

MONITORING REPORT:

ACADEMIC FREEDOM VIOLATIONS IN TURKEY AFTER THE STATE OF EMERGENCY

Executive Summary

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This work was penned as the report of the study for monitoring the academic freedom violations in Turkey after the State of Emergency, which was undertaken within the framework of the project for Bringing Human Rights Academy to Society funded by the European Instrument for Democracy & Human Rights (EIDHR) and carried out by the Capacity Development Association.

The researches titled “A Research on Academic Freedoms in Turkey in the Period of the State of Emergency”¹, which covered 422 face-to-face surveys and 30 semi-structured in-depth interviews in 13 provinces of Turkey between June-December 2018 within the scope of Human Rights School, and “Being a Human Rights Academic during the State of Emergency”², which covered 103 surveys and 20 semi-structured in-depth interviews, the violations of academic rights in the period of the State of Emergency were reported and the reports were made public in December 2019. Later on, for the continuity of the data obtained with the

¹ İnan Özdemir Taştan and Aydın Örddek (2019) *A Research on Academic Freedoms in Turkey in the Period of the State of Emergency*, Human Rights School, http://insanhaklariokulu.org/wp-content/uploads/2019/12/O%CC%88zdemir-O%CC%88rdek_Rapor_2019.pdf, [Accessed on December 2020].

² Ülkü Doğanay and Ozan Değer (2019) *Being a Human Rights Academic during the State of Emergency*, Human Rights School, <http://insanhaklariokulu.org/wp-content/uploads/2019/12/OHALde-AkademisyenOlmak-Son.pdf>, [Accessed on December 2020].



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reports, on-line “Academic Violations Monitoring Tool” was developed by Human Rights School with the purpose of monitoring and tracking the violations of academic rights. The present report draws on the violations of rights reflected in the national press and the results of the in-depth interviews with the academics and researchers known to have experienced violations of rights, as well as the data obtained from the above-mentioned monitoring tool.

This study aims at tracking the violations of academic rights in the field of higher education in a way to cover 2019-2020 following the State of Emergency (SoE), which was declared on July 20, 2016 after the military coup attempt in Turkey on July 15, 2016 and extended seven times with the decision of the Council of Ministers and terminated on June 18, 2018, and reporting on the current status regarding the violations. While it is known by the public that the violations of academic freedom have been a structural problem before and after the SoE, the in-depth interviews - carried out with the conviction that the documentation of the testimonies about this period should be added to the common quantitative and qualitative findings regarding the violations of rights - are rendered the primary source for the report.

The discussion on academic freedom and violations of academic rights, which became one of the bitter items of Turkey’s agenda after the coup attempt on July 15, 2016, has always been on the agenda of the country especially during the periods of political transformation, albeit with differing importance. Yet, it is not fair to associate the recent intense discussions solely with the special political agenda of Turkey. In the first two decades of the 21st century, the violations of academic rights, which went in parallel with the problems of freedom of speech caused by the authoritarian regimes rising around the world, have become one of the most occupying discussions in our agenda. The apparent milestone for this case in Turkey can be considered the Gezi Park Resistance. The intensity and quantity of the smearing campaigns launched in the press against the academics, and of the violations of academic rights against the lectures at the universities, the activities (especially the activities related to LGBTI+, Armenian and Kurdish problems) and the academics in 50/d cadre after the Gezi Park Resistance have gradually increased after the declaration titled “We Will Not be a Party to This Crime!” of Academics for Peace initiative was made public on January 11, 2016.

Although it focuses on the post-SoE period, this report depends on the in-depth interviews carried out with 13 academics (2 from the field of life sciences and 11 from the field of social sciences, who are currently employed at the universities or who were dismissed after the SoE) to monitor and update the violations of academic rights that became intensified during the SoE. The interviews were carried out with the academics who were registered with the academic violations monitoring tool of Human Rights School, who were contacted through academics that participated in the interviews, and whose cases of violation were reflected in the press. In this frame, the questions in the in-depth interviews were divided into five categories depending on how the violations of academic freedom and autonomy were defined: The barriers to produce (research activity), publish and transfer scientific knowledge in the context of violations of academic freedom (banning of research topics, travel restrictions), interference to work relations and violations of academic autonomy.

The Violations of Rights in The Academy, Besieged by Oppression and Censorship during the SoE Period, Continue after the SoE

The University Administrations Do Not Acknowledge Academic Freedom

All the academics interviewed stated that, they did not know whether the institutions they are employed at or they were dismissed from, signed any academic freedom document. This is an important indicator that the universities do not fulfill their responsibility to raise awareness and to inform their employees regarding the academic freedoms aimed at university components and to secure academic freedom. The interviewed academics expressed that they did not know where to apply in cases of mobbing, which is one of the most common violations of rights within the institutions, that their universities did not have any units against violations, and moreover, that their demands for the establishment of a mobbing unit were turned down.

It was established that educational and briefing meetings regarding academic freedom were not held by the university administrations, and that such meetings were organized only with

the personal efforts of the academics. An interviewed academic noted that s/he learned that academic freedom was a right only by means of the meetings organized among themselves.

Lepers of the Academy: Academy under Oppression, Arbitrariness and Unease

The academic profession is inseparably linked to freedom of speech. In the absence of freedom of speech, the academic freedom is reduced merely to the production and dissipation of technical knowledge. The obstruction of freedom of expression constitutes the focus of the interviewees' emphasize that the oppressive climate started before the SoE. Especially the process that started with the announcement of the Academics for Peace Declaration in January 2016 and then led to the dismissal of hundreds of academics by Decree Laws was the beginning of an enormous oppression and fear climate in the academy also for the academics who signed or did not sign the declaration and who were not dismissed. The violations of rights, which led to the dismissal of the signatories of Peace Declaration on the grounds of promoting terrorism, were transformed into a tool to legitimize new violations of rights by way of the signatory academics and opponents who were made the scapegoats of the academy. The loyalty to state of the university administrations that did not dismiss peace signatory instructors was questioned; the administrations were forced to struggle with accusations of promoting terrorism; and the academics who were not dismissed by their institutions were exposed to numerous investigations and extortion of rights as the result of external complaints. After the SoE, the academics were exposed to new violations of rights from their fields of work to dissertation boards solely due to the "signatory" label and they were treated as the lepers of the academy.

Cancellation of Projects

The academics who participated in the interviews expressed that their projects were stopped, their applications were turned down, that even the projects of their students - for whom they acted as advisors - were canceled and therefore they could no more apply for projects, and that they were forced to withdraw from boards, not only because of their political views but also because they were peace academics. The cancellation of resources required for

completing the doctorate studies of the academics working in the field of life sciences led to essential difficulties for those working in this field. Thus, upon SoE, a special provision concerning those expelled from public duty by Decree Laws was added to the conditions for TÜBİTAK project applications.

Timeless Taboos of Academy: Kurds, Armenians, Alawites and LGBTI+

A significant portion of the violations of rights experienced in project applications, fields of study, academic publications, thesis subjects, boards and course contents consist of the studies concerning Kurdish and Armenian problems and LGBTI+.

Since any study related to Kurds and Armenians is considered “inconvenient” due to the fear-based hostility against all identities supposed to harm “Turkish identity”, these subjects constitute the greatest taboo of the academy as well. The academics working in these fields were exposed to violations of rights in various ways. Moreover, an interviewed academic stated that s/he was not allowed to work in the academia of Turkey since his/her doctoral dissertation was related with Kurdish problem.

The academics carrying out LGBTI+-related studies were exposed to homophobic criticism by their lecturers or students.

New Taboos of Academy: AKP Criticism and Examples from Turkey

Besides the study topics related to Kurdish problem, minorities and LGBTI+, criticizing the AKP period socially, politically or economically became the new taboo during and after the SoE. Changing the titles of the dissertations covering the said fields of study in a way unnoticeable by the boards of HEC (Higher Education Council), avoiding to give examples from Turkey during the lectures and directing the topics of discussion to examples from abroad, creating course contents focused on technical issues instead of critical discussions, and excluding the passages containing discussions in the context of AKP from reading lists are the most common censorship and self-censorship practices in the post-SoE period. Another reason for this kind of self-censorship, caused by oppression and fear, is the loss of

confidence in teacher-student relations caused by the newly created “informer” studentship and the issue of life safety.

Academic Publications Transformed by Oppression and Self-Censorship

The atmosphere of oppression and fear created by the SoE period, the possibility of being incriminated due to fields of study considered as inconvenient/sensitive, the obstruction of freedom of speech - a must for academic activities - by means of censorship and self-censorship mechanisms, and the inability to freely express ideas when publishing have rendered the activities of creating/producing meaningless. A great majority of the interviewed academics have stated that they were not able to work on desired topics due to censorship and self-censorship, that they preferred not to publish since they did not feel free, or even if they did prefer to do so, that they published their studies mostly abroad since they had the conviction that their studies would not be published in Turkey, and that they focused especially on technical topics or did not publish in Turkey during this period.

Academic Activities as a Tool of Oppression and Control

The oppression and control on academic activities continue even after the SoE. Although there is no resolution regarding the participation of the academics who signed the Peace Declaration in activities such as congresses and symposiums, their participation in domestic activities is blocked at the application process. The strict control mechanism during and after the SoE period has decreased both the participation in academic activities and the motivation to organize activities.

The oppression and control experienced by the academics during the stage of participation in academic activities continue also during the process of organization of activities. The speakers to participate in the activities are checked by the university administrations before the activity, and the participants need to be approved by the administration.

The Appointment and Promotion Criteria as a way of Elimination of Security and Qualifications

Since the appointment-promotion and performance criteria, which paved the way for the marketization of higher education, are considered normal for the profession, they are among the least noticed, even invisible, but most serious mechanisms of academic oppression. While the determination of criteria lacked objective foundations even before the SoE, “arbitrariness” became dominant in the determination of criteria in the SoE period; and the appointment criteria and performance oppression were transformed into tools of oppression of the administrators, against especially those considered to be opponents and against the academics who were appointed with article 50/d of HEC Law and in the frame of FDP (Faculty Development Program). These criteria, amended continuously by the university administrations, negatively affected the studies of the academics and caused them to lose their faith in the profession. In this process, especially the academics from FDP, who were deprived of their cadre security by being transferred to 50/d cadre, were directed to carry out low-quality studies in order to meet the appointment criteria. As the result of quantity-focused appointment criteria, the road was paved for those who met the quantitative criteria although their academic accumulation was insufficient to be appointed to their desired positions especially at provincial universities, and many universities were staffed with next of kin. The appointment and promotion criteria, which focused on quantity and were continuously amended, became one of the most important reasons for lack of quality in academy, as well as the violations of rights they created.

The New Form of Mobbing: Performance Criteria

Similar to academic promotion criteria, which constitute an important step in HEC’s strategy to strengthen flexible and unsecured employment, the performance criteria are also an important barrier to quality academic output. The academics are subject to quantitative assessments such as the number of projects and articles (although it is important where the articles are published) regardless of accumulation and quality. Consequently, the performance criteria led to a bitter lack of quality on one hand, and a severe degeneration on the other hand.

Interference to Lectures, PMCC (Prime Ministry Communication Center) Complaints and Self-Censorship During and After SoE

In the context of academic freedom, the process of lecturing, which is one of the most important elements of transferring academic knowledge, was transformed into a very serious field of oppression and self-censorship during and after the SoE. Every expression, from the sources used during the lecture to lecture contents and examples, is rendered a tool for oppression and control. The oppression, which began with interferences such as the cessation with the SoE of the lectures of the academics who signed the Peace Declaration, became diversified and continued after the SoE. Feeling unfree and unease during the lectures, the danger of being declared a “traitor” because of the course contents and the concepts preferred, the censorship and self-censorship applied because of the complaints of students to Prime Ministry Communication Center (PMCC) / Presidency Communication Center (PCC) in relation with ethnic identities (primarily Kurds) and minorities, the control on the guests invited to lectures, avoiding and not discussing the actual political issues of Turkey, the obligation to be highly sensitive against the sensitive/inconvenient topics of the academy, and the course contents that became shallow due to these reasons and the obligation to move towards technical topics, have become the “post-SoE normal”.

The practices that became a severe form of mobbing, such as taking away the courses they previously taught from the academics who signed the Peace Declaration or who are under investigation, or not assigning any courses to these academics, were employed very often during and after the SoE.

The PMCC/PMC complaints made by the students or externally about the academics also became one of the most serious oppression mechanisms. Carrying out discussions about ethnic identities, speaking on or discussing the Kurdish Problem or Armenian Problem, criticizing the official theses of Turkey in any field or criticizing the government was among the inconvenient/sensitive topics that the “informer” students paid strict attention.

Violations of Rights Caused by Political View, Ethnic Identity, Union Membership and Sexual Orientation: Dismissals and Investigations

Beside the academics dismissed for signing the Peace Declaration, administrative or judicial investigations were launched against many academics, on the open or shrouded grounds of their academic activities, fields of study, political views, union membership, ethnic or religious identity or sexual orientation. The “definition of crime”, ever-expanding to cover the freedom of speech and fundamental human rights, exposed the academics to a very severe oppression. Many academics were investigated or dismissed in the scope of the right to work during and after the SoE; some because of an interview, some because of being a signatory, and some because of their activities during Gezi Park Resistance.

Although direct judicial or administrative investigations were not launched against the academics due to their ethnic identities, their ethnic identities were treated as a crime factor and included in the investigations during the investigation procedures launched due to their political views. And some academics stated that they felt oppression due to their political views or union membership, although they were not investigated due to any issue.

At central and provincial universities, being a member of Eđitim Sen poses a problem on its own. Especially at provincial universities, union membership is completely out of question.

It is possible to observe that such investigations, which turned into a significant tool of oppression in the hands of the administrators during the SoE, may go beyond the identity, union membership or political view of the academic and extend to the supervision of the activities of his/her family.

New Normal of Academy: Mobbing

Another field of intense oppression during and after the SoE is the cadre assignment. The policy carried out regarding the cadres was turned into the primary tool for eliminating all opponent and “marginal” individuals at the universities after the Peace Declaration signatory academics were dismissed from public duty. The academics feel under oppression due to

cadre assignment, also with the effect of the weakening of job security with tools of oppression such as investigations and mobbing.

Especially during and after the SoE, not implementing the cadre appointments of the academics has become the most common form of mobbing. There were cases where mobbing continued until the academics were forced to resign.

While the dismissals were construed as a form of “psychological terror”³ and torture because of the unlawfulness during the SoE and also dominating the general political atmosphere of the country, the academics stated that they were constantly under threat due to their ethnic or religious identities or gender after the SoE.

Threats Against Life Safety and Freedom of Speech

Especially the targeting of academics who signed the Peace Declaration by the administrators of the country, the cooperation of the university components, the cases of verbal or physical threats and violence that occurred in the social media and at the campuses, and the silencing and defaming of the opponent academics, which started before the SoE, have become the government’s types of intervention to the universities, and the condition of permission for police intervention with the approval of the rectors was abrogated after the declaration of SoE. This constitutes a violation of the principle of academic autonomy, which means that the universities should conduct their administrative and academic activities independent of the interventions of the state and other external actors. This practice, which became increasingly normal after the SoE, paved the way for the following and harassment of the academics by the police even inside the campus.

The threats against the academics who signed the Peace Declaration were most commonly carried out by means of social media.

Self-censorship, which became common in academic activities in general and which is now said to be the “normal” of the academy, is widely used when expressing opinions by means of

³ Özdemir and Ördek, *ibid*, p. 78.

press or social media. All the interviewed academics stated that they felt under oppression when using the social media, that they either did not express their opinions by means of social media after the SoE or they expressed their opinions by using scientific and technical jargon in their articles or statements.

Gender Discrimination and Cases of Sexual Harassment: “Instructor Ladies”, “Our Normal” and “Male Academy”

The fact that all the interviewed female academics defined the sexist attitude and behaviors at the universities against female academics with the phrase “our normal” is a significant indicator of the prevalence of sexism. At the universities, where most of the administrators are male, every group of males - from male academics to male students - display sexist attitudes and behaviors by dividing female academics into categories such as “young, senior, married, single”.

The female academics expressed the gender discrimination they were exposed with the words “nothing significant was experienced”, as small and common events. However, such forms of sexism that became normal and no more considered strange, also endanger the possibility of an education sensitive to gender equality.

At the academy, the female academics stated the existence of a “male academy”, where they were not considered as colleagues by the males and where being married is considered as a great advantage especially at small universities.

As is the case for many professions, in the academy it is witnessed that the gender roles are naturalized. The gender roles of the females get ahead of their qualifications and status. The academy, which is male, acknowledges only the dialogues to be established with males who are considered as equals.

Violations of Rights Caused by Distance Education Started with COVID-19: Control and Surveillance

The distance education, launched at every stage of education for struggling with the pandemic after the COVID-19 pandemic that affected the whole world in March 2020, had negative effects on research practice and production, dissemination and transfer of knowledge for both the students and the academics. Beside the censorship and self-censorship practices that increased with the SoE and the PMCC/PMC complaints from the students, the academics commented that the recording of the lectures during the distance education process and the access of the chairpersons of the departments and the deans to these recordings are a practice prone to abuse, and they stated that they employed self-censorship more often. In addition, another form of violation that emerged due to self-censorship is that the lectures became standardized and reduced to technical knowledge.

The Destruction Caused By SoE and the Future of Universities: Faith in Academy Depleted or “Academy Everywhere”

The interviewed academics agree that the SoE caused great destruction at higher education institutions. The oppression on freedom of speech - a must for academic freedom - that continued constantly even after the SoE created a great unease in all aspects from lectures to lecturer-student relations. Coupled with the structural problems of higher education (superior-subordinate relations within the institution, academic performance criteria, barriers to freedom of speech, fears fueled by Turkey’s past), this leads to the depletion of the faith in academic production. Consequently, the academics are not optimistic about the future of the academy in Turkey and believe that a long period is required for rectifying the damage inflicted.

It was expressed that Turkey should face its own history in matters such as Kurdish problem and Armenian problem, which are taboos for the academy as they are for the history of Turkey, and that the academic freedom in Turkey may be meaningful only with a struggle for freedom of speech in every field.

The future of the students, which is one of the main components of the university, is also exposed to a serious threat. Therefore, reflecting on and discussing how the SoE oppresses the students and the damage it inflicted on students' future are also important for academics.

The academics stated that they lost their faith in the academy and that their voices were muted due to the destruction caused by the oppression and fear climate that the SoE created. Thus, they emphasized that they are not optimistic about the future of the university, that a change, if any, would be possible only with the changing of the political climate in Turkey in general, and that the struggle for academic freedom would be meaningful only if it would be carried out together with the struggle for freedom of speech.