also considered the treatment of conscripts perceived as ‘feminine’ and the importance placed on masculinity:

‘It was Fahri who mentioned the unfortunate story of a soldier who was repeatedly raped by other soldiers secretly in the barracks at night and beaten by the same group of people in front of other soldiers in the daytime, over and over again. In the face of vague norms and lack of rigid boundaries, preserving an inviolable masculinity becomes even more difficult, compelling soldiers to do their share of the task in maintaining the safe zone so they could still enjoy its benefits without risking masculinity. By means of humiliation and punishment of the soldier who is proven guilty as charged for being feminine, the rapist soldiers recuperate their masculinity despite having transgressed the limits of homosociality. The castigation, expectedly, is carried out in a public spectacle so as many men as possible can witness and reaffirm the injured masculinity of the rapists. Masculinity is contingent on external affirmation, which, in turn, leads to further debilitation of a masculine identity that begs for incessant validation.’<sup>48</sup>

10.1.12 The same article also noted in this regard that:

‘The relationship between the rectum and effeminization especially became clear when Fahri (25; service year: 2013/2014), who served in the army as a mental health counselor, shared an anecdote. In his second or third month in the service, two men were caught by other soldiers while having sex. Immediately after this incident was brought to commanders’ attention, the soldier who was in the receptive position (bottom) was expelled from the army whereas the other soldier, with his manhood intact, merely received a warning.’<sup>49</sup>

10.1.13 The T. Atuk 2019 article also considered the notion of ‘faking’ masculinity and the experiences of soldiers who attempted this during their compulsory

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<sup>47</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

<sup>48</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

<sup>49</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...’](#), 2021

service:

‘Performing masculinity by effeminate bodies is not allowed in the army—it is ridiculed if not suppressed—for it is too dangerous that effeminate bodies can penetrate into the homosocial safe zone. The fragile military masculinity polices the instances of (in)authenticity with the intent of affirming the heteronormative assertion that masculinity is natural and cannot be faked or performed. The vulnerability of passing, according to Butler (1993, 129–130), results from the fact that it can only be successful insofar as the performance cannot be read as such. However, no matter how strong and convincing the performance, it is likely to fail at some point, especially in spaces of panoptical surveillance and control. Hakkı, Selim and Fahri shared their futile attempts to pass as “real men,” and how, in spite of their enormous efforts, they all were read as fake imitations of masculinity and publicly ridiculed. One day, during the outdoor exercises, a soldier with a big smile on his face publicly asked Hakkı if he knew Club 17, which was known to host homosexual men. “I did my best. I don’t know how to fight, but I did know that I had to be tough there. I tried a lot not to act like myself...in order to conceal my homosexuality, I did my best work. Yet, still, they were talking behind me and knew what I was.” (Hakkı). The reason none of the three encountered physical or sexual violence, but instead faced public ridicule, was their educational backgrounds, which allowed them to serve in higher ranks in the military hierarchy. Seren, on the other hand, joined the service with her elementary school degree and enjoyed no authority whatsoever. When her passing was revealed, she was sexually and physically abused by other soldiers and received death threats.’<sup>50</sup>

10.1.14 In the Turkey 2020 Report, published in October 2020, the European Commission stated:

‘There are serious concerns regarding the fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people. No changes have been introduced to the military disciplinary system or to the medical regulations which define homosexuality as a “psychosexual disorder/illness”. The implementation of the law on disciplinary provisions for the security forces stipulating dismissal for all security personnel for “abnormal/pervert” actions needs to be monitored.’<sup>51</sup>

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## 10.2 Exemption process

10.2.1 An article published on 17 November 2015 by Al-Monitor noted:

‘... To receive an exemption based on their sexuality, men must publicly declare they are gay — a declaration that ensures discrimination will follow them for the rest of their lives. It’s either that, or they must successfully hide their gay identity for a year.

‘...Last week...the military silently amended the most controversial provisions in the regulation. Doctors will now merely observe the behaviors homosexuals display and the verbal declarations they make. In other words,

<sup>50</sup> T. Atuk, ‘[Comrades-in-\[Each Other’s\]-Arms: Homosociality, Masculinity...](#)’, 2021

<sup>51</sup> European Commission, [Turkey 2020 Report](#), 6 October 2020

a homosexual can choose to disclose or not to disclose his identity. If he does, this declaration will constitute the sole basis for the doctor's decision...'<sup>52</sup>

10.2.2 In an article of March 2018, Fanack noted:

'... the authorities' methods of testing whether potential recruits are homosexual have been widely criticized by human rights organizations. While the "anal exams" that some units used to identify gay recruits were phased out in 2015 ... gay men are still vulnerable to discrimination. New recruits who wish to avoid military service due to their sexuality are obliged to undergo intensive questioning on the nature of their sexual orientation and experience, and are often required to submit photographic or video evidence of them engaging in homosexual acts. Furthermore, these soldiers cannot escape this discrimination when they exit the military.

'As well as living with the knowledge that their "compromising" photos or videos could be stored on a government database, gay men must also endure [sic] a much more public "outing". On completion of military service, soldiers are issued a green certificate proving their honourable service... Men exempted from service on account of their sexuality are instead given a pink certificate. With homophobic attitudes common in most of Turkey, where a very traditional form of masculinity is lionized, these pink documents can mean years of discrimination. Attacks on the LGBT community are common and these pink certificates force individuals to announce their sexuality publicly, when those living outside of the more liberal urban areas of the country would certainly be safer keeping it hidden.'<sup>53</sup>

10.2.3 In an article by Kaos GL, a Turkish LGBTI organisation<sup>54</sup>, one trans person reported their experience of obtaining a medical exemption in 2018. Despite initial difficulties in accessing a doctor who would recognise being gay as a 'medical exemption', they were eventually 'assessed' by a doctor for the purposes of a military exemption:

'The doctor told me that he could not request an image and an anal examination and asked me to answer his questions...

"The questions were like, 'when did you start to feel, when did you first have anal sex, when did you first have group sex, does your family know, do your friends know, do you have a partner?' He asked these questions and wrote down my physical characteristics; 'feminine tone of voice, feminine gestures... uniformly dressed' and asked me to walk. He took note of it, too. Then I took what he wrote to the chairman of the medical board.'<sup>55</sup>

10.2.4 The T. Atuk article 2019 explored how the exemption process has changed over the years. Describing his own experience of the exemption process which took place in 2017, the T. Atuk article noted:

'In the spring of 2017, I applied for a certificate of discharge (colloquially called "the rotten report" or "the pink certificate") to be exempt from the

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<sup>52</sup> Al-Monitor, '[Gays seeking military exemption in Turkey no longer need...](#)', 17 November 2015

<sup>53</sup> Fanack, '[Turkey's Gay Soldiers in the Crosshairs](#)', 20 March 2018

<sup>54</sup> Kaos GL, '[About us – Who are we?](#)', nd

<sup>55</sup> Kaos GL, "'How did I get the 'unfit for military service' report?'"', 23 March 2018

compulsory military service enforced in Turkey. All I needed to do to convince the Turkish military that I was “psycho-sexually sick” was to put a high stakes solo show before a board of doctors, performing a theatrically exaggerated version of femininity while being, at the same time, as authentic as possible. I did not care about submitting myself to the subjectifying power of the medical gaze: if the interpellation is inescapable, at least I would choose the sort of interpellation that would work to my benefit... I presented myself to the board of doctors in full make-up, wearing tight jeans and jewelry; I stood timidly and inclined, without occupying too much space, as I knew that only “real men” stand erect; and, I adjusted my voice to sound the way they expected...<sup>56</sup>

- 10.2.5 The T. Atuk article 2019 also highlighted the experience of another gay man who was successful in receiving an exemption certificate in 2008:

‘The following description by Önder (35; year of discharge: 2008) underscores the role of effeminacy for the medical gaze.

‘[“]I was thinking that the beard would be a problem. I went to the meeting close shaved—although I never shave my face in my ordinary life.... For them, the image of a gay person is “parlak” (meaning, in Turkish, without facial or body hair) and, second, a little bit feminine. I did not exaggerate it too much. Some men even put on make-up, but I didn’t do that.... I just wore skinny pants and a feminine shirt.[“]’<sup>57</sup>

- 10.2.6 The same article examined the parameters of assessment used as part of the exemption process:

‘The types of acceptable proof sought by military doctors explicitly indicate that the medical gaze is less interested in (or capable of) diagnosing “homosexuality, transvestism, transsexuality [sic]” than in tracing the marks of the archenemy of masculinity: effeminacy (Connell 2005; Kimmel 2011). The presumably scientific authority of doctors is nevertheless deeply rooted in cultural stereotypes: what separates a real man (who can be a soldier) from a rotten one is simply about effeminacy. It is also telling that the House-Tree-Person (HTP) personality test includes a scale of femininity-masculinity, and those who obtained the discharge certificate had an average of femininity more than “normal.” I had the chance to see Orben’s certificate (33; year of discharge: 2012) where it was written that the “patient” had “an average of femininity more than normal,” and, consequently, was diagnosed with “advanced psycho-sexual defects.”’<sup>58</sup>

- 10.2.7 The same article also noted the experiences of a medical psychiatrist working at a military hospital: ‘A psychiatrist... admitted that even though he does not personally agree with homosexuality being a sickness, he somehow had to convince the military that the draftee in question is a danger to military order. The only way to do that was through spotlighting that person’s effeminacy.’<sup>59</sup>

- 10.2.8 The Australian DFAT report of September 2020 stated, ‘...potential

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<sup>56</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosexuality, Masculinity...’](#), 2021

<sup>57</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosexuality, Masculinity...’](#), 2021

<sup>58</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosexuality, Masculinity...’](#), 2021

<sup>59</sup> T. Atuk, [‘Comrades-in-\[Each Other’s\]-Arms: Homosexuality, Masculinity...’](#), 2021

conscripts can be exempted ... for “proving” their homosexuality... Homosexuality is regarded a psycho-social illness and must be proven in two ways: an invasive medical examination by a military approved doctor and provision of photographic evidence.<sup>60</sup>

- 10.2.9 Quoting other sources, the Canadian IRB published a query response in November 2021 which reported:

‘According to sources, until 2015, gay male Turkish citizens drafted by the military had to undergo “anal” (Netherlands July 2019, 16) or “nude” (AI-Monitor 17 Nov. 2015) examinations and provide photographic evidence to obtain service exemption based on their sexual orientation (AI-Monitor 17 Nov. 2015; Netherlands July 2019, 16). AI-Monitor, an online news organization that reports on the Middle East, North Africa, and Turkey, as well as US and Russian policies on these regions (AI-Monitor n.d.), reports that obtaining such an exemption report requires a public declaration, and that, according to a gay conscript interviewed by AI-Monitor, receiving an exemption or “unfit” report, known as a “pink certificate,” means “disclos[ing] and document[ing] your gay identity” (AI-Monitor 17 Nov. 2015). Sources report that in 2015, a public statement became the sole requirement for obtaining a military exemption report (AI-Monitor 17 Nov. 2015; Netherlands July 2019, 16).’<sup>61</sup>

- 10.2.10 In the country information report of 2 March 2022, the Netherlands Ministry of Foreign Affairs noted:

‘Having a homosexual identity and orientation in itself does not constitute grounds for exemption from military service. The authorities may only grant an exemption from military service when the expression of the conscript’s homosexual identity and orientation may be perceived as offensive and/or if the homosexual conscript finds it uncomfortable to do military service. In practice, this means that particularly homosexuals and bisexual or transgender people whose appearance and behaviour may be perceived as “feminine” are not considered suitable for military service.

‘If an LGBTI conscript does not wish to do military service due to the problematic relationship between homosexuality and the Turkish armed forces, he must take the initiative of applying to a medical committee for an exemption. This committee can investigate in various ways whether the conscript’s homosexual orientation may lead to what the authorities regard as “undesirable” or “uncomfortable” situations. The person may be expected to demonstrate that he is a member of an LGBTI organisation or show by means of a photograph that he has participated in a Pride event, for example. Another method is for the homosexual conscript to take along a family member or friend who testifies that he is homosexual.

‘When a homosexual is released from military service, he receives an exemption report. The report merely states that the person concerned is not considered suitable for military service. This report reduces the holder’s chances in the job market, because potential employers may ask for proof of the applicant’s military service during the recruitment process. If the person

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<sup>60</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>61</sup> Canadian IRB, [Turkey: Military identification for active and completed...](#), 18 November 2021

concerned is found to have been exempted from military service, the employer may ask for the reason for the exemption or assume that the person concerned is homosexual, bisexual or transgender.’<sup>62</sup>

10.2.11 However, the Australian DFAT report of September 2020 stated, ‘People who are unfit for military service can obtain public or private sector employment without difficulty.’<sup>63</sup>

10.2.12 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, the exemption process was described:

‘In 2015 TAF made some changes in their regulations and changed the article which defined homosexuality as a “psychosexual disorder” to “sexual identity and behavioural disorders”. They had also removed the provisions that required naked physical exams and submission of intimate photos to prove homosexuality...

‘However the process can still be burdensome with possible infringements of personal private life...’<sup>64</sup>

10.2.13 In the same correspondence, the FCDO noted:

‘Those who are given an “unfit for military service” report are exempt from mandatory military service. The report is based on the mandatory medical examination conducted as per the Health Competency Regulations of the Turkish Armed Forces. According to TAF Law, “openly gay individuals cannot do military service”. If a gay/bisexual/trans individual wants to be exempt from mandatory military service, he needs to be referred to a psychiatrist by the official civilian doctor who then refers the individual to the nearest military hospital.

‘Generally, the first session at the military hospital is done with a psychiatrist. The second session is done with a committee consisting of a psychologist, psychiatrist and psychiatry department nurse. If the committee decides that you are “gay/trans”, they issue an unfit for military service report which is sent to the Military Council for approval. The Military Council may directly approve or refuse the report.’<sup>65</sup>

10.2.14 The ability to appeal a doctor’s decision was also highlighted in the same correspondence with the FCDO:

‘The applicant can appeal the Council’s decision through a lawyer in 30 days, which triggers the same medical/psychiatric examination process at a different military hospital. If this hospital gives the applicant a “fit for military service” report, then the applicant can appeal within 30 days either directly to that military hospital or to the Health Department of the Ministry of National Defence. MoD will then forward the applicant to the same or another military hospital. The report issued from this session will be final, but the applicant can still appeal at the Military Supreme Administrative Court with the request to suspend the execution. It is possible for the process to linger with

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<sup>62</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.5), 2 March 2022

<sup>63</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>64</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

<sup>65</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

conflicting official decisions...'<sup>66</sup>

10.2.15 See [Exemption and deferral of military service](#) for further information.

10.2.16 No information could be found on the treatment of gay or bisexual men or trans persons within the military service system in sources consulted (see [Bibliography](#)).

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### 10.3 General treatment of LGBTI persons in Turkey

10.3.1 In the Turkey 2022 Report, the European Commission stated, 'Stigmatisation, hate speech and discriminatory discourse targeting LGBTIQ civil society organisations and persons remained very strong.'<sup>67</sup>

10.3.2 The report continued:

'The lack of protection for the fundamental rights of lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ) persons continued to raise serious concerns. The current legislation does not cover hate speech and hate crimes based on sexual orientation or gender identity. Hate speech and smear campaigns by elected or appointed state officials and media against the LGBTIQ community increased. Discrimination, intimidation and violence against the LGBTIQ community continued. Hate speech and crimes against LGBTIQ persons were not effectively prosecuted. A number of court cases, focusing on cases where LGBTIQ persons were murdered are still pending. There was a worrying increase in attacks against LGBTIQ persons. Access to gender reassignment surgery and to health and social services remain problematic for trans persons. LGBTIQ prisoners reportedly suffer from discrimination and solitary confinement. LGBTIQ activities and pride parades were banned or prevented by the police in several provinces.

'The Constitutional Court ruled that a local court's rejection of a transwoman's request to change her name violated her right to private life. The court case against Middle East Technical University (METU) students who took part in a pride gathering on the university campus in May 2019 ended in the acquittal of all defendants in October 2021. The case is now pending before the Regional Court of Appeals. The court case against the LGBTIQ Assemblies that joined the 2021 İstanbul Pride March ended in the acquittal of all eight activists in February 2022. The court case against the Ankara Bar Association, for criticising the Diyanet's President's homophobic speech, continues.'<sup>68</sup>

10.3.3 The report added, 'Efforts are needed to prevent discrimination for LGBTIQ in employment and social policy.'<sup>69</sup>

10.3.4 In the Turkey report of March 2022, the Dutch Ministry of Foreign Affairs noted the situation with regard to state protection for LGBTI persons, stating, 'The previous country of origin report indicated that victims of homophobic violence usually did not turn to the police and if they did, in many cases they were not properly treated or protected by the police. It also stated that not

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<sup>66</sup> FCDO, 'Annex B - Correspondence', 14 April 2023

<sup>67</sup> European Commission, [Türkiye 2022 Report](#), 12 October 2022

<sup>68</sup> European Commission, [Türkiye 2022 Report](#), 12 October 2022

<sup>69</sup> European Commission, [Türkiye 2022 Report](#), 12 October 2022

every public prosecutor was prepared to prosecute homophobic perpetrators of violence and that LGBTI people had no confidence in due process. This situation remained unchanged during the period of this report.<sup>70</sup>

10.3.5 The same report addressed the question of whether a person from the LGBTI community might be able to move to a safer area within Turkey:

‘There is no unambiguous answer to the question whether victims of homophobia and homophobic violence can settle elsewhere in Turkey. It depends on the individual circumstances of the victim in question, for example his or her financial situation, level of knowledge, network and opportunities in terms of employment and housing. One source notes that many LGBTI people have no choice but to settle in large cities, especially Istanbul, where the LGBTI community is most effectively organised. This source claims to be aware of cases in which family members have managed to trace an LGBTI person in a large city and continued to threaten him or her.’<sup>71</sup>

10.3.6 The report added, ‘The annual report of the Turkish LGBTI rights organisation KAOS GL stated that in 2021 there were at least eight hate killings of LGBTI individuals. KAOS GL suspects that the actual number of hate killings of LGBTI individuals in 2021 was higher.’<sup>72</sup>

10.3.7 The report also noted that ‘Transgender people generally experience difficulty in gaining access to the labour market. If they succeed in getting a job, they sometimes experience severe transphobia and harassment.’<sup>73</sup>

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## 11. General conditions of military service

### 11.1 Legal rights

11.1.1 In the response to the OSCE security questionnaire of August 2021, the Turkish delegation reported:

‘Fundamental rights and freedoms guaranteed by the Constitution are also valid for military personnel. Principle of equality, that is one of the fundamental rights specified in the Constitution, is also enshrined in the activities of TAF [Turkish armed forces] and all activities of TAF are carried out accordingly. Discrimination is an offense defined and punished in the Turkish Criminal Code (Law No. 5237)... Those personnel who violate these rules are prosecuted. In addition to regulations mentioned, TAF Discipline Law No. 6413 includes regulatory provisions on these matters as well.’<sup>74</sup>

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### 11.2 Treatment

11.2.1 The US Department of State’s Human Rights Report 2022 (USSD HR Report 2022), which covered the year 2022, reported:

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<sup>70</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 8.3), 2 March 2022

<sup>71</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 8.3), 2 March 2022

<sup>72</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 8.3), 2 March 2022

<sup>73</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 8.3), 2 March 2022

<sup>74</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

‘Some military conscripts reportedly endured severe hazing, physical abuse, and torture that sometimes resulted in death or suicide. Human rights groups reported suspicious deaths in the military, particularly among conscripts of minority Alevi and Kurdish backgrounds. The government did not systematically investigate such incidents or release data on them. The HRA [Human Rights Association] and HRFT [Human Rights Foundation of Turkey] reported at least 10 deaths of soldiers performing compulsory military service were the result of accidents or occurred under suspicious circumstances during the first 11 months of the year. The government did not release information on its efforts to address abuse through disciplinary action and training.’<sup>75</sup>

11.2.2 In comparison, covering the year 2021, the USSD reported that ‘The HRA and HRFT reported at least 13 deaths of soldiers performing compulsory military service were the result of accidents or occurred under suspicious circumstances during the first 11 months of the year.’<sup>76</sup> For context, according to the UK’s Ministry of Defence, there were 57 deaths in the UK armed forces in 2020; 26% due to ‘other accidents’ and 16% as a result of suicide.<sup>77</sup>

11.2.3 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted that ‘Although there are individual applications on mistreatment, beating, defamation and isolation during the mandatory service, there are no statistics available on the current cases on open source media outlets.’<sup>78</sup>

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### 11.3 Kurdish conscripts

11.3.1 The USSD International Religious Freedom Report 2021 stated, ‘On April 14, media reported the Suspicious Deaths and Victims Association’s findings that said 80 percent of those who died while conscripted in the military were either of Alevi or Kurdish origin. The association’s chief, Riza Dogan, estimated that between 2000-2020, more than 3,000 conscripts had died. The association is comprised of relatives of the deceased conscripts.’<sup>79</sup>

11.3.2 In the country information report of 2 March 2022, the Netherlands Ministry of Foreign Affairs noted:

‘The previous country of origin report stated that conscripts had no choice over where they were stationed. Conscript Kurds could therefore be stationed in south-eastern Turkey, where the Turkish armed forces were in conflict with the PKK... As far as is known, this situation remained the same during the current reporting period.

‘Since Turkish authorities do not provide information on conscripts based on their ethnicity, it was not possible to determine how many Kurdish conscripts were stationed in south-eastern Turkey and whether they had to be involved

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<sup>75</sup> USSD, [2022 Report on HR Practices, Turkey](#), 20 March 2023

<sup>76</sup> USSD, [2021 Report on HR Practices, Turkey](#), 12 April 2022

<sup>77</sup> Ministry of Defence, ‘[Deaths in the UK regular armed forces...](#)’ page 8, 25 March 2021

<sup>78</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

<sup>79</sup> USSD, [IRF Report 2021, Turkey](#), 2 June 2022

in the fight against the PKK, according to a source. There was no information available this time as to whether Kurdish conscripts were allowed to refuse deployment in south-eastern Turkey and, if not, what the punishment was for doing so.

‘During the previous reporting period, conscripts were in principle not deployed in combat operations. According to a source, this information is still current.

‘As far as is known, there is no clear-cut system that determines the deployment of conscripts in certain regions.’<sup>80</sup>

#### 11.3.3 The same report noted:

‘The previous country of origin report described several incidents in which Kurdish conscripts suffered ethnically motivated violence. For example, 20-year-old Osman Özçalımlı, a Kurdish conscript, died in suspicious circumstances in Izmir on 1 August 2020. According to the Turkish authorities, Osman died of a heart attack, although a forensic autopsy revealed the cause of death to be a fall from a great height. Özçalımlı’s next of kin then started legal proceedings ... in July 2021. In the meantime, the death was no longer attributed to a heart attack, but to suicide: it was claimed that Özçalımlı had thrown himself from the third floor. In court, a soldier was charged with dereliction of duty. He allegedly failed to provide Özçalımlı with help in time after his fall. At the time of writing, there was no update regarding this legal case.’<sup>81</sup>

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### 11.4 Alleged Gülenists

#### 11.4.1 In the country information report of 2 March 2022, the Netherlands Ministry of Foreign Affairs noted:

‘The previous country of origin report stated that male Gülen suspects and supporters of conscription age were supposed to perform their military service even if their passport had been invalidated, their Turkish nationality had been revoked and they were on a “blacklist”. The same report stated that Gülen suspects and supporters could buy off military service, but that they would then still have one month of basic military training to do, just like anyone else who had formally bought off military service. During this month, they could be a target for bullying, ill-treatment, torture or murder. According to one source, this situation remained unchanged during the current reporting period.’<sup>82</sup>

#### 11.4.2 See Country Policy and Information Note on [Turkey: Gülenist movement](#).

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### 11.5 Avenues of redress

#### 11.5.1 In a further response to the OSCE of August 2021, the Turkish delegation stated, ‘Any military personnel (including privates and conscripts) who think that their rights or interest pertaining to either military service or private

<sup>80</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.4), 2 March 2022

<sup>81</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.4), 2 March 2022

<sup>82</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.6), 2 March 2022

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 [Turkish armed forces] (Law No. 211) or file a case in Court of law.<sup>83</sup>

#### 11.5.2 The Turkish delegation further reported:

‘It has been 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, information, and 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 superiors are responsible for the enactment of the relevant statutes in this regard.’<sup>84</sup>

#### 11.5.3 The Turkish response continued:

‘The High Military Court of Appeals and The High Military Administrative Court of Appeals and military courts were abolished by constitutional amendment in 2017. The mandates of these courts have been transferred to civilian courts. With these Constitutional Amendment [sic] Bill in peacetime only disciplinary courts may be formed. In the state of war, military courts may be formed to prosecute offences committed by military personnel related to their duties.’<sup>85</sup>

#### 11.5.4 The USSD HR Report 2022 stated that ‘There are no military courts, and military justice is reserved for disciplinary action, not criminal cases.’<sup>86</sup> The same report noted:

‘The Ombudsman Institution and the National Human Rights and Equality Institution serve as the government’s human rights monitoring bodies. The Ombudsman Institution operated under parliament as a complaint mechanism for citizens to request investigations into government practices and actions, particularly concerning human rights problems and personnel issues, although dismissals under the 2016-2018 state of emergency decrees did not fall within its purview. The Ombudsman Institution’s mandate extends only to complaints relating to public administration. The National Human Rights and Equality Institution reviews cases outside the Ombudsman Institution’s mandate. Independent observers assessed that both institutions were not financially nor operationally independent.’<sup>87</sup>

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## 12. Evasion, desertion and conscientious objection

### 12.1 Law

#### 12.1.1 Under Articles 6 (1) (a) and (b) of the Law on Military Criminal Code, a soldier must be absent without leave for at least six days before being

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<sup>83</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

<sup>84</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

<sup>85</sup> OSCE, [Response by the Delegation of Turkey to the Questionnaire...](#), August 2021

<sup>86</sup> USSD, [Country Report on HR Practices 2022, Turkey](#), 20 March 2023

<sup>87</sup> USSD, [Country Report on HR Practices 2022, Turkey](#), 20 March 2023

classified as a deserter<sup>88</sup>.

12.1.2 In Turkey, draft evasion and desertion are considered to be two different types of crime and are punished as such. Draft evasion and desertion are punishable under Article 63 (1) (a) and Article 66 (1) (a) respectively of the Law on Military Criminal Code. Desertion carries a prison sentence of one to three years<sup>89</sup>.

12.1.3 The VR DER report 2021 noted that:

‘The Constitution of the Turkish Republic protects everyone’s right to freedom of religion and conscience, however, does not refer to conscientious objection.

**‘Article 24**

‘Everyone has the freedom of conscience, religious belief and conviction. ... No one shall be compelled ... to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions..

‘Freedom of conscience protected under Article 24(1) is not subject to limitations.

‘Furthermore Article 25 stipulates that “everyone has freedom of thought and opinion” and that “no one shall be compelled to reveal his/her thoughts or opinions” and “nor be blamed or accused of his/her thoughts and opinions” .’<sup>90</sup>

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## 12.2 Number of draft evaders

12.2.1 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted that ‘Equally, there are no exact statistics on the draft evaders either. However, speaking to the press after a Cabinet Meeting on 23 May 2022, President Erdoğan said there were approximately 550 thousand draft evaders and late joiners in Turkey...’<sup>91</sup>

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## 12.3 Legal consequences and punishment

12.3.1 The Australian DFAT report of September 2020 stated:

‘Those who do not present for registration at a military recruitment branch are issued a fine, and fines continue to be issued for the period authorities consider an individual has evaded conscription. Fines increase in value as the number of years of avoidance increases. While the law allows for imprisonment as punishment for avoiding military service, DFAT understands it is not used in practice. Non-payment of fines in Turkey can, in theory, result in asset seizures and withholding of salary and pensions. In practice, there are a very large number of conscription evaders and the state lacks capacity to follow-up on most cases. Prison is not used as a penalty for

<sup>88</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.1), 2 March 2022

<sup>89</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.2), 2 March 2022

<sup>90</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, page 34, 2021

<sup>91</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

unpaid fines in Turkey. Turkish men who are resident overseas are not required to do military service while they hold a foreign work permit. Those who do not hold such a permit are considered draft evaders and may be subject to considerable fines upon their return.<sup>92</sup>

12.3.2 The Canadian IRB published a query response in November 2020 which set out possible terms of imprisonment:

‘Those who without an acceptable excuse are, during peacetime, absentee conscripts, draft evaders or unregistered [for military service] and of whom the first contingent of peers or friends with whom they have been processed have been sent off, and those reserve recruits who have been called up and [are absent] without excuse, and [in all the preceding cases] starting from the date of their peers being sent off...

- arrive within seven days shall be imprisoned for a term of up to one month;
- are arrested [within seven days] shall be imprisoned for a term of up to three months;
- arrive from between seven days to three months shall be imprisoned for a term ranging from three months to one year;
- are arrested from between seven days to three months shall be imprisoned for a term ranging from four months to one-and-a-half years;
- arrive after three months shall be imprisoned for a term ranging from four months to two years;
- are arrested after three months shall be punished with term of heavy imprisonment ranging from six months to three years. (Turkey 1930, square brackets and ellipsis in original)<sup>93</sup>

12.3.3 In the country information report dated 2 March 2022, the Netherlands Ministry of Foreign Affairs noted:

‘The Turkish authorities actively prosecute draft evaders and deserters under Article 26 (1) of the Law on Conscription. The Ministry of Defence passes on their details to the Ministry of the Interior so that they can be arrested and required to perform their military service. They are then registered as draft evaders or deserters in the Genel Bilgi Toplama Sistemi (General Information Gathering System, GBT). The GBT is a database to which the legal authorities and the security apparatus, including the police and gendarmerie, have access. Registration in the GBT severely restricts the freedom of movement of draft evaders and deserters. For example, they run the risk of being arrested during a passport check or a routine identity check on the street or on public transport. If registered draft evaders and deserters check into a hotel, this can also entail risks, as hotels are legally obliged to forward the personal details of their guests to the local police.’<sup>94</sup>

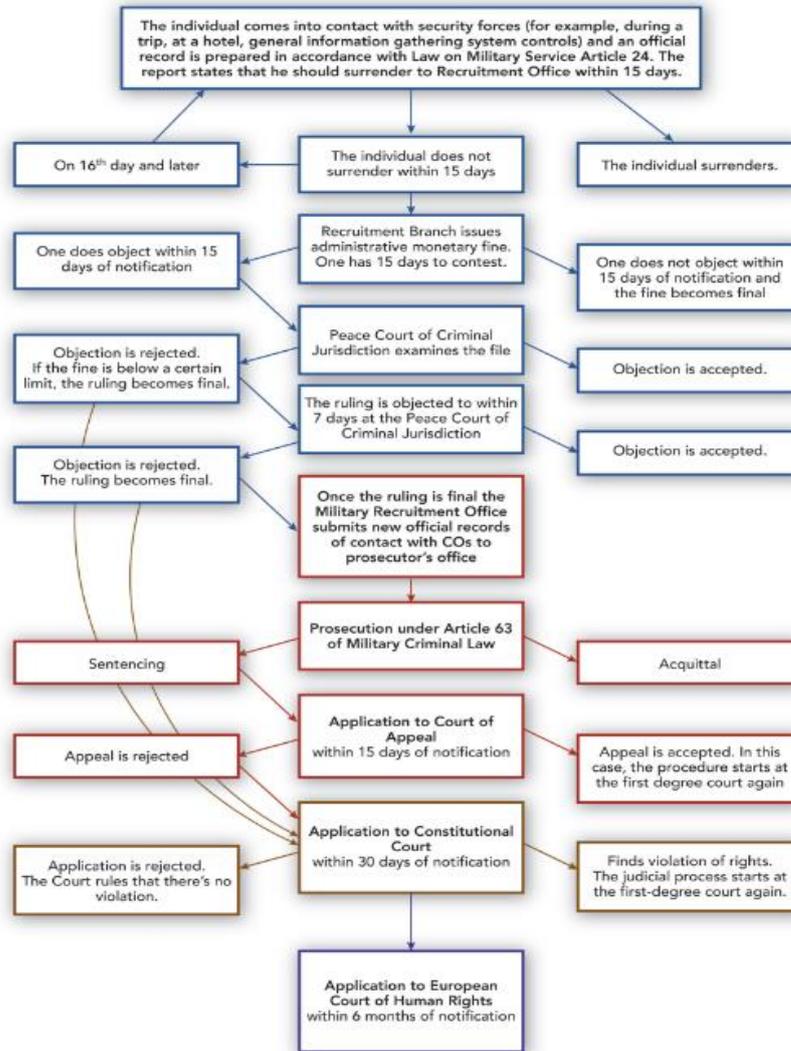
12.3.4 The Netherlands Ministry of Foreign Affairs also reported on fines applied:

‘...registered draft evaders and deserters may ... face increasing fines.

<sup>92</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>93</sup> Canadian IRB, [“Turkey: Military service, both compulsory and voluntary...”](#), 30 November 2020

<sup>94</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.3), 2 March 2022



Those who voluntarily report to the authorities must pay TL 5 [approximately £0.14<sup>95</sup>] for each day that they have defaulted on their military obligations. Those detained by the authorities have to pay TL 10 [approximately £0.29<sup>96</sup>] for each day that they have failed to comply with their military obligations. The increasing fines can swell to a considerable amount. For example, Vicdani Ret Derneği (Association for Conscientious Objection, VR-DER), an organisation that defends the interests of conscientious objectors in Turkey, documented a case of a conscientious objector who had a total outstanding amount of TL 17,251.00 [approximately £492.88<sup>97</sup>].<sup>98</sup>

### 12.3.5 The VR DER report 2021 published the following process map regarding apprehension of draft evaders in Turkey<sup>99</sup>:

<sup>95</sup> [Xe Currency Converter](#), 1 TRY = 0.029029643 GBP, 18 August 2023

<sup>96</sup> [Xe Currency Converter](#), 1 TRY = 0.029029643 GBP, 18 August 2023

<sup>97</sup> [Xe Currency Converter](#), 1 TRY = 0.02857143447619 GBP, 8 August 2023

<sup>98</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#), section 9.3, 2 March 2022

<sup>99</sup> VR DER '[Conscientious objection to military service in Turkey](#)', page 37, 2021

12.3.6 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted that:

‘Draft evaders, deserters and late joiners receive a pre-set fine if they are apprehended by the law enforcement officers (approximately 2 GBP per day) or if they have turned in voluntarily (approximately 1 GBP per day). Following their surrender/apprehension, the person is deployed to his units to complete his obligatory military service. If the person is unfit for military service or has a legitimate reason, the fine can be cancelled and refunded. When draft evaders, deserters and late joiners voluntarily submit to the Military Offices or found/identified by law enforcement agencies, they are taken to the relevant base to complete their military service..’<sup>100</sup>

12.3.7 See [Conscientious objection: action taken against conscientious objectors](#) for information on this subject.

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## 12.4 Impact upon social and civil rights

12.4.1 The Netherlands Ministry of Foreign Affairs noted that draft evaders and deserters are also sometimes denied the following rights and services:

- Applying for a passport and driving licence;
- Getting married;
- Getting a bank account number and VAT number;
- Reporting a crime to the authorities;
- Participating in elections as a candidate or voter;
- Participating in a study;
- Obtaining insured work;
- Getting a government job’<sup>101</sup>

12.4.2 The same report added, ‘According to one source, draft evaders and deserters are penalised disproportionately if they belong to certain categories in terms of ethnicity, religion, political opinions or LGBTI identity and orientation. The source did not specify what forms this discriminatory penalisation takes.’<sup>102</sup>

12.4.3 In April 2022, the Norwegian Helsinki Committee published its 2022 report, in which it observed the impact for those who do not complete military service on the right to education: ‘Under Article 41(1) of the Law on Conscription, the high-school or university registration of students who have not fulfilled their military service - taking into account their right to postponement for a certain period of time - is frozen. Those whose registration has been suspended this way cannot benefit from public-funded

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<sup>100</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

<sup>101</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#), section 9.3, 2 March 2022

<sup>102</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#), section 9.3, 2 March 2022

bursary or student accommodation.’<sup>103</sup>

#### 12.4.4 The report also observed the impact on employment:

‘Article 41 (2) of the Law on Conscription stipulates that evaders and draft evaders must not be employed in civil service or the private sector and threatens prosecution to those who employ them. Articles 48 and 49 of the Constitution protect everyone’s right to work. Article 41 (2) of the Law on Conscription stipulates that evaders and draft evaders must not be employed in civil service or the private sector and threatens prosecution to those who employ them. Article 48 (6) of the Law on Civil Servants also stipulates that to qualify for a civil servant position one must be under no obligation to fulfil military service. Under Article 75 (1) of the Military Criminal Code, employers who do not terminate employment of a person considered an evader or draft evader upon the receipt of an official notification from the Government will be sentenced to imprisonment from three months to one year. Upon repeated offence the sentence is increased from one to three years. This is applicable to all employment opportunities in the private and public sector, and includes municipalities, banks and associations and professional organisations working for public benefit. Punitive measures applicable to employers for employing...evaders and draft evaders result in significant restrictions on conscientious objectors’ opportunities to earn their living.’<sup>104</sup>

#### 12.4.5 See [Conscientious objection: action taken against conscientious objectors](#) for information on this subject. See [Domestic and international travel](#) for the situation for draft evaders in terms of freedom to travel.

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### 12.5 Freedom of movement

#### 12.5.1 The Australian DFAT report of September 2020 noted ‘Authorities maintain a sophisticated national database of military service, making evasion for an extended period almost impossible.... Any interaction with authorities, such as being stopped for a traffic infringement, can lead to a cross-check of an individual’s military service record. In addition, the barcode in biometric passports ... is linked to the national database, meaning authorities can identify draft evaders on their return to Turkey.’<sup>105</sup>

#### 12.5.2 In April 2022, the Norwegian Helsinki Committee published its 2022 report, which stated:

‘Article 23 of the Constitution protects everyone’s freedom of movement. However, under Article 26 (1) of the Law on Conscription, draft evaders, evaders, and deserters are reported to the Ministry of Interior which then apprehends them in order to enforce their performance of military service. Following apprehension, they are taken to the nearest conscription branch or released, handed an official record, and instructed to submit to the nearest Conscription Branch within 15 days under Article 36(2)...

‘The General Information Gathering system (Genel Bilgi Toplama, GBT), used by police officers to access information on people, helps officials

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<sup>103</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>104</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>105</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

identify draft evaders and deserters, be they conscientious objectors or not, and implement punitive consequences of these statuses...

'Passport or identity checks, including those at hotels and on bus rides, are done through the GBT system. When the authorities identify individuals as evaders or deserters, either on the road or at a hotel, they are apprehended, and taken to a police station or military branch or an official record is issued. A conscientious objector is subject to this treatment as long as the system shows that he has not fulfilled his military service. As a result, conscientious objectors avoid travel to prevent apprehension. They are subject to restriction of their right to freedom of movement.'<sup>106</sup>

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## 12.6 Conscientious objection: definition

12.6.1 A conscientious objector is someone who can show that their performance of military service would require participation in military action contrary to their genuine religious or moral convictions.

12.6.2 A distinction can be made between "partial" and "absolute" conscientious objectors. A partial objector is someone who claims that they are not opposed to military service in principle but to a certain aspect of it such as a particular military action (for example, an individual who believes they have to fight against people of their own nationality or ethnicity). An absolute objector is someone who is opposed to any form of military service in principle (for example, pacifists or members of religious orders that are fundamentally opposed to military service)<sup>107</sup>.

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## 12.7 Conscientious objection: current position

12.7.1 The government does not recognise the right to conscientious objection to military service on any basis<sup>108</sup>.

12.7.2 Turkish legislation makes no provision for alternative civilian service<sup>109</sup>.

12.7.3 The European Bureau for Conscientious Objection (EBCO) noted in their 2017 report that:

'Currently, objectors are not being imprisoned for refusing military service, instead in the first instance they face fines. There is a suspicion that this change was brought in so that the Council of Europe might get the impression that the situation had ameliorated. However such cases are not closed with a single fine; as long as the refusal persists further fines may be imposed and ultimately imprisonment remains a possibility in law. Objectors continue to appeal, and some petitions have gone to the constitutional court, seeking to establish that the jurisprudence of the European Court of human rights takes priority over domestic interpretations of the law, but so far no courts have found for conscientious objectors.'<sup>110</sup>

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<sup>106</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>107</sup> UK Home Office, [Military Service and Conscientious Objection](#), 28 July 2022

<sup>108</sup> Australian DFAT, [Country Information Report - Turkey](#), 10 September 2020

<sup>109</sup> Dr. Yıldırım, Mine, [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>110</sup> EBCO, [Annual report Conscientious Objection in Europe 2017](#), 10 December 2017

12.7.4 In a more recent report, the EBCO 2021 annual report, noted the following, in contrast to the 2017 report:

‘Turkey is the only member state in the Council of Europe that has not recognised the right to conscientious objection to military service, or at least indicated the intention of making alternative service available. Turkey continues to prosecute conscientious objectors and to ignore the judgements which the European Court of Human Rights (ECtHR) has pronounced since 2006 in favour of Turkish conscientious objectors, in what the Committee of Ministers has named the “Ülke group” of cases. Many different penalties are imposed on those who refuse to perform military service. As a result, conscientious objectors face [sic] ongoing arrest warrants; a life-long cycle of prosecutions and imprisonment, and a situation of “civil death” which excludes them from social, cultural and economic life.’<sup>111</sup>

12.7.5 Turkey was not mentioned in the EBCO [2023 annual report](#).

12.7.6 Connection e.V is an organisation which advocates for the right to conscientious objection, collaborating with groups in various countries around the world. They published a document in May 2021 which stated:

‘In Turkey, the first conscientious objectors publicly declared their objections in the early 1990s and stood up against war, the military and compulsory service. At first there were only a few who decided to go public... In the meantime, far more than 1,000 conscripts have declared their conscientious objections. Furthermore, hundreds of thousands have evaded military service, using other ways or hiding. Faced with prosecution, several hundred have sought asylum abroad.’<sup>112</sup>

12.7.7 The VR DER report 2021 noted that:

‘Nearly a decade and a half after the 2007 Ülke v. Turkey judgment of the European Court of Human Right, conscientious objectors continue to be subjected to repetitive punitive measures on account of being considered draft evaders and deserters [sic] instead of conscientious objectors. They are being fined and have been tried - in the past until 2017 by military courts instead of civilian courts and in most of the cases repeatedly for the same “crime” of refusing to serve in the military – and sentenced to imprisonment. Punitive measures to conscientious objectors, in addition, continue to include interferences in a wide range of human rights including the right to education, freedom of movement, opportunity to earn one’s living and to take part in public affairs, and the right to vote.

‘The number of people who have announced their intention to refuse military service is not known. Between 1989-2021, 409 individuals have informed the Association for Conscientious Objection that they have announced their conscientious objection to military service, however it is estimated that the total number of conscientious objectors is much higher than this. The number of men who seek to refrain from being compelled to act contrary to their conscience yet do not announce their declaration, and those who feel compelled to submit themselves to the shortened military service by

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<sup>111</sup> EBCO, [‘Annual report Conscientious Objection in Europe 2021’](#), 21 March 2022

<sup>112</sup> Connection e.V., [Conscientious Objection in Turkey](#), 15 May 2021

payment for reasons of conscientious objection are unknown, too.<sup>113</sup>

12.7.8 The same report noted:

‘During the new Constitution preparation process campaigners for conscientious objection have advocated a provision guaranteeing the right to conscientious objection in the new Constitution. The Conscientious Objectors Platform, a Turkish advocacy group, made a presentation to the parliamentary Constitutional Reconciliation Commission on 9 April 2012. They called for the right to conscientious objection to compulsory military service to be protected in the new Constitution. They explicitly drew on the ECtHR cases in arguing for the recognition of the right to object to military service based on an individual’s religious, political and philosophical beliefs. The Platform also called for alternative forms of service to be introduced, under which an individual could either refuse to bear arms in carrying out military service or carry out a completely civilian alternative service.

‘Following the meeting, two opposition political parties, the Republican People’s Party (CHP) and the Peace and Democracy Party (BDP), made statements noting that the right to conscientious objection to military service must be recognised to comply with Turkey’s international human rights commitments. At the same time, the Presidency of Religious Affairs argued that the right to conscientious objection does not exist in Islam, that in addition to worship rituals, everyone is responsible toward their family and state - including in the area of tax and military service. In 2015, two members of parliament from the HDP (People’s Democratic Party) proposed legislative changes to the Law on Military Service, Military Criminal Law and the Criminal Code to comply with international human rights standards on conscientious objection to military service. This was not successful.<sup>114</sup>

12.7.9 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted that:

‘There are no official statistics available on conscientious objectors in Turkey. Conscientious Objection Watch state in their report published in 2022 that an application was sent to the Turkish Ministry of Defence for the period between 2016-2020 to enquire about the conscientious objectors. The Ministry’s response stated that “there was no legal possibility to fulfil the request.” However, Minister of National Defence Hulusi Akar stated in 2019 that “Regarding conscientious objection, in our country of 82 million, 28 people applied in 2017; 23 in 2018 and 18 in 2019 [sic].”...<sup>115</sup>

12.7.10 The same correspondence noted:

‘Although Turkey is a party to the International Covenant on Civil and Political Rights and the European Convention on Human Rights, the Turkish laws do not recognise conscientious objectors. And although Article 90 of the Constitution notes that the International Agreements should prevail in case of a dispute/inconsistency between the Turkish Laws and the provisions of the international agreements Turkey is a party to, Turkish official institutions and courts do not rule in favour of conscientious objectors... As such, they

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<sup>113</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, 2021

<sup>114</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, 2021

<sup>115</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

are considered a draft evader or late joiner. In practice, draft evaders or late joiners cannot be forced to do their military service but the fine continues to apply. They must also make occasional visits to police stations to confirm their status as conscientious objectors. Legal channels to appeal to the accumulated fines exist but not functional in practice...<sup>116</sup>

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## 12.8 Conscientious objection: action taken against conscientious objectors

12.8.1 The Canadian IRB issued a query response in November 2020, which quoted other sources and stated:

'The 2019 annual report of the European Bureau for Conscientious Objection (EBCO), "an umbrella organisation for national associations of conscientious objectors" (EBCO n.d.), states that "conscientious objectors fac[e] ongoing arrest warrants; a life-long cycle of prosecutions and imprisonment, and a situation of 'civil death' which excludes them from social, cultural and economic life" (EBCO 14 Feb. 2020). The same source further reports that '[o]bjectors are still criminalised as call-up/draft evaders. An unlimited arrest warrant is issued and due to this arrest warrant, they are detained on any occasion when they have to present their ID to the police or gendarmerie, a situation which frequently occurs. On the first detention, the objector is given an administrative fine. But every subsequent detention opens a new criminal case, which can lead to a prison sentence of anything from 2 months to 3 years. To avoid arrest and detention, objectors are forced to live an underground life.'<sup>117</sup>

12.8.2 The USSD's 2022 Report on International Religious Freedom noted, 'Those who oppose mandatory military service on religious grounds may face charges in military and civilian courts and, if convicted, could be subject to prison sentences ranging from two months to two years.'<sup>118</sup>

12.8.3 In the annual report covering 2021, Amnesty International mentioned the case of a conscientious objector deserting military service, stating:

'In September, the Eruh Criminal Court of First Instance sentenced Zana Aksu, a conscientious objector and former director of the Human Rights Association's (IHD) Siirt branch, to 18 months' imprisonment and a fine of 10,000 TL [approximately £438] for "desertion". The case was pending before the Diyarbakir Regional Appeals Court at the end of the year. Zana Aksu had previously been convicted on the same charge in 2018 and acquitted in a separate case in 2020 on the grounds of double jeopardy.'<sup>119</sup>

12.8.4 The VR DER report 2021 noted that 'Numerous individual applications to the Constitutional Court (AYM) have been made by conscientious objectors, but so far the AYM has postponed deliberation on the applications.'<sup>120</sup>

12.8.5 The same report noted that:

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<sup>116</sup> FCDO, 'Annex B - Correspondence', 14 April 2023

<sup>117</sup> Canadian IRB, "[Turkey: Military service, both compulsory and voluntary...](#)", 30 November 2020

<sup>118</sup> USSD, [2022 Report on International Religious Freedom: Turkey](#), 15 May 2023

<sup>119</sup> AI, [The State of the World's Human Rights; Turkey 2021](#), 29 March 2022

<sup>120</sup> VR DER '[Conscientious objection to military service in Turkey](#)', 2021

‘Conscientious objectors continue to be subjected to repetitive punitive measures on account of being considered evaders and deserters instead of conscientious objectors. Punitive measures extend beyond the interference in the right to freedom of thought, conscience and religion to include interferences in a wide range of human rights including the right to education, freedom of movement, opportunity to earn one’s living and the right to take part in public life.’<sup>121</sup>

12.8.6 The VR DER report also noted:

‘...administrative monetary fines can amount to a substantial sum. Arif Hikmet İyidoğan, a computer programmer who is one of the first conscientious objectors in Turkey and announced his conscientious objection to military service in 1994. While he was imprisoned for alienating the public from military service for some time, for many years, he did not experience any other problems. He has been subject to stop & search since 2016. Since then, he has been imposed a total of 17,251 TL [approximately £500 as of August 2023<sup>122</sup>] as administrative fines in relation to three different official records. His appeals were rejected in two cases.<sup>107</sup> However one of the fines was cancelled by the Çankaya Conscription Office on the basis that they made a procedural mistake, before the appeal was considered, on 31 December 2020. He made two individual applications to the Constitutional Court that are pending since 14 June 2019 and 30 October 2019.’<sup>123</sup>

12.8.7 Further considering the impact on conscientious objectors, the VR DER report also noted:

‘In addition to interference in their right to freedom of thought, conscience and religion, conscientious objectors experience restrictions on a number of human rights. Once a conscientious objector to military service evades the draft or deserts the military public authorities identify them as evader or deserter. This status becomes part of the information linked to their national identity number and information. Furthermore, it has implications for the exercise of a number of human rights. In *Ülke v. Turkey*, the ECtHR had stated that “The clandestine life, amounting almost to “civil death”, which the applicant has been compelled to adopt is incompatible with the punishment regime of a democratic society”. This situation remains a reality for conscientious objectors as a result of the unending cycle of stop & checks, fines, criminal prosecutions and restrictions on a wide range of human rights.

‘The Turkish authorities’ limited response to conscientious objection does not address these issues. The implications of the non-recognition of the right to conscientious objection on other human rights are also not considered by the international human rights compliance control mechanisms. These rights include, inter alia, participation in public affairs and the right to vote, freedom of movement, right to education, opportunity to earn one’s living’<sup>124</sup>

12.8.8 In the report of March 2022, the Netherlands MFA stated ‘VR-DER also

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<sup>121</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, 2021

<sup>122</sup> [Xe Currency Converter](#), 1 TRY = 0.0290124 GBP, 2 August 2023

<sup>123</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, page 39, 2021

<sup>124</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, page 44, 2021

recorded that the bank account of some conscientious objectors had been frozen or seized or that they had lost their job. As it is a criminal offence for employers to hire draft evaders, conscientious objectors have often been condemned to unemployment or illegal, uninsured work, according to the International Fellowship of Reconciliation (IFOR), a Christian peace organisation.<sup>125</sup>

12.8.9 In April 2022, the Norwegian Helsinki Committee published its 2022 report, in which it observed the impact for conscientious objectors on the right to participate in public affairs and vote:

‘Several human rights are impeded by the lack of recognition of the right to conscientious objection to military service, the addition of the evader status to an objector’s official records and the ensuing punitive consequences. This non-recognition limits an individual’s right to participate in public life in areas such as standing for elections and voting, freedom of movement, the right to education, and the right to the opportunity to gain a living.

‘Participation in public affairs and the right to vote – Under Article 67(1) of the Constitution, citizens have the right to vote, to be elected, to engage in political activities independently or in a political party, and to take part in a referendum. However, 67(5) stipulates that, “privates and corporals at arms, cadets, ... shall not vote”. Despite the ECtHR judgments on the human rights violations experienced by conscientious objectors, and the Turkish authorities’ obligations to eliminate the consequences of these violations, conscientious objectors’ statuses as “soldier” and “deserter” persist and they are prohibited from the voting process.’<sup>126</sup>

12.8.10 The query response issued by the Canadian IRB in November 2020 also noted the position for Jehovah’s Witnesses, stating, ‘The European Association of Jehovah’s Witnesses, in a report submitted to the OSCE... states that the government “prosecutes [Jehovah’s Witnesses who are conscientious objectors] and penalizes them with repeated fines and threats of imprisonment” and adds that the “Ministry of National Defence sends letters to their employers to make sure that they lose their jobs” (The European Association of Jehovah’s Witnesses 19 Sept. 2019).’<sup>127</sup>

12.8.11 In October 2022, the European Commission (EC) issued the Turkey 2022 report, in which it noted, ‘The lack of legal provisions on conscientious objection to army service remains a problem for Jehovah’s Witnesses and other citizens, as refusing to serve in the military results in conviction for desertion. There are several unimplemented ECtHR judgements and decision by the UN that found violations of the rights of Jehovah’s Witnesses.’<sup>128</sup>

12.8.12 In correspondence with the Foreign Commonwealth and Development Office (FCDO) of April 2023, relying on a range of sources, it was noted that: ‘European Bureau for Conscientious Objection notes that conscientious objectors in Turkey continue to face life-long prosecutions, penalties and

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<sup>125</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.3), 2 March 2022

<sup>126</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>127</sup> Canadian IRB, [“Turkey: Military service, both compulsory and voluntary...”](#), 30 November 2020

<sup>128</sup> EC, [Türkiye 2022 Report \[SWD\(2022\) 333 final\]](#), 12 October 2022

gives reference to court cases where Turkey has failed to implement the decisions of the European Court of Human Rights... A report published by a Turkish NGO in the field notes that to date the conscientious objectors in Turkey have been fined approximately 55,815 Euros combined to date.<sup>129</sup>

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## 12.9 Conscientious objection: European Court of Human Rights rulings

### 12.9.1 The VR DER report 2021 noted:

‘While there is no explicit reference to the right to conscientious objection to military service in Article 9 of the ECHR, this right has gained progressive protection within the CoE human rights protection system. The Court held that opposition to military service:

[“]where it is motivated by a serious and insurmountable conflict between the obligation to serve in the army and a person’s conscience or his deeply and genuinely held religious or other beliefs, constitutes a conviction or belief of sufficient cogency, seriousness, cohesion and importance to attract the guarantees of Article 9.[“]

‘In the case of *Bayatyan v. Armenia*, the ECtHR held that a conscientious objector’s failure to report for military service may be a manifestation of his religious beliefs and his ensuing conviction for draft evasion amounted to an interference with his freedom to manifest his religion as guaranteed by Article 9(1).<sup>130</sup>

### 12.9.2 The Norwegian Helsinki Committee published its 2022 report, ‘An Appeal to Move Forward from Aspirations to Actions; Monitoring Report on the Right to Freedom of Religion or Belief in Turkey,’ in which it stated:

‘The UN and CoE human rights compliance control mechanisms have found Turkey in violation of the right to freedom of religion or belief by not recognizing the right to conscientious objection to military service.

‘In one case, *Atasoy and Sarkut v. Turkey*, the UN Human Rights Committee (HRC) examined the complaints filed by two Jehovah’s Witnesses who objected to the absence of an alternative service in Turkey. The HRC found Turkey in violation of Article 18(1) of the ICCPR [International Covenant on Civil and Political Rights] and held that the prosecution and sentences ensuing the defendants’ objection to military service constituted an infringement on their freedom of conscience which violated Article 18(1).

‘In addition, the ECtHR found violations to the right to freedom of religion or belief, along with other human rights, in applications on the basis of conscientious objection to military service in the following cases: *Ülke v. Turkey*, *Buldu and Others v. Turkey*, *Enver Aydemir v. Turkey*, *Erçep v. Turkey*, *Feti Demirtaş v. Turkey*, *Savda v Turkey*, *Tarhan v. Turkey*.<sup>131</sup>

### 12.9.3 The same report published the findings of the European Court of Human Rights (ECtHR) in connection with Article 3 of the European Convention on Human Rights and specific cases of high-profile conscientious objectors:

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<sup>129</sup> FCDO, ‘Annex B - Correspondence’, 14 April 2023

<sup>130</sup> VR DER ‘[Conscientious objection to military service in Turkey](#)’, 2021

<sup>131</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

‘The domestic legal framework is not sufficient for those who refuse to wear uniform and/or perform military service on grounds of conscience or religion and the ensuing interminable series of prosecutions and convictions are disproportionate to the aim of ensuring the performance of military service. The series of prosecutions and convictions aim at repression of intellectual personality, break the resistance and will and the compulsion to lead a clandestine life, and amount almost to “civil death”. They are incompatible with the punishment regime of a democratic society...

‘Cumulatively, the acts concerned constitute inhuman or degrading treatment within the meaning of Article 3...’<sup>132</sup>

12.9.4 The report also included the following findings of the ECtHR in relation to the cases of high-profile conscientious objectors:

‘The system of compulsory military service in Turkey imposes on its citizens an obligation having potentially serious consequences for conscientious objectors. The system does not allow any exemption on grounds of conscience and gives rise to the imposition of heavy criminal penalties. Thus, the interference to the applicants’ human rights stems from both the multiple convictions of the applicants and from the absence of the option of alternative service...’<sup>133</sup>

12.9.5 The report further noted the findings of the ECtHR with regard to trials and fines for conscientious objectors:

‘The tracking and administrative fines applicable to draft evaders and deserters are described in the Law on Conscription. When the administrative monetary fine issued against a conscientious objector is finalised, criminal proceedings begin based on the Military Criminal Law. Following this, every official record issued, when a conscientious objector is apprehended, becomes a criminal case. Conscientious objectors can be fined several times due to the long period of finalisation of the fines. The administrative monetary fines can amount to a substantial sum.’<sup>134</sup>

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## 12.10 Prison conditions

12.10.1 The USSD HR Report 2022 reported as following on the year 2022:

‘Prisons generally met standards for physical conditions (i.e., infrastructure and basic equipment), but significant problems with overcrowding resulted in conditions in many prisons that the Council of Europe’s Committee for the Prevention of Torture (CPT) found could be considered inhuman and degrading in its 2017 and 2019 visits... While detention facilities were generally in a good state of repair and well ventilated, many facilities had structural deficiencies that made them unsuitable for detention lasting more than a few days.’<sup>135</sup>

12.10.2 The same report noted prison conditions:

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<sup>132</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>133</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>134</sup> Dr. Yıldırım, Mine (Author), [An appeal to move forward from aspirations to actions...](#), April 2022

<sup>135</sup> USSD, [HR Report 2022; Turkey](#), 20 March 2023

‘Prison overcrowding remained a significant problem. According to the Ministry of Justice, as of December the country had 396 prisons with a capacity for 286,797 inmates and was over capacity by 49,518 prisoners (an estimated total inmate population of 336,315)....

‘The government did not regularly release data on inmate deaths due to physical conditions or actions of staff members. According to varying reports from the HDP [People’s Democratic Party] and data collected by the HRA [Human Rights Association], as of December between 61 and 73 prisoners died in prisons since December 2021. The HDP report found 39 died due to illness and 34 due to suicide. HRA noted various causes including sickness, suicide, violence, and negligence. According to data from Civil Society in the Penal System, from January to August there were 42 suspicious deaths...

‘Human rights organizations and CPT reports asserted prisoners frequently lacked adequate access to potable water, proper heating, ventilation, lighting, food, and health services. Human rights organizations also noted that prison overcrowding and poor sanitary conditions exacerbated health risks...

‘Human rights associations expressed serious concern regarding the inadequate provision of health care to prisoners, particularly the insufficient number of prison doctors. NGOs reported that prison wardens rather than health-care officials often decided whether to allow a prisoner’s transfer to a hospital... Reports by human rights organizations suggested some doctors refused to issue medical reports alleging torture due to fear of reprisal. As a result, victims were often unable to get medical documentation of their abuse.’<sup>136</sup>

12.10.3 The USSD report also noted investigations of abuse and poor conditions, stating, ‘Authorities at times investigated credible allegations of abuse and inhuman or degrading conditions but generally did not document the results of such investigations in a publicly accessible manner or disclose publicly whether actions were taken to hold perpetrators accountable.’<sup>137</sup>

12.10.4 The report also included information on the monitoring of prisons:

‘The government allowed prison visits by some observers, including parliamentarians. The Ministry of Interior reported that under the law, prisons were to be monitored by domestic government entities including the Human Rights and Equality Institution of Turkey and the Parliamentary Commission for Investigating Human Rights. The CPT, the Council of Europe’s Commissioner for Human Rights, and the UN Working Group on Arbitrary Detention were also granted access to monitor prisons.

‘The government did not allow independent NGOs to monitor prisons.’<sup>138</sup>

12.10.5 A Netherlands Ministry of Foreign Affairs COI report from March 2021 noted:

‘Information about the frequency of ill-treatment and torture in detention facilities and prisons was scarce. A Turkish human rights association called İnsan Hakları Derneği (İHD) claimed to have documented 417 cases

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<sup>136</sup> USSD, [HR Report 2022; Turkey](#), 20 March 2023

<sup>137</sup> USSD, [HR Report 2022; Turkey](#), 20 March 2023

<sup>138</sup> USSD, [HR Report 2022; Turkey](#), 20 March 2023

of ill-treatment and torture in detention facilities and prisons from January to November 2020.

'...[A] confidential source says that ill-treatment and torture are more common when a detainee is being transported or held in (extrajudicial) detention rather than in prisons...However, this does not alter the fact that ill-treatment and torture also occur in prisons. This is partly because there is a culture of impunity among prison staff, which means that prison guards can torture, mistreat and/or humiliate prisoners with no negative consequences.

'...Two confidential sources note that prisoners who are well known in Turkey are less likely to experience ill-treatment and torture. However, the same sources insist that fame does not provide one hundred percent protection against torture and ill-treatment.'<sup>139</sup>

12.10.6 In March 2021, the Danish Immigration Service (DIS) report discussed whether any groups of prisoners were more likely to be subject to ill-treatment:

'Both CISST [The Civil Society in the Penal System] and HRA deemed it difficult to define a specific group of prisoners as typical victims of torture and ill-treatment. CISST most often sees cases from political prisoners, prisoners [see DIS' explanation of the term 'political prisoner' in the Glossary on p.7 of the report] because they more often make use of complaint mechanisms, and imprisonment and disobedience become a matter of opposition from the moment they are admitted. 90% of the 450 complaints HRA had received from prisons in the Marmara Region in 2020 were from political prisoners. Likewise, male prisoners submitted 96% of the applications.

'As to non-political prisoners, those who are perceived as unreasonable, who cause trouble, who demand their rights, are in fact more exposed. Non-political prisoners do not complain as often due to internalisation of the culture of violence or mere adoption of submissive attitudes in a belief that they will be released eventually. Therefore, CISST also fears that there are more cases relating to non-political prisoners, which do not see the light. However, HRA has recently been receiving applications from many non-political prisoners.'<sup>140</sup>

12.10.7 The same report noted that 'There are many reports of torture, ill-treatment and inter-prisoner violence from NGOs and Turkish media alike. Patterns include, among others, beatings, threats, insults and disproportionate use of strip searches.'<sup>141</sup>

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## 13. Turkish military operations

### 13.1 Current action

13.1.1 As noted in [Overview of mandatory service](#), those undertaking compulsory military service are not deployed to conflict zones unless 'gravely required'.

13.1.2 See BBC article '[Viewpoint: Why Turkey is flexing its muscles abroad](#)' for a

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<sup>139</sup> Netherlands Ministry of Foreign Affairs, '[Turkey COI Report](#)' (paragraph 3.7), March 2021

<sup>140</sup> DIS (published on EIN), [Turkey: Prison conditions](#), 31 March 2021

<sup>141</sup> DIS, [Turkey: Prison conditions](#), 31 March 2021

list of operations the Turkish military are active or involved in.

13.1.3 On 17 August 2022, Human Rights Watch (HRW) reported:

‘Turkish military incursions into northeast Syria have been fraught with human rights abuses, and in Turkish-occupied territories today, Turkey and local Syrian factions are abusing civilians’ rights and restricting their freedoms with impunity.

‘During and in the immediate aftermath of the October 2019 invasion, Turkey and the Syrian National Army (SNA), a non-state armed group backed by Turkey in northeast Syria, indiscriminately shelled civilian structures and systematically pillaged private property held by the local Kurdish population, arrested hundreds of people, and summarily killed Kurdish forces, political activists, and emergency responders in areas they occupy in northeast Syria.

‘... According to the UN Commission of Inquiry on Syria, Turkish-backed forces also committed sexual violence against women and men in territories under their control, including at least 30 incidents of rape. In 2021, Syrians for Truth and Justice, a Syrian nongovernmental organization based in Europe, reported that that SNA factions also recruit children, and documented at least 20 such cases.

‘Turkey and Turkish-backed factions have also failed to ensure adequate water supplies to Kurdish-held areas in northeast Syria. About 460,000 people in these areas depend on water from the Allouk water station near the town of Ras al-Ain (Serekaniye). The station’s supply was interrupted multiple times following its takeover by Turkey and Turkish-backed forces in October 2019.

‘Turkey’s 2018 military offensive in Afrin resulted in the deaths of dozens of civilians and displaced tens of thousands, according to the United Nations. Human Rights Watch investigated three attacks into northwest Syria at the time that claimed the lives of 23 civilians, bringing into question whether the Turkish Armed Forces had taken all the precautions necessary to minimize civilian harm.’<sup>142</sup>

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<sup>142</sup> Human Rights Watch, [‘Questions and Answers: Turkey’s Threatened Incursion...’](#), 17 August 2022

# Annex A: Glossary

The following terms have been used in this CPIN:

Conscientious objector	A person who refuses to serve in the armed forces or to bear arms because of his or her moral or religious beliefs <sup>143</sup> .
Conscript	A person who has been forced to serve in a country's armed forces <sup>144</sup> .
Conscription	The act or process of forcing people by law to join the armed services <sup>145</sup> .
Deserter	A person who has already served as a conscript or professional soldier, but then leaves the army unlawfully, i.e. without permission <sup>146</sup> .
Draftee	A person who has been ordered by law to join the armed forces <sup>147</sup> .
Draft evader	A person who is liable for military service but ignores the call to report for such service <sup>148</sup> .
Hazing	Form of initiation that occurs when new members enter certain social groups, most often characterized by degrading, humiliating, or dangerous tasks and behaviours <sup>149</sup> .
Military service	Service in the armed forces, either voluntarily or by conscription <sup>150</sup> .
Non-commissioned officer	A member of the armed forces who has achieved the rank of officer by rising from the lower ranks, rather than by receiving a commission <sup>151</sup> .
Reserve	Soldiers who are ready to join a military operation if needed <sup>152</sup> .

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<sup>143</sup> Merriam-Webster, [Conscientious objector Definition & Meaning](#), no date

<sup>144</sup> Cambridge Dictionary, [CONSCRIPT | English meaning](#), no date

<sup>145</sup> Cambridge Dictionary, [CONSCRIPTION | English meaning](#), no date

<sup>146</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.1), 2 March 2022

<sup>147</sup> Cambridge Dictionary, [DRAFTEE | English meaning](#), no date

<sup>148</sup> Netherlands Ministry of Foreign Affairs, [General COI Report; Turkey](#) (section 9.1), 2 March 2022

<sup>149</sup> Britannica, [Hazing](#), 2 March 2023

<sup>150</sup> Collins Dictionary, [Military service definition and meaning](#), no date

<sup>151</sup> Cambridge Dictionary, [NON-COMMISSIONED OFFICER](#), no date

<sup>152</sup> Collins Dictionary, [Reserve definition and meaning](#), no date

# Annex B: Correspondence with the Foreign, Commonwealth and Development Office (FCDO) 14 April 2023

## 1. Information on what a person is expected to do in the 6-12 months mandatory military service

Men who are between the age of 20 and 41 are obliged to do their military service. Conscription may be postponed to a later age based on the person's circumstances (i.e. if he is doing a university or master's degree). The period for mandatory military service is 6 months for non-commissioned officers and privates, and 12 months for reserve officers and reserve sergeants. Non-commissioned officers and privates are given 1 month of basic military training and then deployed to troops for 5 months for further training and service. During this training they are paid an allowance which cannot be less than the minimum wage. Reserve officers and sergeants are trained for 2 months and deployed for 10. They are paid a salary during their 10 months deployment. (source: Turkish Ministry of National Defence <https://www.msb.gov.tr/Askeralma/icerik/yeni-askeralma-sistemi>)

## 2. Are you able to clarify whether a person would be deployed to active combat during the compulsory period of service?

Since early 1990's Turkish Ministry of National Defence has been working on professionalising the Turkish Army which means that only professional soldiers should be deployed to conflict zones. In 2010 then Minister of Defence Ismet Yılmaz said that non-commissioned officers and privates were not deployed to counter-terrorism operations or conflict zones unless gravely required. (source: media outlets including but not limited to <https://www.cnnturk.com/turkiye/terorle-mucadelede-er-ve-erbaslar-gorev-almayacak>). There are now very few non-commissioned officers and privates deployed to conflict zones such as Northern Iraq and Syria, the army mainly deploys professional soldiers. Independent Turkish reported in February 2022 that of the 304 soldiers who died while on duty between 2019-2022, 20 were non-commissioned officers and privates (based on the statistics provided by the Land Forces Command and the Gendarmerie Command). The article also states that with the number of professional soldiers in the TSK [Turkish Armed Forces] reaching a sufficient level, the soldiers and enlisted men in the army within the scope of military service are not taken out into operations and have not been put into conflicts unless absolutely necessary. They were also less likely than before to be positioned in risky areas, especially those referred to as base points on the Iraqi border. As a result of these efforts, there was a significant decrease in the number of martyrs in the fight against terrorism (<https://www.indyturk.com>).

The General Staff informs the Ministry of Defence the number of reserve officers, non-commissioned officers and privates that the Turkish Armed Forces needs each year before November 30 so that the Ministry can determine the schedule of summons and deployment; allocation rates, and; classes, profession, branch and

specialization of new recruits. The need for reserve officers and reserve NCOs may be re-reported before each classification period. (source: Turkish MoD website <https://www.msb.gov.tr/Askeralma/icerik/siniflandirma-islemleri>). Soldiers are deployed to their units in a completely random system. If there is a surplus of soldiers in a certain region during that summons period, new recruits may be sent to another region: for example, if the conscription to the west was high in the previous period, deployment is made mainly to the east to meet the need for soldiers in the east. However, since this information is not shared by the Turkish Armed Forces, it is not possible to know where and how many soldiers will be deployed during the summons period. Therefore, the probability of knowing your estimated military location is very low (source: open source on obligatory military service <https://www.askernoktasi.com/asker-dagitimlari-nasil-yapiliyor.html>).

3. **Conditions of, and treatment during, mandatory military service, including for Kurdish and other minority ethnicities / religions**

As per the applicable laws, all men who hold a Turkish citizenship are obliged to do their military service regardless of their ethnicity. Military service conditions do not differ based on ethnic backgrounds. (source: Turkish MoD website [7179\\_Askeralma\\_Kanunu\\_\(İngilizce\).pdf \(msb.gov.tr\)](#) article 3/b)

4. **Can you provide any more information on general treatment of army recruits?**

Turkish army is known for its very rigid and unyielding discipline. Conscripts are required to act and live up to highly disciplined military standards starting on day one of their conscription (<https://www.mevzuat.gov.tr/mevzuatmetin/1.4.211.pdf>) .

Although there are individual applications on mistreatment, beating, defamation and isolation during the mandatory service, there are no statistics available on the current cases on open source media outlets. However, an NGO supporting the right to conscientious objectors monitors and reports such individual [sic] cases which involve mistreatment by superiors for various reasons including ethnic backgrounds (source: <https://vicdaniret.org/tag/ere-kotu-muamele/>) .

5. **Are you able to provide information about punishment of draft evaders, deserters and conscientious objectors? In other words, what punishments are used, and why, and how often?**

Draft evaders, deserters and late joiners receive a pre-set fine if they are apprehended by the law enforcement officers (approximately 2 GBP per day) or if they have turned in voluntarily (approximately 1 GBP per day). Following their surrender/apprehension, the person is deployed to his units to complete his obligatory military service. If the person is unfit for military service or has a legitimate reason, the fine can be cancelled and refunded. When draft evaders, deserters and late joiners voluntarily submit to the Military Offices or found/identified by law enforcement agencies, they are taken to the relevant base to complete their military service. (Source: Turkish MoD <https://www.msb.gov.tr/Askeralma/icerik/yoklama-kacagi-sakli-ve-bakayalarin-takip-ve-cezalandirma-islemleri>).

Although Turkey is a party to the International Covenant on Civil and Political Rights and the European Convention on Human Rights, the Turkish laws do not recognise conscientious objectors. And although Article 90 of the Constitution notes that the International Agreements should prevail in case of a

dispute/inconsistency between the Turkish Laws and the provisions of the international agreements Turkey is a party to, Turkish official institutions and courts do not rule in favour of conscientious objectors (source: NGO for conscientious objectors <https://vicdaniret.org>). As such, they are considered a draft evader or late joiner. In practice, draft evaders or late joiners cannot be forced to do their military service but the fine continues to apply. They must also make occasional visits to police stations to confirm their status as conscientious objectors. Legal channels to appeal to the accumulated fines exist but not functional in practice (source: media outlets <https://m.bianet.org/bianet/toplum/273202-vicdani-ret-nedir-vicdani-retci-oldugunuzda-basiniza-neler-gelir>)

## 6. Statistics on punishment for draft evaders and conscientious objectors

There are no official statistics available on conscientious objectors in Turkey. Conscientious Objection Watch state in their report published in 2022 that an application was sent to the Turkish Ministry of Defence for the period between 2016-2020 to enquire about the conscientious objectors. The Ministry's response stated that "there was no legal possibility to fulfil the request." However, Minister of National Defence Hulusi Akar stated in 2019 that "Regarding conscientious objection, in our country of 82 million, 28 people applied in 2017; 23 in 2018 and 18 in 2019." (Source: <https://www.ohchr.org/sites/default/files/2022-05/COW-HRC50.pdf> For Akar's statement: <https://vicdaniret.org/milli-savunma-bakani-akar-vicdani-ret-ile-ilgili-calismamiz-yok/>).

European Bureau for Conscientious Objection notes that conscientious objectors in Turkey continue to face life-long prosecutions, penalties and gives reference to court cases where Turkey has failed to implement the decisions of the European Court of Human Rights. (Source <https://ebco-beoc.org/turkey>). A report published by a Turkish NGO in the field notes that to date the conscientious objectors in Turkey have been fined approximately 55,815 Euros combined to date (<https://inancozgulugugirisimi.org/en/conscientious-objection-to-military-service-in-turkey-report>)

Equally, there are no exact statistics on the draft evaders either. However, speaking to the press after a Cabinet Meeting on 23 May 2022, President Erdoğan said there were approximately 550 thousand draft evaders and late joiners in Turkey and "shortened military service through payment" (which shortens the period to 21 days in return for approximately £4,500 for 2023) was applicable to all (source: <https://www.aa.com.tr/tr/gundem/cumhurbaskani-erdogan-yoklama-kacagi-bakaya-genclerimize-bedelli-askerlikten-faydalanabilme-yolunu-aciyoruz/2595498#>)

## 7. Clarity on what gay men are expected to do as part of the exemption process

Those who are given an "unfit for military service" report are exempt from mandatory military service. The report is based on the mandatory medical examination conducted as per the Health Competency Regulations of the Turkish Armed Forces. According to TAF Law, "openly gay individuals cannot do military service". If a gay/bisexual/trans individual wants to be exempt from mandatory military service, he needs to be referred to a psychiatrist by the official civilian doctor who then refers the individual to the nearest military hospital.

Generally, the first session at the military hospital is done with a psychiatrist. The second session is done with a committee consisting of a psychologist, psychiatrist and psychiatry department nurse. If the committee decides that you are “gay/trans”, they issue an unfit for military service report which is sent to the Military Council for approval. The Military Council may directly approve or refuse the report.

**Appeal:** The applicant can appeal the Council’s decision through a lawyer in 30 days, which triggers the same medical/psychiatric examination process at a different military hospital. If this hospital gives the applicant a “fit for military service” report, then the applicant can appeal within 30 days either directly to that military hospital or to the Health Department of the Ministry of National Defence. MoD will then forward the applicant to the same or another military hospital. The report issued from this session will be final, but the applicant can still appeal at the Military Supreme Administrative Court with the request to suspend the execution. It is possible for the process to linger with conflicting official decisions (source Turkey’s largest LGBT+ NGO <https://kaosgldernegi.org/images/library/2016ne-gre-escinsel-ve.pdf>).

In 2015 TAF made some changes in their regulations and changed the article which defined homosexuality as a “psychosexual disorder” to “sexual identity and behavioural disorders”. They had also removed the provisions that required naked physical exams and submission of intimate photos to prove homosexuality. (source: <https://www.al-monitor.com/tr/contents/articles/originals/2015/11/turkey-military-gay-rights-homosexual-picture.html>).

However the process can still be burdensome with possible infringements of personal private life as described in the personal account of a trans individual who went through the entire process and performed their military service in 2017-2018 (<https://kaosgl.org/haber/askerlige-elverisli-degildir-raporunu-nasil-aldim>).

# CPIN and COI methodology

The country of origin information (COI) 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 \(COI\)](#), 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.

All the COI included in the note was published or made publicly available on or before the 'cut-off' date(s). Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available. 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
- whether the COI is consistent with and/or corroborated by other sources.

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

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [Bibliography](#).

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# 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 ToR, 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:

- Military service
  - Legal provision
  - Eligibility
  - Length of service
  - Exemption and deferral
  - Conscientious objection and alternative service
  - Kurdish community
  - LGBTI community
- Ill treatment
  - Avenues of redress
- Draft evaders and deserters
  - Action taken by the state

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **17 October 2023**

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### Official – sensitive: Start of section

The information on this page has been removed as it is restricted for internal Home Office use.

### Official – sensitive: End of section

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## Changes from last version of this note

Updated country information and assessment.

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## Feedback to the Home Office

Our goal is to provide accurate, reliable and up-to-date COI and clear guidance. We welcome feedback on how to improve our products. If you would like to comment on this note, please email the [Country Policy and Information Team](#).

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## 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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