**Teachers and Students’ Freedom of Opinion and Expression in Turkish Academia**

**Submitted to:** Special Rapporteur on freedom of opinion and expression

**Submitted by:** Maat for Peace, Development and Human Rights (an organization in special consultative status with the UN Economic and Social Council).

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* **Information Related to The International and Regional Legal Framework that Regulates Academic Freedom**

Academic freedom is a measure of how much governments respect basic human rights, and it provides for ensuring the independence of academic institutions and the independence of their members from the governments of different countries. The state should not interfere with educational and academic institutions, and must guarantee the academic freedom of its members, such as professors, students and other staff members, to express their different opinions. Academic freedom also includes the freedom to teach ideas and discuss them in a scientific framework, along with the independence of scientific research of governments’ politics while observing the rule of different scientific standards in academic practices related to the independence of scientific research.[[1]](#footnote-1)

International laws and covenants stipulate the fundamental importance of the right to education and the important role of academic freedom in achieving this right. In this context, the right to education is reflected in Article 26 of the Universal Declaration of Human Rights, which stipulates that everyone has the right to education and that education shall be free and compulsory, at least in the elementary and fundamental stages, in a manner that guarantees the promotion and development of human rights and fundamental freedoms, indicating the necessity of providing an atmosphere of openness and transparency to discuss thoughts and opinions, so that the desired development of the individual’s personality can be achieved. Therefore, academic freedom is the only way for realizing the previously mentioned atmosphere.[[2]](#footnote-2) In this context, Article 13 of the International Covenant on Economic and Social, Economic and cultural Rights indicates the importance of free education in preserving basic human rights, in a way that directly guarantees the academic freedom of individuals and institutions concerned[[3]](#footnote-3).

In this regard, the Committee on Economic, Social and Cultural Rights said that academic freedom and the implementation of the right to education are clearly linked together. As the right to education is only accessible unless accompanied by academic freedom for employees, students and educational institutions. The Committee also believes that academic freedom includes the individual rights of teachers and their students, especially the right to express their opinions about the academic system and discuss it freely, along with the autonomy of the academic institutions in which they are working[[4]](#footnote-4). The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education1988 stressed that each member of the academic community must fully enjoy their rights to freedom of thought and expression and that scientific research must be independent, in the framework of observing the different practical and professional rules.[[5]](#footnote-5)

At the regional level, the proposed European Union constitution states that guaranteeing academic freedom is necessary, and the different policies of the European Union guarantee academic freedom for educational institutions in scientific research,[[6]](#footnote-6) and Article 10 of the Charter of Fundamental Rights of the European Union provides for the right of individuals to receive education while Article 14 of the same Charter provides for the independence of educational institutions and the freedom to establish them within the framework of following the internal laws of states[[7]](#footnote-7). Moreover, the first protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms states in its 2nd Article that everyone has the right to receive free education[[8]](#footnote-8), while The Framework Convention for the Protection of European National Minorities states in Article 12 that national minorities in European countries shall receive education within an environment that fosters communication between members of the educational system in institutions.[[9]](#footnote-9)

In this vein, the European Council recommended its members to make sure of the quality of education, although the recommendations of the Council are not legally binding on member states, but states have to take them into account when developing various educational policies. This recommendation aims to ensure that governments do not interfere in the educational process in European countries and urges states to encourage academic freedom and non-discrimination in providing education, in a manner that guarantees and enhances the quality of European education[[10]](#footnote-10). Despite these various legal guarantees, academic freedom in international and regional covenants still requires additional article. It is worth noting that mentioning legal articles that protect academic freedom does not mean they are really protected in reality, as stating rights in law means that they are obtained only by the actual practices of the countries, and this questionnaire focuses mainly on academic freedom in **Turkey**.

* **Information Related to Local Regulatory Frameworks applied to the Protection or Limitations of Academic Freedom in Turkey.**

On the national level, and in Turkey, Article 42 of the Turkish Constitution states that it is not permissible to teach any language other than Turkish as a mother tongue to Turkish citizens in any of the training or educational institutions, and Article 3 of the Constitution states that Turkish is the state’s official language, and these articles prohibit the use of the Kurdish language in the Turkish educational system, which represents an inherent discrimination against the Kurdish language and culture at all levels of education,[[11]](#footnote-11) while the second paragraph of Article 42 of the Constitution allows the teaching of foreign languages ​​in Turkish training and education institutions for the three recognized minorities in the Treaty of Lausanne; Armenians, Greeks, and Jews[[12]](#footnote-12), which gives the Turkish government the right to specify educational articles aiming for teaching the history of other ethnic minorities and represents a constraint on their various cultural dimensions. These articles also allow the exercise of restrictions on the intellectual and academic freedom of Turkish Kurdish institutions as the largest unrecognized Turkish ethnic minority, as well It allows the state to intervene to impose restrictions on educational institutions and policies in teaching some Kurds-related scientific subjects, constituting an interference in the scope of its work and threatening academic freedom in it.

In this context, Article 30 of the Turkish Constitution allows the Turkish government to control and crackdown individuals’ academic freedoms, since part of the article provides for punishing members of the teaching staff and the various academic institutions in the event of participation in organizing activities against the independence of the state which jeopardizes the sovereignty of the Turkish nation without clarifying the kind of these activities, whether in the Turkish law or constitution, which allows the government to monitor the activities of academic institutions and individuals under the pretext of preserving the Turkish national security.[[13]](#footnote-13) In the same framework, Turkish academic institutions are being closed and their members are getting arrested for allegedly joining terrorist groups while legitimizing such acts under this article of the Turkish constitution.

Scientific research and maintaining its independence in Turkey is subject to both the Turkish Higher Education Council and the Higher Education Law No. 2547, and each of them allows the restrictions on the independence of Turkish academic educational institutions. The Council also strengthens the state’s grip over universities by selecting university presidents who are nominated then chosen by the state’s president, blocking the opposition access to high positions within the Turkish academic system, and in the same context, the Council of Scientific and Technological Research in Turkey excludes some academic figures from journal's editorial boards due to the intellectual affiliation to opposition policies[[14]](#footnote-14). In the context, the Turkish Education Law No. 2547 allows the Turkish government to exercise control over Turkish universities, preventing its functional and administrative independence, and despite some articles of this law give independence to some members of the academic system in Turkey, it remains, however, an ineffective right due to the Turkish government's policies that constantly targets academic institutions and its members.

* **Information Regarding the Impact of Restrictions on Academic Freedom in Turkey.**

The Turkish authorities target academic freedom in Turkey, whether through repressive policies or the speeches of members of the executive branch. In the period from January 2015 to January 2020, the investigations, mass arrests, prosecutions of members of the academic system and the crackdown on academic institutions resulted in shutting down 15 universities on grounds of alleged terrorism, displacing around 8 thousand academics and disrupting the studies of more than 58 thousand students, this is in addition to detaining 113 academics, banning 26 people from traveling and prosecuting 106 of them judicially, in addition to the enforced disappearance of 10 scientists.[[15]](#footnote-15)

The crackdown against academics began when the government arrested more than 2,000 scientists who signed a petition, known as "Academics For Peace", calling on the Turkish government to observe human rights standards in the southeastern part of Turkey, a region inhabited by the Kurds. Since then, the Turkish government pursuits and arrests the members of the Turkish academic community, especially the group of scientists who signed this document, and some of whom are released periodically and continuously in response to the demands of various human rights organizations.[[16]](#footnote-16)

Since July 2016, after the military coup and up to now, more than 800 accusations against academics have been submitted to the Turkish judiciary, resulting in prison sentences and penalties ranging from fifteen months to three years, and in the same framework, these restrictions impact the Turkish educational situation for more than 10,000 higher education employees. This comes in light of the decline in basic academic disciplines in Turkish universities, as the percentage of academics in social sciences decreased by approximately 44%.[[17]](#footnote-17)

Not only academics are subjected to such repressive practices, but also other members of the academic community, researchers and administrators. 8535 employees and administrators were dismissed from the Turkish academic institutions in the wake of the attempted coup in July 2016,[[18]](#footnote-18) while Perm Erzurumluoglu, Professor of Sociology from Adiyaman University was dismissed on September 1, 2016, and Swat Ashkin, assistant professor of management studies from Adiyaman University was also dismissed on September 1, 2016.[[19]](#footnote-19)

In this context, the Turkish authorities arrest students who protest the government's policies. In April 2018, a Turkish court issued a decision to detain 9 students on terrorism-related charges for participating in peaceful demonstrations against the military operation launched against the Syrian city of Afrin, which represents an attack on academic freedom since students are considered members of the academic system,[[20]](#footnote-20) and in March 2018, the Turkish government arrested 21 Boğaziçi's University students on terrorism-related charges, against the backdrop of organizing demonstrations against the Turkish military operation in the Afrin region, northwestern Syria.[[21]](#footnote-21)

On January 2, 2020, the Turkish police forcibly broke up a student demonstration at Istanbul University against the background of objections to the high prices of meals.[[22]](#footnote-22) In the same context, a Turkish court issued a 10-month prison sentence against 20 students from Boğaziçi University on charges of terrorism propaganda on the grounds of their participation in demonstrations against the military operations held by Turkey in Syria, it also acquitted 3 others and a imposed a fine of 6 thousand liras on other six students, which represents a restriction on the freedom of students who are a component of the Turkish academic community.[[23]](#footnote-23)

It is worth noting that a number of Turkish activists launched a campaign in March 2020 to collect signatures to investigate allegations of 50 students being held in Ankara’s anti-terrorist unit, where they were arrested on the anniversary of the February 28 coup. The Signatures Campaign was launched on Change.org under the slogan "Female Students Are Tortured in Ankara", as the campaign indicated that 60 detainees, including female students, were tortured in Ankara and called on investigating the ill-treatment and threat female detainees were subjected to, let alone insulting their defense attorneys. Activists have indicated that the Ankara Bar Association has documented the reported acts of torture inside the Ankara Security Directorate, the rampant abuse of women detainees who were being stripped naked, threatened, suffocated with plastic bags, and undocumented torture of girls by doctors.[[24]](#footnote-24)

The Turkish authorities continue to crackdown and detain members of the academic community by arresting many academics on charges of affiliation to terrorist organizations. On January 24, 2020, a Turkish court sentenced Yonka Demir from Bilgi University to three years in prison on terrorism-related charges, for signing the petition of the Peace Academy that called the Turkish government to observe human rights standards regarding the Kurdish issue[[25]](#footnote-25). Additionally, Turkish mathematician Tuna Altinil was arrested in May 2019 on terrorist propaganda-related charges.[[26]](#footnote-26)

On May 21, 2019, the famous Turkish Academic figure, Ayşe Gül, was sentenced to two years and one month imprisonment for alleged assistance of a terrorist organization and, notably, she is one of the most outspoken opposition figures to Turkish government’s policies. [[27]](#footnote-27)In the context, Meltem Ahıska, one of the Turkish academics, was sentenced to one year and 10 months in prison And 15 days on charges of terrorist propaganda on February 21, 2019, this coincides with the defamation campaigns launched by the pro-Turkish media against Ahıska and the systemic obstruction of his academic work.[[28]](#footnote-28)

On July 4, 2018, the Turkish government arrested Hanafi Parish, a professor at the Aberdeen University, Scotland, because of his statements against Turkish President Recep Tayyip Erdogan, and also arrested Ahmed Matin Cekizkards, a professor at Al-Fateh University, and Mumtaz Turkon, a prominent political scientist who was arrested nine years later on charges of joining a terrorist organization.[[29]](#footnote-29)

In February 2019, the Turkish Court upheld the verdict against Professor Fusun Ostel from Galatasaray University in Istanbul, for 15 months in prison after losing his appeal[[30]](#footnote-30), and despite the decision of the Supreme Constitutional Court in Turkey in July 2019 that the incarceration of academics represents an attack on the basic rights of opinion and expression, the Turkish courts continue to condemn and hold some of them[[31]](#footnote-31). It is worth noting that these policies were the underlying cause of Turkey’s low-quality education, so some statistics indicate that 2450 departments in 78 public universities out of 122 Turkish universities suffer from shortage of faculty members in specific majors due to the repressive policies of the Turkish government.[[32]](#footnote-32)

On the level of official statements, Turkish President Recep Tayyip Erdogan described the academics who wrote a petition titled "No War In Syria" as a "piece of intellectual garbage" and he called on his supporters to respond to these traitors. In his speeches, Erdogan constantly refers to the academics who signed Academics for Peace as traitors, terrorists and ignorant. It is worth noting that the Turkish government encourages university presidents to expel academics and target them constantly.[[33]](#footnote-33)

And based on the above policies, statements and legal frameworks that are inadequate to guarantee academic freedom in Turkey, Maat for Peace, Development and Human Rights recommends the following: -

* The Turkish legislative institutions need to amend Article 30 of the Turkish constitution to include an explanation of activities that may affect the national security of the Turkish nation, or develop a law explaining the kind of activities that members of the Turkish academic community may undertake to jeopardize national security.
* Turkish legislative institutions need to amend Article 42 of the Turkish constitution to provide for ensuring the right of all minorities to know and receive education in their mother tongue instead of prohibiting education in languages ​​different from the Turkish language, so that the Turkish government does not intervene to impose certain policies.
* Turkish legislative institutions need to put in place a special law to protect academics inside Turkey.
* The Turkish government must stop targeting the members of the opposition academic group, especially the Academics for Peace group, without interfering to break up demonstrations inside the Turkish Universities.
* The Turkish judicial authorities need to respond to the decision of the Turkish Constitutional Court issued against the right to attack fundamental freedoms of academics, the release of detainees from them and the speedy investigation of other cases.
* The executive authorities must stop issuing insulting statements regarding the academics and describe them with treason simply because they oppose the Turkish government policies, because this creates a stereotypical image about them in Turkish society that affects their fundamental rights.
1. protecting scholars and the freedom to think, question, and share ideas, scholars at risk networks, <http://bit.ly/39QmX1i> [↑](#footnote-ref-1)
2. الإعلان العالمي لحقوق الإنسان، الأمم المتحددة، <http://bit.ly/31BymNw> [↑](#footnote-ref-2)
3. العهد الدولي الخاص بالحقوق الاقتصادية والاجتماعية والثقافية، مكتبة حقوق الإنسان جامعة منيسوتا ، <http://bit.ly/3aI7gKs> [↑](#footnote-ref-3)
4. الصكوك الدولية لحقوق الإنسان المجلد الأول تجميع للتعليقات العامة والتوصيات العامة التابعة لهيئات معاهدات حقوق الإنسان، الأمم المتحدة، 2008، <http://bit.ly/2vod2Bh> [↑](#footnote-ref-4)
5. إعلان ليما بشأن الحرية الأكاديمية واستقلال مؤسسات التعليم العالي، الجمعية العربية للحريات الأكاديمية، ديسمبر 1988، <http://bit.ly/2QgXM0c> [↑](#footnote-ref-5)
6. Academic Freedom in Europe: Time for a Magna Charta? Centre for Educational Research and Development, University of Lincoln. 2009. <http://bit.ly/38SgOR9> [↑](#footnote-ref-6)
7. ميثاق الحقوق الأساسية للاتحاد الأوروبي، مكتبة حقوق الإنسان جامعة مينيسوتا، ديسمبر 2000، <http://bit.ly/2w84UoL> [↑](#footnote-ref-7)
8. الاتفاقية الأوروبية لحماية حقوق الإنسان، المجلس الأوربي لحقوق الإنسان، <http://bit.ly/37XX7XX> [↑](#footnote-ref-8)
9. اتفاقية مجلس أوروبا الإطارية لحماية الأقليات القومية، دليل الأمم المتحدة بشأن الأقليات، <http://bit.ly/39SC36B> [↑](#footnote-ref-9)
10. Recommendation CM/Rec(2012)13 . council of Europe. 2012. <http://bit.ly/3aSN4Vm> [↑](#footnote-ref-10)
11. CONSTITUTION OFTHE REPUBLIC OF TURKEY. DEPARTMENT OF LAWS AND RESOLUTIONS. Ankara <http://bit.ly/3aqA4a2> [↑](#footnote-ref-11)
12. توضيح بخصوص هذا الشأن تنص الفقرة الثانية من المادة 42 على تحديد القانون اللغات الأجنبية التي تُدرَّس في المؤسسات التعليمية، والقواعد التي على المدارس التي تقدِّم التعليم بلغة أجنبية دون الإخلال بأحكام المعاهدات الدولية ، المقصود هنا بالمعاهدات الدولية معاهدة لوزان والتي تعطي لكل من الأرمن واليونانيين واليهود الحق في إنشاء مؤسساتهم الخاصة والسيطرة عليها وإدارتها بما في ذلك المدارس مع استخدام لغتهم الخاصة فيها إلا أن الحكومة التركية تقوم بالتضيق على هذا الحق بشكل كبير. [↑](#footnote-ref-12)
13. CONSTITUTION OFTHE REPUBLIC OF TURKEY, Ibid [↑](#footnote-ref-13)
14. An Overview of Academic Freedom in Turkey: Re-Thinking Theory and Praxis. Interdisciplinary Political Studies. December 11, 2017 [↑](#footnote-ref-14)
15. UN Universal Periodic Reviewof Turkey Attacks on Scholars, Students, andHigher Education Spaces.scholar at risk net work . 12 December, 2019 [↑](#footnote-ref-15)
16. UN Universal Periodic Reviewof Turkey Attacks on Scholars, Students, andHigher Education Spaces.scholar at risk net work . مرجع سابق ذكره [↑](#footnote-ref-16)
17. UPR-Pre-Session, Presentation on Turkey. Scholar at risk network. December 12, 2019 [↑](#footnote-ref-17)
18. Social scientists under threat: Resistance and self censorship in Turkish academia. British Journal of Educational Studies. 2019 . <http://bit.ly/3d0wt42> [↑](#footnote-ref-18)
19. Social scientists under threat: Resistance and self censorship in Turkish academia مرجع سابق ذكره [↑](#footnote-ref-19)
20. تركيا تحتجز 9 طلاب معارضين لغزو عفرين، العين الإخبارية ، أبريل 2018 ، <http://bit.ly/2UegI0W> [↑](#footnote-ref-20)
21. Twenty-two Boğaziçi University students appear before court for first hearing of trial on “terrorism propaganda” charge. Expression interrupted. <http://bit.ly/2IQ3BxC> [↑](#footnote-ref-21)
22. Turkish police reportedly used force during a student protest at Istanbul University. Scholar at risk net work . January 02, 2020. <http://bit.ly/2IOH3gC> [↑](#footnote-ref-22)
23. 10 Months Deferred Prison Sentence for 20 Students, Acquittal for 3 Students. Bianet . 31 January 2020. <http://bit.ly/3d1FE4c> [↑](#footnote-ref-23)
24. تركيا نشطاء يطلقون استغاثة لإنقاذ طالبات يتعرضن للتعذيب، مركز نسمات، 10 مارس 2020. <https://nesemat.com/5555551-2/> [↑](#footnote-ref-24)
25. Turkey’s Ongoing Attack on Academic Freedom. Academeblog . January 24 . <http://bit.ly/2QjYbz3> [↑](#footnote-ref-25)
26. الخشية على مصير عالم رياضيات تركي يحاكمه نظام أردوغان بتهمة الإرهاب ، كيو بوست ، يناير 2020 ، [↑](#footnote-ref-26)
27. Turkish scholar Ayşe Gül Altınay faces prison for supporting peace petition. The European University Association . 28 May 2019 . <http://bit.ly/33iyWSS> [↑](#footnote-ref-27)
28. Solidarity with Professor Meltem Ahıska. Center Europe university . <http://bit.ly/2QiPYuL> [↑](#footnote-ref-28)
29. ماعت تتقدم بـ15 بيانا لمجلس حقوق الإنسان بشأن انتهاكات النظام التركي ، الوفد، فبراير 2020 ، <http://bit.ly/3cXkNiB> [↑](#footnote-ref-29)
30. Academic freedom in Turkey: EUA calls for exoneration of academics facing prison . The European University Association . 28 March 2019 [↑](#footnote-ref-30)
31. ISPP Support for Scholars Under Threat . international society of political phycology . <http://bit.ly/3cZtTuV> [↑](#footnote-ref-31)
32. سبب قمع أردوغان جامعات تركيا بلا أكاديميين‎، العين الإخبارية ، أغسطس 2019 ، <http://bit.ly/2WfXbQ0> [↑](#footnote-ref-32)
33. An Overview of Academic Freedom in Turkey: Re-Thinking Theory and Praxis مرجع سابق ذكره [↑](#footnote-ref-33)