



International Fellowship of Reconciliation

Human Rights Council, 29th Session
26th June 2015

Agenda Item 6: Adoption of the UPR Report on Turkey

Delivered by **Derek BRETT**

Contact email: derek.brett@ifor.org

Among the “questions in advance” received by Turkey before the UPR Working Group in January, was one from Germany, which read, “What measures is the State of Turkey taking in order to implement the concluding observations of the UN Human Rights Committee and the verdicts of the ECHR with regard to conscientious objection?” To the Human Rights Committee's concluding observations and verdicts of the European Court of Human Rights on this issue¹ could well have been added the Views adopted by the Human Rights Committee in the cases of Atasoy and Sarkut.²

In the Working Group itself, Turkey offered no reply to this question, nor to the recommendations regarding conscientious objection to military service it received from Germany, Slovenia and Croatia, which it indicated, without explanation, “did not enjoy its support”.³

Turkey is now the only State in the entire Council of Europe area not to acknowledge the right of conscientious objection to military service, and following the law passed this month in Belarus only one other State in the region, Azerbaijan, has made no legislative provision for an alternative civilian service for conscientious objectors.

Turkey has notoriously failed to implement any of the numerous judgements of the European Court of Human Rights on this issue, let alone the decision of the Human Rights Committee we have already mentioned. Osman Murat Ülke, because of his refusal of military service back in 1993 continues to live in the state which the European Court in 2006 described as of “civil death” and found to constitute cruel, inhuman and degrading treatment, in violation of Article 3 of the European Convention.⁴

When Turkey delivered its initial report under the ICCPR in October 2012, the Human Rights Committee's concluding observation on the subject of conscientious objection to military service was one of the four on which Turkey was asked to make a follow-up report within twelve months – the only time this issue has ever been among those selected by the Committee for such special attention. Sadly, despite the encouraging noises made by the head of delegation during the dialogue with the Committee, the eventual response was a single sentence indicating that no action in this field was contemplated.⁵

The International Fellowship of Reconciliation sincerely hopes that the Government which emerges from the general election earlier this month will at last give urgent attention to remedying this

¹ European Court of Human Rights, Deuxième Section, *Affaire Ercep v Turquie (Requête n° 43965/04)*, Arrêt, 22 novembre 2011 (full text available in French only); European Court of Human Rights, *Case of Feti Demirtas v Turkey*, Application No. 5260/07, Chamber Judgment of 17 January, 2012; European Court of Human Rights, *Case of Savda v Turkey (application no. 42730/05)*, Chamber Judgment of 12th June, 2012; European Court of Human Rights, Deuxième Section, *Affaire Buldu et autres v Turquie (Requête n° 14017/08)*, Arrêt, 3 juin 2014 (text available in French only).

² Views adopted by the Human Rights Committee at its 113th session (16 March–2 April 2015), Communication No.2218/2012, *Zafar Abdullayev v Turkmenistan* (CCPR/C/113/D/2218/2012) published on 19th May 2015. ad

³ A/HRC/29/15, 13th April 2015, paras 151.12, 151.13 and 151.14.

⁴ European Court of Human Rights, Chamber Judgement, Second Section, *Ülke v Turkey* (Application no. 39437/98) 24 January 2006

⁵ INT/CCPR/AFR/TUR/18277, 22nd July 2014, last sentence.