



THE RIGHT TO CONSCIENTIOUS OBJECTION IN TURKEY

Merve Arkun

Conscientious Objection Watch - COW, Turkey



History of Conscientious Objection in Turkey

In Turkey, the first conscientious objectors publicly declared their objections in the early **1990s** and stood up against war, the military and compulsory military service. In a society where every man has been identified as a Turk and soldier from birth, these objections started to write another story.

Here are a few milestones to understand the history of CO movement in Turkey:

A brief history of th CO Movement in Turkey

1989

Tayfun Gönül and Vedat Zencir, the first conscientious objectors in Turkey, declared their refusal publicly.

1992

War Resisters Association was founded in Izmir, Turkey.

1993

On invitation of the War Resisters Association Izmir, an International Conscientious Objection Meeting was held in Ören with 100 participants from about 25 countries.

2004

Women started to declare their conscientious objection. Although the women are not obliged for military service, these were the first feminist motivated statements of conscientious objection in Turkey.

2009

Barış İçin Vicdani Ret Platformu (the Platform of Conscientious Objection for Peace), which brought together conscientious objectors from different backgrounds together, was founded.

2011

The "Kurdish Conscientious Objection Initiative", which is also known as the "Kurdish Conscientious Objection Movement" was founded.

2013

Conscientious Objection Association (VR-DER) was founded.

2022

Due to formal restrictions, the Conscientious Objection Association was closed. The active members now continue to work as Conscientious Objection Watch.

According to the data that we have in our website www.vicdaniret.org , in Turkey nearly **600 conscientious objectors** declared their refusal between 1989-2022. But believe the number to be much higher.

DESCRIPTION OF THE PROBLEM

Turkey is the only Council of Europe member State who has not yet recognised the right to conscientious objection(CO). In Turkey, military service is compulsory for every man between the ages of 20-41. **There is no mechanism to which conscientious objectors(COs) can apply, nor is there alternative civilian service.**

The lack of legislation on the right of CO to military service increases the violations of rights and restrictions experienced by COs and exposes them to "civilian death" as the European Court of Human Rights has stated. This situation directly affects the daily lives of many COs. COs are forced to live a life in which they are deprived of their social, economic and political rights. **They are subjected to deprivation of their right to work formally (with social security); their right to freedom of movement is restricted due to frequent stop and checks; their access to higher education becomes limited; their bank accounts are confiscated as a result of administrative and judicial fines.**

Legal situation of COs

In Turkey, The Law on Military Service states that military service is compulsory for every male between the ages of 20 and 41. **Although there is an age limit for military service, in practice men are obliged to serve their entire lives.**

Since there's no law on the right to conscientious objection, The objectors are criminalized as draft evaders or evaders in Turkey. They are facing administrative monetary fines, criminal cases and repetitive judgements.

Draft evader: Those who do not take their roll call within the roll call year to which they are subject.

Evader: Those who are subject to dispatch but do not have their dispatch done and those who do not join the unit to which they have been dispatched.

Deserter: Those who have left their unit or place where they were sent for duty without permission for more than six days.

The Law on Conscription

According to the Law on Conscription, draft evaders, evaders and deserters are reported to the Ministry of Interior to ensure their apprehension to perform their military service. Once they are apprehended, they are either brought to the nearest Conscription Branch, given an official record, and asked to submit to the nearest Conscription Branch within 15 days.

T.C.
MILLÎ SAVUNMA BAKANLIĞI
Askerîye Genel Müdürlüğü
Merzifon Askerlik Şubesi Başkanlığı

Sayı : 47014028-122.03- 910
Konu : Yoklama Kaçağı/Bakaya Yükümlü Hk

04 Temmuz 2022

DEVİRİM GÖKEL
Caferağa Mah. Mühürdar Cad. Akmar Psj. No. 70/28 Kadıköy-İstanbul

İlgi: a) 7179 sayılı Askerîye Kanunu.
b) 1632 sayılı Askerî Ceza Kanunu.

1. Aşağıda kimliği yazılı yükümlü kolluk kuvvetleri (emniyet ve jandarma) tarafından yurt genelinde yoklama kaçağı/bakaya olarak aranmaktadır. Yapılan araştırma neticesinde yükümlünün kurumunuzda/iş yerinizde çalıştığı tespit edilmiştir.
2. İlgi (a) Kanun'un 41'inci maddesi gereği;
 - a. Yükümlünün en geç iki aylık süre içerisinde askerlik işlemlerini tamamlaması,
 - b. Belirtilen süre içinde askerlik işlemlerini tamamlamayan yükümlünün iş yerinden ilişkisinin kesilmesi/kurumunuzda gerekli idari tedbirlerin alınması,
 - c. İlişigi kesildikten sonra askerlik şubesinden yeni bir yazı veya belge getirmeden yeniden işe alınmaması,
 - ç. Askerlik işlemini tamamlamayan yükümlünün ilişkisinin kesilmesi halinde durumunu askerlik şubesine bildirmeniz, gerekmektedir.
3. Yükümlünün askerlik işlemlerini tamamlamadığı halde çalıştırılmaya devam ettirilmesi halinde kurumunuz yetkili amiri/iş yeri sahibi hakkında; İlgi (a)'da kayıtlı Kanun'un 41'inci maddesi gereği, İlgi (b) Kanun'un 75'inci maddesi kapsamında asker kaçağını çalıştırmak suçundan soruşturma açılması için Cumhuriyet başsavcılığına suç duyurusunda bulunulacaktır.

Arz ve rica ederim.


Halil İbrahim TAŞ
Personel Asteğmen
Şube Başkanı V.

Kimliği:
T.C. Kimlik Numarası: [REDACTED]
GÜMÜŞHACIKÖY - Çitlibağlıca Köyü den
1994 - 610 Doğumlu, Ahmet Oğlu
Oğuzhan ŞAHİN
Askerlik Şubesi: MERZIFON

KONU Yoklama Kaçağı / Bakaya
Yakalama Tutanağı

TUTANAKTIR

06 Aralık 2016 tarihinde saat 17.30 sıralarında İzmir 1 Nolu F Tipi Cezaevine ziyarete gelen vatandaşlık numaralı Hüseyin CIVAN isimli şahsın yapılan GBT sorgulamasında Yoklama Kaçağı olduğu tespit edilerek, yakalanmıştır.

1. Millî Savunma Bakanlığı Kayıtlarında yoklama kaçağı / bakaya olarak aranan aşağıda kimliği yazılı yükümlü 29089467870 vatandaşlık numaralı Hüseyin CIVAN 06 Ocak 2016 tarihinde Jandarma personeli tarafından yapılan uygulamada ele geçirilmiştir.

2. Yükümlüye 1111 sayılı Askerlik kanunu gereği en yakın askerlik şubesine başvurması ve askerlik işlemlerini tamamlamasına yönelik aşağıdaki talimat tebliğ edilmiştir.

AÇIK KİMLİĞİ

T.C Kimlik No	
Adı Soyadı	Hüseyin CIVAN
Baba ve Anne Adı	Mustafa Baki-Seher
Doğum Yeri / Tarihi	07.07.1986
Nüfusa Kayıtlı Olduğu İlçe	Denizli-Güney-Orta Mahalle

TALİMAT

1.1111 sayılı Askerlik Kanunu gereği Millî Savunma Bakanlığı tarafından yoklama kaçağı/bakaya olarak arandığım tarafıma tebliğ edildi.

2. Askerlik işlemlerimi tamamlamak üzere ilk mesai gününden itibaren toplam 15 gün içinde en yakın Askerlik Şubesi Başkanlığına başvuracağım, başvururken yanımda 2 adet vesikalık fotoğraf, T.C kimlik kartım, mezuniyet ve varsa bonservis ve hastalıklarımın ait belgeleri de götüreceğim.

3. Bana tanınan süre içinde en yakın Askerlik Şubesi Başkanlığına başvurarak işlemlerimi tamamlattırmamam durumunda 1111. Sayılı Askerlik Kanunu ve 1632 sayılı askeri ceza kanunun ilgili hükümleri gereği hakkımda cezai işlem uygulanacaktır. 06 Ocak 2016 / 17.30

TEBLİĞ EDEN

HAZIRDA BULUNAN

TEBELLÜĞ EDEN

Tuğrul TOPKARA
J Astsb Kd Bçvş
Asyş. Tim K.

J. Er

Hüseyin CIVAN
Şahsın Kendisi

Vicdanî Katarayın

AÇIKLAMALAR

1. Yoklama kaçağı, saklı ve bakayalar, 1111 sayılı Askerlik Kanunu'nun 86 ve 89'ncü maddelerinin hükümlerine göre idari para cezası ile cezalandırılır.

2. Haklarında kesinleşmiş idari para cezası bulunanlardan, 1111/89 uncu maddesinde yazılı yoklama kaçağı ve bakaya suçlarından herhangi birini işleyenler cezalandırmak üzere cumhuriyet Başsavcılıklarına sevk edilir.

3. İdari para cezaları her yıl yeniden değerlendirme oranında artış göstermektedir.

HİZMETE ÖZEL

The administrative fines are imposed with these official records on draft evaders and evaders. Following the finalization of the administrative fine, criminal proceedings are initiated against the CO, following the record issued during another identity check. Once the administrative fine has become finalised, every new official record means a criminal case. **In other words, an unlimited number of criminal cases can be opened against a CO and criminal judgments can be issued endlessly.**

Since 2019, shortened military service through payment of a sum of money has become possible under the Turkish military service system. Those who pay a certain sum that is determined by the Ministry of Defence and complete one month of basic military training will be considered to have completed their military service.

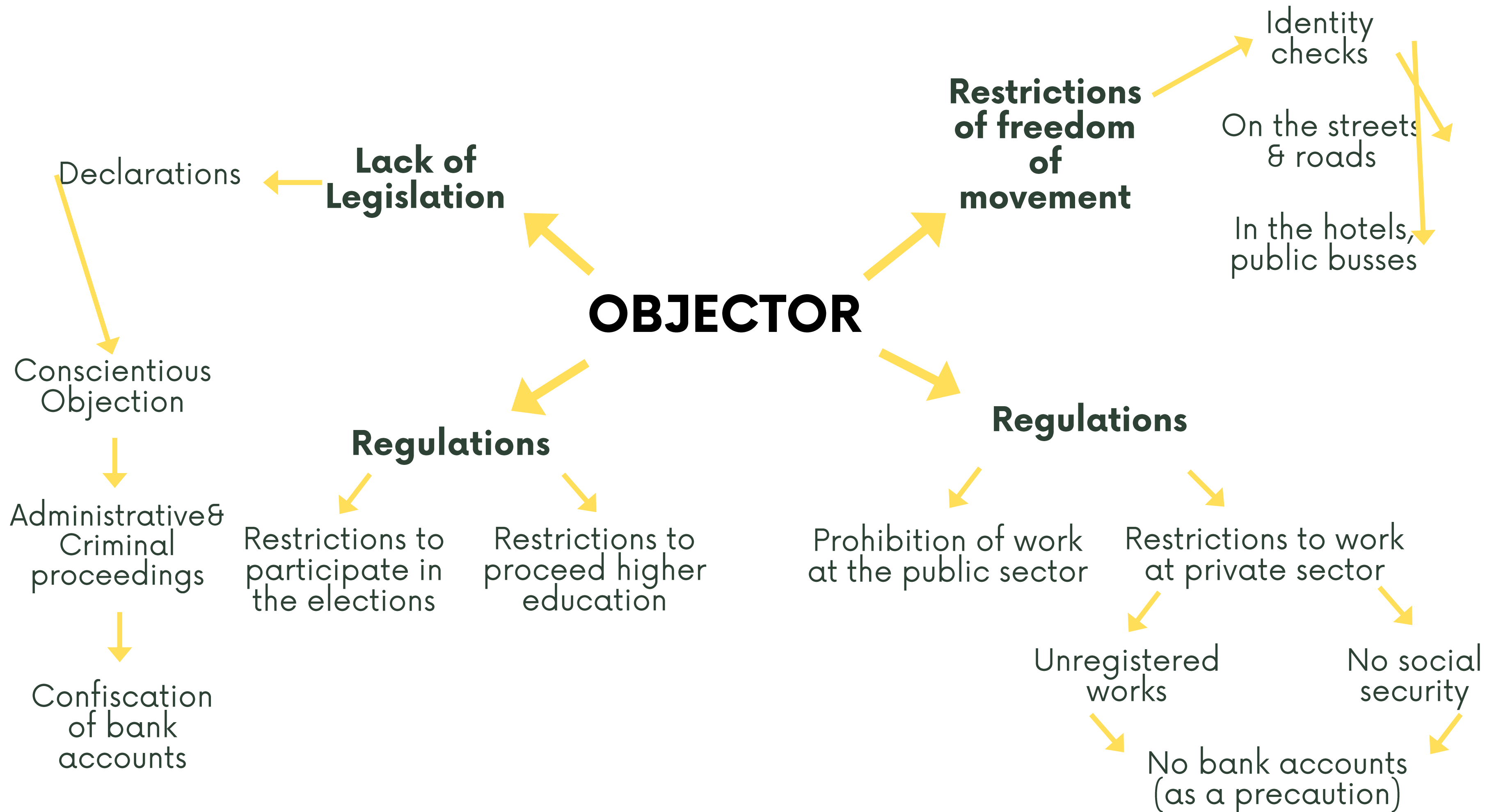
However, the military service by payment includes the one-month basic military training and command-subordination relationship. So, **it is not an option for conscientious objectors in Turkey.**

**Military service by
payment**

The Restrictions and The Human Right Violations That COs Are Facing With

The lack of legislation on the right to CO to military service increases the violations of rights and restrictions experienced by conscientious objectors. This situation directly affects the daily lives of many COs.

COs are forced to live a life in which they are deprived of their social, economic and political rights. They face many rights violations and restrictions, such as administrative fines; repeated trials on the same charge; violations of the right to education, right to vote and to be employed; and restrictions on freedom of movement.





The Violation of Right to Work

According to the Law on Military Service, evaders and draft evaders cannot be employed in the public or private sector, and those who employ them are prosecuted. The employers who employ such persons are punished by imprisonment. This provision applies to the entire private sector as well as the public sector.

Therefore COs are often forced to work in unregistered conditions, often without social security. Or conscientious objectors who are already working are dismissed from their jobs.



The Restrictions on Freedom of Movement

During the identity check practice known as General Information Collection (GBT) in Turkey, the authorities have access to up-to-date information such as military service status and criminal record. The police in city centers and the gendarmerie in areas outside city centers can stop and check vehicles. An official record is drawn up on persons found to be draft evaders, evaders or deserters while traveling on the road or staying in a hotel or similar accommodation center.

COs are likely to be subjected to this procedure every time they encounter the police or gendarmerie in their lifetime. In order to avoid this process, conscientious objectors often refrain from traveling or staying in hotels, etc. where their identity information is recorded.

According to our data, the most frequent violations/restrictions of rights faced by conscientious objectors and persons obliged to compulsory military service during 2022 are related to freedom of movement and right to work. **These two categories directly affect the social and economic lives of conscientious objectors and multiply the impact of civil death on their lives.**

The most common rights violations and the restrictions experienced by COs between April 2022-September 2023

I can not get a job with social security.	52
My freedom of travel was restricted.	52
I can not work at a state sector.	49
I was dismissed my job.	33
I have been prosecuted more than once because of the same action.	18
My freedom of education was denied.	17
I couldn't vote.	17
My bank accounts were confiscated.	11



About Conscientious Objection Watch (COW)



Conscientious Objection Watch

COW is working to make visible the violations of rights experienced by CO's and focusing to carry out documentation, monitoring, reporting at national and international level and legal support. We work to raise public awareness of the right to conscientious objection as well as lobbying at regional and international human right bodies about the situation of conscientious objectors in Turkey.

Our former organization (Association for Conscientious Objection) was founded in 2013 however we had to take the decision to officially close the association in December 2021, due to security concerns regarding the political pressure by the government in Turkey. We continued our work under the name Conscientious Objection Watch in January 2022.

Details About the Work of COW:

Conscientious Objection Watch Bulletins:

We're publishing bulletins every three months in Turkish and English. This activity provides us to disseminate reliable and updated information for the public and the media.

Legal support:

We're providing legal support to conscientious objectors and trying to follow their cases. Through our legal support, the representation of COs before the judicial mechanisms is getting strengthened.

Visibility:

Throughout our social media activities we're raising awareness about the right to conscientious objection among the general public in Turkey.

Lobbying:

Lobbying the CoE CoM, European Parliament, EC, UN High Commissioner on Freedom of Religion or Belief is a part of our work.



The Latest Publications/Work of COW



Report: The Multiplier Effect Of The Violation Of The Right To Conscientious Objection



Periodical Bullentins



Legal Support to CO's

As the Turkish government continues to insist on not recognising the right to conscientious objection, the restrictions and rights violations experienced by CO's are increasing day by day.

Especially since the last few years, there has been a significant increase in the number of COs who are considering leaving their country of residence and traveling abroad due to the civil death situations they have been subjected to. In the applications made to Conscientious Objection Watch, the number of people seeking information about leaving the country or seeking asylum is considerable high.



**Conscientious
Objection
Watch**



vicdaniretizleme@gmail.com



www.vicdaniret.org