



The Science Academy Report on ACADEMIC FREEDOMS

2016-2017

INTRODUCTION

The Science Academy's Executive Board has deep concerns as it announces the Academy's third report¹ on the situation of academic freedoms in Turkey. At the first anniversary of the sordid coup attempt of July 15th, 2016, Turkey is still governed under the state of emergency. Although we do not disregard the great difficulties of struggling against a terrorist structure, we believe that the last year has demonstrated once again that obeying the principles of the rule of law to the letter is the most important guarantee to hinder such heinous acts in the future. However rightful the action against the coup-attempters may be, in an environment where principles of fair trial are disregarded and individuals' rights to defend themselves are overlooked, such an environment of uncertainty and insecurity seriously harm people's trust to justice, spreading doubts and fear at every level. As these conditions obstruct the development and reinstatement of democracy, they also innately impede any progress in science.

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

¹ Please follow the links for the [2014-15 Report](#) and [2015-2016 Report](#).

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.

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 primarily and/or solely 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.

According to the standards of constitutional democracy and international law on states of emergency, all exceptional measures must be primarily related to the subject matter 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 matter 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.

However, as will be shown by some examples below, during the last year, serious concerns regarding the violation of these principles have been voiced publicly,² and have also been expressed by international institutions of science.³ The autonomy of universities is more and more limited every day, which impedes Turkey's progress in sciences. Freedom certainly has its price and it is beyond doubt that all liberties might be misused; however, restricting freedom, unfortunately, has always had a much higher price. The method to control wrong practices, especially those related to appointments that have not been deserved through merit, should only be provided by academic

² See the [Memorandum on Freedom of Expression and Media Freedom in Turkey](#) (no. 62-64) published February 15, 2017 by Nils Muižnieks, European Council Human Rights Commissioner.

³ See, for example, the declarations by [All European Academies \(ALLEA\)](#), [International Human Rights Network of Academies and Scholarly Societies](#), [British Academy](#), [the Royal Society](#) and [the Royal Society of Edinburgh](#), and articles on the weekly scholarly magazine *Nature*, vol. [7595](#) and [7641](#).

procedures. Acts that constitute legal offences should be investigated by legal authorities. Everybody is innocent unless proven guilty by the due process of the law at a court. Given that the procedures whereby universities and academics make their own decisions are blocked, centralized governance gains power and a culture of surveillance prevails, creativity, which is the most important vein for the development of science, is impeded. This has a high price which is always paid by the society.⁴

A. Universities Closed and Academics Removed from Office Through Decrees with Force of Law under State of Emergency

With the State of Emergency (SE) decree with force of law (DFL) numbered 667, promulgated on July 23rd, 2016, fifteen universities were closed in Turkey. With other DFLs promulgated to this day, 5,644 academics were removed from office; with the inclusion of those who have lost their jobs due to the closing of universities, this number rises to more than 7,800 people. With an administrative act that disregards the presumption of innocence, usually with no investigation carried out about them, a group of highly educated people who should be of greatest value to the country were both dismissed from the academy and deprived of all the tools necessary to produce scientific knowledge. It has been rendered impossible for them to find new employment, a great many of them have been restrained to travel abroad, even the vested rights such as pensions have been taken away from some, violating the universal principle of non-retroactivity in crime and sanctioning. Before evaluating such sanctions, we need to divide the problem of expulsions to two:

1. Those Who Had Been Employed in Universities Contradicting the Principle of Merit

The main aim in the establishment of the Science Academy, Turkey has been to advocate the universities to be built solely upon merit and success. Thus, the Academy has no intention to defend persons who have acquired/been brought to their position in the university through methods contradicting these principles. Yet the source of the problem should be justly put. While the number of universities founded in Turkey in about eighty years, from the establishment of the republic in 1923 until 2002 is 79; the number of universities founded in the last fifteen years reach about 120.⁵ It is impossible to qualify this as a 'development'. It was obvious that it was not likely to have the faculty employed in all these universities trained in such a short time. The university circles have often warned the government that such an uncontrolled growth would bring along unhealthy structures and employment based on favoritism. Instead of educating and training the

⁴ On the relationship between academic freedom and autonomy, and scientific production and progress, see Science Academy's report on [Freedom of Expression, Science and Social Development](#) and [Academic Freedoms Report 2015-16](#) (note 1): p. 2 and 5 ff.

⁵ We cannot provide concrete numbers as some of the fifteen universities that have been closed with Decree no. 667 have later reopened under different names in one form or another.

staff in advance or simultaneously with the establishment of these universities, no control was exercised, leading the term ‘signboard universities’⁶ to be coined during the process of opening universities like ‘building an airport in each province.’ What we experience now is a terrible consequence of the above-mentioned policies.⁷

However, trying to correct a mistake with another mistake, closing down universities with Decrees in complete disregard of the principles of rule of law, banishing thousands of people from profession and causing injustice towards the students, is not the solution to the problem. This approach can only aggravate the problem and it shows that the university culture, with the logic it has been built upon for centuries, is not understood at all.

Actually, what we see now has great similarities with the effects of the intervention to the Turkish Academy of Sciences (*Türkiye Bilimler Akademisi*, TÜBA) in 2011, again with a DFL. This intervention had constituted the *raison d’être* for the establishment of the Science Academy. With the adoption of a system whereby the members of TÜBA are appointed by institutions directly controlled by the government and the principle of merit brushed aside, the scientific autonomy of TÜBA was rendered moot. Even if the appointed persons thoroughly deserve being members to a science academy, the method of appointment itself has made their membership questionable. Indeed, the fact that forty people have been silently ‘removed’ from membership and associate membership of TÜBA following the coup attempt in July 15th, 2016, is another reflection of the same mistake. Academies whose members have been appointed by political powers because these powers see them as ‘scientists’, and then removed from their offices when they later fall into disfavor, do not comply with any definition of a ‘science’ academy. Just as the fact that, any place where more than seven thousand faculty members have been removed from office with an administrative decision, without any disciplinary procedures and fair trial, cannot be called a ‘university’. Institutions of science can reach a high scientific standard and maintain it only when they are free of non-academic outside interference. Although it can hardly be argued that universities have always been successful in reaching such a high standard, limiting their institutional liberty and inserting a central, political administration in its place will certainly erase even the last chance of becoming successful research institutions. There seems to be no example in history that constitutes an exception to this claim.

2. Those Who Have Been Sanctioned for Exercising the Right to Free Speech

⁶ See, for example: <https://www.dunya.com/egitim/tabela-universiteleri-mezun-vermeye-basladi-haberi-212870> ; <http://www.milliyet.com.tr/yazarlar/abbas-guclu/3-yeni-universite-daha--2471349/>

⁷ Another consequence of this unstructured growth has been the serious increase of plagiarism in theses written in Turkey. For the results of a research carried out by Boğaziçi University, see *Toprak*, *Lisansüstü Öğretimde Akademik Yazım - Turnitin Örnekliğinde* (http://www.icqh.net/publication_folder/icqh/icqh2016.pdf), pp. 510-514.

Among those who have been removed from their office in universities and suffered some other sanctions with DFLs following July 15th, 2016, are academics who are known as ‘The Academics for Peace.’ Because of a petition, they had signed in January 2016, these people had various disciplinary proceedings against them, with continuing legal cases for some. As said in previous two declarations⁸ by the Science Academy, in a democratic society it should be out of question to create excuses for, defend, praise or promote violence, animosity and hatred. However, in democratic societies it is also a must to defend free speech, and the right to free speech includes critical expressions as well as simple and neutral explanations of ideas, which allow the public opinion to shape freely. As the Constitutional Court has expressed in its legal opinion upon an individual application on April 16, 2015⁹:

“In general, in applications concerning the freedom of expression, an assessment has to be made as to whether the expressions in question praise violence, incite individuals to employ methods of terror or in other terms, encourage and provoke hatred, revenge or armed resistance. (...) Opinions which may be unpleasant for public authorities or a sector of the society cannot be limited as long as they do not incite violence, legitimize acts of terror and foment feelings of hatred.”

Thus, even if an expression is not accepted, even if it is found hurting or irritating, signing a petition is not a crime in Turkish law unless it contains solicitation for violence. While disciplinary proceedings against these academicians were going on, and while there was a scheduled meeting in the Council of Higher Education (YÖK) High Commission on Discipline to be held on July 20th, 2016 (five days after the coup attempt), it is absurd to claim any relation between these academics and the coup attempt. However, with the decrees with force of law issued after July 15th, 2016, they have been claimed to be in relation with the attempted coup and received the same sanctions with all coup attempters. Treating individuals who have used their right to democratic opposition in the same level with organizations intended to destroy the constitutional order, unfortunately, weakens the struggle against terrorist organizations, and lessens its cogency.

3. The Unconstitutionality of the Sanctions

As stated above, the scientists who have been removed of their offices in the universities have been deprived of all means to continue their scientific activities. While the trial process is still going on, while the final judgment orders have not yet passed for anybody, no state of law pursues sanctions as harsh as dismissal from civil service, ban on the use of any titles, a projection that the person shall never be employed in civil service again,

⁸ Please follow the links for the [First](#) and [Second](#) Declarations on Free Speech.

⁹ Application of Bejdar Ro Amed, No. 2013/7363, Date of decision: 16/2/2015, on the official gazette 13/07/2015, no. 29415.

removal of pensionary rights, or a ban to travel abroad.¹⁰ Under Art. 15(2) of the Constitution, even during State of Emergency rule, *'no one may be held guilty until so proven by a court judgment.'* Although a *Commission for the Examination of the State of Emergency Procedures* have been established with a Decree of January 23rd, 2017, the number of applications to this commission might reach hundreds of thousands. By the time the commission decides on these applications, justice will be delayed intolerably. On the other hand, according to DFL no 676, art. 4, which is still in place, if the persons *'who are evaluated to have membership to or association or contact with terrorist organizations or any structure, formation or group that the National Security Council has decided to be engaged in activities against the national security of the state'* are staff subject to the Law of Higher Education Staff, then it is possible for them to *'be removed from civil service upon the suggestion of the President of the Council of Higher Education and the decision of the Council of Higher Education.'* Today all academicians are under the risk/threat of the possibility of losing their jobs upon being evaluated to have such a 'contact.'

Another measure that takes an especially hard toll on the academics is that they are prevented from taking the qualifying examination to become an associate professor. According to DFL no. 683, Art. 4,

*'(1) The candidates to associate professorship who have been removed of office, or have been subject to an investigation or prosecution for having, or being evaluated of having a membership to or association or contact with terrorist organizations or any structure, formation or group that the National Security Council has decided to be engaged in activities against the national security of the state, **may not continue with the procedures related to their application to associate professorship during the period that they spend out of office, or until the legal investigation or prosecution reaches a result. The application to associate professorship is to be cancelled for those who are removed of civil service or sentenced to imprisonment.'***

¹⁰ DFL no 689, art. 1: "(1) Listed in appendix (1), the persons who have membership to or association or contact with terrorist organizations or any structure, formation or group that the National Security Council has decided to be engaged in activities against the national security of the state **have been dismissed from civil service with no further procedure required.** These persons shall not receive specific notifications. Additional procedures related to them shall be built upon specific provisions of law. (2) The persons who are removed from civil service in accordance with the first clause are recalled from office / removed of their titles **without seeking for a verdict of conviction,** and these persons shall not be readmitted to the organizations they work in; **they shall not be re-employed in civil service again,** they may not be posted directly or indirectly into such services; all memberships of these persons to board of trustees, committees, commissions, administrative boards, supervisory boards, liquidation committees and all the like are deemed void. Gun licenses, seamen documents, and pilot licenses belonging to these persons are invalidated and they are evacuated from public houses and foundation lodgings within fifteen days. These persons cannot be founders, partners and employees of private security firms. The relevant ministry or institution that these persons work in/under shall immediately inform the related passport unit of their condition. Upon this notice the **passport unit invalidates their passports.** (3) Those who are removed from civil service in accordance with the first clause **may no longer hold titles** such as ambassador or governor, professional appellations and titles such as undersecretary, district governor and the like, **and may no longer enjoy any rights related to these titles and professional appellations."**

Indeed, with this regulation, some young scholars who had even passed the written examinations for promotion, have not been accepted to further proceed with their oral examinations and their academic progress has been brought to a halt. Among those who have not been admitted to examinations for promotion in this way, there are also faculty members who have not been removed from office through DFLs, and who do not have any ongoing investigations against themselves.

The persons whose passports have been invalidated with DFLs are also unjustly prevented from accepting invitations to participate in scientific conferences or to be guest researchers/faculty staff abroad. Among these, there are representatives of Turkey in international scientific associations of various fields of specialization, as well as many young scholars whose graduate or PhD education abroad is thus interrupted.

We would like to quote from the report of the Human Rights Commissioner of the European Council, dated February 15, 2017:

The aftermath of the 15 July failed coup attempt also had a severe impact on academic freedoms: Close to 4,500 academics were dismissed through appended lists in emergency decrees, without any due process and with no judicial remedy. All deans in Turkey were summarily dismissed, with some subsequently reappointed, and academics were automatically deprived from the right to travel abroad without authorisation. The autonomy of universities was also severely curtailed, abolishing elections within universities and replacing them with direct appointments by the President of the Republic. The Commissioner considers that these developments were a severe blow to another pillar of freedom of expression, namely academic freedom which, as underlined by the ECHR and the Parliamentary Assembly of the Council of Europe, 'should guarantee freedom of expression and of action, freedom to disseminate information and freedom to conduct research and distribute knowledge and truth without restriction'.¹¹

B. Institutional and Permanent Interventions to University Autonomy

1. Rector Elections

In our 2015-16 Report on Academic Freedoms, against a motion proposed to the Grand National Assembly of Turkey as part of an omnibus law, suggesting to abolish rector elections and determine the rectors through appointment, we had stated that, 'It is very ironical to see MPs, themselves elected by popular vote, to claim that elections are a problem-prone method.'¹² Unfortunately, the content of this legislative motion refused in the National Assembly on August 18, 2016 through the votes of the opposition has now been

¹¹ [Memorandum on Freedom of Expression and Media Freedom in Turkey](#), no 64.

¹² [The Science Academy Report on Academic Freedoms 2015-16](#), p. 8.

legalized through Decree no 676 in the State of Emergency, inflicting a heavy blow to university autonomy. According to Art. 121 of the Constitution, 'During the state of emergency, the Council of Ministers meeting under the chairmanship of the President of the Republic, may issue decrees having force of law **on matters necessitated by the state of emergency.**' It certainly remains unclear how rector elections had any influence on the developments leading to the declaration of a state of emergency. It is also inexplicable how a motion that has just recently been refused in Parliament, can be put in force by way of a Decree. Be that as it may, from now on, the rectors of public universities will be appointed by the President of the country from among the three candidates selected by the Council of Higher Education, and the rectors of foundation universities will again be appointed by the President from among the three candidates proposed by the university's board of trustees after being approved by the Council of Higher Education.

Immediately after this regulation was put into force rectors in many state and foundation universities were appointed by the new method. The Council of Higher Education has not taken account of previous election results in state universities leading to appointment as rector of people who were not candidates in the elections by faculty, or who were not even a member of that university. The Council of Higher Education has in some cases not approved the candidates proposed by board of trustees of foundation universities. For the time being many of the rectors are still only acting rectors.

2. Disciplinary Regulations

Again, in our 2015-16 Report on Academic Freedoms, we had declared that '*In case the draft law amending the articles on disciplinary infractions in the Law no. 2547 on Higher Education is passed by Turkish Grand National Assembly, the academic and organization autonomy of universities will be dealt a severe blow. These new disciplinary regulations are in continuation of the repressive tradition established in our country in 1980. On the one hand, universities' power to perform disciplinary investigations as independent legal entities is partially transferred to Council of Higher Education, on the other hand, academics' freedom of expression is limited in an unconstitutional manner.*'¹³ Unfortunately, all the regulations of this draft law have been legalized through an amendment of the Law of Higher Education in December 2016.¹⁴ We feel the need to repeat our evaluations on the draft law in last year's report.¹⁵

Article 53 of the Law on Higher Education concerns disciplinary penalties and lists the misdemeanors which require warning, reprimand, forfeiture of payment, suspension of promotion, dismissal from academic profession or dismissal from public service. It immediately strikes the eye that the list of these misdemeanors is described as "in

¹³ Ibid, p. 9.

¹⁴ Decree with the Force of Law on the Organization and Duties of the Ministry of National Education and the Law on Changes in Some Laws and Decrees with the Force of Law, 9 December 2016, The Official Gazette, no. 29913.

¹⁵ [The Science Academy Report on Academic Freedoms 2015-16](#), pp. 9-10.

addition to those acts listed in the Law no. 657". That is, faculty members will be subject to the list of ordinary administrative offenses plus those specifically introduced for them. Since Article 1 of the Law no. 657 on Public Services clearly stipulates that university employees are subject to their special law, it is difficult to understand why a reference has been made to the Law no. 657 as regards the list of offenses. The job descriptions of faculty members and civil servants are not the same, and the expectations from them are different. Faculty members are expected to produce scientific studies in their areas without any pressure or limitation. Faculty members do not perform state services in a hierarchical, top-down manner. It would be meaningful to take a look at some of the misdemeanors described in the Law no. 657 to see the oddities which will be caused by the merger of these two categories of employees (Article 125):

- Displaying conduct and attitudes unbecoming a civil servant (A, e)
- Disrespecting a superior with conduct and attitudes in the exercise of duties (B, c)
- Acting in a way that damages the prestige and trustworthiness of civil servants outside of service (B, d)
- Objecting to the orders given (B, j)
- Providing information or making announcements to the media, news agencies, radios or TVs without authorization (B, m)
- Verbally disrespecting a superior in the exercise of duties (C, e)
- Acting in a way that damages the prestige and trustworthiness of civil servants during service (C, i)
- Displaying conduct and attitudes which could jeopardize the state's prestige or civil service's reputation while abroad (E, j)

These and similar disciplinary offenses are ambiguous and open-ended in nature and therefore can only serve to apply pressure on faculty members, and should have no place in a university system at world standards. On the other hand, the definitions of disciplinary offenses added to the Law no 2547 especially for university members (Article 53) include the underlined ambiguous phrases, which again can be very easily misused:

- Conducting activities for a political party or engaging in propaganda for a political party within institutions of higher education (b, (2), n))
- Discriminating individuals on the basis of language, race, gender, political thought, philosophical belief, religion or denomination, or displaying behavior aiming for individuals' advantage or disadvantage, in the exercise of duties (b, (4), h))
- Displaying dishonorable or shameful actions unbecoming a public servant or faculty member (b, (6), c))

Another important regulation comes about on the effect of legal decisions regarding disciplinary penalties. According to the newly introduced last paragraph of Article 53/C: *'In case a disciplinary penalty is invalidated through court decision a new disciplinary*

penalty may be established with due consideration of the justification of the court decision; in case the court decision reaches the relevant administration before the term of limitation has elapsed the new penalty may be established either in the remaining period, or in case the term of limitation has expired or there is less than three months to its expiration it can be established the latest in three months' time.' This regulation should be interpreted in a narrow sense: in case the court decides that the offense subject to disciplinary punishment should have a lesser penalty, only this lesser penalty can be applied. It should not be possible to issue a new disciplinary punishment when a penalty is invalidated e.g. due to the finding that the offense has not been committed at all, or there has been an irregularity during the disciplinary investigation, or the right to defense was not granted etc.

A final serious amendment to the law is that, through the newly-added Article 53/Ç, the authority to give disciplinary penalties is re-organized. Here, the universities' authority to conduct a disciplinary investigation and implement disciplinary penalties on their own academic staff is partially delegated to the Chairperson of the Council of Higher Education, who bears the title of disciplinary supervisor (clause e). *'For offences that necessitate the penalties of wage or pay cut, suspension of promotion or cut in more than one wage, and dismissal from academic profession or dismissal from public service, the Chairperson of the Council of Higher Education, holding the title of disciplinary supervisor, may directly start an investigation'.*

Needless to say, these regulations constitute extremely serious blows to university autonomy. These are also in direct conflict with the rules of academic freedom and professional ethics, stated in 1997 in UNESCO's Recommendation Concerning the Status of Higher-Education Teaching Personnel.¹⁶ Turkey will suffer the result of these attempts of binding universities to a central authority and thus redeeming a civil servant mentality dominant over the academy, as a decrease in original scientific production and loss of reputation in the world.

3. Central Power of Decision on Specialization

Through Article 13 of the "Law Amending Some Laws and Decrees with Force of Law in Order to Develop Industry and Support Production"¹⁷, an addition was made to The Law of Higher Education no 2547, giving another duty to the Council of Higher Education. Now the Council of Higher Education has the authority to *'(4) Carry out work towards specialization of institutions of higher education and make decisions to this end.'* It certainly is a desirable end for each university to specialize in line of its own equipment, abilities, human resources, local, national and international relations of research, and vision of education, thus creating a differentiation among universities. However, this needs to be done through the universities' own choices. It seems problematic to try to accomplish

¹⁶ See http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html

¹⁷ Law No. 7033, Date of Acceptance 18/6/2017.

such a specialization through the central authority of the Council of Higher Education. It is too early to predict how this authority will be exercised. The justification of the article is as such:

“With this article, it is foreseen to enable our system of higher education to specialize in various fields, defining it in line with international standards and our national policies of education, science and technology and thereby making regulations to provide and increase in the contribution of our institutions of higher education to the qualified employment needed in region and sector-oriented productive processes.”

4. Evaluation

All these regulations show that the political power does not trust at all the academic staff, which are the country’s most qualified labor force. The opinion on them must be that they are not able to elect their own rectors properly, and they cannot decide on their own research priorities and fields of specialization adequately, thus it is preferred that this work is carried out by the central authority. It is also obvious that academic staff is viewed as a potentially criminal group whose field of liberties should never be left too broad, as these people can only be controlled through a regime stricter than that applied to civil servants.

But the meaning of university autonomy is that each university makes its own decision on its research and education policies, evaluating its contribution to society through its own traditions and abilities. Autonomy is not an abstract embellishment but a must for a country to produce science and technology, to develop socially and economically and of course, to maintain democracy with new ideas. The point here is obviously not whether a rector is elected by academic staff or appointed through the board of trustees. The crucial issue is whether each university has a word in finding its own rector. Universities are not autonomous if they cannot choose their president by means of their own organs, through an assessment process based on their own traditions and methods, but if instead the president is appointed by a central government, in a hierarchical manner.

Merit, freedom and integrity are the basic principles which ensure that research and education at universities are carried out in a creative atmosphere conducive to new ideas. A country’s best-educated, expert work force must be trained to do their job well, and to employ their mind and will in an honest manner. For this, universities must have an institutional culture that upholds scientific values. Each university must be able to decide on how and by whom it will be managed, according to its own traditions and methods based on its research and education priorities.

Of course, the universities who lack strong traditions may have chosen the candidates of factions and schisms instead of what is good for research and education. Such examples,

however, do not mean that all universities should be deprived of the right to elect their own directors. It only means and shows that choices that are not based on the principle of merit give bad results. Universities with strong traditions have made well decisions on who are to govern them and this is how they have continued to develop as prestigious and productive institutions.

On the other hand, if appointments are made, disciplinary investigations carried out, and research priorities determined by a central authority away from the university, the result will certainly always and *definitely* be destructive for *all* institutions. Because the central authority cannot evaluate the institutions or individuals, it does not have any knowledge about them and inherently has the risk to make decisions according to its own political agenda, choosing those who would obey it and punishing those who will not. In a world where society, economy and technology develop in such an enormous speed, leaving to the central authority to decide how institutions, and even highly distinguished scientific bodies like universities, are to carry out their work means that everything is left at the hands of the infallibility of this authority. This contradicts with democracy and reason.

C. TÜBİTAK: A Scientific Institution Moving Away from Objectivity

The text below has been sent by the Presidency of the Scientific and Technological Research Council of Turkey (TÜBİTAK), to the editors of all scientific journals in the country, on 17.03.2017:

“Need has arisen to inform the editors-in-chief, editors, assistant editors, peer-review board members of all journals accepted to / under evaluation for ULAKBİM TR Citation Database and all journals enjoying ULAKBİM DergiPark service. Among those who work for the journals, in case there are persons removed from civil service or suspended from duty, the responsibility is on the journals to re-evaluate the positions of these persons and to take the necessary steps towards those who have been sanctioned; it is important that the changes to take place on this matter are reported to ULAKBİM Cahit Arf Information Center (CABİM) Vice Directorate.”¹⁸

In addition to this official script, written and oral complaints about the Council also show that the academics who have taken part in or supported by TÜBİTAK projects, and those who have taken grants/scholarships from the council are getting blacklisted; when there are negative opinions about them (even though there are no decisions of suspension or removal from office), their scholarships are cut with no explanations, or they are orally asked to leave/quit their projects. Those whose advisors are found ‘unfavorable’ are again orally ‘warned’ to work with another advisor. The demands that such notices are made in written form are met with refusal.¹⁹

¹⁸ No: 88171678-806.01.05-E.66958, Subject: On SE procedures and publications.

¹⁹ Due to these practices of TÜBİTAK, the *Centre National de la Recherche Scientifique* of France has decided to revise their joint projects with TÜBİTAK. Please click for the [text](#).

TÜBİTAK is an institution of science which needs to maintain a non-discriminatory relationship with all scientists of Turkey, giving regard to the universal and constitutional principle of the presumption of innocence when those in question have no final conviction. As a fundamental principle, the sanctions to be applied in case the law is transgressed may only be legal sanctions. A Council of Science should only be applying sanctions if the principles of academic ethics are transgressed. As many other decisions and regulations mentioned in this report, it is yet another heavy blow to the development of science in Turkey to close down research channels, cut funds or prevent publication of research of scientists in academic journals when they had not violated any principles of academic ethics.

D. Blocking Off the Wikipedia Website

Wikipedia is a web site featuring over 30 million images for educational purposes, written content enough to fill 1000 volumes each with 1200 pages and over 4.5 million articles in its English version only, which puts all this information at the service of humanity totally free-of-charge. Wikipedia does not have any shareholders or sponsors, and the data it generates is not employed for commercial purposes. Yet, according to February 2017 data, it ranks 5th among the most visited web-sites in the world.²⁰ The reason for this is the fact that Wikipedia unconditionally offers “information” to everyone -including people in the remotest corners of the world without internet access, by means of special social responsibility projects. In 2015, when Wikipedia received the prestigious Erasmus Prize, which recognizes those who make an exceptional contribution to culture and society, the reason for this decision was explained as follows:²¹

“Wikipedia received the Erasmus Prize because it has promoted the dissemination of knowledge through a comprehensive and universally accessible encyclopaedia. To achieve that, the initiators of Wikipedia have designed a new and effective democratic platform. The prize specifically recognised Wikipedia as a community — a shared project that involves tens of thousands of volunteers around the world who help shape this initiative. [...] With its worldwide reach and social impact, Wikipedia does justice to the idea of a single yet diverse world. It is a digital reference work available in various languages, undergoing permanent development. Through its open character, Wikipedia highlights how sources of knowledge are not neutral and must always be weighed. With its critical attention to text, sources and the expansion of knowledge, Wikipedia reflects the ideas of Erasmus, the world citizen after whom the prize is named.”

As indicated above, Wikipedia’s contributors are tens of thousands of volunteers who hail from all over the world. Undoubtedly, the effort to create a democratic platform and

²⁰ <http://www.alexa.com/topsites>

²¹ See: [Erasmus Prize – Former Laureates](#)

ensure everyone's contribution to the formation of a worldwide treasure trove of information can occasionally result in articles lacking the necessary depth and scientific rigor. Wikipedia's policy is to resolve such problems again by participatory methods open to everyone's contribution, that is, by holding discussions through other contributors' corrections / additions to the article in question, and making the necessary changes through a consensus based on evidence. On the other hand, in recent years, an increasing number of universities, libraries, museums and similar institutions support Wikipedia by sharing their resources.²² However, without doubt, there are and will always remain a number of inadequate and deficient articles. Nonetheless, these shortcomings cannot be used as a pretext for banning within the boundaries of the Turkish Republic such a comprehensive source of information that strives to forge the shared heritage of humanity.

The limit to express and disseminate opinions has been clearly expressed in another decision of the Constitutional Court, dated 24 February 2016:²³

"The freedom of expression is one of the pillars of a democratic society, and an indispensable condition for individuals' development and self-realization. The creation of social and political diversity requires the peaceful and free expression of every idea. [...] As frequently stated in numerous rulings by the ECHR, for freedom of expression to fulfill its social and individual functions, not only those 'news' or 'ideas' considered positive, correct or harmless by the society and state, but also those which may be deemed negative, incorrect or disturbing by the state or some section of the society should be expressed freely, and individuals should be sure that they will not suffer any sanction for such expressions. Freedom of expression is the foundation of diversity, tolerance and open-mindedness, and it is not possible to talk of a 'democratic society' in its absence."

This statement by the Constitutional Court reflects the legal situation valid as of today. The fact that there exists objectionable or even incorrect information on Wikipedia does not constitute a legal pretext for blocking access to this site. Trying to reach a solution by way of prohibitions instead of putting an effort through Wikipedia's own contribution channels to correct those articles conflicts the main principles of democracy, which aims to reach better contents through a variety of ideas. As science shows us, "truths" can be tested through evidence which everyone agrees upon. Truth is not constructed with orders and nobody holds a monopoly to decide what is 'correct.' Leaving the path of science, moving away from questioning and critical reasoning has never led to the advancement of any country. Prohibiting a source of knowledge used by students, researchers and all interested persons is an attack on the right to information given that public and school libraries are very limited throughout the country.

²² See, for example: <http://freespeechdebate.com/discuss/wikipedia-at-15-the-sum-of-human-knowledge/>

²³ Application of *Hasan Güngör*, No. 2013/6152, Date of Decision: 24.02.2016, RG 01.04.2016, no. 29671.

E. Limiting the Means of International Cooperation

With a declaration on 5 August 2016, the Turkish government has stated that it has halted the Jean Monnet Scholarship programs for 2016-17,²⁴ and as of today it has not accepted any applications for 2017-18 either. Similarly, the government has decided to withdraw from *Creative Europe*, which provided important opportunities of collaboration in the field of culture.²⁵ Given the limited research resources in Turkey and the importance of joint scientific/cultural projects for the development of sciences in Turkey this decision is inexplicable. As always, such political decisions punish not only the scientists but the whole society.

F. Conclusion

In a message of July 2nd, 2017 addressed to the faculty of all Turkish universities the Council of Higher Education has stated the following about the effects of the changes to be implemented with the “Law Amending Some Laws and Decrees with Force of Law in Order to Develop Industry and Support Production”:

“Published today in the Official Gazette with the authorization of our President, these long-awaited, discussed but unrealized, important regulations will orient our universities to a more competitive environment at every level, place quality at the center of development in higher education, will delegate some powers of YÖK [Council of Higher Education] and thus will make decisions more accessible to external stakeholders, and taken in a more participatory manner, will promote the production of knowledge and the processes to raise researchers in our universities, will develop the relations between our universities and the business world, and will thus create a big leap in higher education.”

Creating a higher education system in Turkey with such a vision is the sincere wish, and actually the reason of existence, of the Science Academy. However, the developments of the past one year as put forward above trigger strong doubts on how this vision is going to be accomplished. Unless universities are opened to all sorts of opinions, are protected from every type of repression and are endowed with the means of self-government it does not seem likely that a big leap in higher education can be achieved in Turkey. In the present environment, it is getting more and more difficult for Turkey to attract young and talented researchers, and for them to be productive here. It seems even inevitable to suffer a new wave of brain-drain.

²⁴ See <http://www.jeanmonnet.org.tr/tr/AnaSayfa/Duyurular/ArtMID/1142/ArticleID/172/2016-2017-Akademik-Y%c4%b1%c4%b1-%c4%b0ptal-Duyurusu>

²⁵ See <https://www.artforum.com/news/id=63923>

Finally, it should not be forgotten that universities under the shadow of any external governance may only remain as meagre institutions of education that make simple replicas of developed models generated in free environments. Science may only flourish in places where every truth can be challenged.

Respectfully submitted to public attention,

The Science Academy Executive Board,
9 August 2017