

INTERNATIONAL STUDENTS IN TURKEY
EXPOSED TO INFRINGEMENT OF THE RIGHT TO EDUCATION

SUBMISSION – CENEVA – July 2019

Introduction:

The Republic of Turkey in recent years, particularly after the July 15, 2016, has violated several international agreements and conventions to which it is a party and has conducted massive human rights abuses. These abuses are made by laws and decrees having the force of law (KHK - Kanun Hükmünde Kararname).

Instead of decisions that must be taken by judiciary at the end of duly judicial proceedings, all works are done, and decisions are taken in Turkey by KHK, Presidency Circulars and Decision of Council of Ministers. While decisions are taken on very important issues that may lead to violation of rights, no investigation is done, no procedure is considered, and national and international legislation is disregarded.

The Republic of Turkey is rapidly moving away from democracy and is on the way towards dictatorship in a fast pace.

In this context, thousands of judges and prosecutors were dismissed and vast majority of them were arrested, free press was silenced, thousands of civil servants were arbitrarily purged, the powers of the police and intelligence services were extraordinarily increased, the leader of a major political party in the parliament was imprisoned, thousands of associations, foundations and media organizations were closed and their assets were confiscated. While the rights and freedoms are decreased unacceptably, the number of prisons increased at an incredible rate and continuing to increase¹.

After the July 15 Coup Attempt, which is condemned by all Turkish people who believe in democracy but defined by President Erdoğan as “grace of Allah”, Erdoğan and his supporters used it as an excuse for oppressing, silencing and purging dissidents and perpetuating their unlawful works.

¹ <https://www.gazeteduvar.com.tr/gundem/2017/12/10/hukumetin-2023-plani-5-yilda-228-yeni-cezaevi/> (Turkey declared that it plans to build 228 new prisons up to 2023)

The Republic of Turkey, by disregarding main principles of universal law (e.g. the presumption of innocence) and without making any investigation, associated approximately 140000 civil servants and 100000 workers with coup attempt and terror and purged them either with KHK or through the trustees.

Bearing this mind, we would also like to give some additional information regarding the international Students in Turkey. There are approximately more than 125.000² International students currently studying in High Education Institutes in Turkey. Especially, African, Central Asian and Indian-Subcontinent originated students constitute most foreign students in Turkey. These student, like their Turkish fellow students, not only are ill-kept due to the mass-discharge in the education sector (approximately 34.000 Teacher and 7.000 Academic), but also are facing a bold threat since, the possibility that they have studied in a Gülen-Movement affiliated School back in their country of origin, frames them into the perception of being a sympathizer to the Gülen-Movement.

Violations and concerns:

As you will see in the Annex (Origin of Country – Students - Rights Violations) the main violations which foreign Students have to face are summarized hereinafter:

1. After the coup attempt 15 Private Universities were closed by Decree and more than 130.000 students studying in these universities were transferred to State Universities, after being profiled as former students of a Gülen Movement affiliated Institute. Thus, these students become an easy target in the “witch-hunt”.
2. Students could not able to receive their diplomas, transcripts or records via Turkish Consulates although they applied with an official attorney document. There is no doubt that the situations they witnessed and suffered will be traumatic effect on their moods not only for the current moment but in their future careers as well.
3. Students who come back to Turkey to collect their belongings and move to their countries were arrested or held in detention, without any reasonable accusation. While there are torture cases some other students are not allowed to travel back to their country and being prosecuted of being a member of the Gülen Movement. There are some cases where students sentenced and are banned to enter Turkey again.
4. Students possessing books of the Islamic-cleric Fetullah Gülen (inspirator of the Gülen Movement) were detained after police-raids in Student apartments. In addition,

² <https://istatistik.yok.gov.tr/>

housing together with Gülen Sympathizers is a reason for being arrested and afterwards being prisoned.

5. Most of the detained/arrested foreign students do not have sufficient access to their Consular Services, neither to the origin Consular Employees get satisfactory information of their citizens.
6. As of today, 3 Albanian, 2 Kosovar, 2 Serbian, 12 Romanian, 12 Moldavian, 5 Macedonian, 3 Bosnian and 3 Kenyan Students are in detention or in probation and have to sign every day in the relevant Police Department that they haven't left Turkey.
7. Many Students affiliated with Gülen-Schools abroad are banned to travel to Turkey.

Litigation in Turkey:

Since the obscure coup attempt in July 2016, several reports have been issued on the collapse of the rule of law and human rights in Turkey, and with the aspect of ineffectiveness of domestic remedies. Laws and practices adopted since July 2016 that have contributed to the eradication of judicial independence, rule of law and human rights in Turkey³.

With the Judicial Council under executive control, it is extremely difficult for judges to rule in favor of the perceived "enemies" of the government, and they feared the consequences of doing so.

Furthermore, the government granted immunity to individuals who contravened the law while purportedly fulfilling their duties under the emergency decree laws. For example, Article 9 of Emergency Decree Law No. 667, granted legal, criminal, administrative, and financial immunity to state agents who would otherwise have been subject to criminal investigation and prosecution. Article 37 of Emergency Law No.668, effectively grants immunity to government officials who act to isolate alleged Gülenists or other government opponents from Turkish society. The amendment extended this immunity to civilians, thus promoting pro-State vigilantism

The blanket, retroactive criminalization of members of the Gülenist network and their connections from July 15, 2016 onward, violated the core criminal justice principles of "legality" and "non-retroactivity."

Recommendations:

³ https://hrf.org/press_posts/the-collapse-of-the-rule-of-law-and-human-rights-in-turkey/

1. All students who are imprisoned and/or put into custody must be released.
2. Students who are obliged to enrol into state universities must not pay any tuition fee since they got scholarship in their previous but closed universities.
3. Turkish Government must provide the graduated students with any documents that they request related their status, graduation or transcript.
4. Home countries of students should recognize the diplomas which they received at those closed universities.
5. The students who are obliged to cut off their studies at the closed universities should continue in their studies in which they are enrolled in their majors; either the universities in their countries or other universities must recognize the credits taken before.
6. Deported students who could not receive their diplomas must get their diplomas as soon as possible.
7. Turkish Embassies in different countries must issues the visas for the students who are willing to go to Turkey and take their official papers and diplomas.