



MAY / 2023

**TURKEY: THE MULTIPLIER  
EFFECT OF THE VIOLATION OF  
THE RIGHT TO  
CONSCIENTIOUS OBJECTION**

**RESTRICTION OF CONSCIENTIOUS  
OBJECTORS' FREEDOM OF MOVEMENT  
AND VIOLATION OF THEIR RIGHT TO  
WORK**

**Authors**

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Conscientious  
Objection  
Watch



European  
Bureau for  
Conscientious  
Objection



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IFOR INTERNATIONAL FELLOWSHIP  
of RECONCILIATION

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# TURKEY: THE MULTIPLIER EFFECT OF THE VIOLATION OF THE RIGHT TO CONSCIENTIOUS OBJECTION

## RESTRICTION OF CONSCIENTIOUS OBJECTORS' FREEDOM OF MOVEMENT AND VIOLATION OF THEIR RIGHT TO WORK

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Bertha  
von Suttner  
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# About the Authors

**Hülya Üçpınar** is a human rights lawyer and researcher working specifically on the right to conscientious objection. She is the legal coordinator of Conscientious Objection Watch and co-founder of the Istanbul-based Nonviolence Education and Research Association. Since 2014, he has been a member of the Council and Executive Board of War Resisters International (WRI).

Üçpınar has authored many reports and articles on conscientious objection to military service in Turkey, and has also worked and published on the prevention of torture and monitoring places of detention in Turkey.

**Merve Arkun**, is a researcher who has been working on the right to conscientious objection in Turkey for more than 10 years. She has been actively involved in monitoring and reporting on this right. Arkun, who declared her conscientious objection with feminist motivations in 2011, took part in the organizing process of the Initiative for Solidarity with Conscientious Objector İnan Suver and the Platform for Conscientious Objection for Peace, and was one of the founders of the Conscientious Objection Association in 2013. Currently, she is the coordinator of Conscientious Objection Watch, a civil initiative working in the field of conscientious objection.

Since 2014, Merve Arkun has been one of the vice presidents of the European Bureau for Conscientious Objection and is also a member of the Right to Refuse to Kill committee of War Resisters' International.

# 1. Summary

The right to conscientious objection to military service is based on freedom of thought, conscience and religion as guaranteed by international human rights treaties. In this context, conscientious objection is recognized and protected as a human right by the United Nations and the Council of Europe. However, in countries where the right to conscientious objection is not legally guaranteed, conscientious objectors who refuse compulsory military service face a chain of human rights violations, restrictions, trials and punishments.

This report aims to provide a perspective on the rights violations and restrictions experienced by conscientious objectors who refuse compulsory military service in Turkey, including **restrictions on freedom of movement** and **violations of the right to work**. Through the interviews included in the report, it is aimed to make visible the violations and problems faced by conscientious objectors in Turkey within the two categories of rights violations/ restrictions covered in the report.

In Turkey, military service is compulsory for every man between the ages of 20-41 and the duration is six months for cadets and twelve months for reserve officers and officers. Although there is an age limit for military service, in practice men are obliged to serve their entire lives. The right to conscientious objection to military service is not recognized, there is no mechanism to which conscientious objectors can apply, nor is there alternative civilian service.

The lack of legislation on the right to conscientious objection to military service increases the violations of rights and restrictions experienced by conscientious objectors and exposes them to "civilian death" as the European Court of Human Rights has stated. This situation directly affects the daily lives of many conscientious objectors. Conscientious objectors are forced to live a life in which they are deprived of their social, economic and political rights.

We would like to thank War Resisters' International, Connection e.V. and Bertha-von-Suttner-Stiftung for encouraging us to produce the report. We hope that this report will make a concrete contribution to the field in terms of creating the situation of civil death of conscientious objectors in Turkey visible.

## 2. INTRODUCTION

Seventeen years after the 2006 decision of the European Court of Human Rights in *Ülke v. Turkey*<sup>1</sup>, Turkey still does not recognize the right to conscientious objection to military service. In Turkey, conscientious objectors are subjected to prosecutions and punishments on charges of draft evasion, evasion or desertion. Conscientious objectors 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 October-December 2022 Conscientious Objection Watching Bulletin, published by Conscientious Objection Watch in January 2023, includes data on the most frequent violations/restrictions of rights faced by conscientious objectors and persons subject to compulsory military service throughout 2022. According to these data, the most common rights violations that conscientious objectors and persons subjected to compulsory military service faced throughout 2022 were restrictions on the right to work and freedom of movement. These two categories are important to see the conditions of civil death due to the lack of legislation on the right to conscientious objection.

The methodology of the report is based on the evaluation of interviews with 7 conscientious objectors and a lawyer, as well as researching sources on international human rights law, national legislation and practice of the right to conscientious objection.

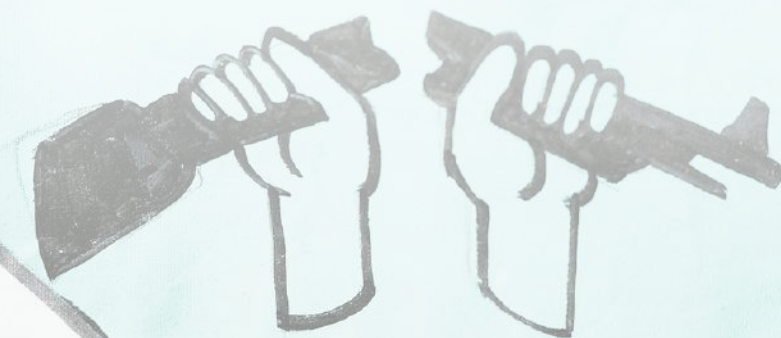
There is no publicly available official data or statistics on the right to conscientious objection in Turkey. The data presented in the report was obtained as part of Conscientious Objection Watch's monitoring work to determine the situation of conscientious objectors and those who are obliged to perform compulsory military service. The graphs in the report are based on the data obtained within the scope of this monitoring study.

<sup>1</sup> Second Section 39437/98, 24.01.2006





The first part of the report addresses the right to conscientious objection in international human rights law, national legislation and practice. The second part includes assessments on the impact of violations of the right to conscientious objection on the restriction of freedom of movement and violation of the right to work. The second part also includes the personal stories of 7 conscientious objectors in order to comprehend the effects of the non-recognition of the right to conscientious objection on the restriction of freedom of movement and violation of the right to work of conscientious objectors.



# 3. A BRIEF OVERVIEW OF THE RIGHT TO CONSCIENTIOUS OBJECTION

## Conscientious Objection in International Human Rights Law

The right to conscientious objection to military service is based on freedom of thought, conscience and religion, which is protected under Article 18<sup>2</sup> of the Universal Declaration of Human Rights, Article 18<sup>3</sup> of the International Covenant on Civil and Political Rights and Article 9<sup>4</sup> of the European Convention on Human Rights.

Turkey has ratified the main international human rights treaties under both the United Nations and the Council of Europe human rights protection mechanisms. International conventions, duly ratified and entered into force, have the power of law pursuant to Article 90/5 of the Constitution. Therefore, as a party to these conventions, Turkey is under the obligation to make regulations to protect and safeguard the right to conscientious objection to military service.

### <sup>2</sup> Universal Declaration of Human Rights, Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

### <sup>3</sup> International Covenant on Civil and Political Rights, Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

### <sup>4</sup> European Convention on Human Rights, Article 9:

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

## Conscientious Objection in National Legislation and Practice

In national legislation, refusal to perform military service for reasons of conscience is not regulated as a right. However, according to Article 24 of the Constitution, *"Everyone has the right to freedom of conscience, religious belief and conviction. No one shall be compelled to worship, or to participate in religious rites and ceremonies, or to reveal religious beliefs and convictions, or be blamed or accused because of his religious beliefs and convictions."* According to Article 25 of the Constitution, *"Everyone has the freedom of thought and opinion. No one shall be compelled to reveal his/her thoughts and opinions for any reason or purpose; nor shall anyone be blamed or accused because of his/her thoughts and opinions"*. Conscientious objection is a right arising from freedom of 'religion and conscience' and freedom of 'thought and opinion'. These rights are protected by the Articles 24 and 25 of the Turkish Constitution.

Article 4 of the 2019 Law on Military Service<sup>5</sup> states that military service is compulsory. According to Articles 3 and 5 of the same law, military service is compulsory for every male between the ages of 20 and 41 and its duration is six months for conscripts and privates and twelve months for reserve officers and reserve non-commissioned officers.

The Law on Military Service includes provisions on the tracking of draft evaders<sup>6</sup> and evaders<sup>7</sup> and the administrative fines to be imposed on them. The administrative fines are based on a directive that is not accessible to citizens on the grounds that it is 'service specific'.<sup>8</sup> As a result of the GBT (General Information Gathering- law enforcement database) inquiries made about individuals in accordance with this directive, a record is issued by the police or gendarmerie and this process can take place repeatedly. After the administrative fine is finalized, criminal proceedings are initiated under the Military Penal Code. After the first fine is finalized, each record leads to a new criminal case.

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<sup>5</sup> Law No. 7179 on Military Service was adopted on June 25, 2019 and published in the Official Gazette No. 30813 on June 26, 2019.

<sup>6</sup> **Draft evader:** Those who do not take their roll call within the roll call year to which they are subject.

<sup>7</sup> **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.

<sup>8</sup> GBT records are kept in accordance with the Directive on Information Collection issued by the Ministry of Interior's Department of Smuggling, Intelligence, Operations and Information Collection (KİHBI) dated 29.03.2005 and numbered B05KDH-73-23-71.

As can be seen from the detailed diagram in the Conscientious Objection to Military Service in Turkey Report, persons who are considered obliged to perform military service, including conscientious objectors, may be fined more than once as a result of the records.<sup>9</sup>

Under Article 26(1) of 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 and/ or released, given an official record, and asked to submit to the nearest Conscription Branch within 15<sup>10</sup> days under Article 36(2).

In this record, it is stated that the person is given a period of 15 days to go to the military branch and complete his military service procedures. Furthermore, according to Article 24(1) of the Law on Military Service, administrative fines are imposed on draft evaders and evaders. Administrative fines must be paid within one month of notification. If this fine is not appealed, it becomes final within 15 days. If the administrative fine is not appealed within 15 days or the appeal is rejected, this means that the administrative fine is finalized. Until the administrative fine is finalized, each new record kept about an evader/persistent evader means a new administrative fine.

Following the finalization of the administrative fine, criminal proceedings are initiated against the person, following the record issued during another identity check. The prosecution turns into a criminal case with the accusation of being a draft evader or evader. Even if any of the criminal cases result in a conviction, this does not prevent the initiation of a new criminal case against the person. In other words, an unlimited number of criminal cases can be opened against a person and criminal judgments can be issued endlessly. The ECtHR, in its judgment *Ülke v. Turkey*, considers the pressure of being prosecuted, tried and punished repeatedly and the constant risk of being punished as the starting point of the definition of 'civilian death'.

Since the European Court of Human Rights' 2006 judgment in *Ülke v. Turkey*, the Committee of Ministers of the Council of Europe has been monitoring the implementation of this and other

<sup>9</sup> 2021 Report on Conscientious Objection to Military Service in Turkey prepared by the Association for Conscientious Objection can be accessed at [https://drive.google.com/file/d/1OgQUzIHIEhMWZ\\_RfLfZRVnoniOo5\\_alw/view](https://drive.google.com/file/d/1OgQUzIHIEhMWZ_RfLfZRVnoniOo5_alw/view)

<sup>10</sup> The 15-day period is not in the law or regulation, but it is stated in the official records issued.



conscientious objection judgments through enhanced supervision procedure. However, the Turkish state continues to insist on not taking the necessary steps to guarantee the right to conscientious objection and to eliminate the human rights violations suffered by conscientious objectors. In 2020 and 2021, the content of the "action plans" on political and practical measures on conscientious objection submitted by the Government of Turkey to the Committee of Ministers under the enhanced supervision procedure clearly shows the government's tendency to ignore the right to conscientious objection. The latest action plans of March 31, 2020, August 5, 2021 and March 29, 2023 unfortunately did not provide concrete legal and practical measures on the right to conscientious objection to military service. In addition, the recent legislative amendments regarding the 'paid military service' practice, which the government presents as an alternative to conscientious objection in its action plans, further normalizes the violations of rights and restrictions experienced by conscientious objectors.

In its informative letter to the Committee of Ministers on 28.09.2018, the Government stated that the option of "paid military service" constitutes an alternative in which eligible persons can be exempted from military service by paying a certain amount of money. In July 2022, with the law published in the Official Gazette, a change was made in the practice of paid military service, and persons who were draft evaders and evaders became eligible to benefit from the practice. However, as it stands, paid military service is incompatible with the nature of conscientious objection and does not constitute an alternative for conscientious objectors, as it requires joining a military unit for one month, obedience within the chain of command of the army, and wearing military uniform.

To summarize; the Turkish State continues to violate the right to conscientious objection by not only failing to legislate on the right to conscientious objection, but also by failing to fulfill the obligations arising from the international conventions to which it is a signatory. Due to the denial of the right to conscientious objection, conscientious objectors are considered "draft evaders", "evaders" or "deserters", and are subjected to administrative procedures and penalties as well as criminal proceedings, imprisonment and judicial fines. The right to education, the right to work, the right to vote and be elected, the right to a fair trial are violated, and the freedom of movement of conscientious objectors and conscripts is restricted. Individuals who do not want to perform compulsory military service are forced to live in conditions of civil death.

## 4. RESTRICTION OF FREEDOM OF MOVEMENT, VIOLATION OF THE RIGHT TO WORK AND CONSCIENTIOUS OBJECTION

The Turkish State's insistence on not recognizing and violating the right to conscientious objection has a direct impact on other categories of human rights, including the right to vote, the right to freedom of movement, the right to a fair trial, the right to education and the right to work.

According to the data obtained from Conscientious Objection Watch's monitoring activities on the situation of conscientious objectors and persons obliged to compulsory military service, 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 precarious work. These two categories directly affect the social and economic lives of conscientious objectors and multiply the impact of civil death on their lives.



*Militourism Festival, 2005, "Objector Greeting" street performance at İzmir Haydarpaşa Train Station.*

## 4.1 Violation of the Right to Work

The right to work is guaranteed by Articles 48 and 49 of the Constitution. According to Article 48 of the Constitution, *"Everyone has the freedom to work and contract in the field of his/her choice..."* and Article 49 states that *"Everyone has the right and duty to work."*

However, according to Article 41(2) of 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. According to Article 48(6) of the Law on Civil Servants, one must not be liable for military service in order to be employed as a civil servant.

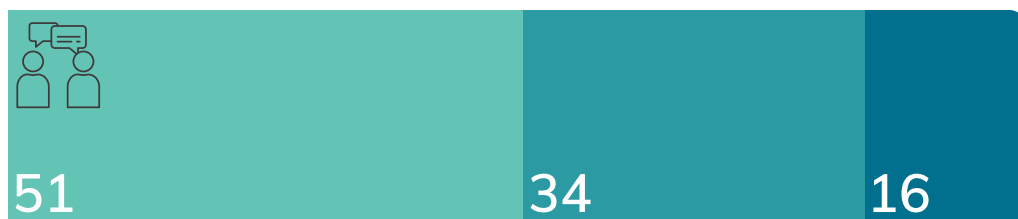
Article 75(1) of the Military Penal Code also sets out the sanctions for employers who fail to dismiss a person who is considered to be draft evader or evader. This article stipulates that employers who fail to terminate the employment of such persons upon notification from the government shall be punished by imprisonment of three months to one year, failing which the sentence shall be imprisonment of one to three years. This provision applies to the entire private sector as well as the public sector.

Due to the above-mentioned articles of law, it is not only impossible for people who have not fulfilled their military service, including conscientious objectors, to work in the public sector, but it is also highly problematic for them to work legally in the private sector. This situation leads to the violation of many people's right to work.

People who do not want to perform compulsory military service are often forced to work in unregistered conditions, often without social security, due to the sanctions in the above-mentioned articles of law. Or conscientious objectors who are already working are dismissed from their jobs when their workplaces are notified by the Ministry of National Defense. This situation poses a major problem in the economic life of conscientious objectors, draft evaders and evaders, and leaves them with no possibility to maintain their daily lives at a standard befitting human dignity.

**According to the data obtained as a result of the applications made to Conscientious Objection Watch, 56 people in 2021 and 47 people in 2022 stated that their right to work was violated due to their military obligation.**

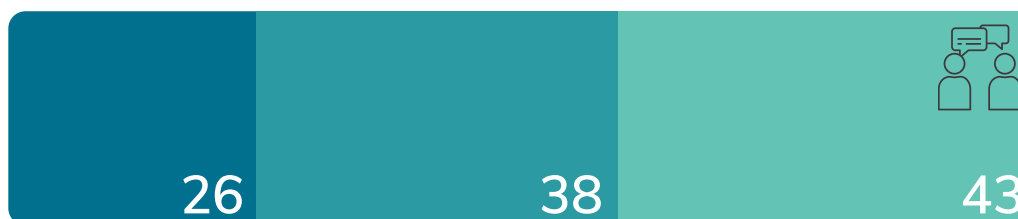
Among the applicants, there are many people who have been dismissed from their jobs due to obligation, who cannot work in the private sector with social security or who cannot work in public institutions. The data reveals that the most frequent violation of the rights of conscientious objectors and persons obliged to compulsory military service in the last two years is the violation of the right to work.



*According to the applications made to Conscientious Objection Watch, the right to work of a total of 56 people who are obliged to military service were violated in 2021. 51 of the applicants stated that they could not work with insurance, 34 stated that they could not work in public institutions, and 16 stated that they were dismissed from their jobs due to their compulsory military service. Most of the applicants stated that they were subjected to more than one violation of their rights at the same time.*

2021

2022



*According to the applications made to Conscientious Objection Watch, the right to work of a total of 47 people who were obliged to perform military service in 2022 were violated. Of the applicants, 43 stated that they could not work with insurance, 38 stated that they could not work in public institutions, and 26 stated that they were dismissed from their jobs due to their compulsory military service. Most of the applicants stated that they were subjected to more than one violation of their rights at the same time.*



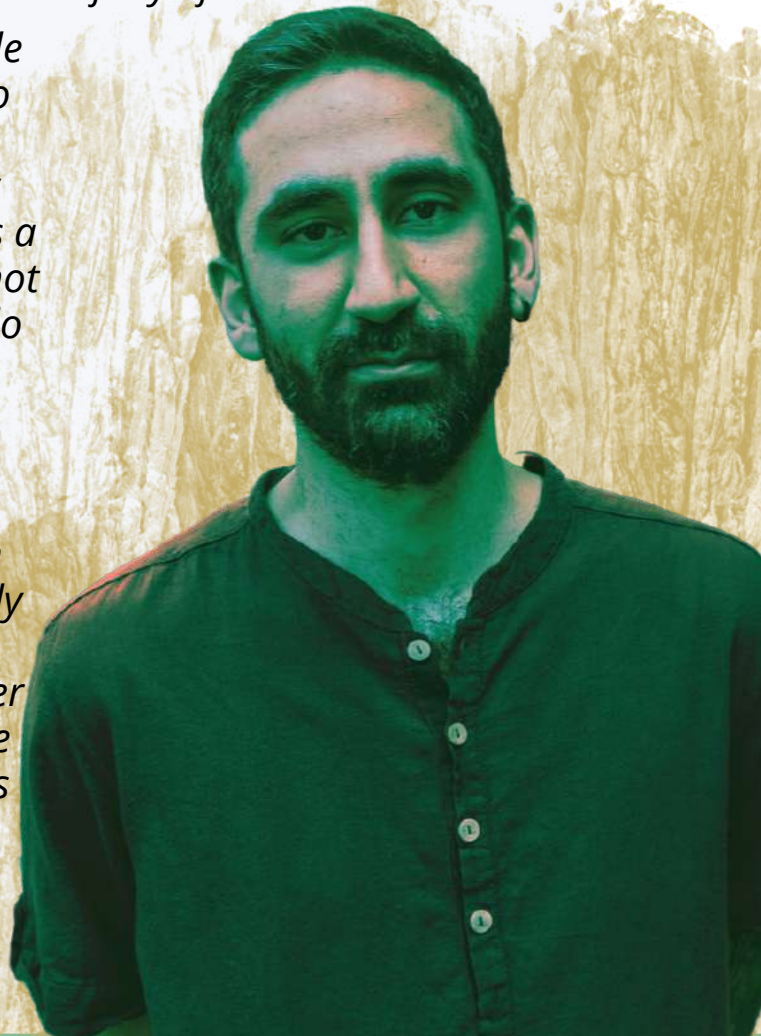
## 4.1.1 Experiences of Violation of the Right to Work

 **Seyda Can Yılmaz<sup>11</sup>**

*I am 33 years old. I declared my conscientious objection in December 2009, when I was a university student. When I was in high school, I learned about the experiences of Mehmet Bal, a conscientious objector, in a column. Later, I started to read about conscientious objection, especially about conscientious objectors in Turkey. I adopted conscientious objection as a way of expressing my objections to the world order in general and, in particular, to the militarist and patriarchal culture in Turkey. The motivation for my declaration was to make these objections a concrete part of my life.*

*Before July 2018, when I became liable for military service, I sent a petition to the Ministry of National Defense and the Turkish Grand National Assembly in late May 2018, declaring that I was a conscientious objector, that I would not do military service, and that I could do alternative civilian service. The state didn't react to my declaration of conscientious objection.*

*I can say that conscientious objection did not have much impact on my daily life, except for the fact that official records were issued many times under many different circumstances. For the first year, I refused to sign the records issued against me, which is why I sometimes had tense dialogues with police officers. After that, I gave up refusing to sign.*



<sup>11</sup> Seyda Can Yılmaz came across to GBT checks 14 times between 2018 and 2020, and the same number of records were issued against him. Yılmaz has an individual complaint to the Constitutional Court for violation of his right to conscientious objection, which is still pending. Seyda Can Yılmaz's statement of conscientious objection can be accessed at <https://vicdaniret.org/seyda-can-yilmaz/>

*In the summer of 2018, I was working as an insured employee when I became an evader. In November 2018, I voluntarily left my job. Since I knew that employing an evader was a crime and that the institution I worked for would eventually be warned, I preferred to work unregistered afterwards. I was using my mother's account to receive my salary. In January 2022, at my father's insistence, he registered me as insured in his company. In August 2022, the workplace received a warning. It was stated that it was a crime to employ a draft evader. They were given 2 months to dismiss me. In September 2022, I was dismissed. During this period, I was actually continuing my other unregistered job. I was only in my father's company on paper. Of course, during the time I was registered, my father had to send my salary to the account in my name. At that time I had a finalized administrative fine, but my account was not blocked.*

*Then I found a job abroad. I have been living and working outside Turkey since October 2022. I took this opportunity due to the poor economic situation in Turkey. If my living situation was better, I would have stayed in Turkey.*



Militourism Festival, 2004, Istanbul. Street performance at Haydarpaşa Train Station, "Objector Greeting".



## Hüseyin Civan<sup>12</sup>

*I am 36 years old. After working in publishing for a while, I have been working in short-term/temporary jobs for a long time. Because I am a conscientious objector, I cannot find a stable job. In 2015, I declared my conscientious objection. I made this declaration while I was liable to military service. Since the early 2000s, I have been aware of conscientious objection, antimilitarism and anti-war, and I have been reading about it and trying to follow the agenda in this field through different channels.*

*Although I declared my conscientious objection in 2015, I have tried to take part in the conscientious objection movement de facto since 2008. In 2009, I took part in the Initiative for Solidarity with Conscientious Objector İnan Suver in Izmir. In the following years, I was involved in the processes of conscientious objectors who were arrested for being conscientious objectors in different cities. I took part in the Platform for Conscientious Objection for Peace and later, in the Conscientious Objection Association.*



<sup>12</sup> Hüseyin Civan's conscientious objection statement can be accessed at <https://vicdaniret.org/huseyin-civan/>

*All these experiences and my political perspective were my main motivation for declaring my objection. However, the reason why I declared my conscientious objection, specifically in 2015, was the declaration of conscientious objection made by anarchist prisoner Umut Firat Süvarioğulları while he was in prison. I thought it was a good time to stand in solidarity with him and declared my refusal during the week of May 15th.*

*Declaring my conscientious objection or being in the antimilitarist movement had a great impact on the way I shaped my life. I was a university student when I came acquaintance this idea and movement. I had academic plans, I wanted to continue my education after my undergraduate education. However, I could not continue my academic life because I was obliged to perform military service and I was a conscientious objector. In the following years, I had similar experiences in my working life. Even with a bachelor's degree, I am in a position where I cannot work in state institutions. One of the first conditions required in the private sector is that I fulfill my military service obligation. This means working without insurance and informally... I have been trying to sustain my life and the life of my family in this way for a long time. Most of the jobs I worked are short-term. This turns into a constant job search. In other words, I am forced to work informally just because I am a conscientious objector.*

*Not only the restriction of my freedom to work, but also the restriction of my freedom to travel is one of the most frequent violations of my rights. As a simple example, sometimes even when I go to the grocery store, the GBT application I come across turns into an administrative fine for me. Of course, this depends on the mood of the person conducting the GBT. I have also encountered situations such as being kept waiting for a long time, being taken to the police station or the military branch and processed there. This is not only exhausting for me, it is also exhausting for my family who are with me during all these processes.*

*I have experienced difficulties in some state institutions. For example, a simple passport application<sup>13</sup> can turn into a process where you face insurmountable difficulties. In other words, if you are a conscientious objector, a process that is simple for anyone else can turn into a 1-2 hour ordeal for you. Not to mention the questions you are subjected to, the questioning glances, and the exhausting sentences.*

<sup>13</sup> Hüseyin Civan's passport application to the Beyoğlu Police Department in 2015 was unlawfully blocked. In order to issue a passport to Civan, who was listed as "evader" in the records, the Police Department demanded, without any legal basis, a confirmation letter from the conscription office, but refused to issue a passport after Hüseyin Civan refused to take the letter.  
<https://vicdaniret.org/beyoglu-emniyet-pasaport-subenin-vicdani-retciye-hukuksuzlugunu-belgeledik/>

*One of the biggest discrimination I experienced as a conscientious objector is the discrimination in working life, as I mentioned before. No matter how qualified you are or how talented you are in that job, the requirement to fulfill the military obligation ties your hands throughout your life. I had to quit a job with a family friend of ours because of the "penalty for employing someone who has not performed their military service." In other words, the state is telling us that you cannot work in a registered way, you cannot benefit from insurance. This is discrimination not only against me but also against my family.*

*A declaration of conscientious objection is not just a small text that a person writes or reads at one point in his/her life. It is the beginning of a process that will profoundly affect the following years of one's life. But it is also a declaration of being in favor of life, peace and freedom despite all these difficulties.*



15 May 2016, Diyarbakır. A protest organised in Tahir Elçi City Forest, which was prevented by the police.

06 Ocak 2016

ASYŞ 0410 – – 16 /Oly İşl.

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 yokumla 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

Baba ve Anne Adı

Doğum Yeri / Tarihi

Nufusa Kayıtlı Olduğu İlçe

Hüseyin CIVAN

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**TALİMAT**

1.1111 sayılı Askerlik Kanunu gereği Millî Savunma Bakanlığı tarafından yoklama kaçağı/bakaya olarak arandığıım 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 kanununun ilgili hükümleri gereği hakkımda cezai işlem uygulanacaktır. 06 Ocak 2016 / 17 30

**TEBLİĞ EDEN****HAZIRDA BULUNAN****TEBELLÜĞ EDEN****AÇIKLAMALAR**

1. Yoklama kaçağı, saklı ve bakayalar 1111 sayılı Askerlik Kanunu'nun 86 ve 89 ncu 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**

An official document issued against conscientious objector Hüseyin Civan on the charge of "being an evader".



## Mehmet Ali Başaran<sup>14</sup>

*I was born in 1983 in Trabzon. After living in Istanbul for 18 years, I returned to Trabzon in 2020. I work as a lawyer.*

*Since 2007, I have seen the concept of conscientious objection through experience; I have been closely following up the processes of conscientious objectors such as Enver Aydemir and İnan Suver. In 2013, when I was 30 years old, I declared that I would not serve in the military and I am a conscientious objector. I had two motivations for declaring my conscientious objection. The first was my beliefs. Compulsory military service is an imposition against my beliefs. At the same time, it is also related to my profession, there is serious unlawfulness and violation of rights in the Turkish Armed Forces. I declared my conscientious objection for these two reasons. I have been a draft evader since 2012.*

*Because of my draft evasion, I had to sign many official records issued against me. In some of them I refused to sign, in others I stated that I was a conscientious objector. Maybe I had to sign 10-15 times.*

*I was subjected to identity checks many times, some of them I had to show my lawyer ID because the lawyers I am a lawyer.<sup>15</sup>*

*An administrative fine was imposed on me, it was finalized. My bank account was blocked due to this fine. After this fine, a criminal case was opened against me on the charge of being a draft evader, I was tried and sentenced to five months imprisonment. I appealed, but it was upheld by the Court of Cassation. I then took my case to the Constitutional Court and made an individual application in 2019.*



<sup>14</sup> Mehmet Ali Başaran's conscientious objection statement can be accessed at <https://vicdaniret.org/mehmet-ali-basaran/>

<sup>15</sup> Lawyers should be considered a public official during the performance of their duties and should be immune from ID checks in accordance with the Lawyers' Law, art.1.

*However, I don't think the Constitutional Court is an effective mechanism at all. In such cases, it may be possible to apply directly to the ECtHR without waiting for domestic remedies to be exhausted. I think the legal basis for this has already been established, there is no domestic remedy when it comes to the right to conscientious objection.*

*In 2018, the person I worked for with insurance was sent a notification from the Ministry of National Defense. At that time, we were also in a State of Emergency. After this notification, I was dismissed from my job. At that time, it was a place where I was insured as a formality, so it didn't cause much trouble in my own life, frankly.*

*But we have to say that this is an extraordinary pressure, an intervention in working life. Especially when it happens during the State of Emergency, it can become even more bothersome... Since employers do not want to fulfill their obligations, such as work ethics and ethics, arising from the Labor Law they can easily victimize people in a capitalist environment.*



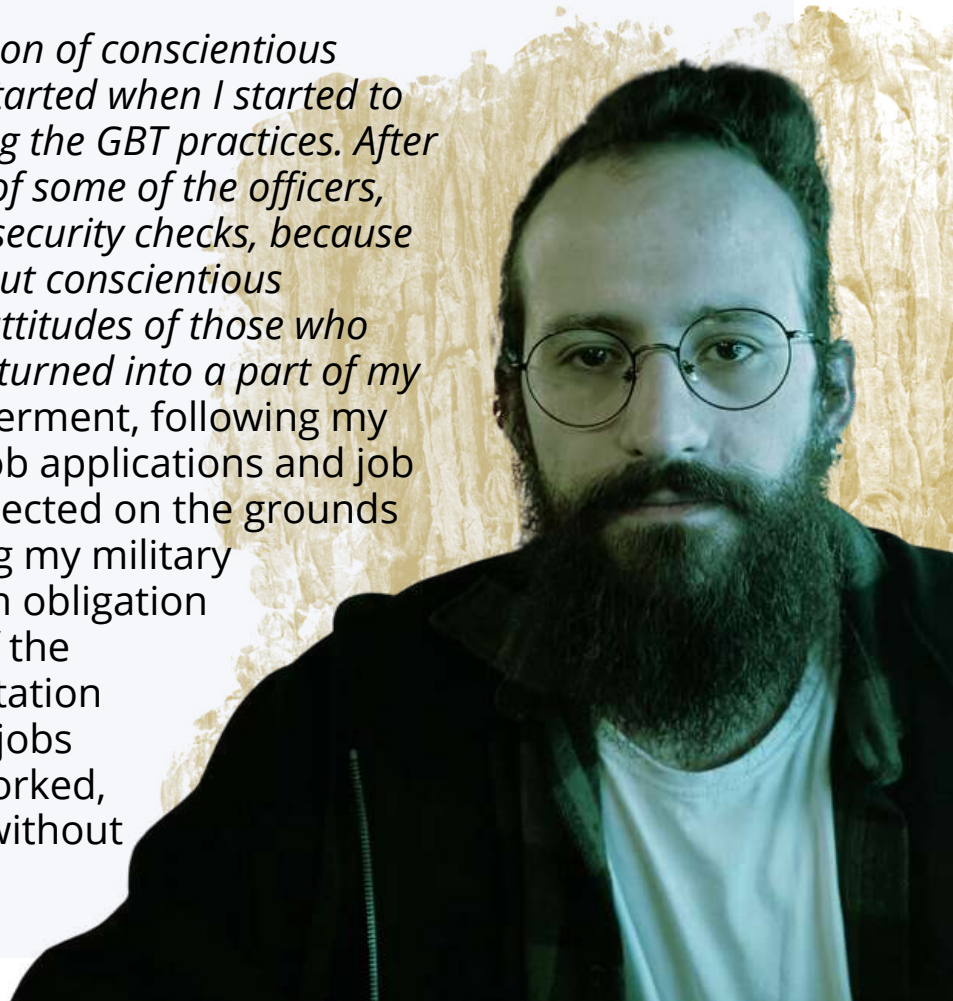


## Oğuzhan Şahin<sup>16</sup>

*I am 28 years old and a graduate of biology from the Faculty of Science and Literature. Since I was asked about my profession, I state my graduation because I could hardly exercise my own profession since I am a conscientious objector and haven't performed military service after graduation. I have been working in the alcoholic beverage and entertainment sector as a service staff/bartender in various places for 6 years.*

*I declared my conscientious objection for the first time on May 15, 2021 through the Conscientious Objection Association. At the time I declared my conscientious objection, there was a search warrant for being an evader for about 4-5 years. My motivation for declaring my conscientious objection was primarily the fact that I was not acknowledged as a conscientious objector, that constitutional regulations were not being implemented by the Republic of Turkey, and that I was being subjected to human rights violations as an individual.*

*The effects of my declaration of conscientious objection on my life first started when I started to express it, especially during the GBT practices. After a long time, the attitudes of some of the officers, who were conducting the security checks, because of lack of information about conscientious objection, and the harsh attitudes of those who had information about it, turned into a part of my life. After my military deferment, following my graduation, ended, my job applications and job interviews were often rejected on the grounds that I was not performing my military service or that there is an obligation to report the situation of the employee to the police station by the workplace. In the jobs I somehow found and worked, I was usually employed without insurance.*



<sup>16</sup> Oğuzhan Şahin's conscientious objection statement can be accessed at <https://vicdaniret.org/oguzhan-sahin/>



2011, Istanbul. A protest organised in solidarity with arrested conscientious objector Muhammed Serdar Delice.

*I could not find a job in either the academic or private sectors related to the program I graduated from. In fact, the situation regarding military service is clearly stated on the YÖK (the Council of Higher Education) website. In the private sectors, after I expressed my military service status, I received negative responses with various excuses. I worked for a while in 3-4 workplaces that did not question my military status and paid my insurance. After the Ministry of National Defense General Directorate of Military Service sent a notification to one of these workplaces where I worked as an insured employee for a year, I had to quit the job. The visual of this notification is attached. I was informed that if the employer continued to employ me, a criminal complaint would be filed for an investigation for the crime of 'employing an evader' under Article 75 of the Military Penal Code No. 1632, in accordance with Article 41 of the 7179 Conscription Law. Currently, I have been working as an insured employee for 1.5 years in a workplace. I had informed them about my situation and they stated that I could keep on working as registered until the day of possible notification. After the notification I would be able to continue working in the same workplace but unregistered, they said.*

*It is obvious that the current government will not take a step on conscientious objection. I think that if there is a possible change of political power in the upcoming elections, a step will be taken on this issue, but it will take a long time. I hope that this will pave the way for the channels of struggle for the right to conscientious objection.*

T.C.  
ADALAR KAYMAKAMLIĞI  
ADALAR İLÇE EMNİYET MÜDÜRLÜĞÜ

SAYI:

11.08.2021

KONU: Yoklama Kaçağı Tutanağı

TUTANAKTIR

1. Milli Savunma Bakanlığı kayıtlarında yoklama kaçağı/bakaya olarak aranan aşağıdaki kimliği yazılı yükümlü 11.08.2021 tarihinde kolluk kuvvetleri personeli tarafından yapılan uygulamada ele geçirilmiştir.
2. Yükümlüye 7179 sayılı Askerlik Kanunu gereği askerlik işlemlerinin tamamlattırmasına yönelik aşağıdaki talimat tebliğ edilmiştir.

TALİMAT

1. 7179 Sayılı Askerlik Kanunu gereği Milli Savunma Bakanlığı tarafından yoklama kaçağı/bakaya olarak arandığım tarafıma tebliğ edildi.
2. Askerlik işlemlerimi tamamlamak üzere kolluk kuvvetleri tarafından ele geçirildiğim tarihten itibaren 15 gün içinde eksik evrakımı/ yoklama neticemi askerlik şubesine getireceğim . Yoklama işlemlerinin 15 günü aşır olmasında askerlik şubesini bilgilendireceğim ve neticelenmesini müteakip en kısa sürede sonucu en yakın askerlik şubesine teslim edeceğim.
3. Bana tanınan süre içinde en yakın askerlik şubesi başkanlığına başvurarak işlemlerimi tamamlattırmamam durumunda Askerlik Kanunu ve Askeri Ceza Kanununun ilgili hükümleri gereği hakkımda cezai işlem uygulanacaktır.

TEBLİĞ EDEN

Polis Memuru

HAZIR BULUNAN

Ç.M.B.

TEBELLÜĞ EDEN  
OĞUZHAN ŞAHİN

YAKALANAN ŞAHSA AİT

TC KİMLİK NUMARASI:

TELEFON NUMARASI:

## 4.2 Restriction of Freedom of Movement

According to Article 23 of the Constitution, "*everyone has the freedom of settlement and movement*". However, although there is no clear and definite restriction on the freedom of movement of draft evaders or evaders, in practice their freedom of movement is restricted.

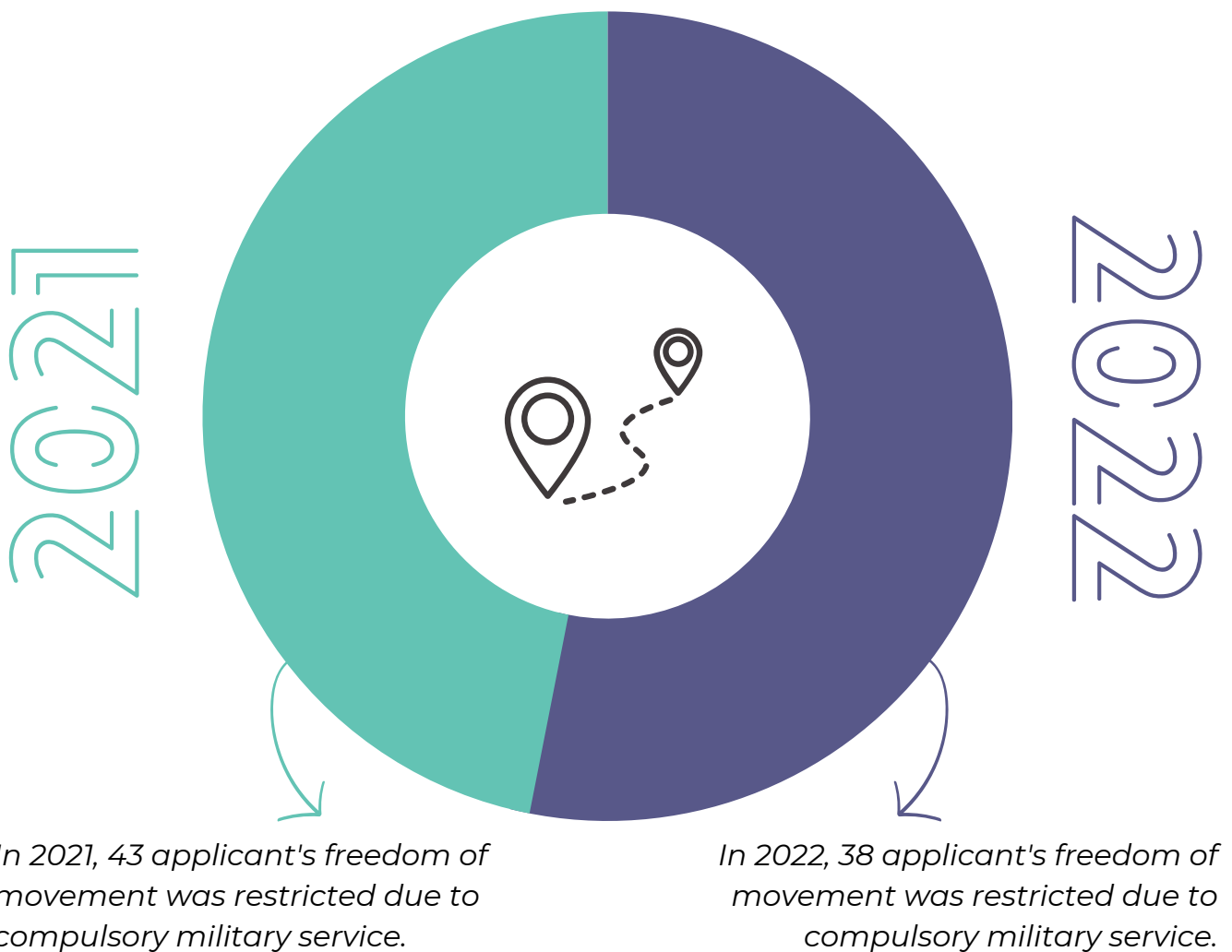
In practice, Article 26 of the Military Service Law, entitled "Follow-up of draft evaders and evaders", leads to the problem of restricting the freedom of movement of conscientious objectors, draft evaders and evaders. In Turkey, the frequent GBT practices on both urban and rural routes clearly prevent these individuals from being able to travel freely.

As stated in the second section titled "*Conscientious Objection in National Legislation and Practice*", during the identity check practice known as General Information Collection (GBT), 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. These security checks are also carried out in hotels or similar accommodation centers, which are obliged to report this information to the police according to Identity Reporting Law, No. 1774. 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. Conscientious objectors 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 the data obtained as a result of the applications made to Conscientious Objection Watch, 43 people in 2021 and 38 people in 2022 stated that their freedom of movement was restricted due to their military obligation.** Most of the applicants stated that they were subjected to multiple rights violations at the same time.

This data reveals that freedom of movement is the second most common violation/restriction of rights faced by conscientious objectors and persons under compulsory military service in the last two years.

In interviews conducted during the preparation of this report, many conscientious objectors stated that they had to change their lifestyles in order to avoid identity checks during travel or accommodation.



## 4.2.1 Experiences of Restriction of Freedom of Movement

 **Ersan Uğur Gör<sup>17</sup>**

*I am 46 years old. I work as an art director and graphic designer. I declared my conscientious objection on May 14, 2004.*

*At that time my deferment had just ended or was about to end. I have an anti-militarist point of view. I strive to live a life free from violence and hierarchy. Therefore, it was not possible for me to perform military service.*

*My legal status is draft evader. I don't know the number of records, it must have been issued 15-20 times. Mostly I come across these security checks in traffic. Sometimes, because the police or gendarmerie do not have a form to fill, we need to go to the nearest police station.*

*Once the officer did not know about the procedure and they took me to the conscription office. The police don't want to deal with this issue too much. At a traffic check, a policeman told me, "Tell the police your status before they check your GBT, so they don't issue a record." I tried this tactic and it worked 5-6 times. They said "OK, pass".*

*I have always had problems with travel and accommodation. It has been almost 20 years since I declared my conscientious objection.*



<sup>17</sup> Ersan Uğur Gör's conscientious objection statement can be accessed at <https://vicdaniret.org/ersan-ugur-gor/>



*Militourism Festival, 2004, Istanbul. Street performance "Objector Greeting" at Haydarpaşa Train Station, conscientious objector Ersan Uğur Gör.*

*When I go to other cities for work, the customers book hotels, but I explain my situation and stay without registering. I don't mind being issued a record, but I don't prefer to be dragged out of bed in the middle of the night. For this reason, I prefer not to stay in hotels as much as possible.*

*I have come across GBT checks at places like bus stations and airports. I mostly travel with my own vehicle and I am often subjected to GBT checks in traffic.*

*When we declare our conscientious objections, we make this decision knowing the violations of rights and the penalties that may happen to us. In this respect, I must state that I do not regret it. Of course, we will continue to fight for the elimination of sanctions.*



## Gökhan Soysal<sup>18</sup>

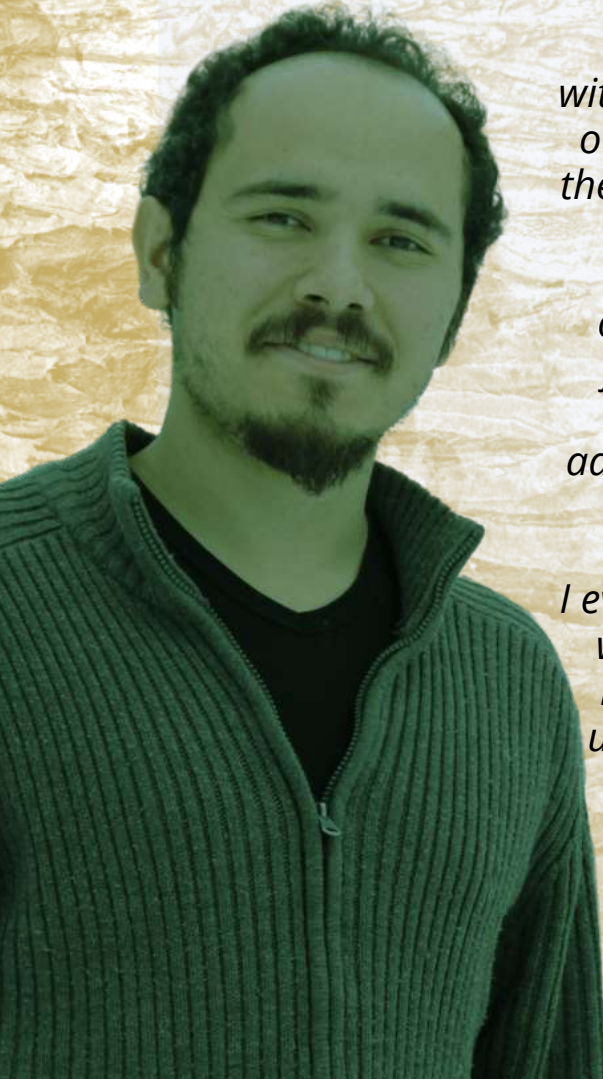
*I am 30 years old, I am a lawyer. I declared my conscientious objection in 2013. At the time I declared my conscientious objection, I was considered to be liable for military service. Since I was still studying for my undergraduate degree, I was automatically deferred. My main motivation for declaring my conscientious objection is that I do not want to join the army, which is one of the biggest sources of nationalism and militarism, and I do not want to pick up a gun.*

*The struggle for conscientious objection has been a struggle in which I have created and developed myself as an anti-war person. During my deferment period for undergraduate and graduate education, I did not face any problems because of not performing compulsory military service, but after my deferment ended, I started to experience problems because I travel a lot in and out of the city due to my profession as a lawyer.*

*As a lawyer and also one of the lawyers of conscientious objectors and anti-war activists with whom I was in contact, I frequently travel to other cities. Since I had to stay overnight during these trips, I was issued records many times as a result of GBT checks. As being a lawyer, I was relatively comfortable because I knew that the outcome of the records against me would be a fine until the administrative fine was finalized.*

*However, after I learned that I was given an administrative fine which was finalized, I started to experience difficulties during my travels.*

*I even hesitated to attend hearings in other cities where there was a high probability of a verdict hearing, except in cases where my clients were under arrest. When I traveled out of the city for these hearings, I tried to stay at my friends', if any, or in the places of acquaintances of the clients. I had to stay in the apartments of people I did not know at all. In case of GBT checks on the road, I tried to pass the controls by using my lawyer ID.*



<sup>18</sup> Gökhan Soysal's conscientious objection statement can be accessed at <https://vicdaniret.org/gokhan-soysal/>



*When I traveled to metropolises such as Ankara and Izmir, I tried to avoid the controls that might arise from military status by traveling by plane or high-speed train instead of by bus.*

*Due to the Covid-19 outbreak, HES code (online health tracking system) inquiries started to be made in public institutions and organizations. This inquiry was done by glancing at the code on your mobile at first however it turned into checking your HES code through tablets the security personnel carries at the entrance of the institutions. Nevertheless, the gendarmes responsible for security issues at the prison entrances were checking the HES code through a GBT check. Due to the fear of a possible criminal case against me, I could not visit my clients in prisons for a long time until the COVID restrictions were lifted. In the city I live, I tried to stay away from places where GBT would be carried out. I tried not to be seen or to pass with my lawyer ID when I had to, where I could not stay away.*

*I do not know how many records were issued against me, but I estimate about 10. Some of these records were issued in hotels and similar places where I had to stay because of the necessity to travel out of the city. Once, both the police and the gendarmerie issued records against me, within 5 minutes apart. Some of the records were issued especially while traveling by intercity buses. During the preparation of some of the records, especially when I was traveling by bus, I was taken off the bus. I was never taken to a police station or a conscription office during the record issuing. However, since I already knew that records would be issued if I register the hotels within working hours, I tried to check in after these hours to prevent any possible problems. On intercity bus journeys, I did not experience bigger problems since the law enforcement officers did not want to bother themselves. The remaining records were issued during my prison visits.*

*I have an individual complaint before the Constitutional Court. I think that it should be concluded positively since I am a lawyer. On the other hand I think that the Constitutional Court is not an effective mechanism since it hasn't made any positive or negative conclusion on conscientious objection for nearly 10 years. In fact, since conscientious objectors have been suffering violation of rights in this process, I see the Constitutional Court as the main responsible for this situation.*

I.C.  
KAYMAKAMLIĞI  
İlçe Emniyet Müdürlüğü

KONU: Yoklama Kaçağı / Bakaya Tutanağı

26 / 11 / 2019

Saat: 11 35

TUTANAKTIR

- 1- Milli Savunma Bakanlığı kayıtlarında yoklama kaçağı / bakaya olarak aranan aşağıda kimliği yazılı Polis / Çarşı ve Mahalle Bekçisi tarafından yapılan uygulamada ele geçirilmiştir.
- 2- Yükümlüye 1111 sayılı Askerlik Kanunu gereği en yakın Askerlik Şubesine başvurması ve askerlik işlemlerinin tamamlattırmasına yönelik talimat tebliğ edilmiştir.

TALİMAT

- 1- 1111 Sayılı Askerlik Kanunu gereği Milli 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 Şubesine başvuracağım. Başvururken yanımda 2 adet vesikalık fotoğraf, T.C. kimlik kartım, mezuniyet ve varsa bonservis ve hastalıklarına ait belgeleri götüreceğim.
- 3- Bana tanınan süre içinde en yakın Askerlik Şubesi Başkanlığına başvurarak işlemlerimi tamamlattırmadığım takdirde 1111 sayılı Askerlik Kanunu ve 1632 Sayılı Askeri Ceza Kanununun ilgili hükümleri gereği hakkımda cezai işlem uygulanacaktır.

TEBLİĞ EDEN

Sicil

İmza:

HAZIR BULUNAN

Sicil :

İmza :

TEBELLÜĞ EDEN ve YAKALANAN SAHIS

T.C.

Adı-Soyadı : Gökhan SOYSAL

vicdanî Retayim

İmza :

Yakalandığı Mahalle :

Yakalandığı Sokak : Sağlık/Çarşı Mev. Dur.

AÇIKLAMALAR :

- 1- Yoklama kaçağı, saklı ve bakayalar; 1111 Sayılı Askerlik Kanununun 86 ve 89'uncu maddelerinin hükümlerine göre idari para cezası ile cezalandırılır.
- 2- Hak **An official document against conscientious objector Gökhan Soysal on the charge of** yoklama kaçağı ve bakaya suçlarından ne **"being an evader"** emel cezalandırılmak üzere Cumhuriyet Başsavcılıklarına sevk edilir.



*I am 35 years old, a musician. I declared my conscientious objection in January 2013. I was performing military service at the time.*

*When I was 17-19 years old, I remember being introduced to the concept of conscientious objection for the first time through the news about Mehmet Tarhan, and a column by Perihan Mağden, and a pamphlet I came across in the bookshelf of a high school teacher (a libertarian who has a perspective outside the official ideology) whose book I borrowed.*

*In the summer of 2018, when I was in the process of applying for a visa for a concert in Germany. While filling in the document required for the visa, I was asked "Can you wait here for a while?" and was shown a corner. They called the police. The police took me to the recruitment office. I had consulted my lawyer on the phone, learned about my rights and did not start the procedures. I wrote on the papers handed to me that I was a conscientious objector and that there should not be compulsory military service in this country and that I refused to sign. I was advised to surrender within 15 days and I left the office.*

*In addition, the possibility of being subjected to GBT while traveling makes me less likely to travel, and I don't think much about plans that involve going out of the city I live in. I do not prefer hotels/hostels for accommodation for the same reason.*

*Another interesting anecdote: I always approach the entrances of subway stations with caution because of the police officers who are often present at the entrances to conduct ID checks. It does not hinder my ability to get around the city, but it is a bit inconvenient and makes me think cautiously about it all the time.*

*Likewise, most of the time, I prefer to pass through streets where there are no police, and if necessary, I will take a detour. I may have developed analytical thinking skills to avoid being subjected to authority in this country and I may have become a good marcher.*

<sup>19</sup> Conscientious objector B.Ş. did not prefer his name to be explicitly included in the report due to security concerns.

*I have been issued records more than five times. I came across these procedure while staying in a guesthouse, as a result of an ID check while walking on the road, as a result of an ID check by the police at the entrance of the courthouse where I went for something else, while trying to get a visa, after entering a building at risk of collapse during the 2020 Izmir earthquake to see if any animals were trapped. I was taken to the recruitment office once during this recording process.*

2004, Izmir. 15 May International Conscientious Objectors Day protest.



## 5. CONCLUSION

As a result of the Turkish State's insistence on non-recognition of the right to conscientious objection to military service as a human right, it is in clear violation of its obligations under many international human rights treaties to which it is a signatory. Failure to recognize the right to conscientious objection and ignoring conscientious objectors causes them to be subjected to numerous restrictions and violations of their rights, and paves the way for violations to turn into civilian deaths.

The deprivation of social, economic and political rights of conscientious objectors makes civilian death unbearable in their lives. Especially since the last few years, there has been a significant increase in the number of conscientious objectors who are considering leaving their country of residence and traveling abroad due to the civilian death 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.

The Turkish State's policy of ignoring/rejecting the right to conscientious objection increases the restrictions and violations to which conscientious objectors are subjected throughout their lives. Although the two categories covered in the report are restriction of freedom of movement and violation of the right to work, many conscientious objectors are subjected to multiple rights violations at the same time. Conscientious objectors whose right to education, right to vote, right to fair trial, right to work are violated, or whose freedom of movement is restricted, are clearly subjected to multiple forms of discrimination.

A policy change regarding the right to conscientious objection is necessary in order to eliminate the conditions and consequences of civilian death experienced by conscientious objectors.

The scope of the policy change essentially consists of the implementation of the law, that is, the realization of the fundamental rights and freedoms protected by the Constitution and the fulfillment of the requirements of international human rights mechanisms.

In addition, monitoring and documenting the violations experienced by conscientious objectors and their current situation, creating a solidarity network among conscientious objectors to increase the exchange of information and experience, and developing cooperation with international anti-war and conscientious objector organizations will help to keep the right to conscientious objection on the agenda in such a period.



Conscientious  
Objection  
Watch



European  
Bureau for  
Conscientious  
Objection



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IFOR INTERNATIONAL FELLOWSHIP  
of RECONCILIATION

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## **TURKEY: THE MULTIPLIER EFFECT OF THE VIOLATION OF THE RIGHT TO CONSCIENTIOUS OBJECTION**

### **RESTRICTION OF CONSCIENTIOUS OBJECTORS' FREEDOM OF MOVEMENT AND VIOLATION OF THEIR RIGHT TO WORK**



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