



## **Academics for Peace:**

### **Current Situation**

Human Rights Foundation of Turkey

19 November 2021

It has been more than four years now since the start of the dismissal of academics, who were signatories to the declaration *We Will Not Be a Party to This Crime!*, through emergency decree-laws. The HRFT Academy has been reporting the violations these academics were subjected to since 2017.

The HRFT Academy,<sup>1</sup> established under the auspices of the Human Rights Foundation of Turkey (HRFT), has been conducting research, reporting and advocacy activities on the transformation of universities in Turkey, violations committed at universities, violations faced by dismissed academics and the impact of academic purge since 2017 while, at the same time, the academy has been issuing periodical reports on the conditions of dismissed Peace Academics. These reports have been drafted based on monitoring works along with interviews with academics who were directly subjected to violations, and data collected through small-scale studies.

This report incorporates the impact of rejection decisions delivered for applications lodged by Peace Academics by the Inquiry Commission on the State of Emergency Measures (SoE Commission) and findings of the online survey on the current situation of dismissed Peace Academics.

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<sup>1</sup> Further information on HRFT Academy's activities and publications is available at <https://tihvakademi.org/>.

## REJECTION DECISIONS DELIVERED BY THE SoE COMMISSION

The Inquiry Commission on the State of Emergency Measures was established having been mandated with reviewing and rendering decisions on applications about acts established directly through provisions set forth by decree-laws under the state of emergency like dismissals from public service, annulment of ranks for retired personnel, cancellation of scholarships for students studying abroad, and closure of institutions and bodies.<sup>2</sup>

The Commission has delivered decisions on a total of 118,415 applications (15,050 acceptance, 103,365 rejection decisions) between 22 December 2017, when its decision-making procedures began, and 28 October 2021.<sup>3</sup> In addition to the high number of rejection decisions rendered by the Commission, the impossibility of reviewing more than a hundred thousand applications merely with 240 personnel including 75 rapporteurs (judges, experts, inspectors) and delivering individualized decisions is quite clear.

National and international human rights organizations issued reports on problems about the structure and modus operandi of the SoE Commission and further rights violations brought about by these problems. Doubts about the independence, procedural reliability of the Commission along with those on the review of files on merits, gross negligence<sup>4</sup> including the denial of the right to defense for involved persons and its non-transparent operation amount to a level that could directly affect the credibility of the decisions delivered. Amnesty International, for instance, offered the following assessment in its report: “Turkey’s failure to provide an effective means by which those whose rights are violated can obtain a remedy for these violations is also a violation of its obligation to ensure the right to a remedy under Article 2(3) of the International Covenant on Civil and Political Rights and Article 13 of the European Convention on Human Rights.”<sup>5</sup>

The Constitutional Court held in its judgment of 26 July 2019 in the *Case of Zübeyde Füsün Üstel and Others* that the declaration entitled *We Will Not Be a Party to This Crime!* signed by the applicants fell under freedom of expression and did not constitute a criminal offense whatsoever. Following this judgment, courts began to deliver acquittal rulings for academics standing trial under the same impugned charges and, although limping and slow,

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<sup>2</sup> <https://www.mevzuat.gov.tr/MevzuatMetin/1.5.7075.pdf> <https://ohalkomisyonu.tccb.gov.tr/> (Date of Access: 15 November 2021)

<sup>3</sup> <https://ohalkomisyonu.tccb.gov.tr/> (Date of Access: 15 November 2021)

<sup>4</sup> Amnesty International (2018).

[https://www.amnesty.org.tr/public/uploads/files/Purged%20Beyond%20Return\\_Report\\_EN.pdf](https://www.amnesty.org.tr/public/uploads/files/Purged%20Beyond%20Return_Report_EN.pdf) (Date of Access: 15 November 2021)

<sup>5</sup> Ibid. p. 25

restrictions placed upon their passports began to be lifted. While the academics in question should have been readily reinstated and compensated for their losses in a fair and functioning legal system, the Commission had not delivered a single decision on the applications by Peace Academics for 27 months despite the fact that they had been acquitted. The latest stage in such de facto punishment and unlawfulness rendered perpetual has been the rejection decisions for applications lodged by Peace Academics by the SoE Commission. Now a new legal battle awaits more than 90 Peace Academics whose applications have been finalized by rejection decisions so far. Such state of affairs, in fact, means that dismissed Peace Academics will have to hold on to their “futile” efforts for an indefinite period of time as they have not been able to achieve any results in their efforts to reclaim their rights for about 5 years both before legal mechanisms in Turkey and before the EU’s justice mechanisms. The very condition of being condemned to such uncertainty should be understood as a serious right violation.

Further, the SoE Commission is an administrative mechanism and it has been committing a criminal offense<sup>6</sup> because the Constitutional Court’s judgments are indeed binding for all, including judicial mechanisms. The fact that the SoE Commission rejected the reinstatement of Academics for Peace, who had been dismissed but found not guilty by law, clearly reveals that all these lawsuits were political rather than legal, and the government’s stand that stigmatized Academics for Peace as a group that should absolutely be punished has indeed determined the whole process.

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## **STUDY ON VIOLATIONS AGAINST DISMISSED ACADEMICS FOR PEACE**

The online survey was conducted with 106 (25%) dismissed academics. Although this figure was not sufficient enough for representation and generalization, the profile of the academics responding to the survey was significantly similar to the sample of a previous study on the same subject carried out by HRFT in 2019 in terms of gender, age and academic title distributions.

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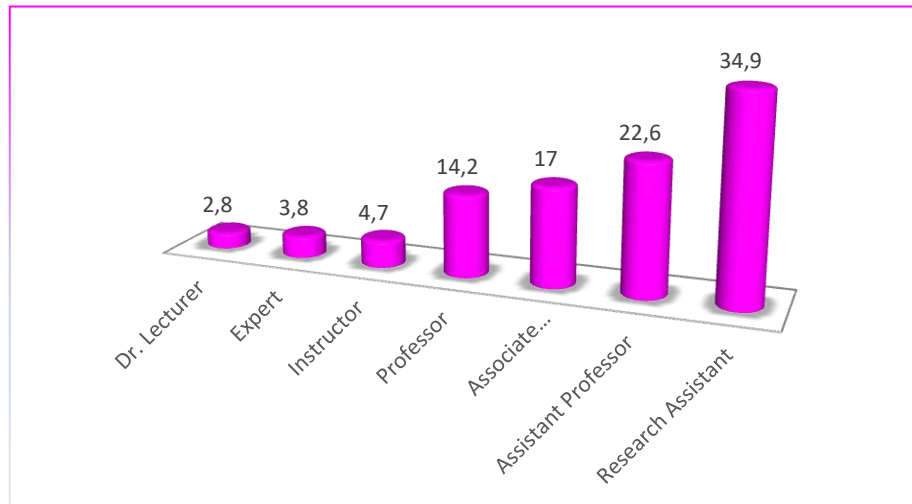
<sup>6</sup> *Evrensel* (11 November 2021). “CHP’li Kabođlu: OHAL Komisyonu suç iřliyor, hesabını verecekler.” <https://www.evrensel.net/haber/447533/chpli-kaboglu-ohal-komisyonu-suc-isliliyor-hesabini-vercekler> (Date of Access: 15 November 2021)

### *Socio-demographic characteristics of academics*

51% of the academics who answered the survey were men. The group's mean age was  $46.3 \pm 10.5$  (31-86), while 63.7% were 49 years old and younger. The rate of married ones was 55%, while 19% were divorced.

Administrative/academic titles of the participants at the time of their dismissal was:

**Figure 1 Academic/administrative titles of the participants, %**



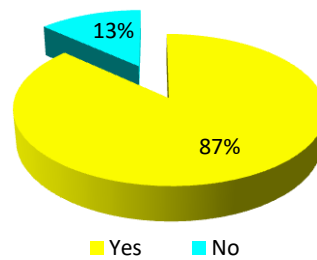
### *Data on Survey Participants' Employment and Income*

Under Article 23 of the Universal Declaration of Human Rights (UDHR), everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment. Income-generating employment rate of academics following dismissal has gone up to 87%<sup>7</sup> in 2021, when the study at hand was conducted, from 80% found in a previous study conducted in 2018-2019.<sup>8</sup> Nevertheless, one in seven academics still do not have an income-generating job (Figure 2).

<sup>7</sup> This rate includes retired academics who are in paid employment.

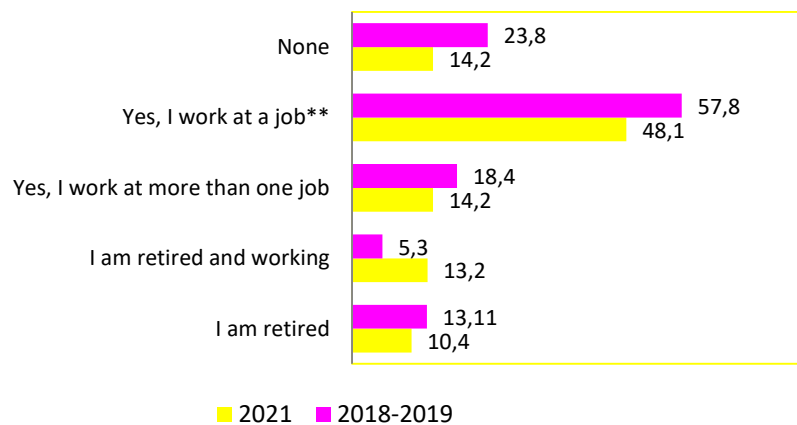
<sup>8</sup> For the study referred to in this report, see HRFT. (2019). Academic Purge in Turkey: Human Rights Violations, Losses, and Empowerment. HRFT Publications 127. <https://tihvakademi.org/wp-content/uploads/2020/02/akademisyenihraclariy.pdf> (Date of Access: 15 November 2021)

**Figure 2 Income-generating employment status after dismissals<sup>9</sup>**



Although the rate of those who did not work at the time of the survey went down to 14% from 24%, when the retired academics were excluded, the rate of those who worked at more than one job increased among those who had been working. While the rate of those who worked at one job between 2017 and 2018 was 57.8%, this rate seems to have dropped to 48.1% in 2021 fall.

**Figure 3 Current income-generating employment status<sup>10</sup>, %**

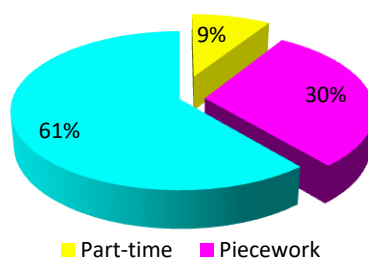


While the academics worked at full-time and jobs with social security before their dismissals, job hunt became harder due to many different reasons. While the rate of those in full-time employment was 40.9% in the survey we conducted in 2018-2019, this figure has gone up to 61% but 39% of the academics still do not have a full-time job.

<sup>9</sup> Calculated among 106 participants and included those whose source of income was grants/scholarships/fellowships.

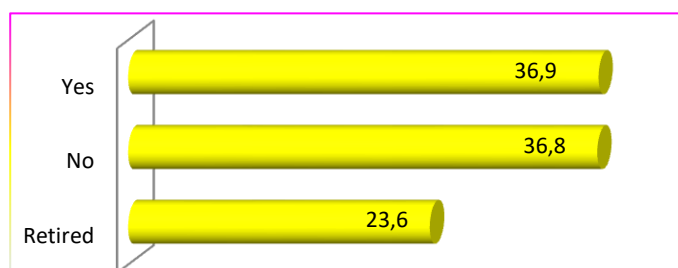
<sup>10</sup> Calculated among 106 participants and included those whose source of income was grants/scholarships/fellowships.

**Figure 4 Form of Employment**



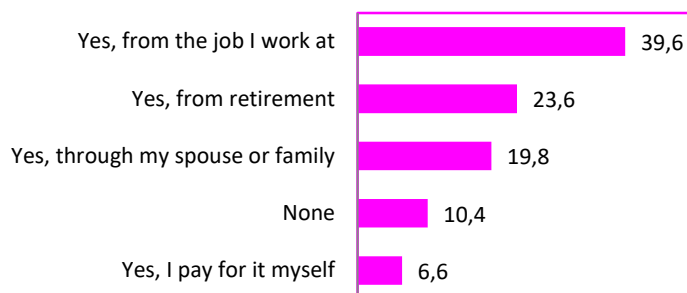
Article 22 of the UDHR prescribes social security as a separate right from the right to work. Although the rate of those who did not have social security went down to 36.8% from 46.6% when compared to the former study, this figure is higher than that of Turkey's.

**Figure 5 Social security status, %**



Health coverage is an issue yet to be resolved. One in ten academics still do not have health coverage and the rate of those who paid for their health insurance themselves was 6.6%.

**Figure 6 Health coverage status, %**

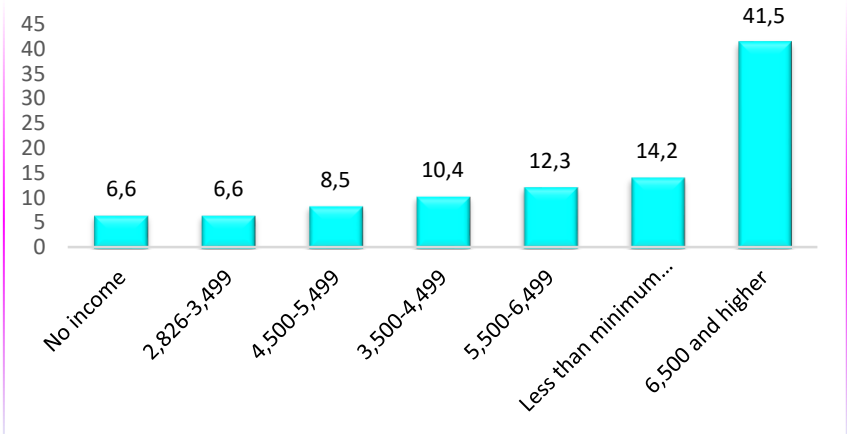


Academics' right to a just remuneration or fair income, too, is still being violated.

The rate of those who lived on an income below the academics' income bracket in Turkey was 58.5%. Further, 6.6% of the participants stated that they had no income

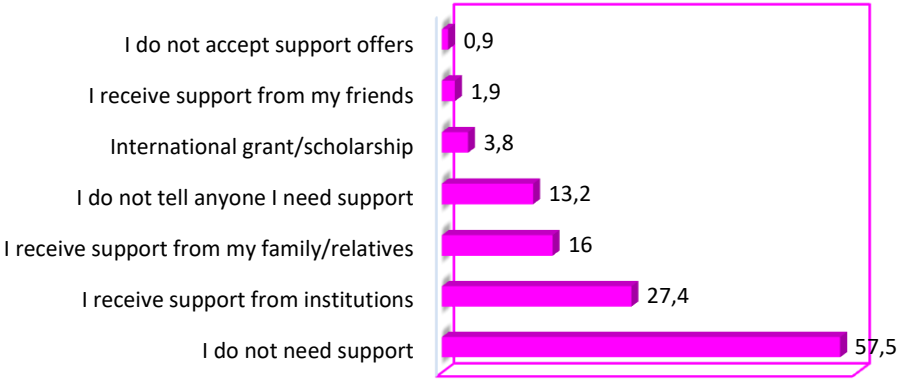
whatsoever at the time of the survey, while 14.2% indicated that they had an income less than the minimum wage.

**Figure 7 Income level**



In relation to low income, while about 45% of the survey participants received economic aid despite the rise in employment rates, 14% stated that they did not accept such support offers or did not express their needs. In other words, although years have passed since the dismissals, about 50% of the dismissed Peace Academics need economic support.

**Figure 8 Need for economic aid**

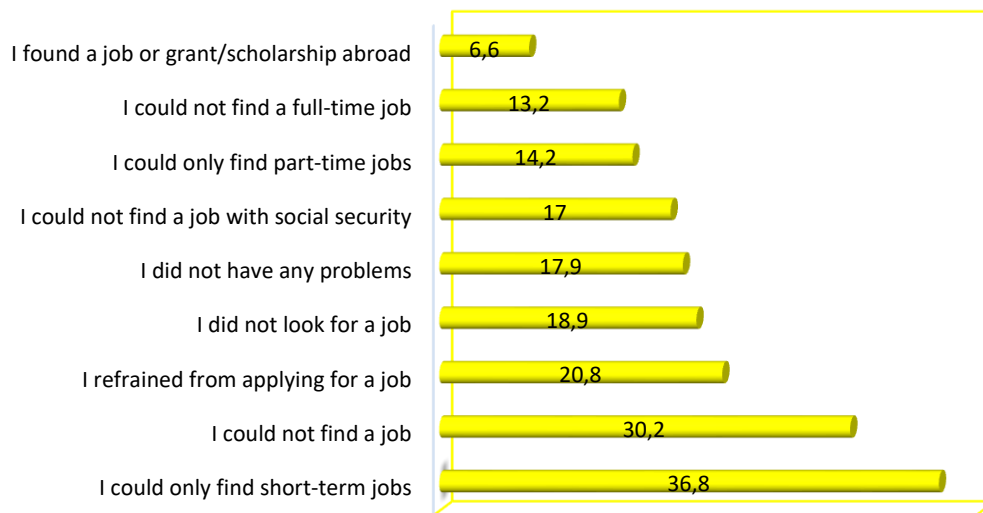


\*Multiple-answer question

Despite the fact that there has been an improvement in employment rates and forms of employment since the dismissals, incidents that occurred during academics’ search for employment might give us a clue to understand whether hostility and exclusion towards Peace Academics and more generally dismissed public employees are still at play. As is presented in the below figure, the rate of those who stated that they did not face any problems in job-hunting and finding a job was a mere 20%. Problems about employment and working are not

only valid for academics living in Turkey but also for those living abroad.<sup>11</sup> The following statement by one of the participants of this survey is exemplary of how challenging this process was: *I was not able to look for a job in Turkey, I was abroad when I was fired, I could not come back. After two years of unemployment, I got a temporary job.*<sup>12</sup>

**Figure 9 Problems in finding a job since the dismissals**



\* Multiple-answer question

### ***Academic Work***

One of the most crucial effects of dismissals through decree-laws proves to be the violation of the right to professional self-realization and improvement. Attempts were made to deprive dismissed academics of education and research opportunities that are the main components of academic activity. There have been, nonetheless, academics who were able to conduct research and educational activities though partially thanks to Solidarity Academies and other initiatives.

The participants of the survey faced such setbacks as the loss of access to opportunities required by their area of expertise in addition to those pertaining to working conditions and lack of motivation about their academic studies. *Studies on hand were completed and*

<sup>11</sup> For a report on dismissed Peace Academics living abroad, see HFRT. (2020). Barış İçin Akademisyenler: Yurt Dışında Yaşayan ve KHK ile İhraç Edilmiş Akademisyenlerin Uğradığı Hak İhlalleri. [https://tihvakademi.org/wp-content/uploads/2020/11/BAK\\_Guncel\\_Durum\\_Raporu\\_Kasim\\_2020.pdf](https://tihvakademi.org/wp-content/uploads/2020/11/BAK_Guncel_Durum_Raporu_Kasim_2020.pdf) (Date of access: 10 November 2021)

<sup>12</sup> We are unable to provide any demographic information about the responder because all the answers to the survey were collected anonymously.



*published. I do not have a hypothesis anymore because I am away from the laboratory and the clinic.*

**Table 1 Statements on academic work, %**

I conduct my academic work in a field/fields that fall(s) outside of my area of expertise	12
My academic studies are more substantial/better than those before the dismissals	13
I can conduct my studies from a more critical perspective	16
I got the opportunity to collaborate with new academics and this had a positive effect	19
I cannot conduct academic work although I want to do so	23
I do not want to conduct / do not conduct academic work	26
I can rarely/hardly conduct academic work	31
My academic work has become fragmented and irregular	49

\* Multiple-answer question

One should take into account the fact that academic activity incorporates the social and physical environment of thinking and discussing with colleagues. When we asked the participants to identify the obstacles before academic studies, the responses revealed the diversity of challenges before professional self-development and self-realization. Options “I need an academic discussion platform but I cannot access one” and “I cannot access resources (library, data, etc.)” can be considered within this scope. These two options were ticked by almost a quarter of the participants.

**Table 2 Obstacles before conducting academic studies, %**

I have no motivation to conduct academic work	60.4
I have no time to conduct academic work	31.1
I cannot find any funding for research	28.3
I cannot access resources (library, data, etc.)	24.5
I need an academic discussion platform but cannot access one	22.6
I can continue with my studies abroad but I could not/cannot go	21.7
I cannot find a laboratory, equipment, etc. to conduct academic work	10.4
I cannot find a medium (journal, publishing house, etc.) that will publish my work	8.5

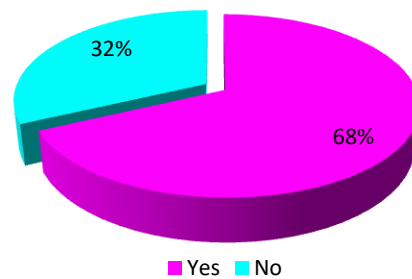
\* Multiple-answer question

Academics living abroad and are affiliated with a university stated that while on one hand they had the chance to conduct academic studies, they had to struggle with restrictions and uncertainty on the other hand. The following statements by two different academics can be offered as examples to such challenges:

*Since my position is temporary at the university abroad I cannot apply for some research funds in the country I reside. Although I can argue career interruption for the years during which I could not conduct academic work in my applications before various international institutions, funds; I do not think that this changes anything.*

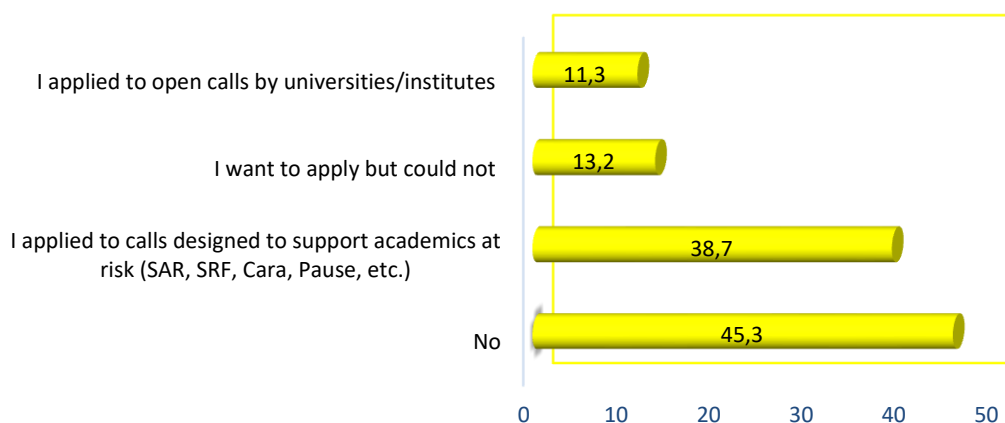
*I cannot study as I keep on thinking that each day I spent in academia is one that I postpone and make it harder for myself going into another field of work because I believe that I cannot be a part of academia after this grant/scholarship ends.*

**Figure 10 Graduate study completion status at the time of dismissals**



One of the ways to continue with one's academic studies was certainly going abroad. The rate of participants who indicated that they had applied for various grants/scholarships/fellowships in order to keep working in their professions abroad was 50%.

**Figure 11 Funding application to conduct academic studies abroad, %**

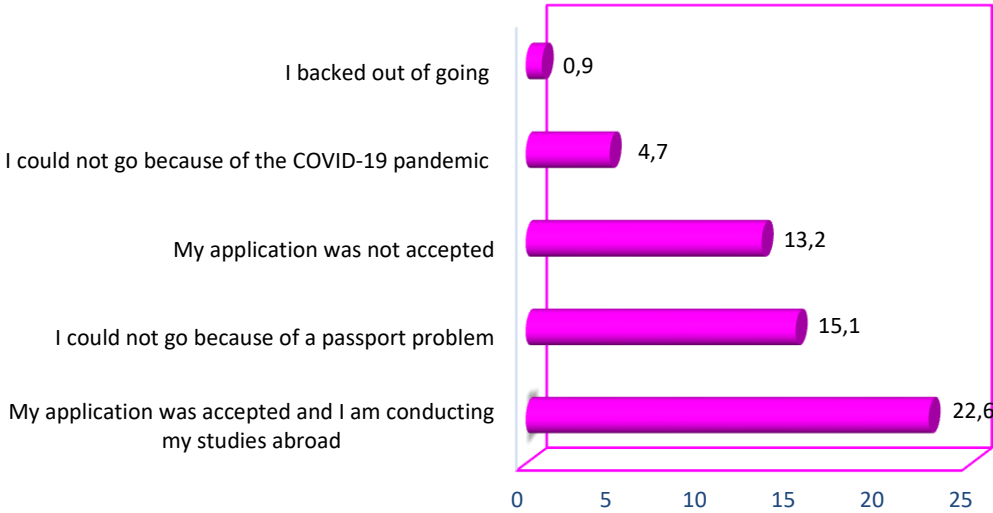


\* Multiple-answer question

As is understood from the answers to questions posed only to those who had stated that they had applied for grants/scholarships/fellowships about the result they got, 13% received

negative responses while not all academics who got positive responses were able to go abroad.

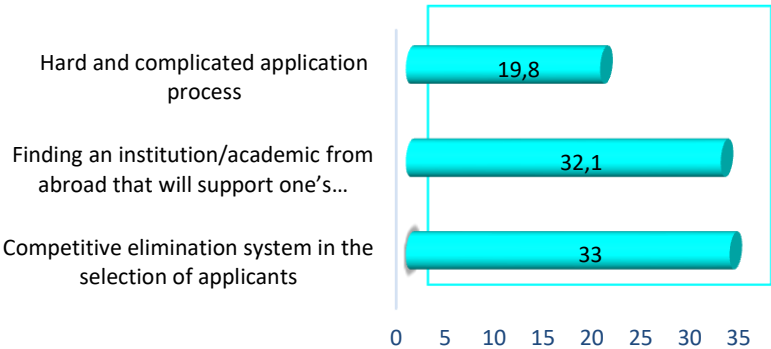
**Figure 12 Status of going abroad among those who got grants/scholarships, %**



\* Multiple-answer question

We asked only those, who had applied to such grants/scholarships/fellowships, about what they believed was the major challenge they faced about their applications.

**Figure 13 Challenges in grant/scholarship applications, %**



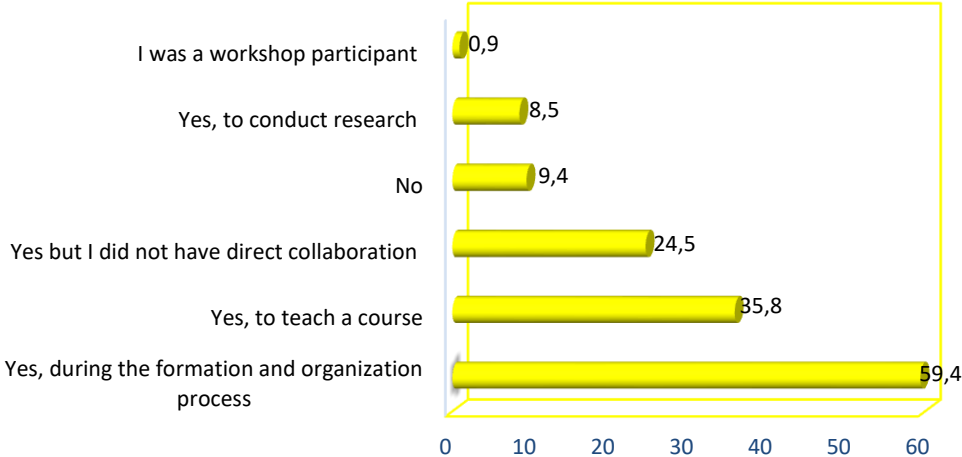
\* Multiple-answer question

Based on the responses collected within the scope of this survey and our previous reports, we can argue that grants/scholarships/fellowships that were designed to support particularly academics at risk and to enable them to continue working in their professions were not able to distance themselves from marketable academic criteria and operation.

Moreover, these grants/scholarships/fellowships in question support academics from about three months to three years. Such timeframe, however, does not allow academics to get a position for themselves in a competitive market setting. Thus academics are stranded between returning to Turkey where they will not be able to continue with their work, not being able to conduct academic work abroad anymore, and continuing with their work by means of very short-term grants at best.

Solidarity Academies and other initiatives have become the fora of both standing together and the persistence of continuing their professions for dismissed Peace Academics (HRFT 2019). While only 7% of the participants stated that they had no relations with Solidarity Academies or with other initiatives, a significant portion indicated that they have been involved with them since their inception.

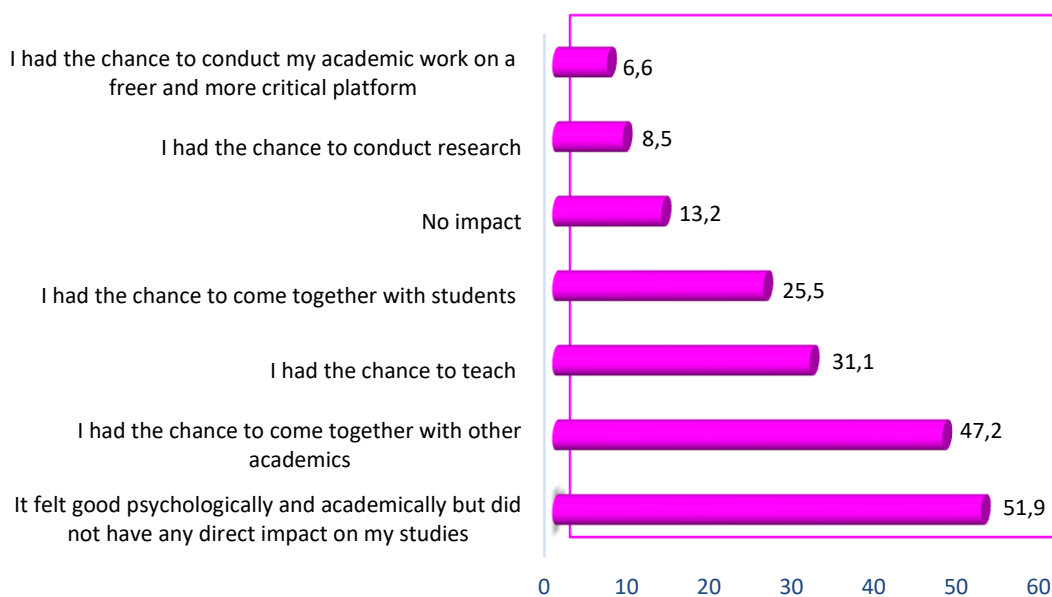
**Figure 14 Involvement with Solidarity Academies and/or with platforms set up by dismissed academics, %**



\* Multiple-answer question

The following figure presents, in addition to their professional impact, the positive impact of these initiatives in redeeming the destructive mental, psychological and emotional effects of dismissals.

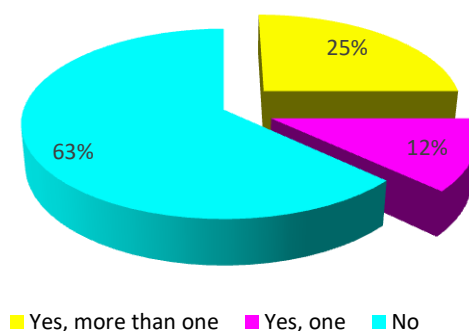
**Figure15 Impact of Solidarity Academies and other platforms, %**



\* Multiple-answer question

Despite the fact that both Solidarity Academies and other initiatives provide the fora where solidarity and political objection are organized, one cannot disregard the necessity to meet financial needs. We, thus, asked the participants whether they had lodged project applications.

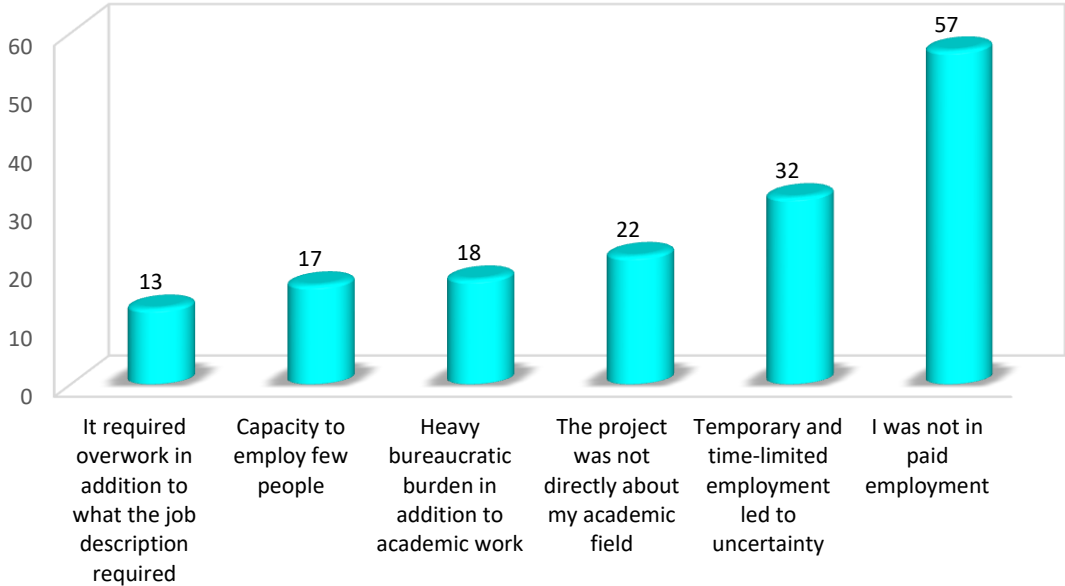
**Figure 16 Status of project applications**



19 of those who had submitted applications stated that they had done so in collaboration with a civil society organization or with Solidarity Academies, while two indicated that they lodged individual applications. While the number of those whose project applications were all rejected was seven, the number of those with at least one accepted project proposal was 36. This, in turn, means that project applications by more than one third of the survey participants were accepted.

We also asked the academics in paid employment for specific projects what they believed was the most important problem. The answers revealed that projects led to uncertainty and precarity due to their limited timeframe although they were one of the most decisive resources for earning a living. The responses presented in the following figure expressed concerns about vague job descriptions and heavy bureaucratic burden along with employment restrictions and academic activities in addition to uncertainty.

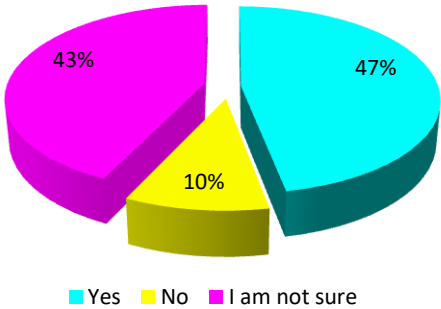
**Figure 17 Important problems about projects, Number**



\* Multiple-answer question

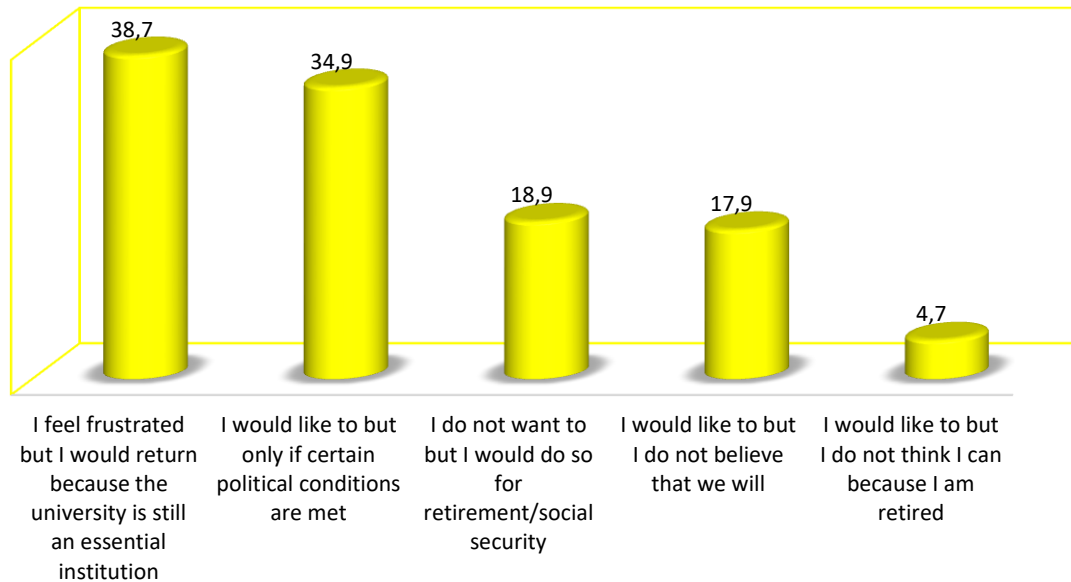
One in ten academics stated that they did not want to go back to the university, while one in three indicated that they were not quite sure in spite of the rights violations they were subjected to and the above-listed challenges.

**Figure 18 Desire to return to university**



Agreement rates about statements on a possible return to the university was as follows:

**Figure 19 Statements about returning to the university, %**



\* Multi-answer question

While some of the academics who wanted to be reinstated to their jobs at the university thought of doing so with a political motivation, as seen in statements like “to return in order to show all we returned” and “to hold them accountable,” there were also participants who stated that they wanted to return in order to reclaim their rights and have access to the academic environment. Among those who stated that they did not want to return or were not quite sure about returning, there were some who indicated that they would not return to the university should they have other options in addition to expressing emotions like “anger,” “frustration,” and “fatigue.” Such state of affairs can be interpreted as the onset of obliteration of academics’ professional expertise and identities that they had labored to construct. It should, thus, be regarded as a significant loss that needs to be taken into account within the scope of the permanent effects of systematic rights violations.

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This online survey, the findings of which are presented above, was conducted before the announcement of the SoE Commission’s rejection decisions delivered for Peace Academics. One can only with caution argue that the academics are at a better place in terms of employment, work and income in comparison to their status two years ago based on these findings. The results of our study reveal that dismissals still lead to the perpetuation of the

sense of uncertainty in addition to their negative impacts on academics' performance of their professions. Should the survey repeated following the decisions of the SoE Commission, we might have seen that these feelings got more intense.

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Despite the fact that Academics for Peace were acquitted with reference to the related judgement of the Constitutional Court, in other words, in spite of the declaration of their inculpability; *de facto* punishment still pursued by the SoE Commission -an utterly problematic administrative mechanism in terms of its structure and operational methodology- is legally a criminal offense and cannot be accepted. Although the commission bears the qualification of an administrative mechanism, it delivers decisions blatantly ignoring - repudiating- the judgments of the country's highest judicial organ, the Constitutional Court.