

STOCKHOLMSKONFERENSEN OM MÄNSKLIGA RÄTTIGHETER OCH DEMOKRATI I TURKIET

Ramprogram

Lördagen den 16 februari 1985

- 13.00-14.00 KONFERENSEN ÖPPNAS
Välkomsttal
Karl-Axel Elmquist, ordförande i kommittén
Ahmet Erol, ordf. i Statliga arbetsinspektörernas förbund i Turkiet
- 14.00-14.30 PRESSKONFERENS
- 14.30-15.45 DEN KONSTITUTIONELLA OCH JURIDISKA SITUATIONEN I TURKIET
EFTER MILITÄRKUPPEN 1980
Rapport och inledning:
Lennart Groll, ordf. i Svenska sektionen av Internationella
Juristkommisionen, ordf. i Svenska kommittén för mänskliga
rättigheter enligt Helsinkiavtalet
Diskussionsledare:
Hans Göran Franck, riksdagsledamot
- 16.00-17.15 MÄNSKLIGA FRI- OCH RÄTTIGHETER
Rapport och inledning:
Ulla Birgergård, ordf. i Svenska sektionen av Amnesty International
- 17.30-18.45 FACKLIGA FRI- OCH RÄTTIGHETER
Rapport:
Gunnar Nilsson, riksdagsledamot och tidigare ordf. i LO
Diskussionsledare:
Oswald Söderquist, riksdagsledamot
- 20.00 MIDDAG PÅ STADSHUSET

Söndagen den 17 februari 1985

- 09.30-10.30 PRESS- OCH YTTRANDEFRIHETEN
Rapport och inledning:
Hans Larsen, generalsekreterare i Internationella Journalistfe-
derationen
Diskussionsledare:
Hadar Cars, f d statsråd och ordf. i Folkpartiets Internationella
Råd
- 10.45-11.45 POLITISKA FRI- OCH RÄTTIGHETER
Rapport och inledning:
Hans Göran Franck, riksdagsledamot
Diskussionsledare:
Sture Korpås, riksdagsledamot
- 11.45-13.00 LUNCH
- 13.00-14.00 SOLIDARITET MED TURKIET
Inledning:
Hadar Cars
Diskussionsledare:
Johan Peanberg, internationell sekreterare i Svenska Kommunal-
arbetareförbundet
- 14.15-15.00 KONFERENSENS AVSLUTNING

HUMAN RIGHTS AND THE PLIGHT OF THE UNIVERSITIES IN TURKEY

The universities and all higher institutions of learning in Turkey have been placed under the rule of an all-powerful "Council of Higher Education (HEC)" by the Higher Education Act, passed by the National Security Council on the 6th of November 1981. By this Act, the universities were stripped of their autonomy, which they had enjoyed in the sense of their western counterparts, for close upon 60 years. Academic freedoms were revoked. The consequences of the Higher Education Act, however, are more far reaching than can be appreciated from these two statements alone.

With the Higher Education Act, higher education has been placed outside the realm of law and outside the control of any democratic process.

The whole of the higher educational system has been restructured, very much in the style of a military hierarchy¹ with the President of the Republic at the apex of the pyramid. The Higher Education Council, of whose 25 members, only 8 are nominated by the universities, is directly named by the President, and so is the Chairman of the HEC. Conversely, the HEC is answerable only to the President, and is capable of passing rules and regulations with the power of law. The HEC can - and does - draw nationwide educational policy: it increased the number of universities from 19 to 27 and doubled enrollment practically overnight. On the other hand/^{it has} instituted tuition fees at all universities, overturning a long cherished tradition in Turkey of freedom of access to higher education. Besides being the sole maker of higher educational policy, subject to the approval of the President, the HEC is empowered with decision making in all academic matters, including the drawing up of curricula, structuring of academic units (such as departments), evaluating academic performance, hiring, firing or re-posting of faculty members.

The HEC has the power to nominate the rectors (who are appointed by the President); the rectors then name the deans of faculties, who name the chairpersons of the departments. The rectors and the deans are responsible for enforcing the rules and regulations

passed by the HEC, from dress regulations (men are forbidden to wear beards; women, trousers) to bans on association. The deans act as the prosecutors for the HEC in all such "disciplinary matters". However, the HEC is quite capable of acting the judge, jury and the prosecutor itself and is empowered to summarily dismiss any faculty member up to the level of associate professor, without the benefit of a hearing, indeed without any openly stated case or clearly constituted "crime." (Moreover it has the power to act upon the reports of the so called Higher Education Supervisory Council, 5 of whose members are named from among university professors by the HEC and the other five come from the High Administrative Court, from the Court of Appeals, the Chief of Staff's general command and the Ministry of Education.) Besides dismissal, among the "disciplinary measures" is posting to a far away college or to a desk job at the Ministry of Education. So far (April 1984) 327 faculty members have been ousted from their jobs, 861 have been forced to retire or to resign, thus bringing the total number of staff members estranged from the universities up to 1188, out of a total of 20,000. This number does not include those posted to other departments or to the Ministry.² In none of these cases was an attempt made to justify the measures on academic grounds.

One must point out with particular emphasis the case of 38 full professors and 20 associate professors* who were dismissed from their posts by order of the Martial Law commands and forever banned from public service. It is common knowledge that their summary dismissal (not within the direct competence of the HEC) was recommended in many cases by the deans, with proven extreme-right wing affiliations, appointed by the HEC itself. The professors in question have been universally acknowledged as being among the most competent in their fields, with long years of civil service to their credit, among them.

The right to work, and any vestige of job security necessary for scientific endeavor, has clearly been done away with in this system.

*This number has been included in the above figures.

What is perhaps more devious is the fact that besides, promotions, dismissals, etc., the HEC has absolute say over hundreds of other day to day academic matters; and has recently (effective August 1984) declared that any faculty member who would like to travel abroad for scientific purposes (even if the trip were being financed from abroad) has to apply for special permission from the HEC, over and above the leave granted normally by the respective departments or the faculties and the security clearance that faculty members are routinely subject to in such cases. The HEC decisions over such matters constitute a pernicious and extra-legal system of punishment for faculty members, without recourse or possibility of appeal.

The Code of Conduct passed 3 March 1984, and then revoked in the face of rising protests, remains an excellent testimony to the kind of "evaluation" faculty members are subject to under the present system. Among other things, the Code called for the grading of the staff members on the basis of the zeal with which they propagated the ideals of Ataturk, not only within their professional, but also within their social and family circles, and on the basis of the moral conduct of their spouses. That the conduct of all staff members shall be annually subject to an evaluation by their "immediate superiors" (faculty deans) remains, however, in force.

Under the Higher Education Act and the regulations of the HEC, it is forbidden for members of the university staff to join trade unions or political parties. They may not belong to any organization, including professional organizations, without the written permission of the rector of their university. It is moreover forbidden to express their demands or complaints in collective fashion (e.g., submit a petition with more than one signature). It is also declared a crime ^{punishable by dismissal} to "engage in verbal ideological propaganda!"

In response to the recent petition submitted by 1399 Turkish intellectuals to the President of the Republic, the HEC has ordered its own investigation of those signatories who still hold

university jobs;³ this, even though the petition had not been submitted to the university, and even though the Military Prosecutor had already started an investigation of its own.⁴

The picture that emerges from these facts is that the Higher Education Act, and the HEC set up within its framework, not only do away with academic freedoms but constitute an extra-judicial instrument of repression against the freedom of thought, conscience and association, whose implications reach beyond the boundaries of the universities themselves.

Footnotes:

1. Ernst E. Hirsch, "Das neue tuerkische Hochschulgesetz", Wissenschaftsrecht, Wissenschaftsverwaltung, Wissenschaftsfoerderung, Band 15, Heft 2, Juni 1982 (s. 97 ff.). Prof. Hirsch has been personally involved in the construction of the modern universities in Turkey, where he has spent many years.
2. Bilim ve Sanat, No. 40, April 1984, Ankara.
3. Yeni Gundem, No. 6, 16-31 July 1984, Istanbul.
4. This investigation has resulted in the opening of a trial against 56 of the signatories. See Le Monde, 17 August 1984, which also carries the full text of the petition.

Rapor ^uüzere ^adoz alabiliriz

TÜRKİYE SOSYAL TÜSTAV
TARİH ARAŞTIRMA VAKFI

Annex I

ATTENDANCE

Members and Alternates

Mr. Awn Shawkat Al Khasawneh <u>a/</u>	(Jordan)
Mr. Miguel Alfonso Martínez <u>a/</u> Mr. Julio Heredia Pérez <u>*/</u>	(Cuba)
Mr. Murlidhar Chandrakant Bhandare <u>a/</u>	(India)
Mr. Mark Bossuyt <u>a/</u> Mr. Patrick Dubois <u>*/</u>	(Belgium)
Mr. Justice Abu Sayeed Chowdhury <u>a/</u>	(Bangladesh)
Mrs. Erica-Irene A. Daes <u>a/</u>	(Greece)
Mr. Driss Dahak <u>a/</u> Mr. Mohamed Sbihi <u>*/</u>	(Morocco)
Mr. Jules Deschênes <u>a/</u> Mrs. Rita Cadieux <u>*/ a/</u>	(Canada)
Mr. George Dove-Edwin Mr. Olufemi Oyewale George <u>*/ a/</u>	(Nigeria)
Mr. Enzo Giustozzi Mr. Leandro Despouy <u>*/ a/</u>	(Argentina)
Mrs. Gu Yijie <u>a/</u> Mr. Li Daoyu <u>*/</u>	(People's Republic of China)
Mr. Aidiid Abdillahi Ilkahanaf	(Somalia)
Mr. Louis Joinet <u>a/</u> Mr. Alain Pellet <u>*/</u>	(France)
Mr. Ahmed M. Khalifa <u>a/</u>	(Egypt)
Mr. Antonio Martínez Báez <u>a/</u> Mr. Héctor Fix Zamudio <u>*/</u>	(Mexico)
Mr. Dumitru Mazilu <u>a/</u> Mr. Mircea Nicolae <u>*/</u>	(Romania)

*/ Alternate.

a/ Present.

Mr. C.L.C. Mubanga-Chipoya <u>a/</u> Mrs. Beatrice Mulamfu <u>*/</u>	(Zambia)
Mr. John P. Roche Mr. John Carey <u>*/ a/</u>	(United States of America)
Mr. Kwesi B.A. Simpson <u>a/</u> Mrs. Kate Abankwa <u>*/</u>	(Ghana)
Mr. Vsevolod N. Sofinsky <u>a/</u> Mr. Viktor M. Tchikvadze <u>*/ a/</u>	(Union of Soviet Socialist Republics)
Mr. Masayuki Takemoto <u>a/</u> Mr. Nisuke Ando <u>*/ a/</u>	(Japan)
Mr. Ivan Toševski <u>a/</u> Mr. Danilo Türk <u>*/ a/</u>	(Yugoslavia)
Mr. Antonio Jose Uribe Portocarrero Mr. Fernando Cepeda Ulloa <u>*/ a/</u>	(Colombia)
Mr. Rodrigo Valdez Baquero Mr. Mario Aleman Salvador <u>*/</u>	(Ecuador)
Mr. Benjamin C.G. Whitaker <u>a/</u> Mr. J.R. Patrick Montgomery <u>*/</u>	(United Kingdom of Great Britain and Northern Ireland)
Mr. Fisseha Yimer <u>a/</u>	(Ethiopia)

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Other intergovernmental organizations

League of Arab States.

National liberation movements

Pan-Africanist Congress of Azania, Palestine Liberation Organization.

Non-governmental organizations in consultative status

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Youth and Student Movement for the United Nations, United Towns Organization, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress.

Category II

All-India Women's Conference, Amnesty International, Anti-Slavery Society for the Protection of Human Rights, Arab Lawyers Union, Baha'i International Community, Commission of the Churches on International Affairs of the World Council of Churches, Co-ordinating Board of Jewish Organizations, Disabled People's International, Four Directions Council, Human Rights Advocates, Indigenous World Association, International Abolitionist Federation, International Association for Religious Freedom, International Association of Democratic Lawyers, International Association of Penal Law, International Commission of Jurists, International Committee of the Red Cross, International Council of Jewish Women, International Federation of Human Rights, International Federation of University Women, International Federation of Women in Legal Careers, International Federation of Women Lawyers, International Fellowship of Reconciliation, International Indian Treaty Council, International Law Association, International League for Human Rights, International Movement for Fraternal Union Among Races and Peoples, International Union of Family Organizations, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Federation of Associations for Relatives of Disappeared Detainees, Pax Christi, Pax Romana, National Aboriginal and Islander Legal Services Secretariat, World Council of Indigenous Peoples, World Federation for Mental Health, World Jewish Congress, World Student Christian Federation, World University Service.

Roster

Centre Europe - Tiers Monde, Defence for Children International, International Association for the Defence of Religious Liberty, Indian Council of South America, International Federation for the Protection of the Rights of Ethnic, Religious Linguistic and other Minorities, International Human Rights Internship Programme, International Humanist and Ethical Union, International League for the Rights and Liberation of Peoples, International Progress Organization, Minority Rights Group, Movement Against Racism and for Friendship Among Peoples, Procedural Aspects of International Law Institute, Survival International, World Association for the School as an Instrument of Peace.

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