



Science Academy's Statement on the Academics Dismissed from Public Service under State of Emergency Ruling

The Science Academy Executive Board deems it necessary to share with the general public its opinion on the dismissal of academics from public service within the scope of the ongoing state of emergency.

Academic freedom and autonomy are granted utmost legal protection by Article 27 of the Turkish Constitution, which safeguards the freedom of science and arts. Undoubtedly, all appointments and promotions must be based on merit; corruption due to personal, economic or political favoritism must be prevented, and ethics in science must be upheld as the basic premises of quality and advancement of science. Any acquisition of title, promotion or position because of a group identity, partisanship or affinity is unacceptable. However, it is also necessary for any administrative or disciplinary measure against academics to be based on "truly meticulous investigation and scrutiny", owing to the constitutional protections safeguarding the freedom of science and arts. In recent days, there are serious concerns in the general public and international scientific community that the said necessity is not being fulfilled in Turkey. In due consideration of this situation, The Science Academy urges the Turkish Grand National Assembly, Council of Ministers, Council of Higher Education and universities to carry out an effective investigation and audit into whether legal boundaries were breached during the dismissals from public service.

The basic principles and rules of our constitutional democracy and of the international human rights conventions signed by Turkey require public authorities to protect scientific and artistic freedoms in an efficient manner. The essence of constitutional democracy is the exercise of authority within certain legal boundaries. The main factor which makes a democracy constitutional is the presence of legal principles and rules which cannot be violated even under exceptional regimes. The same goes for Turkey, which is a constitutional democracy party to the International Covenant on Civil and Political Rights, and the European Convention on Human Rights. During the state of emergency, all public instances which exercise authority are bound by their international legal obligations and the principle of proportionality, as per Article 15, paragraph 1 of the Constitution. Article

15, paragraph 2 lists the non-derogable rights which cannot be suspended even under a state of emergency. The European Convention on Human Rights (Article 15) and the jurisprudence of the European Court of Human Rights also stipulate that these non-derogable rights and the principle of proportionality mark the legal boundaries of the state of emergency.

According to the standards of constitutional democracy and international law on states of emergency, all exceptional measures must be primarily related to the subject of the state of emergency. Furthermore, these measures must be appropriate, necessary and measured in line with the principle of proportionality. In interventions against academic freedoms, any measure which is unrelated to the subject of the state of emergency, or is related to this subject but is not based on sufficient evidence and thus fails to uphold the principle of proportionality, constitutes a violation of scientific and artistic freedom.

Due to the social and legal value of scientific and artistic freedom, any action which deters from academic freedoms must be prevented, even under the state of emergency. To implement the principle of proportionality in the field of academic freedoms, an efficient investigation and scrutiny -which includes the recognition of the right to defense- must be performed to yield evidence and reach an opinion. In the context of academic freedoms, this is the only way to preserve the presumption of innocence, which is defined by Article 15, paragraph 2 of the constitution as a non-derogable right under a state of emergency.

Turkey witnesses worrisome developments in the field of academic freedoms, owing to shortcomings in the creation of an administrative culture where public authorities abide by legal guarantees. This situation prevents the establishment of a scientific atmosphere based on academic merit and competence, and even hampers the free publication of research findings. It is an urgent necessity to show extreme care in the field of academic freedoms, and to develop academic policies and procedures focusing on the promotion of outstanding scientific findings. All public authorities and stakeholders are under the obligation of fulfilling this urgent necessity. The Science Academy is as always ready to contribute to Turkey's progress in the fields of academic freedoms and scientific competence.

The Science Academy Executive Board

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