

Restricting Research on Refugees is Against Scientific Freedom

The letter titled “Field Researches on Those Who Have Applied for Temporary and International Protection” that the Ministry of Interior has sent to the Council of Higher Education (YÖK) on April 6, 2015, has been transferred by YÖK to the university presidencies on April 10th, 2015. To summarize, the letter states that, in accordance with “the principle of privacy” which is relevant for those who have made an asylum request with “The Law on Foreigners and International Protection” and the “Temporary Protection Code”, sharing personal data and other information on these people with authorities from their country of origin and any third party is against the legislation. Thus the field research on Syrians carried out by universities are held to be against the law and academicians are told that such studies can only be carried out with the approval of relevant ministries.

However, when the stated law is examined, it is seen that the responsibility to protect privacy mainly belongs to the state authorities who obtain data. It is only natural that persons obtaining data through public authority or with the consent of the informant have the obligation to keep these data private and not to share it with third parties against the will of the owner of the data. This obligation cannot be understood as “other than the state authorities, nobody may collect data”. On the contrary, all data obtained in field research with the consent of the refugees, can be used in all sorts of scientific work, again in line with the consent of the owner of data. Article 24 of Draft Law of Data Protection, waiting to be passed by the Parliament, shows that “*with research, planning and statistical aims, to process personal data by making it anonymous*” is not against the law. This article is directly transferred from the Data Protection Circular no. 95/46 of the European Union. Moreover, the ethics committees of universities already conduct the necessary controls prior to such research, supervising the details of the consent form taken in field research.

The care to protect the personal data of individuals is certainly a principle valid for all kinds of scientific research. However, making the research work which already respects this principle subject to permission from related ministries is against the freedom to make scientific research, which is under constitutional assurance. We hold that the Ministry of Interior’s demand from YÖK is in violation of the Constitution. This situation should be corrected in the shortest possible term.

Executive Board of The Science Academy – Bilim Akademisi; June 8, 2015