



**Middle
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Studies
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Prime Minister Ahmet Davutoğlu
Office of the Prime Minister
Başbakanlık
06573 Ankara, Turkey
Via facsimile +90 312 417 0476; +90 312 403 62 82; + 90 312 422 26 67

Dear Prime Minister Davutoğlu:

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom concerning recent changes made to the legal regulation of the Higher Education Council (Yüksek Öğretim Kurulu, or YÖK). YÖK is a legacy of the 1980 military-coup government's efforts to regulate and control university activities in Turkey. Since the transition to civilian rule, YÖK's activities should have been curtailed to play a much less intrusive role or should have been abolished altogether. Instead, your government has bolstered its already extensive control of Turkish academia. Regrettably, the record of YÖK activities under your government has shown a steady increase in violations of the rights of students and faculty at universities, which has occasioned numerous letters of concern from our committee in recent years (e.g. October 30, 2015, October 4, 2013). The amendments to laws governing YÖK's regulatory authorities, published in the Official Gazette on November 19, 2015, vastly expand the power of the institution, enabling it to shut down private universities if their administrators "execute or support activities against the state's indivisible integrity." This expansion of YÖK's authority is emblematic of the increasing encroachment on academic freedom in Turkey over the last decade.

MESA was founded in 1966 to promote scholarship and teaching on the Middle East and North Africa. The preeminent organization in the field, the Association publishes the *International Journal of Middle East Studies* and has nearly 3000 members worldwide. MESA is committed to ensuring academic freedom and freedom of expression, both within the region and in connection with the study of the region in North America and elsewhere.

Under the new law, YÖK would be empowered to seize control of private universities, appoint new administrators and place a private institution under the authority of an existing state university based on a YÖK determination. In addition, the new law permits YÖK to suspend specific programs at a private university, suspend the admission of new students and even shut down a university indefinitely. These astonishingly extensive powers can be triggered by minor procedural violations such as not providing YÖK with timely access to documentation for its inspection activities. Equally troubling, the phrase "activities against the state's indivisible integrity" in the new law is both broad and vague, raising the prospect that it might be deployed to punish those deemed to be political opponents of the current government.

According to numerous media reports this new law was written to target universities owned by or affiliated with business groups deemed to be adversarial to the government. If this is indeed the case, then the new law violates the rights of freedom of property, freedom of opinion, freedom of association and academic freedom. Using regulatory powers to punish political adversaries amounts to an attack not only on rights but on the rule of law.

As a member state of the Council of Europe and a signatory of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Turkey is required to

protect freedom of thought, expression and assembly. Turkey is also a signatory to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (OSCE), all of which protect the rights to freedom of expression and association, which are at the heart of academic freedom. These rights are also enshrined in articles 25-27 of the Turkish Constitution. We urge your government to take all necessary steps to ensure that these rights are protected and that YÖK refrains from using its new authorities to engage in university confiscations and closures or to otherwise intrude on the autonomy of private university administration.

We therefore respectfully ask you to consider repealing the amendment expanding YÖK's authorities over private university operations, student recruitment and academic programs. We also ask that you reverse other measures taken by YÖK that jeopardize academic freedom including disciplinary actions against researchers, scholars, and faculty members on the grounds of their political opinions or allegedly "undesirable" research findings as detailed in our earlier letters. Against a backdrop of mounting international condemnation of the erosion of democratic rights and freedoms under your administration, taking steps to protect academic freedom and the right to education would be an important step to address concerns about human rights in Turkey.

Thank you for your attention to this matter. We look forward to your positive response.

Yours sincerely,



Beth Baron
MESA President
Professor, City University of New York



Amy W. Newhall
MESA Executive Director
Associate Professor, University of Arizona

cc:

- Recep Tayyip Erdoğan, Türkiye Cumhuriyeti Cumhurbaşkanı (President of the Republic of Turkey)
- İsmail Kahraman, Türkiye Büyük Millet Meclisi Başkanı (President of the Turkish National Assembly)
- Bekir Bozdağ, Türkiye Cumhuriyeti Adalet Bakanı (Justice Minister of the Republic of Turkey)
- Yekta Saraç, Türkiye Yüksek Öğretim Kurulu (YÖK) Başkanı (President of the Turkish Higher Education Council)
- Barbara Lochbihler, Vice-Chair of the European Parliament Subcommittee on Human Rights
- Monika Kacinskiene, Member of the Cabinet of Federica Mogherini, High Representative of the European Union for Foreign Affairs and Security Policy
- Johannes Hahn, Commissioner for European Neighborhood Policy and Enlargement Negotiations
- Nils Muižnieks, Council of Europe Commissioner for Human Rights