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H.E. Recep Tayyip Erdoğan
President of the Republic of Turkey
T.C. Cumhurbaşkanlığı Genel Sekreterliği
06689 Çankaya, Ankara
Turkey

Dear President Erdoğan:

We write on behalf of the Middle East Studies Association (MESA) of North America and its Committee on Academic Freedom to express our grave concern about the recent amendments made to Turkey's Higher Education Law (Number 7243). These amendments, published in the Official Gazette on 17 April 2020 (Yükseköğretim Kanunu İle Bazı Kanunlarda Değişiklik Yapılmasına Dair Kanun), continue the antidemocratic expansion of your government's control over universities by enabling arbitrary and unconstitutional forms of punishment against faculty and politically motivated closures of private universities.

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 more than 2700 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.

Law Number 7243 constitutes the legal basis of the Higher Education Council (Yüksek Öğretim Kurulu, or YÖK), which regulates and controls university activities in Turkey. YÖK is a political legacy of the 1980 military coup that should have been abolished or had its authorities dramatically curtailed following the transition to civilian rule in 1983. Instead, your government has bolstered its already extensive control of Turkish academia in unparalleled ways. Regrettably, YÖK's record demonstrates a steady increase in violations of academic freedom and the rights of university students and faculty. In response to these violations, our committee has written numerous letters of concern (e.g. [7 January 2016](#), [30 October 2015](#)).

The recent amendments to Law No. 7243 are emblematic of the increasing encroachment on academic freedom in Turkey under your government's leadership. The amendments introduce a whole set of new offenses that will result in disciplinary actions against faculty, ranging from warnings and reprimands to dismissal. Most of these offenses are ill-defined and in direct contradiction to any notion of academic freedom and freedom of speech and expression. For example, according to the new law, "being inattentive to the development of the subordinates" is an offense punishable by warning. Similarly, the law designates any complaint raised outside of regular procedures as an offense that requires a warning, enabling retaliation against whistleblowers. Under the new law, faculty may be disciplined by YÖK for "being verbally disrespectful toward superiors." Even more

problematically, a scholar could be disciplined by reprimand for “engaging in attitudes and behaviors” that are deemed outside “public morality and decency” and incompatible with her/his academic titles. Such vague phrases not only pave the way to the arbitrary punishment of faculty for expressing dissent to their superiors, but also allow the chastising of any scholar who goes against the grain of societal norms, including but not limited to scholars with or scholars working on non-normative gender or sexual identities, orientations, or expressions.

An equally alarming aspect of the new law is the provision that allows YÖK to lay off academics for “engaging in or supporting activities that qualify as terror.” Further, the addition of a new clause that criminalizes the use of public resources to “engage and support activities that qualify as terror” is distressing. In light of your government’s propensity to treat dissent or opposition as a form of terrorism or support for terrorism, this clause suggests that going forward you may criminalize academic conferences on topics deemed critical of your government’s policies. For example, as we have documented in numerous letters, terrorism charges are systematically used against academics voicing dissent against the official Kurdish policies. Indeed, judges and government officials, including you, President Erdoğan, frequently deploy over-reaching definitions of membership in a terrorist organization, effectively erasing the distinction between terrorism and peaceful dissent. We have written to you repeatedly about such pretextual dismissals and prosecutions, most recently in the case of the Academics for Peace, academics who were put on trial for signing a petition calling on your government to resume peaceful negotiations with the PKK. Despite the Turkish Constitutional Court’s ruling that the prosecution of the peace petition signatories on charges of “terror propaganda” represented a violation of their freedom of expression, these new amendments are indicative of your government’s intention to continue the unconstitutional persecution of scholars supportive of Kurdish rights.

Law No. 7243 also introduces clauses regulating the closure of private universities, inflicting another devastating blow to academic freedom and the autonomy of higher education in Turkey. These clauses seem to be carefully worded to specifically target Istanbul Şehir University, a concern that we raised in [our letter dated 20 May 2020](#). Beyond Istanbul Şehir University, the presence of provisions in the law facilitating action by the government to close private universities in Turkey remains a deeply troubling indication of your government’s unwillingness to respect the autonomy of the higher education sector and basic precepts of academic freedom.

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 academic freedom, which is grounded in the 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 respectfully ask that your government consider repealing the aforementioned amendments to Law No. 7243. We also ask that your government desist from continuing to use the pretext of terrorist propaganda in ways that criminalize the legitimate and protected activities of academics. If these amendments remain in place, then, at a minimum, we urge your government to take all necessary steps to ensure that YÖK refrains from using its new authorities to engage in disciplinary actions and dismissals against faculty, and that it desists from abrogating the autonomy of private universities either by replacing their administration or by threatening them with closure. More generally, we respectfully repeat our numerous requests that your government take steps to reverse its present course and restore protection for academic freedom and the autonomy of higher education in Turkey. Against a backdrop of mounting international condemnation of the erosion of democratic rights and freedoms under your rule, 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.

Sincerely,



Dina Rizk Khoury
MESA President
Professor, George Washington University



Laurie Brand
Chair, Committee on Academic Freedom
Professor, University of Southern California

cc:

Ibrahim Kalın, Chief Advisor to the President and Presidential Spokesman
Mustafa Şentop, Türkiye Büyük Millet Meclisi Başkanı (President of the
Turkish National Assembly)

Abdülhamit Gül, 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)

Ziya Selçuk, Türkiye Cumhuriyeti Milli Eğitim Bakanı (Minister of Education
of the Republic of Turkey)

Mevlüt Çavuşoğlu, Türkiye Cumhuriyeti Dışişleri Bakanı (Minister of Foreign Affairs of the Republic of Turkey)

Bülent Ekici, President of Istanbul Sehir University

Maria Arena, Chair of the European Parliament Subcommittee on Human Rights

Viktor Almqvist, Press Officer for the Committee on Foreign Affairs of the European Parliament

Josep Borrell Fontelles, High Representative of the European Union for Foreign Affairs and Security Policy

Fiona Knab-Lunny, Member of Cabinet of Josep Borrell, High Representative of the European Union for Foreign Affairs and Security Policy

Hannah Neumann, Vice-Chair of the European Parliament Subcommittee on Human Rights

Raphael Glucksmann, Vice-Chair of the European Parliament Subcommittee on Human Rights

Christian Danielsson, Director-General for Enlargement at the European Commission

Dunja Mijatović, Council of Europe Commissioner for Human Rights

Kati Piri, Member, Committee on Foreign Affairs, European Parliament

Nacho Sanchez Amor, Member of European Parliament and European Parliament Standing Turkey Rapporteur

Verónica Michelle Bachelet Jeria, United Nations High Commissioner for Human Rights

David Kaye, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Koumbou Boly Barry, United Nations Special Rapporteur on the right to education