



## The Science Academy Report on Academic Freedoms 2020-2021

### A. Introduction

The academic freedoms at Turkish Universities in the academic year 2020-2021 can best be exemplified by the series of interventions in Boğaziçi University that lack any rational or institutional justification. The idea underlying these interventions is simple: to streamline all Turkish universities, eliminate diversity and multivocality, and impose the idea(l)s of the majority on every university. Democracy is understood as a system where the majority, or rather the ruling government, has the authority to decide on everything. This perception is certainly not specific to Turkey. The importance of universities in protecting democratic cultures is an increasingly more debated subject worldwide and has notably been on the agenda of international organizations. Given the significance of the evaluations made in the joint declaration<sup>1</sup> of the European Council, the International Consortium for Higher Education, Civil Responsibility and Democracy, the Organization of American States, the Magna Charta Observatory, and the International Association of Universities in 2019, we see the benefit in reiterating the following statement:

- *Education, including higher education, is responsible for advancing and disseminating knowledge and developing ethical and able citizens. It, therefore, plays an essential role in modern democratic societies. Education is key to developing, maintaining, and sustaining a culture of democracy without which democratic laws, institutions, and elections cannot function in practice: education furthers and supports a set of attitudes and behaviors that seeks resolution of conflicts through dialogue; that accepts that while majorities decide, minorities have certain inalienable rights; and that sees diversities of background and opinion as a strength rather than as a threat. Education at all levels is therefore critical in helping develop the values, ethics, and ways of thinking on which democratic societies are based and which strengthen opposition and resilience to terrorism and violent extremism.*
- *Higher education can only fulfill its mission if faculty, staff, and students enjoy academic freedom and institutions are autonomous; principles laid out in the Magna Charta Universitatum as well as the UNESCO Recommendation on the Status of Higher Education Teaching Personnel. Academic freedom and institutional autonomy are essential to furthering the quality of learning, teaching, and research, including artistic creative practice – quality understood as observing and developing the standards of academic disciplines and quality as the*

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<sup>1</sup> <https://rm.coe.int/global-forum-declaration-global-forum-final-21-06-19-003-/16809523e5>

*contribution of higher education to democracy, human rights, and the rule of law [...].*

- *The future of democracy is at risk in the absence of academic freedom and institutional autonomy, just as it is when the press, media, or civil society organizations are weakened and compromised. Increasingly, these freedoms and institutions are threatened and undermined. The community of faculty, staff and students as well as higher education leaders must combine autonomy and accountability, freedom of research and teaching, and societal responsibility.*
- *Faculty, staff, students, higher education leaders, and public authorities can and should support academic freedom and institutional autonomy and contribute to its implementation. Equally, each can harm, limit and undermine these fundamental democratic values, as we see in too many instances in too many parts of the world. Even countries that have counted among the established democracies are not immune to the temptations of silencing critical voices in academia*
- *While academic freedom may be understood as the freedom of expression aligned with the standards of knowledge and research, members of the academic community have a double duty: to challenge received knowledge and understanding through high-quality research, teaching, and enquiry, and to use their academic freedom to further the common purposes and improvement of our societies.*
- *Campuses must be fora of vigorous debate and honest pursuit of truth, guided by the desire to help all human beings. Any limits on freedom of expression must be based on the protection of the specific rights of others (e.g., to protect against discrimination or defamation) rather than on expediency or to advance a single political ideology. [...]*

The governing idea of this short excerpt is that universities are among the leading constituents of democracies. Subjugating them threatens our democracy and impedes the advancement of science. The perception of democracy (solely) as an election and a majority won during an election harms our country. Elections only determine the legislative and executive powers in a democracy. Even if a political party holds the legislative and executive majority, the parliament must still be a place of collaborative work, shared wisdom, and compromise. On the other hand, the other powers of democracy, such as the judiciary, the press, universities, and civil society, are shaped according to entirely different dynamics. Should all these worldviews be forced to align with the elected government, this would essentially indicate the absence of democracy in that country.

## **B. The Ongoing Erosion of Universities' Corporate Autonomy**

### **1. The Events at Boğaziçi University**

As the Executive Board of the Science Academy, this academic year, we were compelled to make a series of declarations regarding the interventions against intellectual autonomy at Boğaziçi University ('BU'), one of the most globally known and most important successful universities of Turkey.

Let us start with a brief overview of the recent developments: On January 1, 2021, without consulting the BU stakeholders, the President of the Turkish Republic appointed an academician who had never worked at this university as the new rector. In addition, the existence of extensive accusations against this person concerning violation of scientific, ethical principles and the total disregard of principles of merit caused public indignation. Following

this appointment, without discussion in the relevant committees of BU, and without serving any justification, literally, overnight, two new faculties (law and communications) were established at BU. The rector, faced with the persistent reaction of the BU stakeholders, was dismissed after only six months, again by the authority of the President without explanation. The Council of Higher Education opened a call for application, and numerous academics from BU applied for the rectorship position. However, Prof. Dr. Naci İnci, who in an unofficial poll in which 82% of the 746 voters of BU participated only got the votes of 5% of the voters was appointed as the new rector by the President of the Republic.<sup>2</sup> During this process the contracts of some faculty members who somehow attracted attention by their dissent were terminated or not renewed.<sup>3</sup> On the other hand, the tailor-made job advertisements for the two newly opened faculties brought serious questions regarding nepotism to mind.<sup>4</sup>

As a result, an institution operating with excellent efficiency has been turned upside down by this external interference. The university stakeholders have been forced to spend their time and energy protecting their institution and reacting to anti-democratic practices rather than doing scientific research and teaching. This is Turkey's loss; it is value stolen from present and future generations. We would like to expand on this issue with excerpts from our Published Announcements.

'Indeed, a straightforward question lies at the basis of the discussion: Why do universities need to be autonomous?' Indeed, the only justification is not that Art. 130 of the Constitution still stipulates this. The autonomy of universities is a necessity as it is an indispensable prerequisite for the progress of science in a country. It is no coincidence that the most advanced universities are in countries that provide the highest level of autonomy to universities. The purpose and reason of academic independence are to generate and protect free and creative research, education, and a discursive environment. And the pre-requisite for this is freedom of thought, merit, and integrity.

What is meant by academic autonomy is the right to self-governance within a specific system of checks and balances. Academic autonomy also guarantees minimum state intervention in academic, financial, organizational, and employment policies. The opposite of this would be governance by the centralized state apparatus. In that case, the state would have to manage 203 universities, more than 160,000 academicians, and over 8 million students. This means, among other things, the appointment of the management team from the rectors down to institute directors, the admission of students, the appointment of faculty members and assistants, developing the curricula, planning the exams, the use and auditing of financial resources... Additionally, by centrally determining the governing staff of the university, the university's research policy would also be decided directly within this bureaucratic structure.

However, it is impossible to produce science in such a manner or provide students with an adequate education. Within a hierarchical organization, where subordinates implement what has been decided above, neither the search for truth is possible nor can new ideas be developed. In such a system, imitation and plagiarism, not creativity, come to the fore. Even though indexes solely based on quantitative criteria are not always

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<sup>2</sup> <https://www.cumhuriyet.com.tr/haber/bogazici-akademisyenleri-destekledikleri-rector-adaylarini-acikladi-1856794>

<sup>3</sup> <https://www.gazeteduvar.com.tr/bogazicinin-atanmis-rectoru-seda-binbasgilin-16-yildir-verdigi-caz-derslerini-kaldirdi-haber-1535415>

<sup>4</sup> <https://www.resmigazete.gov.tr/ilanlar/eskiilanlar/2021/07/20210716-4-7.pdf>

dependable, the fact that the universities in Turkey are continuously and seriously dropping in international rankings, especially after 2015, is an indisputable truth and an indicator of how scientific research has been interrupted.

To understand the problem, it is enough to search for an answer to the following question: Who is more suitable to determine the ideal candidate to manage a university, the university itself, or the President of the country? Accepting that universities that are the home of science, that raise the next generation of researchers, and represent the intellectual know-how of a country cannot determine their rectors properly whether through an election, or search committees or another method, but on the contrary, a single person, the President of the State, can determine the correct rectors for 203 universities is against any logic and reason. However, today our legal order precisely stipulates this. Unless this inadequate appointment system is changed, Boğaziçi University will neither be the first nor the last example of a Turkish university dropping in the rankings.

We also need to underline that in the popular press, the discussion is frequently reduced to the appointment of rectors through an election and the pros and cons of this process. However, the election process is only one of the methods used to determine the executives. A series of very different methods can be used to appoint a rector with both the highest academic capabilities and managerial qualifications. Therefore, the debate should focus on the logic of letting third parties, and ultimately the president of the state, determine the rector by completely excluding the main stakeholder - that is, the university itself.

After the amendments made in 2018, even the involvement of the Council of Higher Education in the appointment of the rectors, which was already very problematic, was limited to collecting information on the applicants and making recommendations to the President. In this process, it is unknown as to who makes these recommendations, which qualification standards these are based upon and how the ultimate appointment is made; whether the selected candidates distinguished themselves as leading researchers, with their original ideas and scientific contributions, and sensitivities regarding policies on academic integrity, or as successful academic managers – all these questions remain without answers. It seems as if the appointments have no criteria other than arbitrariness.<sup>5</sup>

‘In recent years, Turkey has become a country where universities are seen as ‘dissidents.’ Given the mentality that all kinds of dissents must be eliminated, the disposition to discipline the universities is laid bare. A government in conflict with science and academic institutions is wasting the country’s resources and preventing universities from working efficiently, believing that progress in science can be achieved within a chain of command.

However, democracy is not monologic. Neither is it a regime where the majority is always right. Multivocality minimizes the margin of error for people and systems. The essential purpose of democracy is to deliver governing power to the majority and give minorities and opposing voices breathing space, thus governance with minimum error.

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<sup>5</sup> <https://bilimakademisi.org/wp-content/uploads/2021/02/bilim-akademisinin-bogazici-universitesi-rektor-atamasina-iliskin-duyuru-3-subat-2021.pdf>

Only if all kinds of criticism are answered with respect and are based upon scientific data can it be ensured that a state operates for the benefit of its people. Here lies the most significant role of universities. A government that respects its people, land, youth, and future is a government that works together with universities and allows its activities to be questioned to the broadest extent. Yet universities being silenced ever-increasingly in Turkey and the world is a rueful indication of our continuous departure from democracy.’<sup>6</sup>

## **2. Unconstitutionality of the Authority to Establish and Close Faculties and the Ambiguity of Criteria in Using this Authority**

The authority of the President to establish and close faculties at discretion has become a topic of debate as part of the intervention in Boğaziçi University. Still, this authority is part of a broader problem that must be mentioned separately. With the transition to the Presidency system in Turkey, a change was made to Annex clause 30 of the Law on Organization of Higher Education Institutions in 2018. With this change, “*the authority to establish and combine, close, connect and change the names of faculties, institutes, and academies*” in state universities was granted to the President. Previously the Cabinet used this authority upon the proposal of the Council of Higher Education and the Ministry of National Education. As it is evident from the wording of the clause, there is no need to provide any rationale, make any feasibility study, or consult with the Council of Higher Education or the University itself to use this authority. However, according to Art. 130(9) of the Turkish Constitution, founding a faculty is only possible by law, not presidential decrees. The same is true for the Higher Education Law no. 2547, which expressly states in Art. 5, f that a faculty can only be established by law. Hence, an application was made to the Council of State for the annulment of the Presidential Decree that founded the law and communication faculties at Boğaziçi University.<sup>7</sup> But, in the final analysis, this is a formal deficiency. In other words, only the formal unconstitutionality will be remedied by enacting a law necessary for the founding of the two faculties. In our opinion, the more critical matter remains. State universities, for which the President can exercise such power, are not allowed to establish, or close a faculty themselves. This is even more inexplicable as Turkey’s foundation universities (still) enjoy such autonomy.

Whether the Government took the right decision when establishing these faculties is highly questionable. As we have emphasized in our previous reports, in the past 20 years, 131 universities have been opened in Turkey without raising the required human resources and assessing scientific competencies. While 76 of these are state universities, 55 are foundation universities. Yet, the choices of faculties being established in state universities are also highly questionable. For example, considering that there are already 28 law faculties and 18 faculties of communication in İstanbul, the decision to found one of each at Boğaziçi University shows the arbitrariness of the intervention. There seems to be no academic reasoning at work here.

The degeneration of the institution through the political appointments of faculty members at the top administrative positions, favoring a spoils system rather than a merit-based one, using the new faculties to serve as Trojan horses in the university-wide decision-making process and hence changing the established institutional culture and “conquering” BU from the inside are

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<sup>6</sup> <https://bilimakademisi.org/wp-content/uploads/2021/07/bilim-akademisi-duyuru-boun-son-gelismeler-19-temmuz-2021.pdf>

<sup>7</sup> For a detailed analysis regarding the unconstitutionality of the related regulations see *Burak Oder*, “Cumhurbaşkanının Yükseköğretim Kurumlarında Akademik Yapı Değişikliği Yapma Yetkisine İlişkin Bazı Değerlendirmeler”, [www.idare.gen.tr/oder-fakulte-kurma.pdf](http://www.idare.gen.tr/oder-fakulte-kurma.pdf) (Publication Date : March 7 2021).

the tactics that have been on play at BU. Unfortunately, these tactics that aim to gain political rather than academic power are draining away the character of the university. This is the grave state that our world-scale University (BU) has been forced into.

On the other hand, according to a study published in the year 2019, while there are a total of 46 faculties of law in State Universities in Turkey, the number of faculties of theology (including Faculties of Islamic Sciences) is 92.<sup>8</sup> Even more striking is the fact that in the year 2009 the number of faculties of theology in state universities was 24. In the same year, there were 22 faculties of law in state universities. That is to say, in a period of 10 years, until 2019, while 24 law faculties were established, it was deemed necessary to establish 68 faculties of theology. There has been no statement made by the Council of Higher Education on the reasons for this need. As a ‘natural’ outcome of these faculty numbers, in the 2020-21 academic year 16,469 students were enrolled in the faculties of law and a total of 26,820 students were enrolled in the faculties of theology. It is unclear in which line of business all these theology graduates will be placed in Turkey. While there is a serious lack of qualified personnel in all types of manufacturing industries, one cannot understand why Turkey’s resources are wasted in such manner.

### **C. The Freedom to Do Scientific Research and Share the Research Results**

#### **1. The Ministry of Health’s Ongoing Practice of Research Permission on Covid-19**

As per the statement made on the Ministry of Health’s website<sup>9</sup> The Directorate General of Health Services has initiated an application procedure on 28.04.2020 for Covid-19 related clinical studies. According to the Ministry, the aim is to determine how to incentivize the projects and ‘to provide data support to potential comprehensive studies’. Again, as per the statement of the Ministry, since that date, applications for 21,721 scientific studies were filed online. Without any further inquiry, 96% of the researchers got a reply within five days and were given permission to continue their studies as planned. The reason for the remaining studies to be refused was explained as their refusal to be included in multi-centered research. However, they had been informed that there was no obstacle to their carrying on their studies solely with the data obtained from their own centers.

As the Science Academy, we have previously made a statement that such registry and permission mechanisms violate freedom of science because of the risks involved.<sup>10</sup> The Ministry may assume functions such as coordination or may inform those who voluntarily enter its database of conducted past research and its results. However, introducing a mandatory application procedure requires an explanation.

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<sup>8</sup> *Kemal Gözler*, “İlahiyat Nereye Gidiyor? Hukukun Sefaleti ve İlahiyatın Zenginliği Üzerine Gözlemler (Bırakın Sayılar Konuşsun!)”, [www.anayasa.gen.tr/hukuk-ilahiyat.htm](http://www.anayasa.gen.tr/hukuk-ilahiyat.htm) (Publication Date: November 3 2019). According to the statistical information the author gives in another publication, while the number of postgraduate theses written between 1987-2019 at the Philosophy and Religion Department, Islamic History and Arts Department and Basic Islam Sciences Department was 10812, the law postgraduate theses written in the same period were 5368. Again, in the same departments in the same period 2789 PhD theses were written while in the law faculties this figure was 1210. *Kemal Gözler*, “İlahiyat Nereye Gidiyor? (2) İlahiyatta Yüksek Lisans ve Doktora Sayıları Hakkında Gözlemler”, [www.anayasa.gen.tr/ilahiyat-yl-doktora.htm](http://www.anayasa.gen.tr/ilahiyat-yl-doktora.htm) (Publication Date: November 7, 2019).

<sup>9</sup> [https://bilimselarastirma.saglik.gov.tr/\\_layouts/15/BilimselYayin\\_Membership/login.aspx?ReturnUrl=%2f\\_layouts%2f15%2fAuthenticate.aspx%3fSource%3d%252F&Source=%2F](https://bilimselarastirma.saglik.gov.tr/_layouts/15/BilimselYayin_Membership/login.aspx?ReturnUrl=%2f_layouts%2f15%2fAuthenticate.aspx%3fSource%3d%252F&Source=%2F)

<sup>10</sup> <https://bilimakademisi.org/wp-content/uploads/2020/05/bilim-akademisi-duyurusu-covid-19-arastirmalari-hakkinda-bildirim-yukumlulugu-sakinalidir-duzeltme-20-mayis-2020.pdf>

A significant question that emerges within this context is how and by whom the *big data* accumulated in the hands of the Ministry is being used. This data must be open to all scientists who wish to utilize the data in their scientific publications. Leaving the decision by whom this data is going to be used to the ministry or another institution is creating a serious risk of favoritism and nepotism. In fact, some articles written by senior officials of the Ministry and their research groups based on this data have been retracted because of errors. This already shows how questionable such ‘closed’ research is.

On the other hand, the use of this data is of great importance for the determination of e.g. the need for and the timing of the 3<sup>rd</sup> and 4<sup>th</sup> doses of Covid-19 vaccinations. Thanks to the guides published early during the Covid-19 pandemic by the Ministry of Health in Turkey, a relatively standard treatment was administered to every patient who checked in to a hospital and received in-patient treatment. During the pandemic period a significant portion of the population could be vaccinated with two different vaccines. Yet, despite all this, it is neither possible to access the data of the medicine used in treatment, nor the results regarding the vaccinations. The information disclosed by the Ministry of Health on this subject is extremely limited. In addition, the content and definition of the data shared during the pandemic period have been changed which prevents it from being used in research. Without sharing all data obtained in the last six months regarding which vaccine is safer and more effective on which age groups or which patient groups, the selection of the 3<sup>rd</sup> and 4<sup>th</sup> vaccination doses was brought to the agenda. This has caused serious problems especially in the selection of the correct vaccine for patients with chronic illnesses. Inconsistent information also triggered hesitance regarding the vaccines in our country. In this respect, it is crucial for the efficient fight against the pandemic that the Ministry of Health offers this data as soon as possible, for the use of all scientists without exception.

## **2. Notice Published by the Ministry of Education Regarding University Research Conducted at Schools**

As per the Notice ‘Research Practice Permissions’<sup>11</sup> published by the Ministry of Education on February 21, 2020, it is still necessary to apply for permission in order to conduct scientific research in schools which are subordinated to the Ministry of Education. However, this permission procedure has been even more tightened, the bureaucracy increased and applied with the motive of chastening rather than supporting scientific studies. Negative practices such as having to take repeated permission for similar projects, projects submitted for renewal being refused without explanation, cast doubt on the motives of the Ministry and raise the fear that research deemed politically inappropriate might be deterred.

## **3. Research by the Order of the State: Genocide Institute**

According to a statement made by the Council of Higher Education on May 22, 2021<sup>12</sup> work was begun for the establishment of an institute called the “International Institute for Genocide and Crimes Against Humanity”. The Institute “*not only aims to do research on the so-called genocide allegations regarding the Armenians, but also to do research on crimes against humanity that are taking place all around the world, from America to Asia, Asia to Europe.*” It was stated “*that the practices that can be considered within the concept of genocide or crimes*

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<sup>11</sup> Issue: 8157613-10.06.02-E.1563890.

<sup>12</sup> <https://www.yok.gov.tr/Sayfalar/Haberler/2021/soykirim-ve-insanliga-karsi-islenen-suclara-iliskin-arastirma-enstitusu-kurulacak.aspx>

*against humanity that were realized by the imperialist states in history still continue to be carried out in certain regions. They drew attention to the fact that the history of humanity had witnessed many policies that constitute crimes against humanity such as the ignorance of the sovereign rights of the peoples living in the lands occupied and exploited by these imperialist countries, their massacre, exile, assimilation, change of their languages, interference with their religious life and cruel treatment towards these people.* Pursuant to the Presidential Decision published in the Official Gazette dated 15.07.2021 the aforementioned Institute has been established within the Istanbul University.

Supporting all kinds of research on genocide and crimes against humanity and showing sensitivity to these matters is most certainly praiseworthy of a country. However, what can and cannot be characterized as genocide by scientists in light of historical, social and legal data being determined by state officials prior to research is against the essence of scientific research as a concept. The expression “*not only aims to do research on the so-called genocide allegations regarding the Armenians*” used in the statement justifies this concern. Not only is it undebated that freedom of science under the constitutional guarantee cannot be limited in this manner, but also the judicial decisions of the European Court of Human Rights leave no room for discussion.<sup>13</sup>

#### **4. Rejected Certification of Equivalence of a PhD Title**

Mehmet Baki Deniz received his PhD degree at the State University of New York at Binghamton in 2019, defending the study ‘*Who Rules Turkey Between 1980 and 2008? Business Power and the Rise of Authoritarian Populism*’ before a jury of five. He then applied to the Interuniversity Board for the equivalence of his diploma, yet he received the information that his application was refused as per the Procedures and Principles Regarding the Evaluation of Doctorates, Competency in Art, Associate Professorship, Professorship Titles article 6, clause 2.<sup>14</sup> Pursuant to the aforementioned article ‘(2) *The PhD education must be received via formal education method in higher education institutions recognized by the Council of Higher Education. Save for the unique conditions of each application such as the country of doctoral education, the subject of doctoral thesis, if any courses were taken during the doctoral period, to be evaluated by the Executive Board of the Interuniversity Board; it is imperative for applicants to spend during the period of doctoral education a minimum of 200 days for Social Sciences, 300 days for Engineering, Basic Sciences, Physical Education, Sports Sciences and Other Sciences, 400 days for Health Sciences in the country where the university is located.*’

There is no doubt that the aforementioned regulation violates Article 27 of the Constitution. According to this article ‘Everyone has the right to learn and teach, explain, spread science and art and do all kinds of research freely in these areas.’ Since the level of academic education is not the same in all countries and universities, it is reasonable that some PhD theses written in some countries are refused equivalence or academic degrees given by some universities are not recognized. However, it is a shame that the Interuniversity Board sees itself entitled to refuse equivalence by evaluating the *content* of a thesis written in SUNY University in the US, whose doctorate degree is recognized by the Turkish Republic. Following this logic, it is possible that the Interuniversity Board acts as a secondary reviewing authority for all theses written in all

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<sup>13</sup> For example Altuğ Taner Akçam v. Turkey, (Application no. 27520/07), October 25, 2011.

<sup>14</sup> <https://www.gazeteduvar.com.tr/abddeki-doktora-tezi-turkiyede-reddedilen-deniz-bir-dusunuce-sucu-vakasiyla-karsi-karsiya-kaldim-haber-1533464>; <https://www.gazeteduvar.com.tr/abdde-yazilan-doktora-tezi-turkiyede-reddedildi-gerekce-tez-konusu-ve-icerigi-haber-1533327>.

areas of expertise in all scientific branches. The duty of the institutions that issue equivalence is never supervision of content. This kind of censorship of a thesis subject, which could in principle be even chosen as a thesis topic in Turkey, is a sad indicator of the Interuniversity Board viewing itself as an executive branch, just like the Council of Higher Education, spreading the opinions approved by the current government. We recommend that our colleagues be primarily committed to the Constitution.

## 5. Inflation Research

Academics and experts in the Inflation Research Group (ENAG) managed by Prof. Dr. Veysel Ulusoy have been measuring the daily inflation rates in Turkey and submitting to public attention.<sup>15</sup> Yet the Minister of Treasury and Finance Lütü Elvan declared on a television program he attended, that the Turkish Statistical Institute had filed a criminal complaint against ENAG, and the academicians and experts in ENAG had to testify to the public prosecutor conducting the investigation.<sup>16</sup> It is yet unknown if the investigation will result in a lawsuit or not.

Prof. Dr. Veysel Ulusoy and the ENAG group are measuring daily inflation data and bringing this information to public attention in parallel with a project conducted by Harvard University. Yet, according to a statement from the Turkish Statistical Institute<sup>17</sup> a criminal complaint has been filed against them. ‘Their crime’ is, as per the Turkish Statistics Law article 6, clause 3, that they have acted against the following regulation: ‘If real persons or private legal entities that run research activities that include statistical results, share the results of their research with the public through press or publishing, they are obliged to declare also the scope, sampling method and volume, data collection method and application period along with the research results to the public.’ Which type of crime ENAG publications will fall into is indeed a mystery. There is certainly a possibility of the scientific research being inadequate, or not being able to be crosschecked because of unshared meta-data; however, the way to contest this must not be through creating a new type of crime but by simply correcting misinformation using scientific methods.

## 6. The Acquittal of Bülent Şık

In our 2019-2020 Academic Freedom Report we reported that Bülent Şık was convicted of ‘disclosing secrets related to his duties’ and sentenced to a 15-month prison sentence on September 26, 2019, for sharing with the public the findings of a research project carried out with support from the Ministry of Health aimed at determining the level of carcinogenic chemicals in areas with a high prevalence of cancer. The Istanbul Regional Court of Justice 13<sup>th</sup> Penal Chamber has reversed the decision of the first instance. As it appeared in the press, the court gave a sound ruling, stating that ‘even though there is a confidentiality protocol between the university and the ministry, this protocol was made in essence, with the purpose of all the

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<sup>15</sup> <https://enagrup.org/>

<sup>16</sup> <https://t24.com.tr/haber/savci-tuik-in-suc-duyusunda-bulundugu-enflasyon-arastirma-grubu-uyelerinin-ifadesini-almis,951422>; <https://www.bloomberg.com/news/articles/2021-05-08/turkish-researchers-face-fines-for-publishing-own-inflation-data>.

<sup>17</sup> TÜİK Suç Duyurusu Hakkında Kamuoyu Duyurusu.

results of the scientific study to be declared by the Ministry of Health<sup>18</sup> In the decision it was also pointed out that the information revealed by Şık could not be classified as secret or confidential document.

## **7. Obstacles Brought on Performing Professional Research**

For some time already, several inexplicable restrictions are being brought to specific occupational groups. There is a high probability that these regulations aim to favor some group of researchers or practitioners and are a cause for concern.

For example, two provisions included in the Genetic Diseases Assessment Centers Regulation that standardizes the procedures and principles regarding licensing, opening, operation and inspection of genetic diseases assessment centers with the purpose of diagnosing genetic diseases and providing genetic consultancy, cause serious nepotism doubts and cannot be explained within the framework of any merit principles:

Pursuant to Article 15, sub-article 1, clause b, *'the managing director, a medical genetic expert, child genetic expert or a person defined in [...] is appointed as the center supervisor. If the center is to be opened within a private hospital or a medical center, the center supervisor has to have a medical genetic staff position. Yet for doctors who have been retired due to unavailability of open positions, or doctors over the age of 60, and for doctors with a disability rate of minimum 60 percent, the staff position is not required.'* On the one hand, the supervisor of a center that diagnoses genetic diseases needs to be a medical genetic expert; on the other hand, there is no explanation why such an exception has been made.

According to the Provisional Article 1, sub-article. 2 *'medical doctors having completed their doctorate degrees after 18/7/2009 can by no means use the authority of an expert. Medical doctors who have completed their doctorate degrees before 18/7/2009 and who can document that they have worked in a genetic diagnosis center actively for at least 2 years, ran and reported genetic examinations have a right to become Genetic Diagnosis Center Supervisor.'* Just like the 60 years of age limit above, this regulation too does not give a single reason for the significance of the year 2009. It remains a mystery why those who completed their doctorates after 2009 cannot be employed as expert staff.

## **D. Violations Regarding Personal Rights and Safety of Academicians**

### **1. Law Regarding Security Clearance and Archive Investigation**

Another important development in 2021 that was of particular concern with regards to academic freedom in universities was the legal change that made security clearance and archive investigation obligatory. According to the Law Regarding Security Clearance and Archive Investigation accepted in the Grand National Assembly of Turkey after much dispute, “archive investigation” became mandatory for those who “will be appointed as *civil servant or for public service* for the first time or once again independent of status or form of employment”. Within the scope of status (CHART I) defined in the Presidential Decree No. 3 from 2018, “security clearance” was also stipulated for rectors ranked as senior level public executives. The competent authorities for security clearance and archive investigation were determined as the

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<sup>18</sup> <https://t24.com.tr/haber/kanser-arastirmasini-acikladigi-icin-hapse-mahkum-edilen-bulent-sik-in-cezasi-bozuldu-zaten-bakanlik-aciklamaliydi-sir-niteligi-yok,949317>

National Intelligence Organization, General Directorate of Security and regional local authorities.

The law does not only settle for checks of a criminal record within the scope of archive investigations. It also requires that it be determined from the records if the person in question is currently wanted by the law-enforcement officers, if there are any restrictions against them or any final court orders and decisions made as per sub-articles 171/5 and 231/13 of Code of Criminal Procedure (decisions on adjournment of a public prosecution trial and deferment of the announcement of the verdict), facts within the scope of ongoing or finalized investigations or prosecutions and punishment of dismissal from public service or final punishment of dismissal from official duty. The court decisions taken according to sub-articles 171/5 and 231/13 of Code of Criminal Procedure include decisions on adjournment of a public prosecution trial and deferment of the announcement of the verdict.

On the other hand, the scope of the security investigation was defined very broadly to include vague intelligence data (like ‘being related to foreigners’) and thereby perpetuating the practices introduced after the 2016 coup attempt (where ‘connection and adhesion’ with certain groupings was found to be enough for a verdict). According to the Law, the following information regarding the person going through the security investigation is also used (article 5):

- a. *The actual data existent at law enforcement and intelligence units which is relevant to the qualities of his/her duty,*
- b. *His/her relation to foreign state institutions and foreigners,*
- c. *Whether he/she is in unity of action, connection and adhesion with terror organizations or organizations established with the purpose of criminal activity by reevaluation of current records and information gathered at the working place through methods suitable for inspection.*

It seems crucial to point out the institutionalized mechanism brought about by this law. It stipulates establishing an “Evaluation Committee” to assess the data obtained as a result of the archive investigation and security clearance, under the presidency of vice rectors. The law determines the composition of the Evaluation Committee in a specific and binding manner. The committee has to be comprised of an odd number of members not less than five including “the vice rector attending in the capacity of president, one member from inspection/audit, personnel and law units each, and one member from other units deemed appropriate”.

Pursuant to this law, it has become obligatory for units tasked with security clearance and archive investigation to hand in uninterpreted factual data, which will enable evaluation of suitability for official duty or public service, to the Evaluation Committee within the related institution or organization. As the Evaluation Committee lacks the authority for instatement, its function in the process can be defined as a filter of appropriateness. The committee is responsible for submitting its “objective and reasoned evaluations” regarding the data it has received in a written form to the person in charge for the instatement. The law also regulates submission of this information in case requested by courts.

This Law associating academic status with general security issues raises great concern as it is reminiscent of the human rights violations known as “profiling” carried out during and after the September 12<sup>th</sup> 1980 period and of the court decisions limiting freedom of expression. By not establishing a concrete framework that fosters freedom of expression and a set of principles

regarding how the evaluation it stipulates will be made, the law presents serious risks in terms of academic freedom.

The example of the Academics for Peace case (Applications of Zübeyde Füsün Üstel and Others)<sup>19</sup>, which was decided by the Constitutional Court in favor of the applicants qualifying the petition as covered by freedom of expression, shows the extent of unlawful practices of a political nature at universities resulting in the deprivation of academic status. While freedom of expression is increasingly becoming the subject of criminal cases, which severely affects academics, negative practices based on archive investigations are going to become a new obstacle to the freedom and merit-based development of academia. With this law universities are becoming prone to political influence and exclusion of a new dimension.

## **2. The Problem of Additional Measures and Rights Violations of Academics for Peace**

In 2019, the Supreme Court rescinded an unconstitutional practice based on legislation adopted after the 2016 coup attempt.<sup>20</sup> The rescinded practice was based on the Law numbered 7075. As per this Law, applications could not be made to the State of Emergency Commission against the “additional measures” included in the decree-laws brought into force within the scope of the State of Emergency pursuant to the procedures installed directly through State of Emergency decree-laws.

Therefore, relevant persons had the right to apply to the Commission against measures such as dismissal from public service or closure of institutions and organizations exercised directly by the act of a decree-law. However, applications could not be made to the State of Emergency Commission against the additional measures related to the dismissal from public service that were of particular concern to academics, such as “the cancellation of a passport.”

The Supreme Court rescinded the act of law that left the individual vulnerable to “additional measures,” pointing out that this was in conflict with the constitutional right for “effective application” (article 40 of the Constitution).

The court pointed out that the lawfulness of the dismissal from public service (“main measure”) did not mean that “the additional measures that are of separable nature” are lawful. Moreover, creating an “administrative application procedure that would enable judicial authorities to conduct an effective audit” was deemed necessary in the lawfulness audit of additional measures such as passport confiscation.

The Supreme Court has determined a rights violation regarding the restriction on Dr. Latife Akyüz’s (Düzce University) passport. Akyüz was discharged from her position for being a signatory of the Academics for Peace petition in September 2021.<sup>21</sup>

Dr. Akyüz had received a (two-year) fellowship from the Philipp Schwartz Initiative in Germany granted to academics at risk. Dr. Akyüz had also been selected for another three-month program in France. First, the international travel ban imposed on Dr. Akyüz and then, being unable to go abroad because of the restriction put on her passport despite the acquittal of those prosecuted in the Academics for Peace lawsuits were a serious violation of her constitutional rights. Other Academics for Peace signatories also faced this problem. Even

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<sup>19</sup> Zübeyde Füsün Üstel and others [GK], B. No: 2018/17635, 26/7/2019.

<sup>20</sup> E. 2018/74, K. 2019/92, K.t. 24.12.2019.

<sup>21</sup> <https://www.gazeteduvar.com.tr/aym-baris-akademisyeni-akyuz-icin-hak-ihlali-karari-verdi-haber-1534588>

though it took five years for the Supreme Court to consider her application, the case was ruled in Dr. Akyüz's favor and constituted a precedent for other applications.

Despite the Supreme Court's decisions, it can be observed that in practice, the problems regarding the "additional measures" are still ongoing. In particular, the scope of these measures is unknown. News stories about Esra Ergüzel Kilim's experience, who could not find a job in the public or private sector due to her being discharged by the decree-law is an example.<sup>22</sup> Ergüzel Kilim stated that "she was faced with obstacles the moment she was registered into payroll as there was an injunction order on her." It is seen that her request to learn about and object to the additional measures went back and forth between institutions and produced no results. This and other similar cases meant that "the right to know the procedure carried out about oneself," the prerequisite of an effective application, was also violated.

On the other hand, the State of Emergency Commission remains silent about the applications made to its office despite the jurisprudence of the Supreme Court. There has not been any ruling yet of acceptance or refusal. The academicians whose applications were kept in limbo for four years cannot effectively explore other legal avenues or utilize their right to legal remedies. Some of the Academics for Peace have declared that they have also applied to the Supreme Court for the State of Emergency Commission's viewpoint.<sup>23</sup> Moreover, the Commission's failure to respond in a reasonable amount of time resulted in 81 academicians applying to the European Court of Human Rights due to not having an effective legal procedure. The court stated that it requested Turkey's defense on this matter by July 2021.<sup>24</sup>

The State of Emergency Commission's failure to respond and other ongoing practices are defaming the academicians discharged from public service for being one of the Academics for Peace and preventing them from having access to work opportunities. The challenges experienced by the academicians removed from public service are described as "civil death."<sup>25</sup> Especially the problem of "additional measures" renews and continues their hardship. The statements given below are samples of qualitative data revealing the scale of aggrievement experienced by the Academics for Peace:<sup>26</sup>

*"The matter of additional measures regarding us is completely aimed at destroying us. Because of that, no institution I apply for a job ever replies. When you are about to be employed*

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<sup>22</sup> To those discharged from universities with decree-law, after the cancellation decision of the Constitutional Court "additional measures,"

<https://www.gazeteduvar.com.tr/devlet-bunu-bilemiyor-khklilere-ilave-tedbir-kimin-karari-haber-1518047>

<sup>23</sup> Özgür Özdemir, "State of Emergency Commission makes no decision regarding the Academics for Peace in four years. By keeping our files in limbo, they prevent us from taking any steps, this is an intentional and political attitude." <https://medyascope.tv/2021/09/21/ohal-komisyonu-dort-yildir-baris-akademisyenleri-ile-ilgili-karar-almiyor-dosyalarimizi-arafta-bekleterek-herhangi-bir-adim-atmamizin-onune-geciyorlar-bu-bilincli-ve-politik-bir-tavir/>.

<sup>24</sup> "European Human Rights Court asked for Turkey's defense for the the peace declaration", <https://www.evrensel.net/haber/438007/aihm-baris-bildirisi-icin-turkiyeden-savunma-istedi>.

<sup>25</sup> Banu Yılmaz, "Sivil Ölüm Uygulamalarının Psikososyal Etkileri: Barış Akademisyenleri Üzerinden Bir İnceleme, Toplum ve Hekim, 2020, Volume 35, Issue :3, p. 229-237; for examples please see. Demet Sayınta, OHAL Sonrası Akademik Özgürlük İhlallerini İzleme Raporu, İnsan Hakları Okulu, KAGED, 2021, p. 14-20.

<sup>26</sup>For excerpts from Esra Ergüzel Kilim and Leyla Şişek Rathke, please see. For those discharged from the university by decree-law after the cancellation by Constitutional Court, now "additional measures"; Academics for Peace: We are resisting civil death for five years," <https://m.bianet.org/biamag/siyaset/242187-baris-akademisyenleri-5-yildir-sivil-olume-direniyoruz>.

*somewhere, you need to be entered on the payroll, but we don't get employed as the decree-law is written there. They block our way with additional measures and decree-law."*

*"For me, the worst was our passports being canceled and being banned from traveling abroad. It created a feeling of captivity; we had periods when we thought, 'what else can they do?' Even though we have been acquitted, there have been no allegations left against us; we are intentionally kept from going back to work. Although I have been a public service for 28-29 years, I can't get my green passport unless I go back to work."*

*"I had received an excellent job offer from a university we previously collaborated with, but my passport was canceled, and I didn't want to leave illegally; we were disqualified from working in this country."*

### **3. Intimidating and Suppressive Attitudes Towards Faculty Members**

In terms of the intimidation and suppression of faculty members, public authorities or politicians' disparaging or oppressive attitudes, the lynching by trolls, and appointments to positions unrelated to the fields of expertise following the statements made on plagiarism were of concern. Similar cases to the examples above were mentioned in the mobbing report prepared by the Young Science Academy.<sup>27</sup>

Regarding the demonstrations in Boğaziçi University, the accusation of Prof. Dr. Ayşe Buğra for being a "provocateur," and pointing out of Prof. Dr. Üstün Ergüder, a previous rector of Boğaziçi University, as a target by the Minister of Internal Affairs for the demonstrations and the statements made towards the 38 previous rectors and CoHE members were prominent amongst the disparaging and accusatory attitudes of politicians.<sup>28</sup> The Boğaziçi protests and the aggressive approach towards academics were also topics of criticism in the international scientific community.<sup>29</sup> A call was issued to political authorities for a change of attitude. Within this context, the Science Academy was critical and cautionary, condemning the churlish treatment of scientists. The Academy shared the below comments in its statement dated February 8, 2021, regarding the statements targeting Prof. Dr. Ayşe Buğra:

*"Prof. Dr. Ayşe Buğra, a member of the Science Academy, is a highly respected academic of the international scientific community. Turkey should be proud of her. We are greatly upset*

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<sup>27</sup> "A small-scale legal battle," <https://miracyazici.blogspot.com/2019/03/kucuk-capl-bir-hukuk-mucadelesi-ve-sonuc.html>; "Three out of four academicians in Turkey faces mobbing: 'They want assistants to do everything,'" <https://tr.sputniknews.com/20210331/turkiyede-her-dort-akademisyenden-ucu-mobbinge-maruz-kaliyor-1044156657.html>.

<sup>28</sup> "Üstün Ergüder matters for all segments of our public", <https://m.bianet.org/bianet/egitim/239732-ustun-%20erguder-her-kesimden-halkimiz-icin-onemlidir>

"Erdoğan, targets Prof. Ayşe Buğra: Among Provocateurs", <https://www.gazeteduvar.com.tr/erdogan-prof-ayse-bugrayi-hedef-aldi-provokatorlerin-icinde-haber-1512457>

"MHP Chairman Bahçeli: Have you once showed a reaction to terror?", <https://www.yenisafak.com/gundem/mhp-genel-baskani-bahceli-terore-bir-kez-olsun-tepki-gosterdiniz-mi-3601728>; "1460 person support to Boğaziçi's old rector Prof. Dr. Üstün Ergüder", <https://www.cumhuriyet.com.tr/haber/bogazicinin-eski-rektoru-prof-dr-ustun-ergudere-1460-kisilik-destek-1815781>.

<sup>29</sup> As examples pls. see. "Signature campaign in support of Turkish academics", The Norwegian Academy of Sciences and Letters, <https://dnva.no/detskjer/2021/03/signature-campaign-support-turkish-academics>; "Turkey: Institutional Autonomy Under Threat", Scholars at Risk, <https://www.scholarsatrisk.org/2021/01/turkey-institutional-autonomy-under-threat/>.

*that the honorable President of the Turkish Republic could accuse her of having played any role in the student demonstrations at Boğaziçi University. In addition, we witness more and more that individual academics are insulted, slandered, and pointed out as targets of hatred by some media outlets. This is a violation of their personal rights, which are under the guarantee of the Constitution and the respective laws for all Turkish citizens.*

*This level of rudeness towards people of science, labeling every contrary opinion as a provocation and every objection as treason, is causing great harm to our country. What will carry Turkey forward is not interference in and suppression of science, its institutions and scientists and scholars, but to show them the respect they deserve.”*

In terms of the attitudes of public authorities, the Turkish-German University’s opening of an investigation into Prof. Dr. Mehmet Murat Erdoğan was in the spotlight. The grounds for the investigation were the following opinions Prof. Dr. Erdoğan shared on his Twitter account<sup>30</sup>:

“Policies can certainly change, but those with “ideas for rent” are now in the mood for calling Sisi a “powerful, esteemed leader” rather than a “coup-plotter,” calling the King of S.A. (Saudi Arabia) a “friend” rather than a “killer”; refute to death what they used to defend to death! Can these brazen dipsticks do any good to the country or to the people they serve?”

The Turkish-German University made a public statement regarding the Tweet in question, interpreting the situation as an “insult to the government,” and condemned its faculty member whom it referred to as “this individual.”

In the public statement, the University said: “Freedom of thought does not give the authority to insult others, especially the government and its members. The necessary legal process has been initiated against this individual who apparently perceives freedom of thought in this scope.”

After the opening of the investigation, Prof. Dr. Erdoğan made an additional statement apologizing and said that his Tweet was not addressed to the state authorities:

*“ Although the tweet post that directly criticized the trolls that prevent a reasonable discussion environment in the country was not targeting any politician, thereby not targeting our President or the government, it was suddenly distorted and turned into slander and lynching. In other words, the ones I was criticizing have done their jobs and this time made me the target (...)(A)nyone not looking through special glasses can see that my message is not addressed to politicians or the state. I apologize if I have hurt anyone with my tone. I leave those with bad intentions to their own devices.”<sup>31</sup>*

Physician-scientists have become targets of troll lynching. An arrest campaign initiated on social media against Prof. Dr. Mehmet Ceyhan (Hacettepe University Faculty of Medicine) for

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<sup>30</sup> “Turkish-German University, initiated the legal process on Prof. Dr. Mehmet Murat Erdoğan criticizing the government,” <https://www.cumhuriyet.com.tr/haber/turk-alman-universitesi-iktidari-elistiren-prof-dr-mehmet-erdogan-hakkinda-hukuki-surec-baslatti-1834348>

<sup>31</sup> Investigation from Turkish-German University to Prof. Dr. Murat Erdoğan, <https://www.dw.com/tr/t%C3%BCrk-alman-%C3%BCniversitesinden-prof-dr-murat-erdo%C4%9Fana-soru%C5%9Furma/a-57470786>

his statements on COVID-19 and vaccination reflects the anti-science rhetoric. Public statements of Prof. Dr. Mehmet Ceyhan pointing out the risks of the COVID-19 pandemic and emphasizing the importance of vaccination were reported to Presidency's Communication Center in November 2020, on the grounds that they incited panic and fear in public. Similarly, a criminal complaint was filed against a public health expert Prof. Dr. Kayıhan Pala (Bursa Uludağ University), with the allegation that he incited panic in public.<sup>32</sup> In May 2021, a social media campaign was initiated with the #ArrestMehmetCeyhan hashtag, and a criminal complaint was filed. The Turkish Medical Association (TTB) supported Prof. Dr. Ceyhan and started the pro-science/pro-scientist campaign with the statement "We will not submit to threats and take science as our guide" and the hashtag #MehmetCeyhanIsNotAlone.

In September 2021, Prof. Dr. Esin Davutoğlu Şenol (Gazi University Faculty of Medicine), who attracted attention with her statements on COVID-19 and vaccinations informing the public before the anti-vaccine meeting, was exposed to troll lynching on social media. Turkish Society of Clinical Microbiology and Infectious Diseases (KLİMİK) published a statement upon the misogynistic humiliation Prof. Dr. Davutoğlu Şenol had to face in the social media attacks. The following comments were included in the statement:

*"We find unacceptable and regretfully condemn the ugly attacks made on our valued friend, the founder and president of our society's immunization working group who only takes science as a reference and performs her profession with a public responsibility in the best possible way."*<sup>33</sup>

In the cases of Prof. Dr. Ceyhan and Prof. Dr. Davutoğlu Şenol, while anti-science groups carried out their strategies of intimidation and suppression, public authorities refrained from giving out a compelling political message against these attacks on people of science. Support and advocacy for both of these faculty members were limited to NGOs and professional organizations. The lack of an effective public policy against intimidation and the suppression of scientists who assume a social function with their illuminating statements of public service raise concern.

The news regarding the appointment of Asst. Prof. Dr. Salih Kalaycı, a faculty member at the International Trade and Logistics Department, who raised plagiarism claims at Bursa Technical University to a Faculty of Forestry that was irrelevant to his field, raises concerns on intimidation and suppression in internal practices.

The news in the press suggested that some researchers in Bursa Technical University, including a dean and a department head, prepared their theses with unethical methods, including plagiarism.<sup>34</sup> Doç. Dr. Salih Kalaycı, who is thought to have exposed this, was alleged to have had "aggressive attitudes and behavior." On these grounds, Asst. Prof. Dr. Kalaycı was assigned to temporary duty in the Faculty of Forestry. Processes regarding the violation of science ethics,

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<sup>32</sup> "Targeted scientists: We are faced with organized ignorance", <https://artigercek.com/haberler/bilim- insnlari-orgutlu-cehaletle-karsi-karsiyayiz>.

<sup>33</sup> "Becoming a target of fundamentalists because of her outfit Esin Davutoğlu Şenol: Intense psychological violence", <https://www.cumhuriyet.com.tr/haber/kiyafeti-nedeniyle-gericilerin-hedefi-olan-esin-davutoglu-senol-agir-psikolojik-siddet-1868890>.

<sup>34</sup> <https://www.cumhuriyet.com.tr/haber/bursa-teknik-universitesinde-akademisyenlere-iftira-ve-mobbing-> "In Bursa Technical University mobbing, slandering and relegating of academicians" "In Bursa Technical University exile claim on academicians!", <https://www.halkinhabercisi.com/bursa-teknik-universitesinde-akademisyenlere-surgun-iddiasi>.

such as notifying, reporting, monitoring, etc., are directly related to broadening the guarantees of freedom of expression. In this example, detailed information could not be retrieved as to whether an effective investigation process regarding the plagiarism claims has been initiated or not.

#### 4. Gender Equality

##### a. Investigation on gender equality courses

Among the cases of gender equality, investigations regarding course content and complaints about sexual harassment or assault by faculty members were prominent. The problem of the investigation of course content relates to the gender equality class offered as an elective course in the midwifery curriculum at Health Sciences University (March 2021).<sup>35</sup> No information could be found on the results of the investigation. The investigation was opened upon the criticisms in the press that the gender equality course “radically denies creation” and “is the basic argument of the perverts defending homosexuality.”<sup>36</sup>

It is seen that the investigation is not based on academics but reasons such as “customs, habits, archaic traditions” and “religious and national values.” In this manner, the grounds of the investigation are another example of the anti-genderism observed during the Boğaziçi University actions. We are transmitting below the statement made by the Health Sciences University to further clarify the reasoning behind the investigation:

*“As the Health Sciences University, it is never possible for us to accept, allow, tolerate or approve any course content that targets our family structure, our social values, damages our customs, habits and archaic traditions. The related faculty Deanship has initiated the necessary inquiry and investigation regarding the speeches and narratives thought to be out of the curriculum. We never approve of our national and sacred values to become a topic of discussion, even if it is under the pretext of a class. We wish it to be known that our university, which adopts raising our youth with national feelings as a principle, has the same sensibilities and carries out its operations in this manner.”<sup>37</sup>*

In the same period (April 2021), it is significant that the activities of The Boğaziçi University Sexual Assault Prevention Office (CİTÖK) are made impossible. As Cemre Baytok, who was the single person managing the application process of the Commission, was sent on unpaid leave, CİTÖK was left ineffective, causing reactions. In the statement made by the Inter-university Communication Network Against Sexual Harassment and Assault, it was pointed out

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<sup>35</sup> “Gender Equality Course is the target: Felicity Party’s media asked, the university initiated investigation,” <https://www.cumhuriyet.com.tr/haber/toplumsal-cinsiyet-esitligi-dersi-hedefte-saadetin-yayin-organi-istedi-universite-sorusturma-baslatti-1823799>.

<sup>36</sup> Onur Şehmus Şahin, “The course that rejects creation in university,” <https://www.milligazete.com.tr/haber/6814443/universitede-fitrati-temelden-reddeden-ders>; “Investigation for Gender Equality course targeted by Milli Gazete”, <https://www.gazeteduvar.com.tr/milli-gazetenin-hedef-gosterdigi-toplumsal-cinsiyet-esitligi-dersine-sorusturma-haber-1517470>.

<sup>37</sup> “Health Sciences University initiated inquiry and investigation on ‘Gender Equality’ course content,” <https://t24.com.tr/haber/saglik-bilimleri-universitesi-toplumsal-cinsiyet-esitligi-dersi-icerigiyle-ilgili-inceleme-ve-sorusturma-baslatti,941776>.

that the situation was alarming “in the context of international criteria that bind academic institutions.”<sup>38</sup>

## **b. Sexual harassment and sexual assault cases**

In the 2020-2021 period, several sexual harassment and sexual assault cases have again come to the forefront (for example, the cases in Ege University, Selçuk University, and Istanbul University).<sup>39</sup> In these examples, incidental narratives regarding sexual harassment and sexual assault are present, and other crimes (blackmail, insult, etc.) accompany the observed hierarchical power use and abuse.<sup>40</sup> A faculty member who had been arrested for child abuse in the U.S.A. was appointed as the Head of the Psychology Department of Marmara University Science-Literature Faculty but then resigned after the reactions were seen in the news and the press.<sup>41</sup>

According to the statement made by Yekta Saraç, a previous president of CoHE, between the years 2014- 2021, discharge demands were made by universities regarding 60 lecturers due to acts of sexual harassment and assaults, and CoHE approved these demands.<sup>42</sup>

Ten female students in Ege University Dentistry Faculty filing criminal complaints against Prof. Dr. Z.E.B. were significant among these cases, especially revealing the university administration’s attitude to protecting the offender.

The report prepared by the university committee on the subject maintained a lenient attitude with excuses such as “compliment, reasonable act, done publicly, using a humorous language” about the oral and physical acts of the faculty member.

Despite acts of a sexual nature that involve open physical contact, available witness statements, and similar facts, the faculty member is whitewashed based on the “lack of a second witness.” These kinds of excuses correspond to the sexist attitude defined as “protecting the perpetrator” in sexual assault and violence cases. It must be pointed out that a committee member professor refused to agree with the majority opinion with the view that the actions constitute a crime of sexual nature and an offense of libel according to the Criminal Code.<sup>43</sup> This professor who

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<sup>38</sup> Statement of Inter-University Communication Network Against Sexual Harassment and Assault regarding the events at Boğaziçi University, <https://genderstudies.tedu.edu.tr/en/node/151725>.

<sup>39</sup> “Harassment claim in university! 10 students reported”, <https://www.sozcu.com.tr/2020/gundem/universitede-taciz-iddiasi-10-ogrenci-sikayet-etti-6174652/>; “Harassment claims in Ege University: The commission whitewashed the harasser”, <https://www.ntv.com.tr/egitim/ege-universitesinde-taciz-iddialari-komisyontacizciyi-boyle-akladi,2mF18vVQxU6cFDOFyaLW-Q>; for another example pls see. Harassment accusation to archeology professor in İstanbul UUniversity, <https://www.gazeteduvar.com.tr/gundem/2020/07/17/istanbul-universitesinde-arkeoloji-profesore-taciz-suclamasi>; for similar acts of the faculty member outside of the academy pls. see Investigation from harassment, lawsuit from blackmail to the professor, <https://t24.com.tr/haber/profesore-tacizden-sorusturma-santajdan-dava,959448>.

<sup>40</sup> “blackmail and harassment in the university!”, <https://www.haberturk.com/son-dakika-universitede-santaj-ve-taciz-2796845>.

<sup>41</sup> “Arrested from child abuse in the USA, became a department head in Turkey!”, <https://www.birgun.net/haber/abd-de-cocuk-istismarindan-tutuklandi-turkiye-de-bolum-baskani-oldu-330551>

<sup>42</sup> “CoHE President Saraç: 60 lecturers were discharged from harassing women”, <https://www.milliyet.com.tr/gundem/yok-baskani-sarac-60-ogretim-elemanı-kadına-tacizden-ihrac-edildi-6522320>.

<sup>43</sup> Report on the harassment claims in Ege University: 'Compliment not harassment, reasonable act, done publicly', <https://tr.sputniknews.com/20201220/ege-universitesindeki-taciz-iddialariyla-ilgili-rapor-taciz-degil-iltifat-makul-hareket-herkesin-1043435502.html>.

voted against also points out “the presence of persons mentioned but not called as witnesses by the committee.” This concrete example shows that sexual harassment and assaults cases are not subjected to effective investigation and that patriarchal power relations in the universities protect the perpetrators.

In 2020, gender-based discrimination, misogyny, sexual harassment, sexual assault, and exclusions towards LGBTI-Q individuals and groups received widespread attention in the campaign with the hashtag #SayStopToMasculineAcademy.<sup>44</sup> In this campaign, the various types of discriminations and ostracisms based on sexist prejudices and masculine violence which young female academicians come across in project and fellowship applications and working life in general, especially in their relations with experienced male faculty members, were highlighted

At the XVII. Inter-University Communication Network Against Sexual Harassment and Assault (CTS) organized in February 2021, exposure campaigns like #SayStopToMasculineAcademy on sexist attitudes, sexual harassment, and sexual assault were also discussed. The Workshop Report declared that “an informative text would be created with the support of legal experts, using an empowering language, without pointing out any targets, to be shared in both CTS network and Women’s Centers of Universities.”

### **c. Gender Equality Action Plans**

As an application condition for projects and grants within the scope of the European Union Horizon Europe program, it will be compulsory for universities to make a Gender Equality Plan beginning with the year 2022. Within the elimination of sexism, the connection between an inclusive, open, and equal science environment and an innovative and original science production is firmly established within the framework of European science policies. Whatever their research area might be, for the research consortiums and programs of the universities in Turkey, the obligation to make a “Gender Equality Plan” or update the current ones and make them efficient might contribute to the fight against academic sexism.

## **E. Conclusion**

Our country’s long-term prosperity and progress depend on continuing the leading research in Turkish Universities. It is widely known that ground-breaking research worldwide and Nobel prize-winning scientists come from tradition-making institutions. This situation is directly related to the fact that the research environment that has become a tradition in those institutions attracts bright minds and provides them a climate where they can focus their energy on their discoveries by removing any obstacles. Whereas the academicians in interrupted academic environments always have to catch other research findings, have to be the ones that follow; therefore, these institutions cannot spin the wheels that will utilize the human potential in their country efficiently.

It has been observed that the governance modes that disregard Academic Freedom led to an increasing brain drain (from Turkey) of qualified and especially young researchers in the 2020-2021 period, as well as discouraging youth from returning to their country, effectively pushing them to continue their research in other leading nations of the world. Despite the low hiring

rates in academic job markets across the globe due to the pandemic conditions, the brain drain from Turkey continued at increased levels in 2020-2021.

A second and perhaps even more dire situation arises from the fact that the suppressive or sexist mentality and governance styles, which reject merit and qualification in the academic bureaucracy, are now being reflected in the behavioral codes of the Turkish University administrations.

The interferences and practices in question result in the elimination of a free, autonomous, collaborative, egalitarian, and rational corporate environment in our universities. This situation is being felt by all faculty members and students, including those not directly being affected by any negative behavior, in all our universities, be they state or foundation. This causes the competent human power of our country to direct their energy toward opening communication channels rather than to their research and education.

It must be emphasized that these two findings are preventing Turkey from entering global competitive research environments and do not serve our country's long-term goals.

Respectfully presented to the public,

Executive Board of the Science Academy, October 25, 2021