



## **The Science Academy Statement on Freedom of Speech and Freedom of Science, February 2018**

The Science Academy sees it necessary to publicly express once again its concerns on the growing restraints on freedom of science and on its *sine qua non* condition, the freedom of speech. We sadly observe that the problems we have previously pointed out<sup>1</sup> regarding the freedom of speech are still present. The absence of any significant improvements, on the contrary, an increase in negative practices have turned the problem into a systematic issue.

As the Science Academy, we deem it necessary to underline once again the present legal situation which holds also under the state of emergency regime.

- Article 26 of the Turkish Constitution states that *“Everyone has the right to express and disseminate his/her thoughts and opinions by speech, in writing or in pictures or through other media, individually or collectively.”*<sup>2</sup> According to Art. 15, cl. 2, this is a freedom that cannot be limited through any measure that violates the principle of proportionality and obligations enjoined by international law.
- As expressed by the Constitutional Court, *“[...] freedom of speech, which is one of the pillars of the democratic society, is certainly valid not only for the situations considered favorable or innocuous or unworthy of attention, but also those which may be deemed negative, incorrect or disturbing by the state or some section of the society. Because such are the necessities of diversity, tolerance and open-mindedness present in a ‘democratic society’.”*<sup>3</sup>
- Again, according to the Constitutional Court, *“As stated in the settled case-laws of the European Court of Human Rights, governments are obliged to tolerate even the harshest criticism towards themselves, because governments are the exercisers of the public force. A healthy democracy necessitates that a government is checked not only*

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<sup>1</sup> The Science Academy’s announcements on freedom of speech and freedom of science dated [January 2016](#) and [April 2016](#), and [2017 Report on Academic Freedoms](#).

<sup>2</sup> [https://global.tbmm.gov.tr/docs/constitution\\_en.pdf](https://global.tbmm.gov.tr/docs/constitution_en.pdf).

<sup>3</sup> Individual Application to the Constitutional Court, No. 2014/12151, Date of decision 4/6/2015, on the Official Gazette 1/7/2015, No. 29403, para. 52.

*by the parliament and the judicial bodies but also by the other actors in the political arena, such as the non-governmental organizations, media or the political parties.”<sup>4</sup>*

The full membership application of the Republic of Turkey to the European Union is still in process. The Progress Report of 2016 states as such: *“In the past year, serious backsliding continued and gave rise to growing concern. Last year’s recommendations were not followed and can therefore be restated. Legislation and practice do not comply with ECtHR case-law. Freedom of expression has come under serious strain. Ongoing and new criminal cases against journalists, writers or social media users, withdrawal of accreditations as well as closure of or appointment of trustees to numerous media outlets are of serious concern. Selective and arbitrary application of the law, especially provisions on national security and the fight against terrorism, is having a negative impact on freedom of expression. The Internet Law and the general legal framework continue to enable the executive to block content without a court order on an unduly wide range of grounds.”<sup>5</sup>* It can be foreseen that the evaluation in the yet unpublished EU Progress Report 2017 shall be much worse. The expression of any opinion critical of the government’s present policies is now met with the charge of supporting terrorism, and this allegation itself is considered enough for the related persons to be detained or dismissed from their offices. It poses another serious problem that claims about faculty members being dismissed unjustly or because of their political view have not been subject to an efficient process of examination and evaluation so far.

Can we talk about any freedom of science where the freedom of speech is under such tremendous pressure? As it has been emphasized many times on previous announcements of the Science Academy, the freedom of speech is the foundation of the freedom of science; and it is the basic constituent of a tolerant and pluralistic society. This foundation is indispensable for all branches of science to freely form and teach scholarly views and knowledge, and to disseminate these through academic publications and by publicly expressing opinions. It is our responsibility to remember and remind that practices incompatible with a democratic society, limiting rights in an excessive or fundamental way, are violating both the Constitution of the Republic of Turkey and international conventions that we are a party to, including the European Convention on Human Rights.

Respectfully announced to the public,

The Science Academy Executive Board  
13 February 2018

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<sup>4</sup> Individual Application to the Constitutional Court, No. 2014/12151, Date of decision 4/6/2015, publishes in the Official Gazette 1/7/2015, No. 29403, para. 66.

<sup>5</sup> [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_turkey.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_turkey.pdf), p. 25.