

# TURKEY

## CRC OPTIONAL PROTOCOL (ARMED CONFLICT)

### **RESERVATIONS AND DECLARATIONS**

*(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)*

#### Declarations:

"1. The Republic of Turkey declares, in accordance with Article 3 (2) of the Optional Protocol, that military service is compulsory in Turkey, however Turkish citizens are not subjected to compulsory military service before reaching the legal age of maturity. In accordance with the Turkish Military Code, military service begins on 1st January of the twentieth age; in cases of mobilisation and state of emergency, individuals who are liable to military service may be recruited at the age of 19.

There is no voluntary recruitment in Turkey.

However, Article 11 of the Military Code envisages a voluntary recruitment for navy and gendarmerie classes and non-commissioned officers at a minimum age of 18. Nevertheless, this article, which is in compliance with the age regulation of the Optional Protocol, is not applied in practice.

Students of military schools, who are exempted from the Optional Protocol according to Article 3 (5) of this protocol, are not subjected to compulsory military service. Under the Turkish legal system, such students are not considered as "soldiers" and are not held liable for "military service".

2. Admittance to the military high schools and preparatory non-commissioned officer schools is on a voluntary basis, depending on success in the entrance examinations and with the consent of parents or legal guardians. Students who have completed their primary school education and enrolled into such schools at a minimum age of 15 can quit them at any time if they so wish."

#### Reservations:

"The Republic of Turkey declares that it will implement the provisions of the existing Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

The Republic of Turkey declares with regard to Article 3 (5) of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict that the reservation it made to Article 29 of the Convention on the Rights of the Child, which is referred to in the said paragraph of the Optional Protocol, fully retains its validity."

## **OBJECTIONS MADE TO STATE PARTY'S RESERVATIONS AND DECLARATIONS**

**Cyprus, 1 July 2008**

With regard to the declaration made by Turkey upon ratification:

"The Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, (New York, 25 May 2000), on 4 May 2004, in respect of the implementation of the provisions of the Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Protocol and raises doubt as to the commitment of Turkey to the object and purpose of the Convention on the Rights of the Child and of the said Protocol. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

This reservation or the objection to it shall not preclude the entry into force of the Convention on the Rights of the Child or the future entry into force of the said Protocol between the Republic of Cyprus and the Republic of Turkey."

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### Note

On 29 July 2004, the Secretary-General received from the Government of Cyprus, the following communication with regard to the declarations made by Turkey upon ratification:

"The Government of the Republic of Cyprus has examined the declaration made by the Government of the Republic of Turkey to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, (New York, 25 May 2000), on 4 May 2004, in respect of the implementation of the provisions of the Optional Protocol only to the States Parties which it recognizes and with which it has diplomatic relations.

In the view of the Government of the Republic of Cyprus, this declaration amounts to a reservation. This reservation creates uncertainty as to the States Parties in respect of which Turkey is undertaking the obligations in the Protocol and raises doubt as to the commitment of Turkey to the object and purpose of the Convention on the Rights of the Child and of the said

Protocol. The Government of the Republic of Cyprus therefore objects to the reservation made by the Government of the Republic of Turkey to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

This reservation or the objection to it shall not preclude the entry into force of the Convention on the Rights of the Child or the future entry into force of the said Protocol between the Republic of Cyprus and the Republic of Turkey."

*(Note 12, Chapter IV.11b, Multilateral Treaties Deposited with the Secretary-General)*