

A woman wearing an orange coat and a black headscarf stands with her back to the camera, looking at a wall covered in bullet holes. A small framed picture hangs on the wall. The floor is littered with debris and overturned metal chairs. The scene appears to be the aftermath of a violent event.

2021

# Free to Think

Report of the Scholars at Risk  
Academic Freedom Monitoring Project



## ACKNOWLEDGEMENTS

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This report is the result of research conducted by the monitoring project and our publication partners, and thus may not reflect the views of individual network members, institutions, or participating individuals. SAR invites comments on this report or inquiries about our work at [scholarsatrisk@nyu.edu](mailto:scholarsatrisk@nyu.edu).

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To donate, please visit [www.scholarsatrisk.org/give-today](http://www.scholarsatrisk.org/give-today).

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Report graphics and layout by Susannah Hainley ([www.shainley.com](http://www.shainley.com)).

COVER: A student looks at a classroom at Kabul University following a violent attack by gunmen on November 2, 2020, that left 22 dead and 50 injured.

Photo: Farzana Wahidy/The New York Times/Redux

# Free to Think 2021

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Belarusian police monitor students protesting near the entrance of their university on September 30, 2020, to show their solidarity with previously detained students. Belarusian authorities cracked down on students and scholars who protested Alexander Lukashenko's controversial declaration as winner of the 2020 presidential election, an election that international observers said was marked by falsified results.

Photo: STR/EPA-EFE/Shutterstock

## Executive Summary

**Around the world, higher education communities are overwhelmed by frequent attacks on scholars, students, staff, and their institutions. State and non-state actors, including armed militant and extremist groups, police and military forces, government authorities, off-campus groups, and even members of higher education communities, among others, carry out these attacks, which often result in deaths, injuries, and deprivations of liberty. Beyond their harm to the individuals and institutions directly targeted, these attacks undermine entire higher education systems, by impairing the quality of teaching, research, and discourse on campus and constricting society's space to think, question, and share ideas. Ultimately, they impact all of us, by damaging higher education's unique capacity to drive the social, political, cultural, and economic development from which we all benefit.**

Through its Academic Freedom Monitoring Project, Scholars at Risk (SAR) responds to these attacks by identifying and tracking key incidents, with the aim of protecting vulnerable individuals, raising awareness, encouraging accountability, and promoting dialogue and understanding that can help prevent future threats. Since 2015, SAR has been publishing *Free to Think*, a series of annual reports analyzing attacks on higher education communities around the world.

*Free to Think 2021* documents 332 attacks on higher education communities in 65 countries and territories.

This year was marked by the ongoing COVID-19 pandemic, which has claimed more than five million lives. For higher education, the pandemic continued to disrupt academic activity, keeping many institutions in remote states of operation and suspending most academic travel. For scholars and students, the pandemic also continued to raise questions, concerns, and criticisms about state responses to public health crises, government accountability, and societal inequities. Scholars and students took on these issues in the classroom and more public venues, in-person and online, asserting their academic freedom and their rights to freedoms of expression and assembly. They also responded to acute and more long-standing political conflicts, from **Myanmar's** coup to the steady erosion of human rights in **Turkey**, demanding civilian-led government and the protection of fundamental freedoms. Frequently, however, individuals and groups opposed to their questions and ideas sought to silence them.

Armed groups and individuals carried out severe, violent attacks on higher education communities. These included attacks in countries experiencing extremism or conflict, where higher education communities may be targeted as perceived symbols of state authority or sources of opposition to radical ideologies. They also included attacks targeting individual scholars or students, intended to retaliate against or deter academic activity and expression. Individual scholars were assassinated, and scores of students and university personnel were killed in attacks targeting campus communities in **Afghanistan**, where the Taliban has since taken control of the country after ousting its civilian government. In **Nigeria**, armed groups carried out deadly attacks and raids on higher education campuses, often in an attempt to abduct students and personnel. In **Myanmar**, soldiers and police used brutal force to quash students protesting the February 1 military coup and to take over campuses for military gain.

State authorities detained, prosecuted, and used other coercive legal measures to punish and restrict scholars' and students' research, teaching, and extramural expression and associations, often under laws or on grounds ostensibly related to national security, terrorism, sedition, and defamation. In **Brazil**, the Attorney General and a Supreme Court Justice used their positions to take action against academic speech that found fault with their work. In **India**, authorities are prosecuting more than a dozen scholars and students under the country's anti-terrorism laws, in an apparent act of retaliation against their expression and views critical of Prime Minister Narendra Modi and his administration. In **Hong Kong**, scholars and students continued to fear the threat of prosecution under the Beijing-imposed National Security Law, which is expected to chill a wide range of academic activity and discourse.







Higher education officials suspended, fired, and took other disciplinary actions against faculty and students for their academic work and extramural expressive activities, including expression critical of their institutions and participation in protests and social movements. In **Bangladesh**, scholars were fired over public expression critical of political figures. In **Belarus**, academics and students were suspended and dismissed after Alexander Lukashenko demanded their expulsion for protesting an election that has been widely criticized for falsified results.

Governments restricted and frustrated academics' and students' freedom of movement through targeted actions and policies and practices that limit the academic movement of entire communities of students and scholars. This has often included the denial of visas, deportations of students, and the blacklisting of scholars. Over the past year, **China's** government issued sanctions against select scholars, researchers, and institutions in the European Union, the United Kingdom, and the United States, in apparent retaliation for research that displeased the government. Meanwhile, **Israel's** government continues to maintain policies and practices that severely restrict academic movement in and out of the **Occupied Palestinian Territory**. These actions frustrate the free flow of ideas across borders that is essential to quality higher education and to building global understanding and cooperation.

Attacks on student expression remained an all-too-frequent subset of reported incidents. In the past year, SAR reported on more than 140 incidents involving attacks on student expression, including violent attacks, arrests and prosecutions, and disciplinary measures. In the **Occupied Palestinian Territory**, **Pakistan**, **South Africa**, **Thailand**, and **Zimbabwe**, students frequently faced arrest, prosecution, and the use of force in connection with protests and other expressive activity over a range of issues, including access to education, demands for a democratic society, and accountability for past injustices.

## REPORTED ATTACKS ON HIGHER EDUCATION

September 1, 2020 – August 31, 2021

	Killings, Violence, Disappearance .....	110
	Imprisonment .....	101
	Prosecution .....	34
	Loss of Position .....	34
	Travel Restrictions .....	6
	Other .....	47
<b>TOTAL</b>		<b>332</b>

Legislative and administrative actions by state authorities and lawmakers threatened the autonomy and academic freedom of entire higher education communities. **Turkey's** president appointed a political ally as rector at one of the country's top institutions, Boğaziçi University, prompting months of protests decrying the government's erosion of institutional autonomy. In the **United States**, state legislatures advanced and in some cases secured passage of bills that would ban topics and areas of academic discussion in classrooms, most notably critical race theory.

*Free to Think 2021* reflects a fraction of attacks on higher education that have occurred over the past year. These attacks demonstrate the range of tactics by diverse actors seeking to punish and silence scholars, students, and other members of

higher education communities exercising their right to ideas. They discourage research, teaching, and discussion. They undermine universities, colleges, and research institutions attempting to provide solutions to problems that impact everyone, from COVID-19 to climate change. They impede the ability of higher education to help shape tomorrow's leaders. We must defend against these attacks. We must strengthen and promote academic freedom and quality higher education. Our future depends on it.

Scholars at Risk calls on states, higher education communities, and civil society around the world to respond to these attacks: to reject violence and coercion aimed at restricting inquiry and expression; to protect threatened scholars, students, and higher education institutions; and to reaffirm publicly their commitment to academic freedom and support for the principles that critical discourse is not disloyalty, that ideas are not crimes, and that everyone must be free to think, question, and share their ideas.





UNITED NATIONS  NATIONS UNIES



Through the United Nations and other intergovernmental organizations, Scholars at Risk works to promote protections for academic freedom, institutional autonomy, and related higher education values.

Photo: Mathias P.R. Reding / Unsplash.com

## Call to Action

**From January 2011 through August 2021, Scholars at Risk (SAR) reported 2,150 attacks on higher education communities in 113 countries and territories. These attacks punish scholars and students for their ideas and status within the sector, and they chill academic freedom across entire university communities, undermining everyone's freedom to think and ask questions.**

States, higher education communities, and civil society have a responsibility to take action to protect higher education and the free exchange of ideas. While action may look different for different parties, everyone has the capacity to help. In addition to the recommendations contained at the end of this report, SAR invites readers to consider the following opportunities for action and to propose their own novel approaches.\*

### Intergovernmental Organizations

Intergovernmental, regional, and supranational bodies should **develop policies, structures, and guidelines to protect and promote academic freedom** regionally and globally. For example, in October 2020, Research Ministers of the European Union and the European Commissioner for Innovation, Research, Culture, Education and Youth endorsed the Bonn Declaration on “Freedom of Scientific Research,” which includes a commitment to strengthen academic freedom and institutional autonomy and encourages research organizations “to promote and anchor the principles of academic freedom in their international relationships.”

Similarly, the Inter-American Commission on Human Rights (IACHR), in coordination with a Specialized Academic Network of university and NGO partners, is developing a set of Inter-American Principles on Academic Freedom and University Autonomy, as well as a system of indicators to measure the impact of the norms, principles, and recommendations of the IACHR in this area.<sup>1</sup>

States should join together, including through multistate bodies, to **provide funding opportunities to support higher education institutions and NGOs seeking to help at-risk scholars and students**. Inspireurope, for example, is a European Union-funded initiative led by SAR Europe to support, promote, and integrate researchers at risk in Europe. In particular, Inspireurope is calling for a dedicated EU fellowship scheme to support researchers at risk.<sup>2</sup>

### States

States should **raise awareness of attacks on higher education** by publicly acknowledging them, including through written statements.

Governments should **assess their own country's respect for academic freedom** by consulting the Academic Freedom Index (AFi), a research tool measuring levels of respect for academic freedom in 175 countries and territories.<sup>3</sup> States should consult *Free Universities: Putting the Academic Freedom Index Into Action*, a joint report by the Global Public Policy Institute and SAR that introduces the AFi, for guidance on interpreting and using the data to safeguard and strengthen respect for academic freedom and institutional autonomy, and to improve higher education quality.<sup>4</sup>

\* Please contact [scholarsatrisk@nyu.edu](mailto:scholarsatrisk@nyu.edu) to learn more about the activities noted here as well as other initiatives, and to propose new ideas for actions and partnerships.

States should **highlight attacks on higher education within their own reporting on human rights issues**, nationally and internationally. The United States Department of State, for example, includes a section on “Academic Freedom and Cultural Events” within their annual Country Reports on Human Rights Practices.<sup>5</sup>

States should **publicly commit to protecting higher education from attack by endorsing the Safe Schools Declaration**,<sup>6</sup> through which states express political support for and commit to implementing the *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, and encouraging peers to do the same.<sup>\*</sup> States that have already endorsed the Declaration—112 as of this report—should encourage the rest of the international community to take this step.

States should further **express concern about attacks on higher education communities** through inquiries posed to other states regarding national conditions for academic freedom and higher education. For example, the United Nations’ Universal Periodic Review, a process that involves a review of the human rights records of all UN Member States, invites states to comment on or inquire into other states’ efforts to protect higher education communities. In February 2020, for example, six states made recommendations regarding academic freedom and protections for academics as part of Turkey’s review.<sup>7</sup>

States should also **review reports on topics related to academic freedom and share findings with government counterparts and the public**. For example, the UN Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression presented a report on academic freedom to the 75<sup>th</sup> Session of the General Assembly in October 2020.<sup>8</sup> The report describes the legal framework around academic freedom, the various forms of restrictions and attacks on academic freedom, and recommendations for states,

international organizations, the higher education community, and civil society. States should work with civil society and intergovernmental organizations to respond to and implement this report’s recommendations.

Where possible, states should **establish funding mechanisms to support at-risk or displaced scholars and students**. Several national efforts—the Philipp Schwartz Initiative and the Hilde Domin Programme in Germany, the PAUSE program in France, the Students-at-Risk program in Norway, and a human rights defenders stream of the Government-Assisted Refugees Program in Canada—offer direct funding to scholars and students to continue their academic work in safety.<sup>†</sup>

### Higher education institutions

Universities, colleges, and community colleges should **join the SAR Network** to demonstrate solidarity for colleagues worldwide who suffer direct attacks, and to contribute to efforts to address the causes of and the fallout from attacks on higher education.

Institutions should **support scholars impacted by attacks by offering temporary positions of academic refuge** to these individuals through SAR, the Council for At-Risk Academics (Cara), the Institute of International Education’s Scholar Rescue Fund (IIE-SRF), PAUSE, the Philipp Schwartz Initiative, or similar programs. For example, in August 2021, hundreds of institutions concerned about colleagues in Afghanistan pledged to offer positions to scholars seeking safety. Institutions can also offer remote fellowships to scholars unable to travel at this time, as Carleton University in Canada has done recently for three scholars from Turkey.

Leaders of higher education institutions should **condemn attacks on the sector**, regardless of where they occur. In doing so, higher education leaders prevent the normalization of attacks, signaling

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<sup>\*</sup> States can also implement the *Principles of State Responsibility to Protect Higher Education from Attack*, through which states commit to protecting higher education from present and future attacks and publicize their efforts to do so. See [http://www.protectingeducation.org/sites/default/files/documents/principles\\_of\\_state\\_responsibility\\_to\\_protect\\_higher\\_education\\_from\\_attack.pdf](http://www.protectingeducation.org/sites/default/files/documents/principles_of_state_responsibility_to_protect_higher_education_from_attack.pdf); and [http://www.protectingeducation.org/sites/default/files/documents/guide\\_to\\_implementing\\_principles.pdf](http://www.protectingeducation.org/sites/default/files/documents/guide_to_implementing_principles.pdf).

<sup>†</sup> In Germany, the Alexander von Humboldt Foundation partnered with the Federal Foreign Office and a number of philanthropic organizations to fund two-year fellowships for at-risk scholars through the Philipp Schwartz Initiative. Also in Germany, the Federal Foreign Office and the German Academic Exchange Service founded the Hilde Domin Programme, a scholarship initiative for students and doctoral candidates who are denied the opportunity to study at home. In France, through the PAUSE program (National Program for the Urgent Aid and Reception of Scientists in Exile), the Ministry for Education and Research, Collège de France, and the Chancellery of Parisian Universities provide support to higher education establishments and public research organizations that host scientists at risk. In Norway, following the efforts of the Norwegian Students’ and Academics’ International Assistance Fund and the National Union of Students in Norway, the Norwegian Ministry of Foreign Affairs funded the Students-at-Risk program, which enables at-risk students to pursue degrees in Norway. In Canada, the Government-Assisted Refugees Program, under which refugees are selected for relocation to and granted permanent residence in Canada, has established a dedicated refugee stream for human rights defenders, including scholars, who are fleeing persecution in their home country.



that an attack on one scholar is an attack on all.

Institutions should **promote understanding and respect for core higher education values** like academic freedom, institutional autonomy, accountability, equitable access, and social responsibility, including by proactively **developing a set of ritualizing practices on their campuses**. This means creating and repeating regular, visible, and meaningful opportunities for everyone to discuss these values and their meaning in practice in the community. SAR can help with materials for trainings and workshops on academic freedom.

Higher education institutions and national and regional higher education networks, such as national SAR sections,<sup>9</sup> should also **speak out about attacks and the need to protect at-risk scholars, including by addressing concerns to relevant state and non-state stakeholders**. For example, in April 2021, leaders of three European universities issued a joint statement calling for the immediate release of Dr. Ahmadreza Djalali,<sup>10</sup> a wrongfully imprisoned scholar in Iran.<sup>11</sup> In August, following the Taliban's takeover of Afghanistan, SAR Canada issued a statement urging the Canadian government and higher education institutions to "take action to secure the lives and careers of Afghanistan's scholars, students, and civil society actors."<sup>12</sup>

## Associations and societies

Associations and societies should seek opportunities to **engage displaced or at-risk scholars in their activities**. The Middle East Studies Association (MESA), for example, offers Global Academy Scholarships to displaced scholars from the MENA region who are currently located in North America. Scholarship recipients receive professional development training, collaborate on research with MENA-focused scholars in North America, and receive sponsorship to attend MESA's annual meeting.<sup>13</sup>

Associations and societies should **encourage research** into the root causes of attacks on higher education and efforts to protect academic freedom. They can include the issue on the agendas of regional and annual meetings, form committees to address attacks, and develop their own research. The Association for Asian Studies, for example, will be releasing a new volume as part of their Asia Shorts series focused on academic freedom. The publication, *New Threats to Academic Freedom in Asia*, will be published in 2022, following a virtual roundtable on the topic.<sup>14</sup> The Royal Netherlands Academy of Arts and Sciences (KNAW) published a report, *Academic Freedom in the*

*Netherlands*, which discusses the responsibilities of scientists, states, and others in conducting academic research and inquiry.<sup>15</sup> The German Academic Exchange Council (DAAD) developed a guide for universities and research institutions to assess prospects and risks related to international academic cooperation under complex conditions.<sup>16</sup> The Magna Charta Observatory launched a new version of the Magna Charta Universitatum, the MCU 2020, which acknowledges the increasingly global role of universities and their accompanying responsibilities.<sup>17</sup> In 2020, the European University Association, as part of the EU-funded Inspireurope project coordinated by SAR Europe, mapped existing support in Europe for researchers at risk. The findings of this mapping report are now informing policy recommendations to the EU and national governments on how to improve support for researchers at risk.<sup>18</sup>

## Faculty and students

Faculty, staff, and students should **learn more about academic freedom**, including by enrolling in the free online course, "Dangerous Questions: Why Academic Freedom Matters," which explores the meaning of academic freedom and how it relates to other core higher education values.<sup>19</sup>

Law faculty can **lead Academic Freedom Legal Clinics**, through which students engage with practical and theoretical issues relating to academic freedom and responses to attacks on higher education. Clinics have developed submissions for the UN Working Group on Arbitrary Detention, the UN Universal Periodic Review process, the European Court of Human Rights, and the Inter-American Commission on Human Rights, among others.<sup>20</sup>

Faculty can also **lead Student Advocacy Seminars**, through which students conduct research and advocacy in support of a wrongfully imprisoned scholar or student. By engaging in these experiential activities, faculty train the next generation of human rights and higher education defenders through hands-on research and advocacy work.<sup>21</sup>

Faculty and researchers can **support at-risk or displaced scholars on campus** by serving on a SAR committee at their institution, through which they provide assistance to hosted scholars and seek opportunities to engage them in on-campus activities.

Student groups and academic departments can **invite threatened scholars to speak to the campus community**, including virtually, through the Vivian G. Prins/Scholars at Risk Speaker Series, a speakers'

bureau that provides higher education institutions the opportunity to learn from current and formerly at-risk scholars.<sup>22</sup>

## Media

The media has a central role in **raising awareness about the phenomenon of attacks on the higher education sector** through investigative reporting, interviews, and public discussions.

In addition to documenting attacks, members of the press can **explain the causes and impacts of such attacks** beyond their direct victims, including impacts on cross-border education and research, and on the economic, political, and security conditions in the countries and territories in which attacks occur.

Press and artistic freedom advocates can **partner with SAR on advocacy initiatives** that seek greater protections for the intellectual, creative, and expressive freedoms these groups need to thrive.

## Civil society and the public

Attacks on higher education shrink the space for everyone to think, question, and share ideas. Civil society and members of the public should **actively support academic freedom**. For example, the UK-based Academic Freedom and Internationalisation Working Group is a coalition of concerned academics, members of the All-Party Parliamentary Human Rights Group, and relevant civil society representatives focused on strengthening protection for academic freedom and scholars exercising it within the context of the internationalization of UK higher education.<sup>23</sup>

Civil society and the public should **learn more about academic freedom**. One way is by enrolling in “Dangerous Questions: Why Academic Freedom Matters,” a free online course.<sup>24</sup>

Those in industry or other nonacademic research careers can **offer expertise and employment opportunities to displaced scholars** through programs, trainings, and workshops such as those organized by Inspireurope.

Everyone can **play a key awareness-raising role over social media by sharing this report**, using the hashtags #AcademicFreedom and #Fre2Think2021 in their posts, following @ScholarsAtRisk on Twitter and Facebook, and reposting SAR’s social media posts.

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Protecting academic freedom and higher education communities from attacks demands the ingenuity and engagement of all sectors of society. SAR

calls on everyone to join us in protecting those at risk, promoting academic freedom, and defending everyone’s freedom to think, question, and share ideas.

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## ENDNOTES

1. See Organization of American States, “IACHR presents the projects of the Specialized Academic Network for Technical Cooperation,” [http://www.oas.org/en/IACHR/jsForm/?File=en/iachr/media\\_center/PReleases/2021/140.asp](http://www.oas.org/en/IACHR/jsForm/?File=en/iachr/media_center/PReleases/2021/140.asp) (June 1, 2021).
2. See SAR Europe, “Inspireurope,” <https://www.maynoothuniversity.ie/sar-europe/inspireurope>.
3. Data generated by the AFI is available at: <https://www.v-dem.net/en/analysis/>.
4. See Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel, and Robert Quinn, *Free Universities: Putting the Academic Freedom Index Into Action* (March 2021), [https://www.gppi.net/media/KinzelbachEtAl\\_2021\\_Free\\_Universities\\_AFI-2020.pdf](https://www.gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFI-2020.pdf); and Global Public Policy Institute, “The Academic Freedom Index Explained,” August 10, 2021, <https://www.youtube.com/watch?v=kOTPYMUU-xQ>.
5. For more details and for the most recent set of reports, see <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>.
6. See Global Coalition to Protect Education from Attack (GCPEA), “Safe Schools Declaration and Guidelines on Military Use,” <https://protectingeducation.org/gcpea-publications/safe-schools-declaration-and-guidelines-on-military-use/>.
7. See UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Turkey,” March 24, 2020, available at <https://undocs.org/A/HRC/44/14>; conclusions and/or recommendations at paras. 45.97 (Canada); 45.209 (Haiti); 45.157 (Norway); 45.179 (Peru); 45.151 (United States); and 45.94 (Uruguay).
8. David Kaye, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye,” July 28, 2020, available in Arabic, Chinese, English, French, Russian, and Spanish at <https://digitallibrary.un.org/record/3883914?ln=en>.
9. See <https://www.scholarsatrisk.org/sar-sections/>.
10. See p. 36.
11. For a copy of the joint statement, see <https://www.scholarsatrisk.org/2021/04/universities-call-for-dr-ahmadreza-djalalis-release/>.
12. SAR Canada, “Scholars at Risk Canada issues a statement on the situation in Afghanistan,” August 27, 2021, <https://www.scholarsatrisk.org/sections/sar-canada/section-news/scholars-at-risk-canada-issues-a-statement-on-the-situation-in-afghanistan/>.
13. For more information on MESA’s Global Academy Scholarships, see <https://mesana.org/advocacy/global-academy>.
14. See Association for Asian Studies, ““New Threats to Academic Freedom in Asia” Roundtable,” <https://www.asianstudies.org/conferences/workshops/new-threats-to-academic-freedom-in-asia-workshop/>.
15. To read the report in Dutch, see <https://knav.nl/nl/actueel/publicaties/academische-vrijheid-in-nederland>. An English-language summary is also available.



16. For more information on DAAD's guide, see <https://www.daad.de/de/infos-services-fuer-hochschulen/kompetenzzentrum/risiko-und-sicherheitsmanagement/>.
17. See The Magna Charta Observatory, "MCU 2020," <http://www.magna-charta.org/magna-charta-universitatum/mcu-2020>.
18. See Researchers at Risk, "Mapping Europe's Response," <https://eua.eu/resources/publications/947:researchers-at-risk-mapping-europe%E2%80%99s-response.html>.
19. The online course was created by SAR and the University of Oslo as part of an Erasmus<sup>+</sup>-funded "Academic Refuge" project. Learn more about the course at <https://www.futurelearn.com/courses/academic-freedom>.
20. See Third Party Intervention in Telek, Şar and Kivilcim v. Turkey, European Court of Human Rights, <https://hrc.ugent.be/wp-content/uploads/2019/10/Telek-tpi.pdf>; and Amicus Brief in Urrutia Laubreaux Vs. Chile, Inter-American Court of Human Rights, [https://cdp-hrc.uottawa.ca/sites/cdp-hrc.uottawa.ca/files/amicus-corte\\_idh\\_caso\\_urrutia\\_vs.\\_chile\\_febrero\\_2020\\_hrrec.pdf](https://cdp-hrc.uottawa.ca/sites/cdp-hrc.uottawa.ca/files/amicus-corte_idh_caso_urrutia_vs._chile_febrero_2020_hrrec.pdf) (in Spanish). SAR gratefully acknowledges the invaluable contributions of our long-time clinical partners, including Ghent University (Belgium), the University of Turino (Italy), the University of Dundee (UK), McGill University (Canada), the University of Nottingham (UK), the University of Ghana, and University of Ottawa's Human Rights Research and Education Center (HRREC). In addition to clinical projects, the HRREC has partnered with SAR and the University of Monterrey, Mexico to develop and co-lead the Americas Hub, a growing, hemisphere-wide effort aimed at advocacy and networking in support of academic freedom at the regional, national, and institutional levels.
21. Learn more about the Legal Clinic program at <https://www.scholarsatrisk.org/actions/academic-freedom-legal-clinics/>, and the Student Advocacy Seminar program at <https://www.scholarsatrisk.org/actions/student-advocacy-seminars/>.
22. Invite one of these scholars to speak to your campus community: <https://www.scholarsatrisk.org/actions/speaker-series/>.
23. See School of Advanced Study Human Rights Consortium, "Academic Freedom and Internationalisation Working Group," <https://hrc.sas.ac.uk/networks/academic-freedom-and-internationalisation-working-group>.
24. Visit <https://www.futurelearn.com/courses/academic-freedom>.







Governments, human rights institutions, courts, and the higher education sector should embrace existing protections for academic freedom under international law, and continue to develop standards that safeguard academic freedom at the national level.

Photo: Emil Widlund / Unsplash.com

# Academic Freedom and Its Protection Under International Law

**Academic freedom is legally grounded in multiple international human rights standards. It is fully and independently grounded in freedom of opinion and expression, the right to education, and the right to the benefits of science, respectively, and has elements of freedom of association, freedom of movement, and other rights. Numerous international statements from state sources reaffirm the right of academic freedom under these standards.**

At the international level, protections for academic freedom begin within the documents collectively known as the International Bill of Human Rights: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Specifically, ICCPR Article 19(2) protects the right of everyone to hold opinions without interference and:

*the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [one's] choice.*

The United Nations (UN) Human Rights Committee has stated that the right includes teaching and public commentary by researchers.<sup>1</sup>

ICESCR Article 13 guarantees the right to education. The Committee on Economic, Social and Cultural Rights (CESCR) has explicitly found that the right to education “can only be enjoyed if accompanied by the academic freedom of staff and students.”<sup>2</sup> The CESCR further stated:

*Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation*

*or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfill their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction.*

ICESCR Article 15(3) protects the right to the benefits of scientific progress and requires state parties to “respect the freedom indispensable for scientific research and creative activity.” According to the CESCR, states have “a positive duty to actively promote the advancement of science through, inter alia, education and investment in science and technology.”<sup>3</sup> The Committee continues:

*This includes approving policies and regulations which foster scientific research, allocating appropriate resources in the budgets and, in general, creating an enabling and participatory environment for the conservation, development and diffusion of science and technology. This implies inter alia protection and promotion of academic and scientific freedom, including freedoms of expression and to seek, receive and impart scientific information, freedom of association and movement; guarantees for equal access and participation of all public and private actors; and capacity-building and education.*

International bodies have elaborated on the broad protections laid out in these core documents. Most especially, UNESCO's 1997 Recommendation concerning the Status of Higher-Education Teaching Personnel (RSHETP) articulates academic freedom to include, among other things, the

*freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom [of higher education personnel] to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies.*<sup>4</sup>

In order for academic freedom to be meaningfully realized, higher education institutions must be grounded in certain core values that support the quality of research, teaching, and learning. In addition to academic freedom, these core values include institutional autonomy, accountability, equitable access, and social responsibility.

UNESCO's 1997 Recommendation defines **institutional autonomy** as:

*that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.*<sup>5</sup>

**Accountability** is the institutionalization of clear and transparent systems, structures, or mechanisms by which the state, higher education professionals, staff, students, and the wider society may evaluate—with due respect for academic freedom and institutional autonomy—the quality and performance of higher education communities.<sup>6</sup> It includes, inter alia: “effective communication to the public concerning the nature of their educational mission;” “effective support of academic freedom and fundamental human rights;” and “ensuring high quality education for as many academically qualified individuals as possible subject to the constraints of the resources available to them.”

The CESCR states, in relation to university autonomy, that self-governance:

*must be consistent with systems of public accountability, especially in respect of funding provided by the State. Given the substantial public investments made in higher education, an appropriate balance has to be struck between institutional autonomy and accountability. While there is no single model, institutional arrangements should be fair, just and equitable, and as transparent and participatory as possible.*<sup>7</sup>

**Equitable access** is derived from ICESCR Article 13(2) (c), which provides that “higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education...”<sup>8</sup>

The CESCR has elaborated on this position, stating: “[e]ducational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party...”<sup>9</sup> and noting further that accessibility includes three overlapping dimensions: non-discrimination and equal treatment, physical accessibility, and economic accessibility.

The UNESCO RSHETP echoes this equality principle, providing:

*Access to the higher education academic profession should be based solely on appropriate academic qualifications, competence and experience and be equal for all members of society without any discrimination.*<sup>10</sup>

**Social responsibility** is the duty of members of the higher education community to use the freedoms and opportunities afforded by state and public respect for academic freedom and institutional autonomy in a manner consistent with the obligation to seek and impart truth, according to ethical and professional standards, and to respond to contemporary problems and needs of all members of society. The UNESCO RSHETP states:

*Higher-education teaching personnel should recognize that the exercise of rights carries with it special duties and responsibilities, including the obligation to respect the academic freedom of other members of the academic community and to ensure the fair discussion of contrary views. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research and scholarship should be conducted in full accordance with ethical and professional standards and should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.*<sup>11</sup>

Under existing international human rights standards, states have affirmative obligations (positive and negative) to protect and promote academic freedom. These include obligations to: refrain from direct or complicit involvement in violations of academic freedom; protect higher education communities against such violations; support victims of such violations; deter future violations, including by investigating violations and holding perpetrators accountable; promote the exercise of academic freedom, including by supporting higher education and international research cooperation; and promote greater understanding of academic freedom and its benefit to society.<sup>12</sup>

Jurisprudence around academic freedom and its components has developed within regional bodies including the European Parliament<sup>13</sup> and the European Court of Human Rights (ECtHR),<sup>14</sup> the Inter-American Commission on Human Rights (IACHR),<sup>15</sup> and the African Commission on Human and People's Rights (ACHPR).<sup>16</sup> Complementing this jurisprudence are recognitions of academic freedom in state constitutions, national laws, decisions, and regulations, as well as in higher education policies and practices



at the sectoral and institutional levels. As of 2020, 80 countries and territories had constitutional provisions that explicitly or implicitly protect academic freedom.<sup>17</sup> Public affirmations and commitments to academic freedom and related rights also strengthen support for this right. For example, in October 2020, the European Union's Research Ministers and the European Commissioner for Innovation, Research, Culture, Education, and Youth issued the Bonn Declaration on Freedom of Scientific Research, which recognizes freedom of scientific research as "a universal right and public good," and a "core principle of the European Union and as such anchored in the Charter of Fundamental Rights of the EU."<sup>18</sup> Collectively, these demonstrate broad recognition of the right to academic freedom.

States, national human rights institutions, courts, and the higher education sector should embrace this recognition and continue to develop pro-academic freedom standards and practices, applying them wherever possible at the national and local levels, and explicitly acknowledging the grounding of academic freedom within international human rights standards.

## ENDNOTES

1. UN Human Rights Committee, General Comment No. 34: Freedoms of opinion and expression (Article 19), September 12, 2011, paras. 11-12 and 30, <https://digitallibrary.un.org/record/715606?ln=en>.
2. ESCR, General Comment No. 13: The Right to Education (Article 13), December 8, 1999, para. 38, <https://www.refworld.org/pd/4538838c22.pdf>.
3. *Ibid.*, para. 46.
4. UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 27, [http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html).
5. *Ibid.*, para. 17.
6. *Ibid.*, paras. 22-24.
7. See CESCR (1999), para. 40. See also RSHETP, para. 22 (a), (c), (d).
8. See ICESCR, Article 13(2)(c). See also UNESCO, "Convention against Discrimination in Education 1960," December 14, 1960, available at [http://portal.unesco.org/en/ev.php-URL\\_ID=12949&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=12949&URL_DO=DO_TOPIC&URL_SECTION=201.html).
9. See CESCR (1999), paras. 6(b), 31-37.
10. See RSHETP, para. 25.
11. See RSHETP, para. 33.
12. See ICCPR, Art. 2(1); RSHETP, paras. 17-19; UNESCO, "Recommendation on Science and Scientific Researchers," November 13, 2017, paras. 32-33; Global Coalition to Protect Education from Attack (GCPEA), *Principles of State Responsibility to Protect Higher Education from Attack*, available at [https://protectingeducation.org/wp-content/uploads/documents/documents\\_principles\\_of\\_state\\_responsibility\\_to\\_protect\\_higher\\_education\\_from\\_attack.pdf](https://protectingeducation.org/wp-content/uploads/documents/documents_principles_of_state_responsibility_to_protect_higher_education_from_attack.pdf); GCPEA, "Safe Schools Declaration," [https://protectingeducation.org/wp-content/uploads/documents/documents\\_safe\\_schools\\_declaration-final.pdf](https://protectingeducation.org/wp-content/uploads/documents/documents_safe_schools_declaration-final.pdf); and GCPEA, *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*, [https://protectingeducation.org/wp-content/uploads/documents/documents\\_guidelines\\_en.pdf](https://protectingeducation.org/wp-content/uploads/documents/documents_guidelines_en.pdf).
13. European Parliament, "Recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU's external action (2018/2117(INI))," November 29, 2018, available at [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0483\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0483_EN.html).
14. ECtHR, *Sorguç v. Turkey*, June 23, 2009, no. 17089/03, para. 35 (defining academic freedom as comprising "academics' freedom to express freely their opinion about the institution or system in which they work and freedom to distribute knowledge and truth without restriction"); ECtHR, *Riolo v. Italy*, July 27, 2008, no. 42211/07, para. 63 (publication of an academic work in a newspaper entitled the applicant to the same level of free expression protection as that afforded to journalists); ECtHR (Grand Chamber), *Aksu v. Turkey*, 15 March 2012, nos. 4149/04 and 41029/04, para. 71 (holding that ECtHR case law required the court "to submit to careful scrutiny any restrictions on the freedom of academics to carry out research and to publish their findings."); ECtHR, *Mustafa Erdoğan and Others v. Turkey* (2014), supra n. 19, para. 40 ("[Academic freedom] is not restricted to academic or scientific research, but also extends to the academics' freedom to express freely their views and opinions, even if controversial or unpopular, in the areas of their research, professional expertise and competence. This may include an examination of the functioning of public institutions in a given political system, and a criticism thereof."); and ECtHR, *Kula v. Turkey*, June 19, 2018, no. 20233/06, paras. 38-39 (holding that expression by an academic on a television program "unquestionably concerns his academic freedom, which should guarantee freedom of expression and of action, freedom to disseminate information and freedom to 'conduct research and distribute knowledge and truth without restriction,'" and, further, that even a modest sanction under these circumstances could result in a "chilling effect" on academic freedom).
15. ACHR, "Gross human rights violations in the context of social protests in Nicaragua," June 21, 2018, paras. 170-171; IACHR, "IACHR Observes Persistent Human Rights Issues in Venezuela," April 5, 2019, [https://www.oas.org/en/iachr/media\\_center/PReleases/2019/091.asp](https://www.oas.org/en/iachr/media_center/PReleases/2019/091.asp) (expressing concern about attacks on professors and students, and stating that "academic freedom [and institutional autonomy] are crucial pillars to strengthen democratic structures and prevent politically driven pressures and interventions.");
16. *Kenneth Good v. Republic of Botswana*, 313/05, (May 2010) at paras. 199-200 (holding that "[t]he expulsion of a non-national legal resident in a country, for simply expressing their views, especially within the course of their profession, is a flagrant violation of [freedom of expression]... The opinions and views expressed [resulting in expulsion are] critical comments that are expected from an academician of the field").
17. Filtering for the variable, "v2caprotac," in the 2020 V-Dem dataset, available at <https://www.v-dem.net/en/data/data/v-dem-dataset-v111/>.
18. See "Bonn Declaration on Freedom of Scientific Research," available at [https://www.bmbf.de/files/10\\_2\\_2\\_Bonn\\_Declaration\\_en\\_final.pdf](https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf).



# Ç İ Ü N İ V





Turkish anti-riot police guard the main gate of the Boğaziçi University campus in Istanbul. Starting in early January 2021, students and faculty began protesting President Recep Tayyip Erdoğan's appointment of Melih Bulu, a political ally, as the new rector of Boğaziçi, one of Turkey's top universities.

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# Attacks on Higher Education Communities and Academic Freedom

**SAR's Academic Freedom Monitoring Project (the "Monitoring Project") identifies key types of attacks on higher education communities with the goal of raising awareness of the problem, ending the isolation of survivors of attacks, promoting accountability, and mitigating, deterring, or otherwise preventing future incidents.**

This year's report relies on data collected from September 2020 to August 2021 and includes 332 attacks arising from 272 verified incidents in 65 countries. Sadly, this data sample reflects only a small subset of all attacks on higher education during that time. Given the limited resources available, the scope, variety, and complexity of attacks occurring, and a common fear among survivors to report attacks, it should be noted that these figures represent only a fraction of the total number of attacks. A comprehensive accounting is not yet possible. Rather, this report analyzes reported incidents for recurring themes, regional trends, and common factors that warrant deeper attention from stakeholders, especially states, higher education leaders, the media, and civil society.

For the purpose of this report, "attacks" on higher education include threats or deliberate use of violent or coercive force against higher education institutions and their members, including leadership, administrators, academic and other staff, and students. They include intentional acts resulting in wrongful death, physical harm, loss of liberty, or loss of professional standing, or resulting in damage or destruction of higher education institutions, facilities,

or equipment. This definition also includes deliberate acts of coercion, intimidation, or threats of harm that undermine institutional autonomy, academic freedom, and educational functions, but it does not generally include other infringements of these values and functions which lack these violent or coercive dimensions.

Whatever the types of incidents and wherever they occur, they share common negative outcomes: they undermine the security of higher education institutions and personnel, including those directly targeted and those intimidated or silenced by attacks on others. They impose restrictions on access to higher education by targeted and vulnerable individuals and groups. They undermine research, teaching, and public discourse, eroding not only academic quality but social, political, economic, and cultural development. And insofar as higher education contributes to pedagogy, materials, and teacher training, attacks on higher education can undermine education at all levels. They contribute to "brain drain," the flight of scholars and students, as well as to "brain drag," the "lost personal, professional, and creative productivity that would have been, but for the rational fear of retaliation,"<sup>1</sup> undermining national investments in education and exacerbating inequities within the local and global knowledge economies. They disrupt increasingly important flows of higher education staff, students, and research between countries, depriving everyone of the fullest benefits of cross-border intellectual exchange and research.

The Monitoring Project organizes documented attacks into six categories: killings, violence, and disappearances; wrongful imprisonment; wrongful prosecution; loss of position and expulsion from study;

improper travel restrictions; and other severe or systemic issues. This chapter provides an overview of the typology of attacks, using Monitoring Project data from this reporting period to highlight relevant issues of concern, including attacks on student expression that figure into many of the incidents SAR reports. This overview is followed by profiles of countries and territories where SAR has reported higher frequencies of attacks or broad systemic pressures that directly restrict the academic freedom of large numbers of scholars and students in a given location.

## **Killings, Violence, and Disappearances**

Violent attacks on scholars, students, staff, and their institutions are one of the most serious threats to the higher education sector. Campus-wide attacks, targeted killings, lethal force against student protesters, and threats of violence result in loss of lives and injuries to many, compromise the safety of entire campuses, and incite fear in faculty, students, administrators, and society at large. This, in turn, can restrict access to higher education, threaten the functioning of the higher education space, and chill academic freedom. Since the Monitoring Project's inception in 2011, SAR has documented 630 violent attacks, including 110 that occurred during this reporting period.

Individuals and groups regularly carry out attacks on higher education communities with the intention of killing or injuring multiple faculty, students, and staff, often indiscriminately. These violent attacks may intentionally target specific institutions or individuals. They may target institutions as proxies for state authority or as a symbol of a modern, education-based society. Or they may be opportunistic acts aimed at taking advantage of university and college campuses and facilities as places where groups of people gather according to predictable schedules, especially when inadequate steps are taken to provide for the security of campuses, classrooms, transports, and dormitories.

In **Afghanistan**,<sup>\*</sup> for example, at least three gunmen stormed **Kabul University**, detonating explosive devices and opening fire.<sup>2</sup> 22 people were killed and 50 were injured in the attack. At least 20 students and faculty were taken hostage, while others attempted to escape by scaling campus walls. Officials from an Afghan affiliate of the Islamic State of Iraq and the

Levant (ISIL) claimed responsibility for the attack. Days earlier, an ISIL affiliate also claimed responsibility for a suicide bombing outside the **Kawsar-e Danish Education Center**, in Kabul, which left 24 dead and 57 injured.<sup>3</sup> Students between the ages of 15 and 26 were waiting to enter the center, which offers tutoring for students preparing for higher education.

In **Bangladesh**, as many as 50 people raided a private dormitory rented to **Barisol University** students. They violently beat students, leaving at 13 hospitalized.<sup>4</sup> Sources suggest that the attack was in retaliation for a protest students held one day earlier, during which they demanded the arrest of transit workers accused of attacking two classmates.

In **Nigeria**,<sup>†</sup> gunmen attacked the **Nuhu Bamalli Polytechnic** (NPU), leaving at least one student dead.<sup>5</sup> During this reporting period, armed groups carried out seven raids and attacks at educational institutions in the Northern parts of Nigeria, often abducting students and staff and holding them for ransom. Sources indicate that at least two lecturers were kidnapped in the NPU incident.

Targeted killings include those aiming to silence particular individuals because of the content of their research, teaching, writing, or public expression, or simply for their identity as scholars or students.

In **Iraq**, **Ahmed al-Sharifi**, a professor at Al-Manara University College in the city of Amara, was shot and killed by unidentified gunmen who fled the scene.<sup>6</sup> The motive for the killing was not publicly reported. The Iraqi High Commission for Human Rights issued a statement in response to the assassination warning of a possible "series of assassinations" of Iraqi scholars and demanding that the government pass legislation to protect them.<sup>7</sup>

In **Yemen**, unidentified assailants shot and killed **Khalid al-Hameidi**, dean of the University of Aden's College of Education, in Al-Dhali.<sup>8</sup> Al-Hameidi, who sources described as a secular thinker and a known critic of Islamic extremists, was traveling to the college when at least two assailants opened fire on him. No group claimed responsibility for the shooting. Outspoken scholars have faced heightened risk in Yemen since a war broke out in 2015 between Houthi rebels and national and international government forces.<sup>‡</sup>

\* See profile containing additional information on Afghanistan on p. 42.

† See profile containing additional information on Nigeria on p. 79.

‡ For more discussion of the impact of armed conflict on Yemen's higher education community, see SAR, *Free to Think 2020* (November 2021), pp. 31-37, <https://www.scholarsatrisk.org/wp-content/uploads/2020/11/Scholars-at-Risk-Free-to-Think-2020.pdf>.



Scholars and students also routinely face threats of violence designed to punish, block, or otherwise alter their research, teaching, studies, or public expression.

In **Malaysia**, student members of the University of Malaya Association of New Youth (UMANY) received threatening messages and phone calls, including threats to rape, kill, and throw acid on them and their families.<sup>9</sup> UMAN Y members had published an online statement opposing the king's rejection of the government's proposed response to the COVID-19 pandemic. The statement was met with criticism from supporters of the monarchy and resulted in a university disciplinary investigation and a separate criminal investigation.

In **Peru**, National University of San Marcos archaeologist **Ruth Shady** reported being the subject of violent threats by individuals apparently seeking to occupy an archaeological site where she was overseeing research.<sup>10</sup> After the COVID-19 coronavirus spread to Peru, a group of individuals, described as "land traffickers" and "squatters," raided, occupied, and destroyed artifacts in the Caral Architectural Zone, which contains ancient ruins Shady uncovered in 1994. Shady reported that she and her colleagues, as well as her lawyer, began receiving death threats intended to dissuade them from carrying out their fieldwork. Shady reported that they poisoned and killed her dog "as a warning."<sup>11</sup>

The use of violent and especially lethal force, particularly the use of live ammunition, by state and private security forces against student protesters is also of particular concern to higher education communities.

In **Haiti**, **Grégory Saint-Hilaire**, a student from the University of Haiti, was shot and killed during a protest over education policy issues.<sup>12</sup> Students were protesting at the National Palace, located across from the campus, when police fired tear gas. Witnesses alleged that a palace guard shot Saint-Hilaire in the back. He was hospitalized but succumbed to his wounds.

In **Madagascar**, gendarme forces opened fire amidst clashes with student protesters from the University of Toamasina, striking at least one student.<sup>13</sup> Students were protesting outside the university gates, demanding the payment of scholarships, when gendarmes appeared and began using tear gas before resorting to live ammunition. **Johanelle Jacques Michel**, a 23-year-old economics student, died after being shot in the leg during the protest.

While state and private university security forces have

a responsibility to ensure security and safety, they must also exercise restraint and respond to student expression and protest activities in an appropriate and proportional manner, emphasizing de-escalation and consistent with recognized international human rights standards. Security forces should not use weapons when responding to nonviolent student expression. Lethal force against nonviolent student expression is never justified.

SAR condemns targeted, violent attacks on higher education communities, threats of violence, and the use of lethal force against student protesters. SAR calls on state authorities to investigate these incidents, to make every effort to hold perpetrators accountable, and to ensure the security of all members of the community. State authorities must publicize investigations and accountability measures, so as to reach constituents, positively influence state and non-state actors, and make these measures effective. SAR also calls on higher education institutions and civil society to press state authorities for greater protection and accountability, and to contribute to efforts to understand and reinforce principles of autonomy and academic freedom.

### Wrongful Imprisonment and Prosecution

Scholars and students bring attention to a variety of important issues through their academic work, inquiry, expression, and associations. They may question the authorities and dominant discourse. In an effort to maintain power and control, state authorities often attempt to silence them with a range of coercive legal measures, including criminal investigations, arrests, prosecutions, and imprisonment. Since the Monitoring Project's inception, SAR has documented more than 700 incidents involving wrongful imprisonment or prosecution, 111 of which occurred during this reporting period.

Imprisonments and prosecutions of scholars and students are wrongful when intended to punish, deter, or impede nonviolent academic activity or the exercise of other protected rights, including freedoms of expression, association, or assembly. Such prosecutions are typically brought under laws aimed at restricting critical inquiry and expression. These include especially opaque and overbroad blasphemy, lèse-majesté, civil and criminal defamation, sedition, espionage, national security, and terrorism laws that make illegal the mere expression of opinions or ideas on certain topics, without any link to violent or otherwise criminal acts or intentions whatsoever. Such laws raise concern for entire higher education communities in that they sanction and impose artificial

boundaries on research, teaching, publications, and discussion, undermining quality, creativity, and innovation that can benefit society at large. Scholars have also faced legal actions brought under other laws of general application, including, for example, those proscribing financial impropriety, corruption, or immorality. Wrongful prosecutions under these laws damage the reputation of the targeted individuals and isolate them from their institutions, colleagues, and other sources of professional and personal support. In many cases, legal proceedings and prosecutions of scholars and students involve forced confessions, fabricated evidence, arbitrary charges, and lengthy prison sentences or harsh penalties. Trials may be repeatedly delayed or held in secret or closed-door proceedings, denying access to media and family. Such actions raise serious due process concerns.

Lecturers, researchers, and other academic personnel are routinely investigated, prosecuted, imprisoned, and subjected to other legal actions for a wide range of academic conduct as well as their public views, associations, and ideas. Public criticism of governments or political leaders, and other forms of dissent—whether in academic or other contexts—are frequently the apparent basis for such actions. The examples below from this reporting period demonstrate the diversity of bases for coercive legal actions and the range of actions taken to silence and punish scholars.

In **Algeria**, a court sentenced **Said Djabelkhir**, a professor specializing in Islam, to three years' imprisonment on charges stemming from social media comments.<sup>14</sup> Djabelkhir published three Facebook posts, in which he described certain hadiths (reports of statements by the prophet Muhammad) as "apocryphal," called some stories in the Qur'an "myths," and made comparisons between the Islamic holiday Eid al-Adha and the Berber new year celebration, according to Amnesty International. A professor at the University of Sidi Bel Abbès reportedly filed a complaint against Djabelkhir for the posts, describing them as offensive to Islam. Djabelkhir said during his trial that the posts were "academic reflections." Djabelkhir's appeal to reverse the conviction and sentencing is ongoing as of this report.

The Attorney General (AG) for **Brazil** filed a criminal complaint against **Conrado Hübner Mendes**, a legal scholar at the University of São Paulo (USP), over

public comments he made about the AG over social media and in a column for the newspaper *Folha de São Paulo*.<sup>15</sup> Mendes criticized the work of the AG, Antônio Augusto Brandão de Aras, describing him as a "servant of the president [Jair Bolsonaro]." A federal court ultimately rejected the criminal complaint, which accused Mendes of slander, libel, and defamation. In addition to the criminal complaint, Aras also filed a complaint with USP's ethics committee, demanding an investigation into Mendes.<sup>16</sup>

In **Vietnam**, **Pham Dinh Quy**, a professor at Ton Duc Thang University in the Vietnamese province of Dak Lak, was arrested and prosecuted for articles he published criticizing a local Communist Party official.<sup>17</sup> In print and online media, Pham alleged that local Communist Party head Bui Van Cuong had plagiarized his doctoral thesis. Pham was formally arrested and charged with slander under Article 156 of the Vietnamese Penal Code. In addition, Pham's articles were taken down from the *Journal of Environment and Society*, the online publication where they had been posted. The publication was reportedly fined 50 million Vietnamese dong (about \$2,200 USD), and its print version was suspended for two months. If convicted, Pham faces fines and a maximum of two years in prison.

In **Yemen**, Houthi soldiers detained Sana'a University psychology professor **Adnan Abdul Qadir Al-Sharjabi** at an undisclosed location.<sup>18</sup> Al-Sharjabi was taken into custody upon arrival at the university to administer a final exam. According to family, Houthi forces raided his home and confiscated his laptop and a flash drive. Houthi forces, who claim de facto control over Sana'a, did not disclose the basis for detaining Al-Sharjabi. On October 6, after nearly one month in detention, Houthi forces released Al-Sharjabi from custody. Al-Sharjabi was reportedly denied medical care while in Houthi custody and was in poor health at the time of his release. On November 1, he died as a result of heart- and lung-related complications. Over the past six years, the war in Yemen has had a disastrous impact on the local higher education community, including the imprisonment of a growing number of scholars and students.<sup>19</sup>

Higher education students are also routinely detained, arrested, and subjected to criminal investigations for participating in on- and off-campus protest activities, for online speech, and for their associations.<sup>†</sup>

\* Even if they were narrowly drafted, limited in use, and conscientiously applied through fair and transparent legal proceedings fully compliant with recognized human rights standards, such laws would still impose a significant chill on academic freedom, free expression, and other rights. In practice, however, such limits are never in place.

† See section on "Student Expression" on p. 31.



In **Côte d'Ivoire**, police arrested 24 students of the National Institute for the Training of Health Professionals (INFAS) peacefully protesting for the payment of their scholarships.<sup>20</sup> Students marched to the teaching hospital in Bouaké to demand that INFAS pay 10 months' worth of scholarships that had not been disbursed and to make calls for other demands relating to interns' compensation and the system of degrees awarded to students. Police on the scene fired tear gas and detained 24. The students were released the next day.

In **Egypt**, authorities arrested **Ahmed Samir Santawy**, a second-year master's student in sociology and cultural anthropology at the Central European University (CEU) in Austria, in apparent retaliation for his research on women's rights, including reproductive rights.<sup>21</sup> Police held Santawy incommunicado for five days, during which he said he was beaten and interrogated about his studies and social media activity. Santawy, an Egyptian citizen, had been questioned repeatedly by Egyptian border officials since September 2019 when he began his studies at CEU and would travel between Austria and Egypt for family visits. Five months after Santawy's arrest, on June 22, the State Security Emergency Misdemeanor Court sentenced him to 4 years' imprisonment and a fine of 500 pounds for publishing "false news." Verdicts given by the State Security Emergency Courts cannot be appealed. On June 23, Santawy began a hunger strike in protest of his conviction.

In **Iran**, a court convicted and sentenced University of Tehran student **Leila Hosseinzadeh** to five years' imprisonment and a two-year ban on internet activities, in apparent retaliation for her nonviolent activism.<sup>22</sup> Hosseinzadeh is a student union activist who has previously faced arrest and prosecution for her protest activities.<sup>23</sup> In this latest incident, Revolutionary Court Branch 28 charged Hosseinzadeh with "assembly and collusion to act against national security," for her participation in a demonstration celebrating the birthday of imprisoned student-activist Mohammad Sharifi Mogadam. Authorities alleged that demonstrators, who protested peacefully outside the Sharif University of Technology, chanted anthems of the banned communist party.

In **Russia**, police arrested four students from the Higher School of Economics and Moscow State University of Civil Engineering in connection with a video they had posted to an online student magazine known as *Doxa*.<sup>24</sup> In the video, the students, who are editors of *Doxa*, appealed to students to not fear

expulsion from their institutions for participating in protests in support of opposition leader Alexei Navalny. A Russian media and communications agency had ordered the students to remove the video in January. The students complied with the demand, but they later filed a lawsuit against the same agency. In April, police carried out searches of the *Doxa* office and the students' homes before arresting them on charges of "involving minors in committing illegal actions." The students were placed under house arrest, without internet access, and were barred contact with anyone other than their lawyers and families, unless approved by the state. If convicted, they could face up to three years' imprisonment.

Scholars and students who have been arrested or convicted and sentenced to time in prison may be held in overcrowded cells or solitary confinement, denied access to appropriate medical care, family, or legal counsel, and subjected to lengthy interrogations, abuse, and torture. Throughout the ongoing COVID-19 pandemic, advocates have been especially concerned about the health and well-being of wrongfully imprisoned scholars and students, in particular those who are elderly or have conditions that elevate their risk of contracting or suffering from the virus. Concerns about torture, denied medical care, and the threat of COVID-19 were evident in the above-mentioned cases of Yemeni Professor **Adnan Abdul Qadir Al-Sharjabi** and Egyptian graduate student **Ahmed Samir Santawy**. They have also manifested in other cases of scholars on whose behalf SAR conducts advocacy, including Bahraini mechanical engineering lecturer **Abduljalil Al-Singace**, Indian scholar of English Literature **Gokarakonda Naga (G.N.) Saibaba**, Iranian-Swedish scholar of disaster medicine **Ahmadreza Djalali**, Iranian researcher and wildlife conservationist **Niloufar Bayani**, and Emirati economist **Nasser bin Ghaith**, among others.\*

The incidents described above provide a disturbing accounting of the range of punitive legal actions scholars and students often suffer in connection with their research, publications, expressive activity, and associations. Such actions can leave them with physical and emotional scars and, in some cases, destroyed careers. Beyond the immediate harm to those individual scholars and students, wrongful imprisonments and prosecutions send a message to higher education communities and society at large that expressing ideas or raising questions can result in grave consequences. As a result, society risks losing the benefits of a diverse community of scholars

\* Learn more about these and other scholars represented in SAR's Scholars in Prison Project on p. 36.

and students, free to carry out their work or share their thoughts, without fear of punishment by state authorities.

SAR urges state authorities around the world to release scholars and students imprisoned for their academic work or the nonviolent exercise of other protected human rights. With particular concern over the heightened risk COVID-19 presents incarcerated populations, SAR calls on state authorities to release immediately wrongfully imprisoned scholars and students, especially those who have health conditions that elevate their level of risk or who are being held in unsanitary or crowded conditions. Pending this, states must uphold their obligations under domestic and international law, including those related to due process and the humane treatment of prisoners. SAR further urges state authorities to drop prosecutions against scholars in connection with nonviolent academic or expressive activity, to review laws that have been used wrongfully to prosecute scholars and students, and to amend or repeal them as necessary, to ensure that scholars can think, question, and share ideas without fear of retribution.

### Loss of Position

Higher education and state authorities punish, deter, and restrict the exercise of academic freedom and other protected rights of scholars and students through employment or administrative actions. These include the loss of position by demotion, suspensions, and denial of promotions or other benefits to scholars, and permanent or temporary expulsion of students from courses of study, programs, and facilities. Since the Monitoring Project's inception, SAR has reported 213 incidents involving permanent or temporary loss of position or threats of the same.

Disciplinary actions may be openly acknowledged as punishing or attempting to block academic speech or conduct, including statements made in the classroom or on campus, writings (including newspaper columns, letters, blogs, and social media), research, participation in professional or student associations, union activity, or criticism of higher education or state leadership or policy. State or university officials may also attribute the action to regular administrative or employment decisions having nothing to do with academic content or conduct, such as budget cuts or lack of demand, or

allegations of poor performance, violation of policy, violation of terms of employment or admission, fraud or other dishonest or inappropriate behavior; they may also provide no explanation. It is important to note the role of government and political figures in such incidents, where these external actors publicly and privately exert pressure on higher education administrations to secure the removal of particular scholars or students from the campus community. In some cases, as discussed in profiles of Belarus,<sup>†</sup> Myanmar,<sup>‡</sup> and Turkey,<sup>§</sup> state and military leaders pushed for mass dismissals and suspensions of students and scholars for their peaceful dissent. The below examples from this reporting period illustrate a range of actions taken against lecturers, researchers, and other academic personnel.

In **Bangladesh**, Dhaka University (DU) fired professor **Morshed Hasan Khan** in apparent retaliation for a newspaper article he wrote about the late Bangladeshi President Ziaur Rahman in March 2018.<sup>25</sup> Khan, a professor in the Faculty of Business Studies, authored an op-ed about the Bangladesh War of Independence that sparked protests by the Bangladesh Chhatra League, a student wing of the country's ruling party, the Awami League. On April 2, 2018, DU suspended Khan from his academic and administrative duties for "distorting the liberation war history" and "disrespecting the father of the nation [the late President] Sheikh Mujibur Rahman." DU ultimately fired him on grounds of "moral turpitude" or "inefficiency" following the results of a tribunal that was not tasked with reviewing these allegations and that denied Khan representation during hearings. On the same day of his dismissal, a student filed a complaint of "sedition" against Khan with a court in Dhaka.

In **Bulgaria**, the University of National and World Economy (UNWE) fired professor **Martin Osikovski** for publicly criticizing a visit by the Prime Minister Bokyo Borissov to the institution in April 2021.<sup>26</sup> Prime Minister Borissov, a member of the conservative political party Citizens for European Development of Bulgaria (GERB), visited the university for a public appearance and to meet with UNWE's rector just before the country's parliamentary elections. Reacting to the visit, Osikovski stated over Facebook that he believed the university's autonomy was being violated,

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\* This presents significant challenges in reporting, given the need to look for evidence of pretext by examining the timing of the action, its context, any history or pattern of similar actions against the victim(s) or others, the fairness and transparency of any process leading to the action, and any available statements and supporting information from the parties involved, witnesses, and independent experts.

† See profile containing additional information on Belarus on p. 49.

‡ See profile containing additional information on Myanmar on p. 75.

§ See profile containing additional information on Turkey on p. 89.



claiming that its campus was becoming a television set for the ruling party, GERB, to host an election event on the last day of a political campaign. He also said that he would resign from several of his positions at the university in protest of the prime minister's visit. Roughly two weeks later, after the university requested a written explanation for the post, Osikovski was dismissed from his teaching position at the university for violating Article 190 (abusing the trust of the employer) and Article 187 (abuse of trust and damage to the good name of the enterprise) of the Labor Code and Article 16 of the UNWE administrative code, which obliges university employees to preserve the prestige, not discredit, and be loyal to the university. Following international outcry, UNWE revoked the dismissal and reinstated Osikovski.

In **India**, the Central University of Kerala suspended **Gilbert Sebastian**, an assistant professor in the Department of International Relations, for describing the Rashtriya Swayamsevak Sang (RSS), a political organization connected with the country's ruling party, as "proto-fascist" during a lecture.<sup>27</sup> Sebastian allegedly said this in a virtual session of a course he teaches on "fascism and Nazism," during which he also allegedly referred to other political figures and governments that could be considered examples of proto-fascists, including the Spanish general Francisco Franco and the apartheid government of South Africa. Members of a student wing of the RSS had reportedly complained to the university about Sebastian's remarks.

In **Nicaragua**, the National Autonomous University of Nicaragua summarily terminated 13 professors and 2 administrators in the Faculty of Dentistry, in apparent retaliation for their participation in a union election.<sup>28</sup> The terminations came one week after the university council authorized the dean to "sanction, suspend, or cancel appointments of academic, administrative, and service personnel, as well as to expel members of the student community," whose actions "threaten the peace." While the university did not provide an official explanation for the terminations, the professors and administrators alleged that the decision was related to their participation in a recent faculty union election. According to the professors, the Faculty of Dentistry was the only school in which members of the ruling Sandinista National Liberation Front did not win the union election, and it was the only school whose candidates were not identified by party affiliation. The election occurred one day before the terminations.

In **Turkey**, a government body declined to certify

the equivalence of a scholar's doctoral degree that they obtained in the United States, a decision that effectively bars them from academic employment in the country.<sup>29</sup> The Interuniversity Board ("Üniversitelerarası Kurul" or "ÜAK"), a state authority that determines whether internationally-educated applicants obtained their degree through formal education and whether the university that granted the degree is recognized in Turkey, rejected the application of **Mehmet Baki Deniz**, who obtained his doctoral degree in sociology from the State University of New York Binghamton (SUNY-Binghamton). In May 2020, Deniz submitted to ÜAK the requisite materials for degree certification, including his thesis, titled "Who Rules Turkey Between 1980 and 2008? Business Power and the Rise of Authoritarian Populism."<sup>30</sup> In their June 2021 decision declining to certify Deniz's PhD, the Board cited "the content and subject" of the thesis, without providing any further explanation. Without the certification of his PhD, Deniz is effectively unable to find academic employment in Turkey. Deniz's lawyer has since appealed the ÜAK's decision with Turkey's Council of State ("Danıştay"), the highest administrative court, claiming that it violates Article 27 of Turkey's constitution, which protects "the right to study and teach, express, and disseminate science and the arts, and to carry out research in these fields freely."<sup>31</sup>

In the **United States (US)**,<sup>\*</sup> at Texas A&M University, sociology professor **Wendy Leo Moore** was suspended for two days without pay for participating in a nationwide "Scholar Strike for Social Justice" on September 8–9, 2020.<sup>32</sup> Participating professors agreed to stop their classes and focus instead on racial justice-related activities. Moore, who has taught courses on racial and ethnic relations, and whose research interests include critical race theory and race, class, and gender, indicated that she planned to join the Scholar Strike. Prior to the event, the university system's chief legal officer reportedly announced that participation would be deemed a violation of Texas state law prohibiting strikes by public employees. In response to Professor Moore's announcement that she planned to participate in the event, her dean reported her to the university's provost, leading to concerns that she could be terminated. She was ultimately suspended for two days without pay. In the state of Mississippi, the state auditor called on a state university to dismiss a professor, **James Thomas**, for his participation in the same strike.<sup>33</sup> The auditor eventually subpoenaed the university, demanding Thomas's emails, course schedules, class rosters,

\* See profile containing additional information on the United States on p. 93.

and other materials pertaining to his courses. At the University of North Carolina, Chapel Hill, the Board of Trustees declined to grant tenure to **Nikole Hannah-Jones**, a Pulitzer Prize-winning journalist hired for a traditionally tenured position in the university's school of journalism, as a result of external pressures from prominent donor Walter Hussman Jr. and political figures.<sup>34</sup> Those outside actors were especially critical of Hannah-Jones's leading work on *The New York Times'* *1619 Project*, an in-depth examination of the impact of slavery in the US. Following extensive criticism and protests in and outside academia, the Board ultimately voted in favor of offering Jones tenure. Jones ultimately declined the offer and took up a tenured position at Howard University instead.

Students also face similar reprisals for expressive activity. Retaliations of this type, of course, have lasting negative impacts on the students they affect: even if they are permitted to enroll elsewhere, other institutions may be hesitant to accept them, fearing government reprisals if they do so, and as a result, the students' future prospects are reduced.

In **Hong Kong**,<sup>\*</sup> two students were suspended by the Hong Kong University of Science and Technology (HKUST) for organizing a memorial commemorating the life of a student who died during one of the 2019 pro-democracy protests.<sup>35</sup> The deceased student, Alex Chow Tsz-lok, fell from the third floor of a parking garage during a police intervention at one of the protests on November 4, 2019. His death sparked outrage and was followed by intensifying protests and police violence. In May 2020, the HKUST Student Union held a memorial on campus to mark six months since Chow's death. On January 25, 2021, HKUST suspended **Donald Mak Ka-chun**, the student union's president, and **Lo Kai-ho**, the vice-president, for one semester for holding the memorial during the COVID-19 pandemic and allegedly refusing to remove protest materials from campus notice boards and a campus path. HKUST issued letters to Mak, Lo, and four other student union members, barring them from athletic facilities and amenities for the semester and ordering them to serve 75 hours of community service. Scholars and students have come under heightened pressure in Hong Kong following Beijing's imposition of a controversial and sweeping National Security Law in June 2020.

In **Nigeria**, Ignatius Ajuru University of Education summarily suspended two students, **Chibuzor Remmy** and **Sunday Idongesit Okpokpo**, for social media activity.<sup>36</sup> The university accused Remmy and

Okpokpo of "incit[ing] students" and "creat[ing] panic and confusion" based on comments calling on students to protest there being only one bank on campus, and suggesting the cancellation of the final year examination and matriculation ceremony. Two days later, Okpokpo's lawyer reported that the university lifted the suspension against both students after he appeared on a Nigerian radio show advocating for the students and promising legal action against the university.

In **Russia**, Astrakhan State University (ASU) expelled three students for participating in a January 23 protest in support of imprisoned opposition politician Alexei Navalny.<sup>37</sup> Protests over Navalny's arrest swept Russia. Russian authorities declared that the protests were unauthorized, and detained and took legal action against students and many others who participated. Following the January 23 protest, ASU's rector announced over social media that he signed orders to expel three students: **Alexander Mochalov**, **Vera Inozemtseva**, and **Violetta Emelianenko**. Inozemtseva, a master's student at ASU, said she learned of the expulsion through friends who had seen the rector's social media post.

Expulsions, dismissals, suspensions, and other forms of professional retaliation or silencing can have a corrosive effect on institutional autonomy, academic freedom, and free expression generally. They can encourage self-censorship and even contribute to brain drain, as scholars and students seek more fair and transparent environments in which to conduct their research, teaching, and studying. They can also leave individuals isolated and vulnerable to more extreme forms of attack, including arrest, prosecution, and violence. Early attention to dismissals and expulsions may then help to forestall these attacks. Finally, to the extent that these forms of attacks are intended to silence critics and, in the case of students, eliminate their potential for effective criticism and dissent in the future, these forms of attacks threaten the foundations of democratic society and warrant a robust response.

To safeguard academic freedom and institutional autonomy and to maintain the highest standards of quality education, SAR calls on higher education leaders and state authorities to refrain from taking or compelling disciplinary actions intended to punish or restrict the exercise of academic freedom and other protected rights. SAR further calls on higher education leaders and administrators to ensure faculty and students due process in all disciplinary proceedings.

\* See profile containing additional information on Hong Kong on p. 62.



## Travel Restrictions

Freedom of movement is fundamental to quality higher education, advancing the exchange of new ideas and bolstering international academic collaborations to address the world's problems. However, scholars' and students' international and intrastate mobility is routinely threatened by state actors seeking to limit the flow of knowledge. Governments deny scholars and students entry, deport members of the academic community, and enact policies that seek to or unintentionally limit or frustrate academic travel, including for fieldwork, conferences, study abroad, and to take up employment offers. Since the Monitoring Project's inception, SAR has reported 88 incidents involving travel restrictions that have directly impacted thousands of scholars and students.

To be clear, states have the right to control entry into their territories; however, they must do so consistent with their obligations under domestic and international law. Restrictions on travel intended to limit particular academic content or conduct, or that of particular scholars or students, may violate academic freedom, freedom of expression, and other internationally recognized freedoms. Indeed, Article 19 of the International Covenant on Civil and Political Rights (ICCPR) speaks directly to this issue, providing that the right to freedom of expression "shall include [the] freedom to seek, receive, and impart information and ideas of all kinds, *regardless of frontiers...*" (emphasis added).

Thus, while states may restrict travel to protect national security and public health, and to support other legitimate state interests, policy-level decisions intended to restrict or frustrate access to higher education, or that have a disproportionate impact on higher education, may violate state obligations to protect the right to education and freedom of expression. Likewise, policies or restrictions aimed at retaliating against or preventing academic inquiry or expression may violate academic freedom.

Given the extensive disruption to international scholar and student mobility due to the COVID-19 pandemic, SAR reported few particularized incidents involving travel restrictions over the past year. Targeted travel restrictions highlighted in past editions of *Free to Think* have included **Cameroon** state officials blocking **Patrice Nganang**, a US-based scholar, from leaving the country, arresting him, and ultimately blacklisting him from Cameroon for writing an article critical of the government;<sup>38</sup> **India** issuing deportation orders to three international students for their alleged participation in protests over a controversial

immigration law;<sup>39</sup> **Russia** denying entry to French sociologist **Carine Clément**, who was to participate in a conference on protest movements;<sup>40</sup> and **Zambia's** government detaining and deporting **Patrick Lumumba**, a Kenyan law professor, who was invited to deliver a lecture on Chinese-African relations, a potentially sensitive topic given the government's apparent reliance on Chinese loans.<sup>41</sup> These earlier incidents serve as a reminder of the types of travel restrictions scholars and students may see more frequently, once global academic travel more fully resumes.

While typical travel incidents were not frequently reported this year, SAR documented four incidents that involved **China's** government, and one incident involving **Egypt's** government, both restricting entry to or exit from their respective territories.

In September 2020, Chinese authorities announced that two Australian scholars, **Clive Hamilton** and **Alex Joske**, were banned from entering China in apparent retaliation for their academic work.<sup>42</sup> Hamilton and Joske have both researched and published on matters relating to China's influence over Australian and other international affairs. The Chinese Communist Party-backed newspaper *Global Times* reported that Hamilton and Joske were banned from entering China under the Exit and Entry Administration Law. At the time of the report, neither Hamilton nor Joske were in China or had plans to visit the country.

In March 2021, China's Ministry of Foreign Affairs announced travel bans that targeted three scholars from the European Union (EU) and the United Kingdom (UK): **Adrian Zenz**, senior fellow in China Studies at the Victims of Communism Memorial Foundation, located in the United States; **Bjorn Jerdén**, director of the Swedish National China Centre at the Swedish Institute of International Affairs; and **Jo Smith Finley**, reader in Chinese Studies at Newcastle University.<sup>43</sup> The restrictions were in apparent retaliation for the scholars' academic research regarding China, including about human rights violations in China's Xinjiang Uyghur Autonomous Region—the basis of earlier sanctions imposed on Chinese officials by the EU and UK.<sup>44</sup>

On May 8, Chinese authorities barred human rights lawyer **Lu Siwei** from leaving the country and traveling to the US to undertake an academic fellowship, on national security grounds.<sup>45</sup> The restrictions on Lu's exit appeared to have been based on his support for a Hong Kong pro-democracy activist who was detained after attempting to flee the special administrative region. When Lu attempted to board a flight to

the US, where he was to commence an academic fellowship funded by the US Department of State, Chinese immigration officials held him for two hours and told him that he would be unable to travel to the US because he “may endanger national security or interests.”

On May 24, **Egyptian** authorities barred **Walid Salem** (first name also transliterated as “Waleed”) from traveling to the US, to resume his doctoral studies at the University of Washington.<sup>46</sup> Salem was arrested in May 2018, added to State Security Case 441/2018, and held in “pre-trial” detention for roughly seven months, apparently for his research regarding Egypt’s judiciary. SAR understands that he was charged alongside bloggers, journalists, and filmmakers with joining a terrorist organization and spreading false news to undermine national interests. The case never went to trial. In May 2020, Salem attempted to travel back to the US to resume his studies, but security personnel prevented him from boarding and confiscated his passport. The security personnel did not provide a basis for denying Salem travel outside Egypt. In May 2021, while apparently no longer under a travel ban, he again sought to travel to the US. However, on May 23, one day before he was scheduled to depart, security authorities had re-instituted the ban on his travel after learning of his plan to return to the US.

Governments also use broad restrictions on movement that limit academic activity and the cross-border exchange of ideas for entire communities of scholars and students. As discussed in *Free to Think 2020*, the governments of Israel and Turkey have enacted some of the most severe restrictions on scholars’ and students’ travel.

In the **Occupied Palestinian Territory (OPT)**, the government of **Israel** continues to impose on scholars and students an array of policies that restrict their movement. These include long-standing restrictions, such as checkpoints and travel permits imposed on all Palestinians, as well as targeted pressures that directly impact the global academic community. For example, Israeli authorities have obstructed international scholars’ travel to the West Bank by denying visa renewal requests, despite their holding long-term university appointments and not posing a credible security risk, and through severe administrative hurdles, including fluctuating visa documentation requirements, restrictions on movement within the West Bank, demands for financial bonds of up to 80,000 ILS (roughly USD \$25,000), and a lack of transparency regarding the application of visa-related

rules.<sup>47</sup> These restrictions prevented international scholars from taking up or resuming appointments at universities in the West Bank, including at Birzeit University, which reported a third of its international faculty missing from campus by the start of the 2019-2020 academic year due to visa-related difficulties.<sup>48</sup> By the start of the 2021 academic year, a Birzeit contact reported that two international faculty were denied entry and that some international faculty were forced to leave the OPT due to nonrenewal of their visas.<sup>49</sup> International scholars and students may also be barred entry to Israel, and by extension the Palestinian territories, under a law enacted by the Knesset, Israel’s legislature, in 2017. The legislation, which amended the Entry into Israel Law, gives the Ministry of the Interior discretion to deny entry to any non-citizen or non-permanent resident “who knowingly issues a public call for boycotting Israel that, given the content of the call and the circumstances in which it was issued, has a reasonable possibility of leading to the imposition of a boycott—if the issuer was aware of this possibility.”<sup>50</sup> For Palestinian scholars and students in the West Bank, East Jerusalem, and Gaza, checkpoints, roadblocks, the separation wall, and the opaque and lengthy processing of travel permits restrict their travel within the OPT, into Israel, and abroad, constricting their ability to study, teach, research, and exchange ideas with colleagues within and outside the OPT. Israel’s border restrictions also impede the importation of equipment, books, and school materials that quality higher education requires.<sup>51</sup> Travel restrictions limiting the flow of scholars, students, and academic materials in and out of the OPT constrict the meaningful exercise of the right to education and academic freedom. Moreover, such broad barriers to movement threaten the long-term development of quality higher education in the OPT and, by consequence, Palestinians’ scientific, social, and economic progress.

In **Turkey**, many higher education personnel and civil servants remain unable to travel internationally after the government cancelled their passports for expressive activity and alleged affiliations with groups disfavored by the government.<sup>52</sup> In July 2016, President Recep Tayyip Erdoğan declared a state of emergency following a violent coup attempt. Under the state of emergency, the government issued a series of decrees that, among other things, sanctioned more than 125,000 civil servants, including academics and other university personnel, accused of having affiliations with Fethullah Gülen, a Muslim cleric who the Turkish government claims coordinated the coup attempt. Among the dismissed were 406 signatories to the Academics for Peace petition, which condemned the Turkish government’s anti-terrorism policies in

the predominantly Kurdish southeastern part of the country and urged state authorities to resume peace negotiations. Faculty and other university personnel named in the decrees were dismissed from their positions, barred from future civil service posts, and put under an international travel ban; spouses of those individuals were also subject to a travel ban. By July 8, 2018, more than 7,500 university personnel had been sanctioned by the emergency decrees. Being named in the decrees has effectively amounted to blacklisting within much of Turkish society.<sup>\*</sup> Unable to obtain academic employment (or any state employment) in Turkey or seek overseas academic work, scholars and others targeted by the decrees have described being subjected to a “civil death.” In October 2019, a law was passed that would ostensibly allow dismissed scholars (and other civil servants) to apply for new passports, but scholars have described a burdensome and exceedingly narrow pathway for successfully regaining travel privileges.<sup>†</sup>

In the **United States**, a 2017 executive order (Order No. 13780), issued by former President Donald Trump, that restricted travel from six Muslim-majority countries remained in effect until January 20, 2021, when President Joe Biden revoked the order. The order initially targeted Iran, Libya, Somalia, Sudan, Syria, and Yemen, six countries that, prior to the executive order, collectively sent more than 17,500 students and scholars to the US, according to data compiled by the Institute of International Education.<sup>53</sup> Eight more countries—Chad, Eritrea, Kyrgyzstan, Myanmar, Nigeria, North Korea, Tanzania, and Venezuela—were later added to the list. Human rights and higher education groups condemned and filed legal challenges opposing the order, commonly referred to as the “Muslim Ban,” on grounds that it discriminated against Muslims and did little to address national security concerns, the purported intent of the Trump administration. The order was particularly punitive for scholars and students from the countries listed, as it impeded their ability to enroll in or work at US-based higher education institutions or participate in international academic and scientific conferences in the US.

Finally, it bears mentioning here the ongoing impact of the global COVID-19 pandemic on the ability of scholars and students to engage in international academic travel. As COVID-19 rapidly spread in early 2020, governments around the world began enacting strict restrictions on in-bound travel, often limiting entry to citizens and permanent residents and requiring self-quarantine upon arrival. Meanwhile, most higher education institutions suspended on-campus activities, transitioning to virtual learning, and in many cases called on scholars and students abroad to return home. Orders to halt travel and shelter in place, while necessary to control the spread of COVID-19, resulted in systemwide disruptions to research, teaching, conferences, and other academic activities that benefit from, if not depend on, freedom of movement.

Healthy societies require the free movement of scholars, students, and their ideas. Restrictions on academic travel—whether they involve interstate or intrastate travel, denial of exit or entry, or policies that limit the movement of entire classes of higher education personnel—repress and often penalize the international exchange of ideas that is a hallmark of modern academia. SAR calls upon state and international authorities to adopt and respect policies that fully protect the right to academic travel, including the “freedom to seek, receive and impart information and ideas of all kinds, *regardless of frontiers*.”<sup>54</sup> State authorities should not deny scholars and students entry or exit visas, cancel their passports, force their return to their home countries, or otherwise attempt to impede or interfere with academic expression or conduct.

### Other

The enumerated types of attacks discussed above capture the most severe incidents (killings, violence, disappearances; prosecution and imprisonment) and those which, despite the difficulty in documenting them, likely impact the widest numbers of scholars and students (loss of position/expulsion; travel restrictions). The “other” type captures incidents that do not fall squarely within these but may

<sup>\*</sup> While the decrees only bar future employment within public higher education institutions, private institutions, generally speaking, will not consider applicants named in the decrees.

<sup>†</sup> The law stipulated conditions for potential applicants: they must not have been convicted in connection with a case related to the basis of their dismissal or, if convicted, their sentence must have been executed or fully postponed; and they cannot be the subject of an ongoing administrative or criminal investigation in connection with the basis of their dismissal (See “Passport Law No. 5682,” Additional Article 7, <https://www.mevzuat.gov.tr/MevzuatMetin/1.3.5682.pdf>. Note: a translation is available via the Human Rights Foundation of Turkey, “Academics for Peace: Report on the Current Situation,” August 24, 2020, [https://tihvakademi.org/wp-content/uploads/2020/09/AfP\\_Current\\_Situation\\_August\\_2020.pdf](https://tihvakademi.org/wp-content/uploads/2020/09/AfP_Current_Situation_August_2020.pdf).) It is unclear how many dismissed academics have successfully appealed and are eligible for new passports. Scholars may be acquitted of one charge (e.g., membership with a Gülen-affiliated organization) only to be charged with another (e.g., membership in a terrorist organization), thus making them ineligible for a new passport. Those eligible may also face a lengthy, opaque process applying to Turkey’s Passport Commission, which may base their decision on the advice of prosecutors, police, and the university from which they were dismissed.



nevertheless significantly impair higher education functions, academic freedom, and the rights of members of higher education communities. Forms of “other” attacks typically include military raids on and occupations of higher education facilities; legislative and administrative actions that erode institutional autonomy; systematic or repeated harassment intended to intimidate and undermine the academic freedom of scholars, students, and other personnel but lacking the overt element of violence or coercion present in the enumerated type discussed earlier; and efforts to restrict or otherwise impede higher education events. Since the Monitoring Project’s inception, SAR has reported 252 “other” incidents, including 47 during this reporting period.

Military, paramilitary, or organized criminal groups targeting, occupying, or using higher education facilities during or outside of conflict can disrupt or completely impede education in the short term. These include using higher education facilities as barracks, weapons caches, firing ranges, and interrogation and detention centers. These incidents also include attempts by such groups to silence dissent by simply entering or maintaining a presence on campuses. Such acts undermine the autonomy of the university, academic freedom, and an institution’s ability to function.

In **Myanmar**, for example, military raids and campus occupations became widespread following a military coup that took place on February 1, 2021. On March 7, soldiers violently took over the campus of **Mandalay Technological University** (MTU) in an apparent effort to use the campus for military purposes and to quash anti-coup protest activities.<sup>55</sup> In the early morning hours, soldiers arrived at MTU’s front gate and demanded use of the campus as a base. When MTU staff declined to comply, more soldiers arrived and troops soon after began firing tear gas and rubber bullets in an effort to take the campus by force. Several members of the MTU community were injured as a result.

University closures may also constitute attacks when states or higher education leaders forcibly or arbitrarily shut down individual institutions or entire higher education systems to punish, deter, or impede academic speech, content, or conduct, or otherwise to sanction members of the higher education community for their exercise of protected rights. Closures are often linked to student protests or strikes over higher education policies or reforms, or to general public protests or unrest. They are often justified on grounds of protecting individuals and property from harm.

Such justifications should be examined for pretext where the real reason for the closure may be to silence dissent, avoid embarrassment of university or state leaders, and exclude or eliminate student leaders. The latter is particularly true when closures are accompanied by dismissals, expulsions, arrests, or prosecutions of scholars and students. But even in circumstances where they are a response to legitimate security concerns and not aimed at restricting expression, closures are an extreme measure which may protect lives and property but fail to protect higher education as an open, functioning space for research, teaching, and learning.

In **Gabon**, for example, gendarme forces closed the campus of **Omar Bongo University** (UOB) and prevented students and personnel from entering, in an apparent effort to restrict student protests on campus.<sup>56</sup> Students had been holding off-campus protests and peaceful acts of civil disobedience, including blocking traffic, over faculty salary payments that were being withheld. Gendarmes were stationed at the UOB university gates and refused entry to university staff and students. The General Secretary of UOB told one news outlet that she was denied entry to the university and had not been informed of the gendarmes’ presence before arriving on campus.

In **Turkey**, the administration of **Boğaziçi University** sealed off access to its campus in an apparent effort to restrict protest activities that would mark six months of demonstrations against a controversial rector appointment at the university.<sup>57</sup> Police have used force and arrested peaceful demonstrators in many of the protests. On July 3, 2021, the rector’s office announced that university entrances would be restricted until Monday, July 5, at 7 PM local time, citing unspecified “safety and health risks.” Turkey’s University Faculty Members Association released a statement calling the campus closure a “constitutional crime.”<sup>58</sup>

Through the use of legislative and administrative powers, governments have attempted to shut down, exile, or undermine the autonomy of private and public higher education institutions.

In **Hungary**, on September 1, 2020, a law went into force transferring control of the **University of Theatre and Film Arts** in Budapest to a group of private individuals connected to Prime Minister Viktor Orbán.<sup>59</sup> The university had been a public institution with decision-making authority vested in an independent senate. The legislation, passed by Prime Minister Orbán’s government in 2020, transferred ownership over the university to a private foundation whose members are closely tied to the

prime minister. In addition, Hungary's Ministry of Technology and Information appointed five new members to the university's board of trustees and rejected the appointment of members proposed by the university's senate. In effect, the legislation and the ministry's decision stripped significant financial and administrative control from the university and gave it to the Orbán government and its allies. The passage of the law resulted in protests and student occupations of campus buildings and led university administrators and teaching staff to resign in protest. On April 27, Hungarian Parliament signed a law that transferred the control of another 11 public universities to similar private foundations run by Orbán's allies and with little public oversight.<sup>60</sup> Changes to the law would require a two-thirds vote in Parliament, making a reversal highly unlikely, if not impossible, under the current government. Concerns over the government's approach to higher education had become highly apparent in 2017, when it passed an amendment to the Higher Education Law that forced the **Central European University**—founded by philanthropist George Soros, a frequent target of Prime Minister Orbán—to move most of its operations out of the country, to Austria.<sup>61</sup>

In **Russia**, the Prosecutor-General's Office designated **Bard College**, a US-based higher education institution, an "undesirable foreign organization," claiming the college "represents a threat to the constitutional order and security of the Russian Federation."<sup>62</sup> Russia's law on "undesirable" organizations, passed in May 2015, seeks to limit the influence of nonprofit and nongovernmental organizations that receive foreign funding, namely from the European Union and the US.<sup>63</sup> Bard College, which, since 1994, has had a dual-degree program with **St. Petersburg State University** (SPbU), is the first international higher education institution to be deemed "undesirable" under the law. Following the announcement, SPbU annulled its relationship with Bard, as any individuals working on behalf of the college are subject to fines and imprisonment.

In **Turkey**, President Recep Tayyip Erdoğan used his authority to appoint state university rectors to place a political ally in the rector's seat of Istanbul's **Boğaziçi University**, an institution known for its progressive culture and academic excellence. According to a report published by the Turkish Academy of Sciences, Boğaziçi was the most "academically productive public university in Turkey,"<sup>64</sup> and, by virtue of its academic reputation and diversity, had been seen as having avoided some of the worst impacts of government pressures imposed on the country's higher education

institutions.<sup>65</sup> In the past, under Turkish law, rectors were appointed only after being elected by tenured and tenure-track academic faculty and then presented to the country's president for appointment. In November 2016, however, amidst the state of emergency enacted in response to the failed coup attempt of July of that year, President Erdoğan issued an emergency decree that removed university faculty from the rector appointment process, placing it in the hands of the presidency and the Turkish Higher Education Council (YÖK). The UN Office of the High Commissioner for Human Rights (OHCHR) noted that this decree (among others) constitutes "omnibus legislation and regulate[s] various matters which seem unrelated to any threat to national security,"<sup>66</sup> and endorsed the view, asserted by the Council of Europe's Venice Commission, that the decree did not necessarily appear to have "a link to the management of the state of emergency."<sup>67</sup> After the state of emergency was lifted in 2018, the government placed the appointment of rectors permanently into the hands of the president and YÖK. While President Erdoğan's past appointments raised concerns and protests, the protests at Boğaziçi over the appointment of Melih Bulu, a former politician and member of the ruling Justice and Development Party (AKP) were the most intense. The appointment was widely seen as a major encroachment on the school's ability to function autonomously. Boğaziçi faculty and students condemned the appointment, stating that it violated the school's autonomy, academic freedom, and democratic values. Students and faculty frequently protested the appointment; police often responded to protests with arrests and the use of force. On July 15, President Erdoğan issued a decree ordering Bulu's dismissal and replacing him with Mehmet Naci İnci, a member of the Faculty of Science and Literature, as the university's acting rector. Bulu's removal did not cure concerns over leadership and the state of institutional autonomy at Boğaziçi. In the weeks that followed, faculty and students protested İnci, who quickly fired two faculty members who had been critical of university leadership and were vocal supporters of student protesters. Erdoğan eventually appointed İnci as rector, despite 95 percent of faculty opposing him in an internal vote.<sup>68</sup>

Other attacks may include the cancellation of academic events, or efforts to cancel the same by state officials, university leaders, or other outside actors, in order to restrict or deter discussion or the exchange of ideas and information.

In **Hong Kong**, university administrators at **Hong Kong Baptist University** (HKBU) canceled the World Press Photo 2020 exhibition days before it was scheduled

to open to the public.<sup>69</sup> The exhibition, which was scheduled to launch on March 1, was intended to showcase “the best visual journalism,” and included images of the 2019 pro-democracy demonstrations in Hong Kong, a highly sensitive topic given the political context. In an email announcing the exhibition’s cancellation, the university cited “campus safety and security, and the need to maintain pandemic control.”<sup>70</sup>

In **Malaysia**, officials at the **University of Technology Malaysia** (UTM) ordered the cancellation of a discussion on intercultural dances.<sup>71</sup> Datuk Ramli Ibrahim, a Malay choreographer and classical dancer known for his work in Hindu dance, was invited by a student group to give a virtual talk on dance and race. According to a statement issued by the university, UTM’s Islamic Centre Officials advised that the event should not go forward, citing the “suitability of the program.”<sup>72</sup> UTM’s statement referred to guidelines requiring that such events are subject to the Islamic Centre’s approval.

Since the start of the COVID-19 pandemic, SAR began reporting incidents of outside actors entering online classes, meetings, and other events to interject disruptive, harassing, offensive, or intimidating content, comments, or images. These incidents, popularly referred to as “Zoombombings,”\* typically involve individuals targeting events held by minorities or focused on issues relating to minority rights, with the use of hateful, racist, homophobic, pornographic, and anti-Semitic language and/or imagery.

In **France**, for example, anti-Semitic and misogynistic images and messaging were used to hijack a virtual conference on feminist movements hosted by the **University of Toulouse-Jean Jaurès**.<sup>73</sup> During one of the first sessions, participants and organizers reported seeing a spike in attendees, some of whom used anti-Semitic and other offensive pseudonyms to identify themselves. Shortly thereafter, those same users began showing anti-Semitic, sexist, and other violent imagery on the screen. The sudden hijacking of the platform forced conference organizers to end the discussion and reschedule the rest of the event. Organizers later reported that news of the conference had been shared weeks earlier to an online forum known to host far-right, misogynistic discussions.

In the **United States**, unidentified individuals used racist and derogatory language and imagery to disrupt and shut down online events hosted by groups at the **City University of New York (CUNY)**.<sup>74</sup> On February

19, 2021, a student-led group, the Macaulay Diversity Initiative, hosted a virtual “Diversity Through Hair” event to celebrate Black History Month. Over 100 people registered for the event. Shortly after the event began, as many as 20 individuals began disrupting it, first by playing loud music with racial slurs, then by writing racist slurs into the chat feature and chanting the same through their microphones. The event was ended after roughly 10 minutes. In a statement following the incident, CUNY’s chancellor reported a series of similar attacks targeting online events that celebrated Black History Month.

Non-state actors also engage in acts of harassment targeting members of the higher education community. Such harassment aims to deter scholars and students from expressing themselves and conducting their work. It can also have a severe psychological effect on those targeted and their families.

In the **Netherlands**, two Dutch scholars, Leiden University professor **Nadia Bouras** and historian **Geert Mak**, reported being intimidated as part of a campaign organized by a right-wing online activist group known as “Vizier op Links.”<sup>75</sup> The anonymous group describes itself as being committed to breaking up the “left hegemony” by exposing “leftist” members of society and “mapping left-wing networks.” They operate across social media, targeting public figures they deem “leftist” and revealing personal, sensitive information pertaining to the individuals online, a practice known as “doxxing.” Bouras, who specializes in Moroccan immigration to the Netherlands, tweeted a photo of a sticker left on the outside of her private home that read, “Observed location. This location is being observed by followers of Vizier op Links. Go to vizieroplinks.org to share tips and get a view of leftist activists.”<sup>76</sup> Bouras said she filed a report with the local police and described feeling intimidated and shocked by the act, and that it was frightening to her children. Vizier op Links also published online photos of historian Geert Mak’s home. Mak, who had recently given a televised lecture warning about the dangers of modern-day fascism, later allegedly received messages from “angry people” threatening to go to his home. Around the same time as these incidents, a right-wing populist party known as Forum for Democracy established a “hotline” to expose left-wing biases on university campuses, according to *Times Higher Education*.<sup>77</sup>

\* The term derives from “photo-bombing,” (appearing uninvited behind or in front of someone whose photograph is being taken) and the popular videoconference platform Zoom.



In **Greece**, unidentified individuals vandalized the office of **Andrea Boudouvi**, rector of the National Technical University of Athens, to intimidate or threaten him.<sup>78</sup> The rector's office stated that a group of "hooded" individuals with hammers, crowbars, and paint stormed the office and caused extensive damage. Paint was splattered on furniture and the walls, slogans were spray-painted on the walls, and printers and other electronic equipment were destroyed. The group fled the premises immediately after vandalizing the rector's office. Two days later, photos of the rector's office were published online by a group of self-described anarchists claiming responsibility for the vandalism. The group denounced a plan to renovate a historic building on campus—one that had been used as an open meeting space for students and Athenians—into a research and conference center.

These "other" attacks are diverse in form and impact, but share with the five types described earlier an intent to control expression and inquiry within the academic community. They have the potential to severely undermine the rights of individual scholars and students and, when targeting entire institutions, they can impede core higher education functions and erode the autonomy universities and colleges need to operate without the undue influence of political actors.

States, higher education leaders, and civil society should take steps to understand and prevent the range of attacks described here, including by publicly reporting and condemning such attacks and by promoting the importance of academic freedom and institutional autonomy.

### Student Expression

Student expression and violent responses to the same are featured in many of the incidents reported by SAR's Monitoring Project, warranting discussion here.

Individual and organized student expression is an integral part of the higher education process and an important contributor to public discourse generally. Incidents involving student expression are connected to a variety of issues, including the rising cost of tuition, education policy, police brutality, sexual assault, and government reforms. Students bring attention to these issues through marches, sit-ins, petitions, vigils, and other forms of on- and off-campus expression.

Their right to do so is protected under international human rights standards relating to academic freedom, freedom of expression, freedoms of assembly and association, and the right to education. Despite these

protections, state and institutional actors frequently restrict and retaliate against student expression through the use of violent force, detentions, and coercive legal and disciplinary actions. Beyond violating internationally recognized human rights and endangering members of the campus community, attacks on student expression chill the learning environment and the free inquiry and expression required for open, democratically legitimate societies.

During this reporting period, SAR reported more than 140 student expression-related incidents that directly impacted many hundreds of students and other victims. Attacks on student expression were particularly prevalent in **Belarus**, **Myanmar**, and **Turkey**, and are featured throughout this overview and in the country and territory profiles in this report. The vast majority of these attacks involve the use of violence, arrests, prosecutions, suspensions, and expulsions targeting students. For example, in **Colombia**, men traveling by motorcycle shot and killed **Esteban Mosquera**, a prominent student-activist and student-journalist from the University of Cauca, who brought attention to income inequality, the cost of education, and violent crackdowns on student protests in the country.<sup>79</sup> Two suspects arrested in connection with the shooting are reportedly members of a criminal organization. In **Poland**, police fired tear gas at **Warsaw University of Technology** students protesting a constitutional court order banning abortions.<sup>80</sup> Police chased students who attempted to take their march off campus, entered a campus building, and prevented students from leaving. In **Thailand**, police deployed water cannons during a peaceful pro-democracy protest organized by students and activists in Bangkok.<sup>81</sup> The water contained a blue dye, intended to make it easier for police to identify protesters, which students said irritated their skin and eyes. A minority of incidents involve some students—often subsets of a broader group—engaging in physical violence directed at fellow students, higher education personnel, or campus facilities. In **Peru**, for example, a group of students participating in a protest over COVID-19-related demands set fire to the door of an administrative building.<sup>82</sup> Students had set tires on fire in an effort to block roads while a subset targeted the door of a building where a meeting about the above issues was reportedly taking place, prohibiting those inside from leaving.

Regardless of the type of perpetrator, the frequency and severity of incidents involving student expression underscore the importance and vulnerability of student expression around the world. (Indeed, student expression incidents constitute roughly half of the incidents SAR reported this year, although this

may reflect in part greater visibility and reporting on attacks on students relative to other attacks.) Understanding student expression—its forms, presence around the globe, and significance to education and society—and working to protect it is essential to ensuring quality higher education that provides the maximum societal benefit.

SAR condemns violent and coercive attacks against students, from whatever source. SAR urges governments and higher education leaders to ensure that security officials, both state and private, exercise restraint and respond to student expression and protest activities in an appropriate and proportional manner, focused on de-escalation and consistent with recognized international human rights standards. States should not use weapons when responding to nonviolent student expression.<sup>\*</sup> If force is necessary, as a last resort to maintain safety, it must be proportionate and limited, so as to reduce unnecessary risk of harm to protesting students and others. State authorities must further ensure appropriate protections for nonviolent student expression—especially when on a campus or in an academic setting. SAR calls on state authorities to immediately release students in custody and drop any charges that stem from their peaceful academic or expressive activity. SAR urges higher education leaders to refrain from taking disciplinary actions against students in retaliation for or to restrict nonviolent student expression, inquiry, assembly, or association.

SAR also calls on students engaged in expressive activity, on or off campus, to do so consistent with higher education values and human rights principles. This includes abstaining from using physical violence to advance the objectives of student expression. Members of higher education communities and civil society should commit to respecting the campus space, both physical and virtual, as a safe, free space, where ideas can be expressed and debated without fear of physical harm or undue restriction.

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# Scholars in Prison

## **SAR monitors and advocates on behalf of wrongfully imprisoned scholars and students.**

These include the 11 cases described here. Collectively, these individuals, imprisoned for their peaceful academic and expressive activities, are subjected to judicial harassment, unfair or inadequate legal proceedings, lengthy sentences, abuse and torture in custody, and denial of access to legal counsel, appropriate medical care, or family, among other forms of mistreatment. Concerns over the treatment of imprisoned scholars and students have been heightened during the COVID-19 pandemic, given the unhygienic and crowded conditions in many prisons and added restrictions on visits, implemented to adhere to social distancing measures. These practices result in serious damage to their physical and

psychological well-being, and that of their family members. But the effects go beyond directly targeted scholars, students, and their families, putting their academic colleagues on watch and sending a message to the higher education community and society at large that expressing ideas or raising questions can result in grave consequences.

SAR's Scholars in Prison Project drives advocacy efforts on behalf of these scholars and students. Its goals are to garner public support within and outside the higher education community, to urge state authorities to uphold legal obligations related to humane treatment and due process, to send a message to those imprisoned that they are

not forgotten but rather have the backing of an international community of colleagues and friends, and ultimately to secure their release. With participants from SAR's Student Advocacy Seminars and Academic Freedom Legal Clinics, SAR sections, and partner organizations, SAR advocates on behalf of imprisoned scholars by raising their cases with responsible governments and other international stakeholders, issuing public letters of appeal and statements, organizing social media campaigns, and building awareness through the press, among other actions. SAR invites everyone to join in advocating on behalf of wrongfully imprisoned scholars and students.



**Abdul Jalil Al-Singace***Mechanical Engineering* | **Bahrain**

Dr. Al-Singace is a scholar of mechanical engineering and a former fellow at Stanford University's Center on Democracy Development and the Rule of Law. In March 2011, he was sentenced to life imprisonment in connection with his pro-democracy and human rights activism. Dr. Al-Singace reports that he has repeatedly been denied access to medical care for pre-existing health conditions, including post-polio syndrome, and medical issues sustained from alleged torture. On July 8, 2021, Dr. Al-Singace began a hunger strike to protest ill treatment and demand prison authorities return a book that he wrote while in prison and that was subsequently confiscated.

**Khalil Al-Halwachi***Engineering* | **Bahrain**

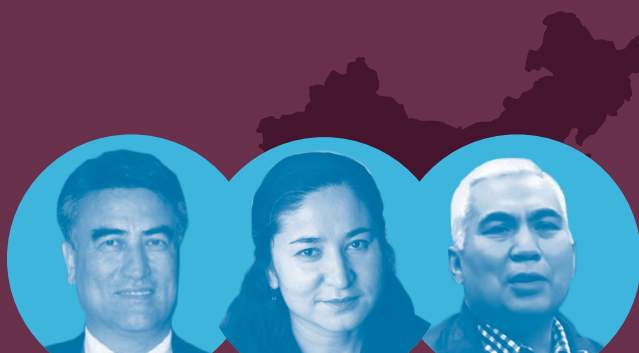
Professor Al-Halwachi is a scholar of engineering who was arrested in a house raid in September 2014. Professor Al-Halwachi was a founding member of the Islamic Action Society, a political society that called for democratic reform and that the government effectively dissolved in 2012. In March 2017, he was sentenced to 10 years in prison for "possession of a weapon," a charge he denies, and "insulting the judiciary," for raising due process and prison abuse concerns in court. Professor Al-Halwachi reports that he has been denied access to medical care, improved visitation access, and the freedom to practice his faith in prison.

**Detained Belarusian Students***Various Fields* | **Belarus**

Yahor Kanetski (l) of Belarusian State University and Marfa Rabkova (r) of the European Humanities University are among hundreds of students who have been arrested and prosecuted since August 2020 for their participation in nationwide protests over Alexander Lukashenko's controversial declaration of victory in the 2020 presidential election. International observers found the election to be marked by widespread fraud. Rabkova remains in Minsk Detention Center No. 1, awaiting trial. On July 16, 2021, Kanetski was sentenced to two and a half years' imprisonment on a charge of "organizing and preparing in group actions that grossly violate public order."

**Ilham Tohti***Economics* | **China**

Professor Tohti, an economics professor and public intellectual, promoted dialogue between Uyghur and Han Chinese through his website, "Uighurbiz.net," and through proposals he submitted to the Chinese government. On January 15, 2014, police raided Professor Tohti's home and seized his personal belongings and arrested him. In September 2014, the Urumqi Intermediate Court convicted him of separatism and sentenced him to life imprisonment. The charge apparently stemmed from his academic work and expression, including lectures, articles, and interviews. Prison authorities have denied him access to family visits and, since 2017, have not disclosed Professor's Tohti's whereabouts or well-being.



**Scholars & Students Imprisoned in Xinjiang**

*Various Fields* | **China**

Since 2017, scholars and students in China's Xinjiang Uyghur Autonomous Region have been reported missing or detained, including at so-called "re-education camps." Their detentions appear connected to a campaign by Chinese authorities targeting ethnic and religious minority communities, including Uyghurs, Kyrgyz, and Kazakhs. Geography scholar Tashpolat Tiyp (l), Uyghur studies scholar Rahile Dawut (c), and literary scholar Abdulqadir Jalaledin (r) are among them. Authorities have not disclosed the whereabouts or well-being of the scholars and students and have reportedly prosecuted detainees through closed-door trials, during which detainees have been denied access to legal counsel and forced to retroactively choose a crime.



**Ahmed Samir Santawy**

*Sociology and Social Anthropology* | **Egypt**

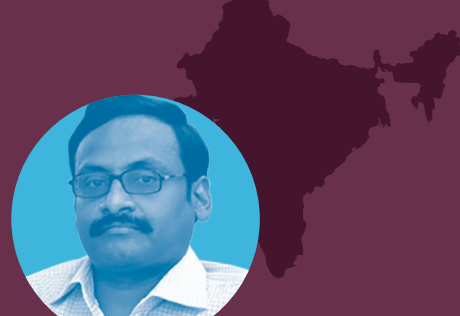
Ahmed Samir Santawy is a post-graduate student at Central European University in Vienna, Austria, who was arrested on February 1, 2020, in apparent retaliation for his nonviolent research on women's rights in Egypt. On June 22, 2021, the State Security Emergency Misdemeanor Court sentenced Santawy to four years in prison and a fine of 500 Egyptian pounds for spreading "false news and statements abroad about the domestic situation of Egypt." The conviction is reportedly based on social media posts critical of Egypt's human rights record. Santawy has denied writing the posts. Verdicts given by State Security Emergency Courts cannot be appealed.



**Patrick George Zaki**

*Women and Gender Studies* | **Egypt**

Patrick George Zaki is pursuing an Erasmus Mundus-funded Master's Degree in Women and Gender Studies at the University of Bologna. Zaki also conducts research and advocacy on gender issues and human rights for the Cairo-based Egyptian Initiative for Personal Rights. Zaki has been detained in Egypt since February 7, 2020, in apparent retaliation for his peaceful research. On September 13, 2021, authorities charged Zaki with "spreading false news inside and outside of the country," apparently based on an article he wrote about his experiences as a Coptic Egyptian. Zaki's trial is scheduled to resume on December 7.



**Gokarakonda Naga Saibaba**

*English Literature* | **India**

Professor Saibaba is an English literature professor who has been imprisoned since 2014 in apparent connection to his activism on behalf of vulnerable groups in India. On March 7, 2017, Professor Saibaba was wrongfully convicted and sentenced to life in prison on terrorism charges. Professor Saibaba suffers from at least 19 medical conditions, including post-polio syndrome, and has reported being repeatedly denied appropriate medical care. In February 2021, Professor Saibaba tested positive for COVID-19. He was taken to a hospital for treatment by a prison doctor and was put in solitary confinement after returning to prison.

**Ahmadreza Djalali***Disaster Medicine* | **Iran**

Dr. Djalali is scholar of disaster medicine who was arrested while visiting Iran to participate in a series of academic workshops. In October 2017, after more than 17 months in jail, Dr. Djalali was convicted and sentenced to death for “corruption on earth,” a charge that appears to relate to his ties to the international academic community. Dr. Djalali has spent significant lengths of time in solitary confinement while awaiting the execution of his sentence. Since he was placed in solitary confinement, Dr. Djalali’s health has deteriorated rapidly and he has reported being denied access to medical care, his lawyer, and his family.

**Niloufar Bayani***Biology* | **Iran**

Niloufar Bayani is a conservationist who was arrested in January 2018 alongside eight of her colleagues on charges of espionage while conducting field research on Asiatic cheetahs for the Persian Wildlife Heritage Foundation. On November 23, 2019, authorities convicted and sentenced Bayani to 10 years in prison on charges of “contacts with the US enemy state” and “gaining illegitimate income,” in apparent retaliation for her ties to the international academic community and her time working at the UN Environment Programme. On August 11, 2021, Bayani was temporarily released on medical grounds after testing positive for COVID-19 the previous week.

**Nasser bin Ghaith***Economics* | **United Arab Emirates**

Dr. bin Ghaith is an economist, former lecturer at the University of Paris IV Abu Dhabi, and prominent human rights defender who was arrested in 2015. Dr. bin Ghaith was convicted and sentenced to 10 years in prison in 2017 on charges stemming from a series of tweets in which he reportedly criticized the Egyptian government’s human rights record. Since his imprisonment, Dr. bin Ghaith has undertaken several hunger strikes to protest his sentence, ill-treatment, and torture in prison. Despite his drastically worsening health, Dr. bin Ghaith reports that he has been denied medical care, including his blood pressure medication.

## Support Imprisoned Scholars and Students

Learn more about ways to support imprisoned scholars and students, including through letter-writing, social media campaigns, and Student Advocacy Seminars.

### VISIT:

[www.scholarsatrisk.org/action/scholarsin-prison-project](http://www.scholarsatrisk.org/action/scholarsin-prison-project)







On July 7, 2021, student protesters in Yangon, Myanmar, participate in a demonstration against a military coup that began on February 1. The protesters also marked the 59<sup>th</sup> anniversary of a brutal military crackdown on student protests at Yangon University in 1962.

Photo: Myat Thu Kyaw / NurPhoto / Shutterstock.com

# Regional Pressures on Higher Education

**Attacks on higher education communities occur across the globe. They violate the rights of those targeted and they have the potential to limit academic freedom and the right to education for large numbers of scholars and students at higher education institutions worldwide. Countries and territories suffering from heightened attacks and pressures warrant the attention of the international community.**

In this edition of *Free to Think*, Scholars at Risk (SAR) reported 332 attacks on higher education communities in 65 countries and territories around the world, from September 2020 to August 2021. In this section, SAR profiles countries and territories with at least five verified incidents.\* Countries and territories not profiled in *Free to Think 2021* are not necessarily free of attacks on higher education communities or restraints on the right to academic freedom. This year's Monitoring Project data<sup>†</sup> shows attacks in societies considered to be open and with functioning democracies, like Japan<sup>‡</sup> and the United Kingdom,<sup>§</sup>

as well as in closed societies with more authoritative governments, like Azerbaijan<sup>¶</sup> and Saudi Arabia.<sup>\*\*</sup> Given resource constraints and challenges in gathering and verifying information, this report features only a representative sample of the global state of attacks on higher education.

Readers interested in learning more about attacks on higher education and academic freedom conditions around the world are encouraged to review national-level incident data on SAR's website<sup>††</sup> and to explore expert-produced findings on respect for academic freedom at the national level using the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR.<sup>‡‡</sup> SAR invites readers to contribute information on attacks on higher education communities wherever and whenever they occur.<sup>§§</sup> By building a more comprehensive dataset, SAR can more effectively expose this global phenomenon and work with governments, higher education communities, and civil society to protect higher education from attack and to promote academic freedom, institutional autonomy, and related higher education values.

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\* These profiles were selected and produced based on incidents SAR verified no later than September 30, 2021. As such, at the time of this report's publication, SAR's Monitoring Project data may indicate countries or territories not profiled in this report, where five or more incidents during the reporting period were ultimately verified.

† See table of incidents on p. 103.

‡ On October 1, 2020, it was reported that Prime Minister Yoshihide Suga rejected the appointment of six scholars to the Science Council of Japan, whose members are drawn from Japan's academic and scientific communities, and which is responsible for making policy recommendations to the government. Reports suggest that the decision to reject the appointments was made on political grounds. See SAR AFMP, October 1, 2020, <https://www.scholarsatrisk.org/report/2020-10-01-various-institutions/>.

§ On February 14, 2020, an online University of Edinburgh student event was hijacked and interrupted by racist slurs, homophobic slogans, and pornography. See SAR AFMP, February 14, 2021, <https://www.scholarsatrisk.org/report/2021-02-14-university-of-edinburgh/>.

¶ On 1 February 2021, police detained four student activists protesting in front of Lankaran State University over complaints about alleged exam score irregularities. See SAR AFMP, February 1, 2021, <https://www.scholarsatrisk.org/report/2021-02-01-lankaran-state-university/>.

\*\* On November 20, 2020, Saudi authorities reportedly arrested prominent Uyghur religious scholar Aimidoula Waili at the request of Chinese authorities. See SAR AFMP, November 20, 2021, <https://www.scholarsatrisk.org/report/2020-11-20-unaffiliated/>.

†† See SAR, "Academic Freedom Monitoring Project Index," <https://www.scholarsatrisk.org/academic-freedom-monitoring-project-index/>.

‡‡ See Katrin Kinzelbach, Ilyas Saliba, Janika Spannagel, and Robert Quinn, *Free Universities: Putting the Academic Freedom Index into Action* (March 11, 2021), <https://www.gppi.net/2021/03/11/free-universities>.

§§ Learn more about submitting incident information to SAR at <https://www.scholarsatrisk.org/actions/academic-freedom-monitoring-project/>.

# Afghanistan

**In Afghanistan, Scholars at Risk (SAR) reported targeted killings of scholars and violent attacks against higher education institutions that left scores dead and injured. The withdrawal of United States and coalition military troops and the Taliban's rapid takeover of Afghanistan intensified insecurity in the country and left students, scholars, and their institutions in grave danger of physical harm and deprivation of their rights to education and academic freedom.**

Afghanistan is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Afghanistan is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Afghanistan's constitution contains limited protections for academic freedom, particularly Article 17, which stipulates that “the state shall [...] encourage and protect scientific research in all fields, publicizing their results for effective use in accordance with the provisions of the law,” and the right to education, which is provided in Article 43: “Education is the right of all citizens of Afghanistan, which shall be offered up to the B.A. level in the state educational institutes free of charge by the state.”<sup>2</sup> In 2015, Afghanistan endorsed the Safe Schools Declaration, an “inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.”<sup>3</sup>

During this reporting period, SAR reported lethal, targeted attacks on higher education communities that resulted in the deaths of more than 55 scholars and students. Some of the attacks from this reporting period fit a years-long pattern of the Taliban and the Islamic State of Khorasan Province (IS-K), an Afghan affiliate of the Islamic State of Iraq and the Levant (ISIL), targeting higher education institutions, scholars, and students, with a subset of these attacks appearing to target higher education communities with concentrated populations of Hazaras, a persecuted ethnic minority community in Afghanistan. With the US government's announcement to withdraw troops from Afghanistan by September 11, 2021, concerns about the impact of instability and conflict on the local higher education community heightened. The announcement to withdraw troops coincided with increases in Taliban military actions against government forces and in territories under Taliban control.<sup>4</sup> In August 2021, the Taliban gained control of many cities and provinces, even as the US and other governments continued to withdraw troops from the country. On August 15, within hours of President Ashraf Ghani fleeing Afghanistan, the Taliban took over Kabul and the presidential palace prompting thousands of Afghan civilians to rush to Hamid Karzai International Airport seeking flights out of the country. Most were unsuccessful and many, including scholars and students, went into hiding, fearing persecution by the Taliban.

In the year preceding the Taliban's takeover, SAR reported targeting killings of individual scholars, including shootings and one car bombing. On September 14, 2020, unidentified individuals shot and killed **Adam Khan Mulatar**, a professor of Pashto literature at Nangarhar University, while he was on his way to the university.<sup>5</sup> **Mubasher Muslimyar**, a lecturer of Islamic law at Kabul University was killed alongside one other person when an explosive device attached to his car was detonated near the university, on February 18, 2021.<sup>6</sup> On April 24, unidentified gunmen shot and killed **Rafi Osmani**, a lecturer at Peshgam Institute of Higher Education, while he was on his way to campus.<sup>7</sup> In a similar attack on May 1, gunmen shot and killed **Mahmoud al-Rahman**, a professor at the Islamic University in Kabul, in the early morning hours before fleeing the scene.<sup>8</sup> The killings of Osmani and al-Rahman occurred during an apparent spike in targeted attacks that followed President Biden's call for the withdrawal of US troops.

Extremist groups and unidentified individuals carried out violent attacks on campuses and vehicles transporting groups of students and university



personnel. On October 24, 2020, a suicide bomber detonated his suicide vest outside the **Kawsar-e Danish Educational Center in Kabul**, which offers tutoring for students preparing for higher education.<sup>9</sup> At least 24 students were killed and 57 injured. IS-K claimed responsibility for the attack. After the bombing, the center reportedly increased security, including by requiring students to undergo body searches, setting up security checkpoints, and instituting a ban on backpacks.<sup>10</sup> On November 2, 2020, at least three gunmen stormed **Kabul University (KU)**, where they detonated explosives and opened fire on students and other members of KU's community.<sup>11</sup> The gunmen took at least 20 students and professors hostage, holding them in classrooms while Afghan and US forces arrived on the campus and engaged in an hours-long gunfight. At least 22 people were killed and 50 more were injured. Here, too, the Afghan affiliate of ISIL claimed responsibility for this attack.<sup>12</sup> One week after the attack on KU, an explosive was detonated near the entrance of **Tabesh University**. Sources indicate that the attack targeted a student known to be a leader in the Islamist political organization Hezb-e-Islami. That student was killed and at least five others were injured in the attack.<sup>13</sup> On March 16, 2021, unidentified gunmen opened fire on a **Baghlan University** bus taking students and faculty from the Faculty of Agriculture to the main campus. The driver and a student were killed and at least six faculty members were hospitalized for injuries sustained from the attack.<sup>14</sup> And on May 29, a remote-controlled explosive device attached to a minibus carrying students and faculty from **Al-Beroni University** detonated, killing at least 4, including 2 lecturers, and injuring 17 others, including the university's dean.<sup>15</sup> No group claimed responsibility for the attacks on March 16 and May 29. Reporting on victims of the attacks indicate that many suffer from complications such as anxiety and insomnia, and fear attending class or taking transport to school, with some abandoning their studies following such attacks.<sup>16</sup>

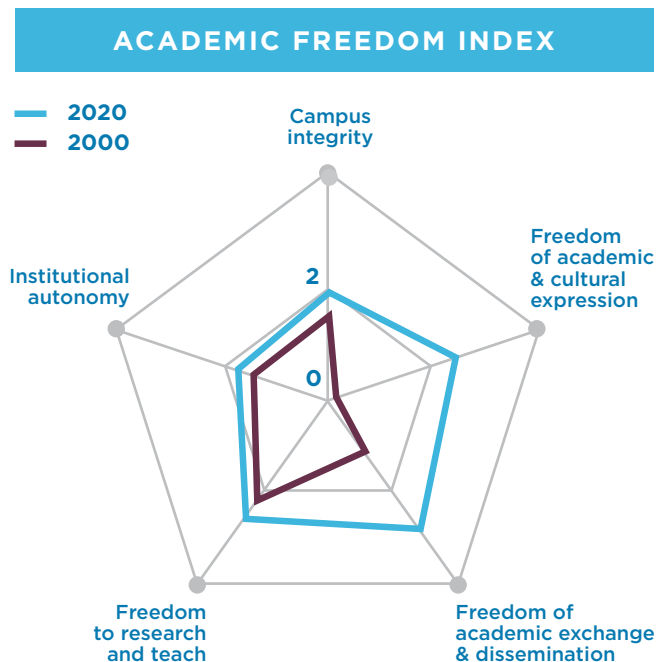
In at least one incident this year, police and student protesters clashed violently. On April 6, 2021, students from **Takhar University** blocked a highway in a protest demanding the resumption of classes after faculty began a strike over housing issues.<sup>17</sup> Police deployed to the scene, and clashes with students broke out. Live ammunition was reportedly fired, though protesters and a police spokesperson have offered conflicting reports, with the former claiming that police forces opened fire on protesters and the latter claiming that protesters had fired shots. At least four people were reportedly injured in the clashes. Students allege that one student died from his injuries, although the local

hospital denied that there were deaths related to the protest.

The Taliban's takeover of the country raises serious concerns over long-term access to education and academic freedom, especially for female students and scholars.

On August 14, one day before the takeover of Kabul, officials at the **American University of Afghanistan (AUAF)** shut down their campus. They destroyed documents and digital file storage and took down the university's website to protect AUAF community members from retaliatory attacks from Taliban forces. Meanwhile, Victoria Fontan, a professor and vice-president of the university, raced to help students flee the country. Fontan reported that the Taliban had threatened her colleagues and female students.<sup>18</sup> The next day, Taliban soldiers occupied the AUAF campus, replacing the university flag with their own.

On August 17, it was reported that Taliban forces barred female students and instructors from entering the **Herat University** campus.<sup>19</sup> Days later, Taliban



In Afghanistan, respect for academic freedom grew considerably from 2000, when the Taliban last governed the country, to 2020, a year prior to the withdrawal of United States and coalition forces. The Taliban's return to power is expected to severely undermine academic freedom and the right to education. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

officials in Herat ordered a ban on the co-education of men and women at public and private universities in the province.<sup>20</sup>

On August 29, co-education was banned across the country. Abdul Baqi Haqqani, a senior Taliban member appointed as acting minister of higher education, ordered the segregation of female students and faculty from their male counterparts.<sup>21</sup> He later announced that female students would be required to wear hijabs on campuses and that the Taliban would review subjects taught on campus, with the aim of “creat[ing] a reasonable and Islamic curriculum that is in line with our Islamic, national and historical values and, on the other hand, be able to compete with other countries.”<sup>22</sup> Taliban officials also told reporters that women would need to be accompanied by a mahram, a male guardian, for any travel longer than two days, raising concern over the ability of female students and scholars to travel long distances for their studies or research.<sup>23</sup> Women in Herat province told researchers with Human Rights Watch and the San Jose State University Human Rights Institute that Taliban soldiers had stopped them in public spaces, including universities, for being outside without a mahram and “barred them from going about their business.”<sup>24</sup> While some private universities resumed academic activity on September 6, in compliance with the gender segregation order, most universities remained closed during most of the month of September, apparently due to challenges with implementing the coeducation ban.<sup>25</sup>

The Taliban’s takeover of the country is also likely to result in major changes to university leadership, priorities, and values. On September 21, Education Minister Haqqani announced the appointment of Mohammad Ashraf Ghairat as the new chancellor of **Kabul University**, replacing Mohammad Osman Babury, a professor of pharmacognosy and a former Acting Minister of Higher Education.<sup>26</sup> According to *University World News*, dozens of Kabul University professors threatened to resign in protest of the news, and a faculty union demanded the Minister reconsider the appointment of Ghairat, who holds only a bachelor’s degree.<sup>27</sup> By late October, the Minister reversed course and replaced Ghairat with Osama Aziz, a senior member of the law faculty at Kabul University.<sup>28</sup> Haqqani also raised concerns when he reportedly stated in a meeting with Kabul University faculty that university graduates from the past 20 years were “of no use” and that those with graduate degrees in “modern studies” are less valuable than those who studied in religious schools.<sup>29</sup>

The financial sustainability of Afghanistan’s higher education sector remains a serious concern. Since 2001, international donors largely financed the Ministry of Higher Education and, by extension, public universities.<sup>30</sup> Farhat Asif, the president of the Institute of Peace and Diplomatic Studies raised concerns that foreign donors and partners will likely cut aid to Afghanistan and disengage from higher education institutions if the Taliban implements discriminatory policies against women.<sup>31</sup> Budget cuts will likely have a lasting negative impact on various academic disciplines and women’s access to higher education. Scholars of the natural sciences, law, and other disciplines that the Taliban may find out of line with their interpretation of Islam, fear not only for their personal safety but that their research projects and academic departments may also be defunded.<sup>32</sup> Moreover, the lack of funding needed to implement gender segregation may leave countless women without meaningful access to higher education.

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Years of instability, conflict, and the Taliban’s rapid return to power has been nothing short of devastating for Afghan society and the country’s higher education community. Targeted, violent, extremist attacks on higher education communities, scholars, and students, not only result in the terrible loss of life and injuries; such attacks target the core values of higher education, including academic freedom, the free exchange of ideas, institutional autonomy, and social responsibility. These attacks raise concern that armed groups seeking power, including the Taliban and IS-K, intentionally target higher education communities both as proxies of governments they seek to oust and because they represent a knowledge-driven, future version of Afghanistan that is contrary to their ideology. These attacks and the policies and practices imposed by armed groups, especially the Taliban, that restrict access to education and academic freedom risk irreparable harm to current and future generations of students, scholars, and leaders of Afghanistan.

SAR calls on state authorities in Afghanistan to take all available steps to ensure the security of higher education communities and their members, protect everyone’s right to education and academic freedom, regardless of gender, sexual orientation, religion, or ethnicity, and deter future attacks, including by investigating incidents and holding perpetrators accountable, consistent with internationally recognized standards. SAR calls on higher education leaders and civil society in Afghanistan to help safeguard the higher education space, protect scholars

and students, and promote academic freedom and institutional autonomy, by pressing state authorities for greater protection and accountability. SAR calls on states outside Afghanistan, especially those that have withdrawn forces, to maintain their commitment and support for Afghan higher education and civil society generally, so as to preserve as much as possible the gains in higher education made over the past twenty years, including by assisting at-risk and displaced scholars and students.

## ENDNOTES

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## Bangladesh

**In Bangladesh, Scholars at Risk (SAR) reported scholars terminated for public expression critical of government figures and the use of violence by police and civilians to restrict and retaliate against student expression.**

Bangladesh is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Bangladesh is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Bangladesh’s constitution provides for freedom of thought and expression (Article 39), freedom of association (Article 38), and freedom of assembly (Article 37), albeit with some important caveats.<sup>\*</sup> Bangladesh’s constitution does not provide explicit protections for academic freedom.

During this reporting period, attacks on scholars and students in Bangladesh targeted expression critical of current and former government officials, political figures, and higher education institutions. Universities took disciplinary action against scholars for their public views about political figures. Police and civilians used violent force against students peacefully protesting issues ranging from universities’ handling of the COVID-19 pandemic to a state visit of Bangladesh by India’s prime minister. The incidents from this period underscore risks scholars and students in the local higher education community face for peaceful dissent.

In two incidents from this reporting period, higher education institutions terminated scholars for public expression critical of political figures.

**University of Dhaka (DU)** professor **Morshed Hasan Khan** was fired for a newspaper article he wrote in March 2018 about the Bangladesh Liberation War of 1971 and the role of the country’s first president, Ziaur Rahman.<sup>2</sup> DU suspended Khan for the article shortly after its publication, saying that Khan “distort[ed] the liberation war history” and “disrespect[ed] the father of the nation.” After ordering Khan suspended, DU established a committee to investigate the allegations. In February 2020, DU informed Khan of the creation of a tribunal that would consider the allegations and asked him to respond to the allegations within seven days. Khan reportedly responded to the allegations. On September 9, 2020, DU dismissed Khan for “moral turpitude” or “inefficiency.” Amnesty International reported procedural flaws in DU’s disciplinary proceedings, including that Khan was denied a representative during proceedings and that the allegations noted in their decision (“moral turpitude” or “inefficiency”) do not relate to the original allegations brought against him. Khan challenged the dismissal with a writ petition to Bangladesh’s High Court, which subsequently ordered the university to explain the legal basis for the decision to fire him.<sup>3</sup> In addition to the university disciplinary action, Khan has faced criminal charges of sedition for the March 2018 article.<sup>4</sup>

In September 2020, **AKM Wahiduzzaman**, an assistant professor of geography at the **National University of Bangladesh**, was dismissed for alleged Facebook posts published in 2013 about the country’s prime minister, Sheikh Hasina, and her family.<sup>5</sup> A leader of a local group supportive of the ruling party filed a complaint about the alleged posts, which, according to Human Rights Watch (HRW), questioned the capabilities of the prime minister and her children, criticized the organization of an upcoming election, and suggested that relatives of the prime minister collaborated with the Pakistani military during the Liberation War of 1971.<sup>6</sup> Wahiduzzaman, a critic of the government, told HRW that he did not author the posts and that they were published under a “fake account.” Shortly thereafter, Wahiduzzaman was arrested and held in custody for a month and suspended from his position. In March 2014, he was charged under Bangladesh’s Information and Communication Technology Act, for

<sup>\*</sup> Article 39(2) stipulates that “freedom of thought and conscience, and of speech” is “subject to any reasonable restrictions imposed by law in the interests of [...] decency or morality.” Similarly, Article 38, stipulates that citizens’ “right to form associations or unions [is] subject to any reasonable restrictions imposed by morality or public order.” See Constitution of Bangladesh (2014), available at [https://www.constituteproject.org/constitution/Bangladesh\\_2014.pdf](https://www.constituteproject.org/constitution/Bangladesh_2014.pdf).

“publishing fake, obscene or defaming information in electronic form.” In May 2016, Wahiduzzaman fled the country fearing further persecution. In a statement announcing the dismissal in September 2020, the university cited allegations of “negligence of duty,” “misconduct,” “absconding,” and “fraud.” According to a report from Amnesty International, Wahiduzzaman claimed that he was denied an opportunity to defend himself. Amnesty’s report also noted that the dismissal violated the university’s “service rules,” which require “a stay on any penalty of the university if the issue is pending trial at the court.”

The use of force, violent clashes, and arrests of student protesters threatened student expression in Bangladesh.

On November 8, 2020, police clashed with students of medicine during a protest at the **University of Dhaka (DU)**.<sup>7</sup> The students had blocked an intersection as part of protests demanding tuition fee reductions and the suspension of in-person exams in light of the ongoing COVID-19 pandemic. Police chased after students in an apparent attempt to disperse them, prompting clashes between both sides. Also at DU, on March 25, 2021, alleged members of the Bangladesh Chhatra League (BCL), the student wing of the ruling political party, attacked students protesting the visit of India’s prime minister, Narendra Modi.<sup>8</sup> Prime Minister Modi’s visit, set to mark Bangladesh’s 50 years of independence, sparked countrywide protests. Many protesters accused him of stoking communal violence against Muslims in India. Students at DU staged a protest on campus on March 25, the day before Prime Minister Modi was scheduled to arrive in the country. Alleged BCL members reportedly used bricks and sticks to attack the student protesters, who were marching on campus and planning to burn an effigy of Modi. The attack led to clashes and running battles between the alleged BCL members and protesters. At least 14 people, including students and several journalists covering the protest, were injured during the protest.

On November 27, alleged staff members of **Shah Mokhdum Medical College** attacked a group of students on campus.<sup>9</sup> The students were reportedly on campus to witness the visit of a team of government officials who were to inspect the college, which had

been closed for weeks for not meeting government standards. The closure came after roughly one year of inquiries and demands for improvements by government officials and students. Students told news outlets that they were initially denied entry, but eventually allowed onto campus. Some of the students were reportedly photographing equipment that they alleged had been rented by the college in advance of the inspection—this, they claim, had become a common practice at the college—when alleged staff members began beating them with bamboo sticks and metal rods. The assailants reportedly locked the gates during the attack. Police were called to the scene and took at least 11 students to a hospital for treatment.

On February 7, 2021, police in Dhaka attacked students with batons during a protest over higher education policies.<sup>10</sup> Students from various universities under the name of “General Students of Polytechnic” gathered at an intersection to raise a four-point charter of demands, including a 50 percent waiver of tuition fees during COVID-19 and an increase in student enrollment at technical universities. Police reportedly beat students with batons and arrested five of them.

On February 17, 2021, at least 25 **Barisal University** students were attacked by a large group in retaliation for a student protest that took place one day prior.<sup>11</sup> Students had protested outside a local bus terminal in response to news that two classmates were attacked by transit workers. The students blockaded the terminal for two hours and demanded the perpetrators’ arrest. Students ended their protest after police arrested one of the transit workers. That night, at roughly 1 AM, as many as 50 individuals raided a private residence hall, which rents out lodgings to Barisal University students. Students report that the assailants, who they allege were transit workers, wielded rods, sticks, and other objects. At least 13 students injured in the attack were hospitalized. The attack resulted in a series of student demonstrations demanding accountability and security for residence halls.

And on June 1, alleged BCL members attacked members of the Jatiyatabadi Chhatra Dal (JCD), the student wing of the Bangladesh Nationalist Party (BNP) on the **DU** campus.<sup>12</sup> JCD members were

\* “Punishment for publishing fake, obscene or defaming information in electronic form.-- (1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.” See Information and Communication Technology Act of 2006, Section 57, available at <https://samsn.ifj.org/wp-content/uploads/2015/07/Bangladesh-ICT-Act-2006.pdf>.

commemorating the anniversary of the death of Ziaur Rahman, the country's first president and BNP's founder. Alleged BCL members attacked the students as they prepared to hand out materials and food. At least 20 students were injured.

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SAR is concerned about attacks on scholars' and students' peaceful, expressive activity in Bangladesh. Arrests, disciplinary actions, and violence intended to restrict or retaliate against such conduct undermine academic freedom and higher education's capacity to facilitate the exchange of ideas and the pursuit of truth. Scholars and students in Bangladesh must have academic freedom and the ability to share ideas without fear of retribution in order to address issues of the day and move society forward.

SAR calls on state authorities in Bangladesh to commit to protecting and promoting academic freedom and institutional autonomy, and to refrain from the use of force and coercive legal actions in connection with scholars' and students' nonviolent exercise of the rights to freedom of expression and freedom of assembly. SAR calls on higher education authorities, likewise, to protect academic freedom and to refrain from disciplinary actions that punish scholars for nonviolent expressive activity. International governments and higher education stakeholders are also called to urge their Bangladeshi counterparts to take the above actions.

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## Belarus

**In Belarus, Scholars at Risk (SAR) reported the use of excessive force and arrests of students and scholars during national demonstrations over the disputed results of the 2020 presidential election. State authorities also arrested student leaders and faculty in targeted raids. Infringing on university autonomy, the government of Alexander Lukashenko replaced rectors and other administrative staff at higher education institutions based on political considerations and called on universities to expel students and faculty who participated in or supported the protests.**

Belarus is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Belarus is a party to several applicable international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on State parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Belarus, as a participant to the Bologna Process, committed in the 2018 Paris Communiqué to protecting and promoting

academic freedom and institutional autonomy, among other fundamental values, in the European Higher Education Area.<sup>2</sup> Belarus’s constitution also provides protections for academic freedom, including Article 51, which provides that “freedom of artistic, scientific and creativity and teaching shall be guaranteed,” and the right to education (Article 49).<sup>\*</sup> As it relates to discussion of protests and other political expression of scholars and students, it bears mentioning that Belarus’s constitution further provides for freedom of expression (Article 33) and freedom of assembly (Article 35).<sup>†</sup>

Attacks against students and scholars grew in August 2020, when students and other young activists organized mass demonstrations across the country to protest the results of the presidential election. The Central Election Commission reported that Lukashenko won the presidency with more than 80 percent of the vote. The election results have been widely disputed, with election workers charging that the election was marked by widespread fraud.<sup>3</sup> The European Union refused to recognize the “falsified” results and described the election as neither free nor fair.<sup>4</sup> The opposition candidate, Sviatlana Tsikhanouskaya, who ran for election in place of her husband Siarhei Tsikhanouski (who was arrested in May 2020), was forced to flee to Lithuania due to mounting threats she and her children were facing. Belarusian authorities cracked down on students and others protesting the election results, often resorting to the use of force and arrests. Meanwhile, Lukashenko took drastic steps to reshape higher education, including by replacing rectors, deans, and other administrators at prominent higher education institutions where protests were held and calling for the expulsion of students and faculty who participated in the protests.<sup>5</sup>

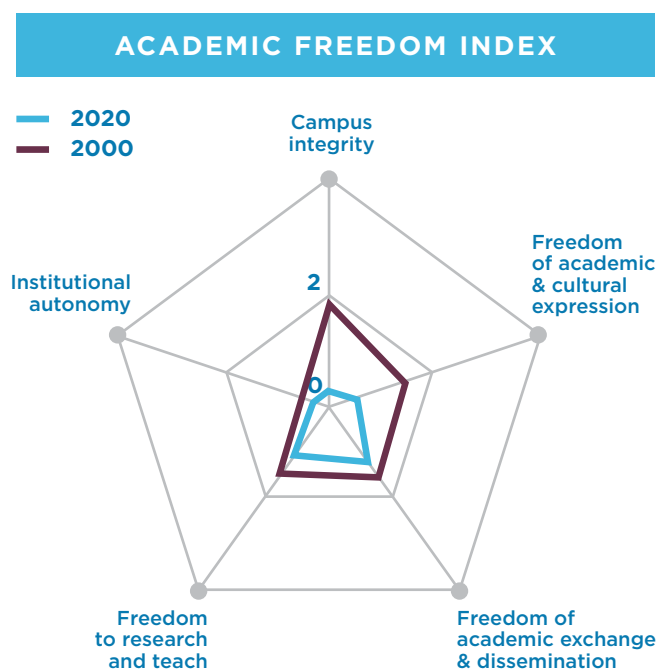
Police responding to elections protests on and off university campuses frequently detained and arrested students and other peaceful protesters.<sup>‡</sup> On September 1, the start of the academic year, up to 5,000 students from universities across Minsk walked out of their classes to march to the Ministry of Education to demand the resignation of Lukashenko,

<sup>\*</sup> Regarding the right to education, Article 49 provides that “secondary specialized and higher education shall be accessible to all in accordance with the capabilities of each individual. Everyone may, on a competitive basis, obtain the appropriate education at state educational establishments free of charge.” See Constitution of the Republic of Belarus (1994), available at <https://www.wipo.int/edocs/lexdocs/laws/en/by/by016en.pdf>.

<sup>†</sup> Ibid. Regarding freedom of opinion and expression, Article 33 provides that “everyone is guaranteed freedom of thoughts and beliefs and their free expression. No one shall be forced to express one’s beliefs or to deny them.” Article 35 provides for freedom of assembly: “The freedom to hold assemblies, rallies, street marches, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus, shall be guaranteed by the State.”

<sup>‡</sup> In addition to the below examples, see SAR AFMP, September 5, 2020, <https://www.scholarsatrisk.org/report/2020-09-05-belarusian-state-university-minsk-state-linguistic-university/>; and SAR AFMP, October 17, 2020, <https://www.scholarsatrisk.org/report/2020-10-17-minsk-state-linguistic-university/>.

the release of political prisoners, and a new and fair election. Police blocked their path, shoved and hit students, and arrested at least 81 people, including nine journalists, one professor, and several students.<sup>6</sup> On September 4, when 50 students gathered at **Minsk State Linguistic University (MSLU)** and sang “Do you Hear the People Sing?” (a song about rebellion and freedom from the musical *Les Misérables*), riot police arrived in three buses and arrested five students, shoving and dragging them out of the university.<sup>7</sup> The students were reportedly released the following day. On October 13, Tsikhanouskaya, the opposition candidate, issued a “people’s ultimatum” to Lukashenko, demanding that he resign by October 25, stop the violence against protesters, and release political prisoners, or face a nationwide strike that would begin on October 26. On October 26, students from the **Belarusian National Technical University (BNTU)** and the **Belarusian State University of Informatics and Radioelectronics** marched on Independence Avenue, the major street in Minsk where many of the protests were held. Riot police arrived and arrested several students.<sup>8</sup>



Alexander Lukashenko and his administration quickly cracked down on the higher education sector in response to student and faculty protests over his controversial declaration as the winner of the 2020 presidential election. Experts’ recordings for campus integrity and freedom of academic expression dropped significantly between 2019 and 2020. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

State authorities targeted student leaders, including members of the Belarusian Students’ Association (BSA), conducting raids on their homes and arresting them in the street. These include **Marfa Rabkova**, a third-year student at European Humanities University and a volunteer coordinator at a local human rights organization, who was arrested on September 17 when she and her husband were pulled over in their vehicle by several officers of the Main Directorate for Combating Organised Crime and Corruption.<sup>9</sup> Rabkova remains in custody on charges of “education or other preparation of persons for participation in mass riots, or financing such activities,” “participating in a criminal organization,” and “inciting racial, national, religious or other social hostility by a group of individuals.” On November 12, police arrested 11 students from various universities, including members of the BSA, and searched the home of a university professor in connection with the protests.<sup>10</sup> The students included **Alana Gebremariam**, a member of BSA’s coordinating council and Tsikhanouskaya’s representative for youth and student affairs; **Ksenia Syramalot**, BSA’s press secretary; Belarusian State University (BSU) students **Yahor Kanetski**, **Tanya Yakelchyk**, and **Ilia Trakhtenberg**; BNTU students **Nastya Bulybenka** and **Vika Hrankouskaya**; Belarusian State Pedagogical University students **Kasia Budzko** and **Yana Arabeika**; Belarusian State Academy of Arts student **Masha Kalenik**; and MSLU student **Hleb Fitzner**. The students and the professor whose house was raided, **Volha Filatchankava**, were convicted and sentenced to two and a half years’ imprisonment on a charge of “organizing and preparing in group actions that grossly violate public order;” Fitzner pleaded guilty and was sentenced to two years’ imprisonment. On March 5, 2021, police arrested 30 students and others attending the inaugural meeting of the **League of Student Associations**, in Minsk.<sup>11</sup> Several of the students attending had participated in the election protests. Masked police officers stormed the meeting, allegedly confiscated detainees’ phones, and interrogated them for approximately five hours. Most were released later that night without official charges against them. Four of the students were sentenced to 14-15 days’ imprisonment for “disobeying a lawful order of an official.” On June 29, police arrested Belarusian State University law student **Katsiaryna Vinnikova** in retaliation for a speech she delivered at her school’s graduation ceremony, in which she expressed sympathy for professors suspended from the school for their roles in the protests.<sup>12</sup> BSA has reported that nearly 500 students were detained in connection with the protests.<sup>13</sup>

Police also arrested scholars in apparent connection to the elections protests. Two professors at the Belarusian State University (BSU) were arrested as part of an apparent effort to deter protests over Lukashenko's visit to the campus on January 29, 2021. Police arrested **Volha Kavaleuskaya**, a professor of geology, one day before the visit.<sup>14</sup> Kavaleuskaya was convicted of "disobedience to a lawful order or demand of an official in the exercise of his official powers" and "organizing or participating in unsanctioned mass events," and sentenced to 25 days' imprisonment. The morning of Lukashenko's visit, police arrested **Pavel Piatrou**, a professor in BSU's Department of Physical Electronics and Nanotechnologies, at his home.<sup>15</sup> On February 1, Petlov was convicted of "disobedience to a lawful order or demand of an official in the exercise of his official power" and sentenced to 15 days' imprisonment. On June 30, 2021, Minsk airport authorities detained **Tatisana Kuzina**, co-founder and researcher at the School of Young Managers in Public Administration.<sup>16</sup> Kuzina was accused of "conspiracy or other actions aimed at seizing state power," and "calls for actions aimed at damaging the national security of the Republic of Belarus."

University administrators, apparently under pressure from Lukashenko's administration, ordered suspensions and dismissals to punish and deter faculty and students from participating in the protest movement. For example, BSU terminated physics scholar **Sviatlana Volchak** in apparent retaliation for her role as an organizer in the protest movement.<sup>17</sup> Volchak was the coordinator of the strike committee at BSU, which authored a petition demanding that the university take action to end violence against protesters, secure the release of political prisoners, and support fair elections. On August 28, 2020, when the strike committee submitted its petition, police arrested Volchak and her husband.<sup>18</sup> Volchak was released on September 12 and planned to resume teaching on September 15. The university terminated Volchak on September 18, citing her absence on September 14, even though Volchak made arrangements with a colleague to teach her class that day. In late October, Lukashenko replaced rectors at three universities—**Belarusian State University of Culture and Arts**, **Brest State Technical University**, and **MSLU**—after stating that "university rectors are not doing enough" regarding clamping down on protest activity.<sup>19</sup> Starting on October 27, universities began expelling students and faculty in response to orders from Lukashenko.<sup>20</sup> This included the expulsion of as many as 30 students from **Belarusian State Medical University**<sup>21</sup> (19 of whom were later reinstated) and

32 students from **BNTU**.<sup>22</sup> In June 2021, Mogilev State University forced three professors—**Aliaksandr Aheeu**, **Ihar Sharukha**, and **Vital Evmenkov**—to resign, apparently for their public expression and alleged participation in the protests.<sup>23</sup> One scholar, **Alena Laeyuskaya**, a civil law professor at BSU, was denied renewal of her contract, apparently because her son, a lawyer, represented an imprisoned, former presidential candidate.<sup>24</sup> Available data indicates that as many as 160 students were expelled and more than 50 faculty dismissed in connection with the protest movement.<sup>25</sup>

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The use of force, arrests, other coercive legal actions, and university disciplinary actions against students and scholars peacefully protesting a fraudulent election and the detention of their colleagues shrinks the space for ideas and questions in Belarusian society. These actions threaten the entire higher education community in Belarus, limiting everyone's right to academic freedom and the societal benefit derived from open university environments that promote the free flow of ideas. The freedom of Belarusian higher education institutions to operate independently, without political considerations, was clearly attacked when Lukashenko moved to replace university leaders and administrators with political appointees and called on university officials to expel students and faculty participating in protests. Taken together, these actions clearly violate institutional autonomy, undermine the right to academic freedom, and raise serious concern for the future of the Belarusian higher education sector.

SAR calls on state authorities in Belarus to refrain from the use of force against peaceful protesters; release wrongfully imprisoned students and scholars; drop charges resulting from their peaceful exercise of the right to freedom of expression and freedom of assembly; and respect universities' institutional autonomy by refraining from intervening in or ordering disciplinary matters. SAR calls on higher education institutions in Belarus to refrain from and reverse disciplinary actions taken against students and faculty in connection to their nonviolent expressive activity and associations. SAR further calls on the international community, including governments and higher education stakeholders, to press the Belarusian government and higher education partners to take the above actions and to support at-risk scholars and students from Belarus through whatever means possible.



## ENDNOTES

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## Brazil

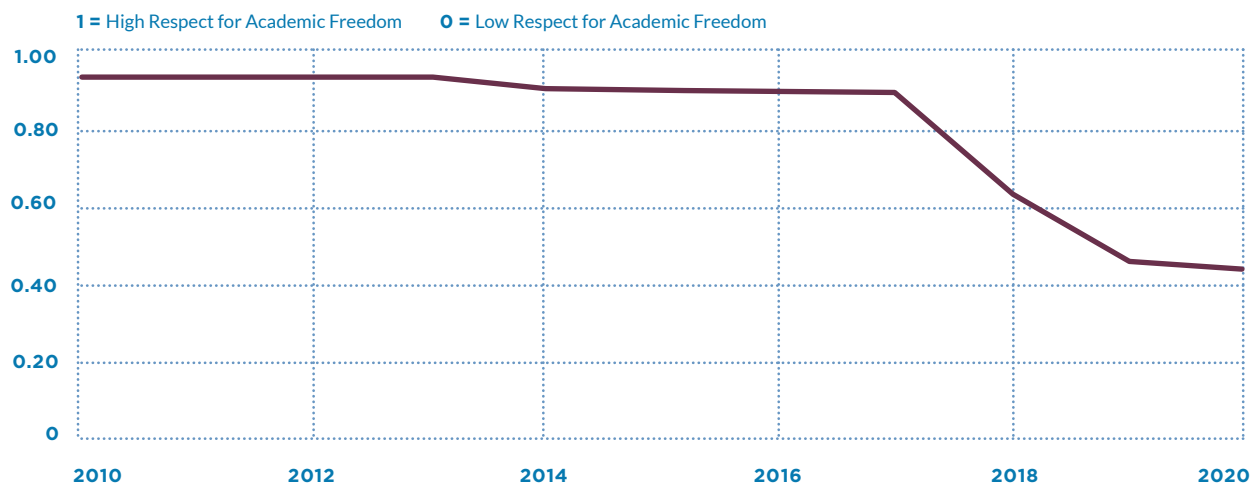
**In Brazil, Scholars at Risk (SAR) reported the use of executive powers to undermine university autonomy, legal actions intended to retaliate against academic expression, and violence that threatens the safety of higher education communities.**

Brazil is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Brazil is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Brazil’s constitution provides explicit protections for academic freedom, noting that “[t]eaching shall be provided on the basis of...” the “freedom to learn, teach, research and express thoughts, art and knowledge” (Article 206.2) and institutional autonomy (Articles 206 and 207), noting that “[u]niversities enjoy autonomy with respect to didactic, scientific and administrative matters, as well as autonomy in financial and patrimonial management, and shall comply with the principle of the inseparability of teaching, research and extension” (Article 207).<sup>2</sup>

Since Brazil’s 2018 presidential election, academic freedom and the country’s higher education community have come under intense pressure. President Jair Bolsonaro has frequently used inflammatory rhetoric to disparage scholars and academic institutions. Through executive orders and the powers of his ministers, the Bolsonaro administration has also sought to punish and seek greater control over higher education institutions. His former minister of education, Abraham Weintraub, declared budget cuts targeting three federal universities that he accused of promoting “disorder” and holding partisan gatherings on their campuses, prompting outrage that the ministry was selectively punishing universities on ideological grounds.<sup>3</sup> Budget cuts were then extended to all federally funded universities. President Bolsonaro has also issued emergency decrees aimed at giving himself and his minister of education greater power in the rector appointment process and altering federal universities’ own system of rector elections.<sup>4</sup> Although those decrees were met with opposition and ultimately rejected by Congress, Bolsonaro has nevertheless aggressively used his authority in the university rector appointment process, often ignoring top candidates nominated by university faculty, staff, and students, and instead choosing individuals with whom he is politically aligned. In December 2020, Justice Luiz Edson Fachin of Brazil’s Federal Supreme Court declined a Bar Association request for an injunction requiring that the president observe a “decades long tradition” of choosing as rector the first-place candidate from among the “triple list,” the top-three candidates nominated by members of the university community. The justice, instead, ordered that appointees only be among the top three.<sup>4</sup> By February 2021, the Court had overruled Fachin’s injunction, on grounds that federal law already required what the justice had ordered and that the same law, Federal Law 9.192/1995, was the subject of a pending action in federal court.<sup>5</sup> As of this writing, Bolsonaro has appointed 20 rectors who faculty, staff, and students did not recognize as their first choice.<sup>6</sup>

\* In 2019 and 2020, President Bolsonaro issued two provisional measures (PMs) intended to provide the executive branch enhanced control over the appointment of leadership at the country’s 16 federal universities. Provisional measures can be issued by the president under urgent or exceptional circumstances. Provisional measures go into effect immediately upon being issued; however, Congress has the ability to approve, amend, or reject the provisional measure within 120 days. If not approved within 120 days, a provisional measure lapses and loses its validity. PM 914/2019, issued on December 24, 2019, officially rejected a tradition, dating back to 2003, of Brazil’s President choosing rector nominees that won the most votes by faculty, staff, and students. Under PM 914, the president would be able to pick freely among the top three candidates, referred to as the “triple list.” PM 914 also imposed on federal universities a weighted system for the voting of rector nominees. PM 914 lapsed on June 1, 2020, losing the force of law. On June 10, amidst rapid escalation of the COVID-19 pandemic in Brazil, President Bolsonaro issued PM 979/2020 (PM 979), which would give the Minister of Education the authority to designate rectors and vice-rectors pro tempore at federal universities, without consulting those same institutions. Within two days, however, the president of Brazil’s Congress rejected PM 979 on the basis that it violated university autonomy. See “Legislative and Administrative Threats to Institutional Autonomy and Academic Freedom,” in SAR, *Free to Think 2020* (November 2020), pp. 98-99, <https://www.scholarsatrisk.org/resources/free-to-think-2020/>.

## ACADEMIC FREEDOM INDEX: BRAZIL



The 2018 presidential elections marked a drastic turning point for academic freedom in Brazil. Under the government of President Jair Bolsonaro, Brazil's scholars and students have faced threats and harassment based on their views and identities, legal actions for their academic expression, and an erosion of institutional autonomy, especially in the rector appointments process. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

Individual scholars and students have suffered a range of attacks, threats, and harassment on the basis of their work, views, and identities since 2018.<sup>7</sup> During the reporting period, Brazilian state authorities and public officials sought to punish individual scholars for their public expression through legal actions and by putting pressure on university actors.

On March 2, 2021, the former rector of Federal University of Pelotas (UFPEl) and epidemiologist **Pedro Rodrigues Curi Hallal** and his colleague **Eraldo dos Santos Pinheiro** were subject to criminal investigation and public sanction in retaliation for their public criticisms of President Bolsonaro's role in the rector appointment process. In UFPEl's 2021 rector elections, the university's academic community voted overwhelmingly for Pinheiro to succeed Hallal as rector for the 2021-24 period. President Bolsonaro instead appointed one of Pinheiro's opponents in the election, Isabela Fernandes Andrade. At an official, online UFPEl event on January 7, 2021, Hallal and Pinheiro called Bolsonaro's appointment of Andrade "a blow to the academic community," stated that the president was a defender of torture, and alleged he was responsible for creating instability at universities. Hallal further stated that the university would do everything in its power to appeal President Bolsonaro's decision. Federal Deputy Bibó Nunes opened a federal investigation into the comments with the Comptroller General of the Union (CGU)

of Brazil, stating that he intended to have Hallal dismissed from his position. On March 2, the CGU ruled out any serious infractions; however, both Hallal and Pinheiro signed so-called Conduct Adjustment Agreements ("TACs"), extrajudicial modes of dispute resolution under which so-called "aggressors" commit to some change in behavior, and are subject to legal sanction if they do not meet those conditions. According to their TACs, which were signed under unclear circumstances, Hallal and Pinheiro had made "a disrespectful statement directed at the President of the Republic," in their "workplace." Under the terms of the TACs, neither professor could breach Article 117, V, of Law 8112, which prohibits public officials from "promoting expressions of appreciation or disapproval in the workplace," for a two-year period. During this timeframe, neither professor will be permitted to criticize President Bolsonaro at a university event.

In May 2021, University of São Paulo's (USP) law professor **Conrado Hübner Mendes** faced the first in a series of attacks for opinion articles he wrote. On May 3, 2021, Brazil's Attorney General (AG) filed a complaint with the USP's ethics committee demanding an investigation into Mendes over public comments he made about the AG over social media and in a column for the newspaper, *Folha de São Paulo*.<sup>8</sup> Mendes had criticized the work of the AG, Antônio Augusto Brandão de Aras, in a column entitled "Aras is Bolsonaro's anteroom at the International Criminal



Court.” In a series of tweets, Mendes also described Aras as a “servant of the president,” and alleged that some of the AG’s legal omissions were for the benefit of Bolsonaro. In his complaint to the ethics committee, Aras accused Mendes of violating Articles 5, 6, and 7 of USP’s Code of Ethics, which state that USP community members have a duty to encourage “respect for the truth,” act “in a manner compatible with morality,” and refrain from “disseminating information in a sensational, promotional or untrue manner.”<sup>9</sup> USP’s ethics committee has yet to announce whether they will take any punitive actions against Mendes. In addition to the complaint to the ethics committee, AG Aras also filed a criminal complaint against Mendes, accusing him of committing slander, libel, and defamation in connection with the aforementioned expressive activity.<sup>10</sup> Aras’ lawyers argued that Mendes did not limit himself to criticism of Aras, but also accused the AG of being untruthful in his actions, which could be considered libelous. On June 10, the public prosecutor overseeing the case voted in favor of continuing the investigation into Mendes’ comments. As of July 1, the case is ongoing. In a third attack on Mendes, Federal Supreme Court Justice Kássio Nunes Marques submitted a complaint to AG Aras, demanding a criminal investigation into the USP professor for a separate op-ed.<sup>11</sup> Justice Nunes Marques accused Mendes of making “false and/or harmful” statements in an April 6 article in *Folha de São Paulo* entitled, “O STF come o pão que o STF amassou” (roughly translated as “The [Supreme Federal Court] eats the bread that the [Supreme Federal Court] kneaded”).<sup>12</sup> In the article, Mendes criticized Justice Nunes Marques for allowing large religious gatherings during the COVID-19 pandemic. Justice Nunes Marques claimed that the article could be considered slander, libel, and defamation, and requested that the AG investigate and hold Mendes criminally liable.

Violence also continues to threaten members of Brazil’s higher education community, on and off-campus.

At the **Universidade Paulista**, for example, an improvised explosive device was discovered in a bathroom, forcing students and faculty to evacuate shortly before an exam was to be administered.<sup>13</sup> Military police isolated the area and examined and neutralized the object, which was found to have an amount of gunpowder similar to explosive devices used to detonate ATMs. The university believed the device was placed in that location in order to cause “turmoil” for the students taking the exam.

On May 12, Municipal Guards, a local state security force, forcibly arrested three **Federal University of Rio Grande do Sul** (UFRGS) students during a nonviolent protest over cuts to higher education spending by Education Minister Milton Ribeiro.<sup>14</sup> A small group of UFRGS students had gathered outside the entrance of a radio station, where Ribeiro was scheduled to give an interview, and chanted in protest of the spending cuts. As Ribeiro approached the entrance, members of his entourage, including staff and personal guards, physically engaged with and pushed out of the way some of the protesters. In the street, municipal guards attempted to disperse protesters by firing ammunition toward the ground, using pepper spray, and pushing protesters. Few protesters were in the street and reports and video of the protest do not suggest that students were acting violently or irresponsibly. The commander of the Municipal Guard in Porto Alegre, Marcelo Nascimento, stated that the weapons were loaded with non-lethal ammunition in order to “scatter” the protesters.

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SAR remains deeply concerned about the state of academic freedom in Brazil. Frequent attempts to skirt the will of faculty, staff, and students in the rector appointment process represent a dangerous departure from the democratic traditions and norms of Brazil’s federal university community and threaten further politicization of the country’s higher education sector. Legal actions intended to punish scholars for their views and opinions undermine the sector’s ability to inquire and share ideas. Violence directed at campuses or student protesters also undermines academic freedom and reduces the degree to which higher education institutions serve as spaces for free and open discourse.

SAR calls on state authorities in Brazil to respect, protect, and promote academic freedom, including ensuring the autonomy of university communities to determine and oversee the appointment of leadership, refraining from direct or indirect attacks on academic expression or other nonviolent expressive activity by scholars and students, and ensuring the safety and security of higher education communities. SAR further calls on government and higher education leaders around the world to call on their Brazilian counterparts to press for the above measures.

## ENDNOTES

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6. Soraya Soubhi Smaili, "Listas triplíces e escolha de reitores: por que são vitais para a universidade?" *Metrópoles*, October 3, 2021, <https://www.metrópoles.com/ponto-de-vista/listas-triplices-e-escolha-de-reitores-por-que-sao-vitais-para-a-universidade>.
7. See "Assault on Brazil's Higher Education Space," in SAR, *Free to Think 2019* (November 2019), pp. 54-57, <https://www.scholarsatrisk.org/wp-content/uploads/2020/01/Scholars-at-Risk-Free-to-Think-2019.pdf>.
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**In China, Scholars at Risk (SAR) reported the ongoing imprisonment and prosecution of scholars for their political views and expressive activity, the continued detention of scholars belonging to ethnic minority communities, the use of travel restrictions and other sanctions to restrict the academic freedom of local and international scholars and academic institutions, and the use of regulatory powers in ways that risk constricting academic research, teaching, and expression.**

China is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. China has ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). While China has not ratified the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of expression (Article 19), as a state signatory, it is still obligated to act in good faith and not to defeat the purposes of the treaty. Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and

respect for academic freedom and human rights.”<sup>1</sup>

China’s constitution contains provisions from which protections for academic freedom may be independently and interdependently derived,<sup>\*</sup> and China’s Higher Education Law also contains provisions that support the same;<sup>†</sup> however, these are also in tension with other constitutional provisions and other legal instruments that limit academic expression and inquiry, and institutional autonomy.<sup>‡</sup>

Especially since current President Xi Jinping rose to power in 2013, China’s higher education community has seen frequent attacks and pressures on academic freedom.<sup>§</sup> These have occurred alongside government efforts to further develop higher education institutions that can compete with international counterparts and to control sensitive narratives and debates to advantage the Party-state. Actions frequently used in the past to restrict academic freedom and punish activity that the Party-state finds objectionable, including the use of detentions, prosecutions, travel restrictions, and university disciplinary measures, continued into this reporting period.

Chinese authorities continue to arrest, prosecute, and imprison scholars and students in connection with their academic and expressive activities. On May 9, 2021, after roughly two years in state custody, **Yuan Keqin**, a Chinese professor of history at Japan’s Hokkaido University of Education (HUE), finally met with legal counsel for the first time.<sup>2</sup> Yuan was detained along with his wife during a trip to China to attend his mother’s funeral. Authorities released Yuan’s wife and allowed her to travel back to Japan on the condition that she come back to China with Yuan’s phone, laptop, and academic materials. Yuan reportedly is being tried on espionage-related charges, the bases of which are unknown. On May 27, 2021, **Yang Hengjun**, a writer and visiting scholar at Columbia University, in the United States (US), was tried for espionage.<sup>3</sup> Yang, an Australian citizen who once worked for China’s

\* Article 35 provides that Chinese citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” Article 46 provides citizens’ “duty as well as the right to receive education,” and recognizes that the “State promotes the all-round development of children and young people, morally, intellectually and physically.” Article 47 provides that citizens “have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits.” Also according to Article 47, “[t]he State encourages and assists creative endeavors conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work.”

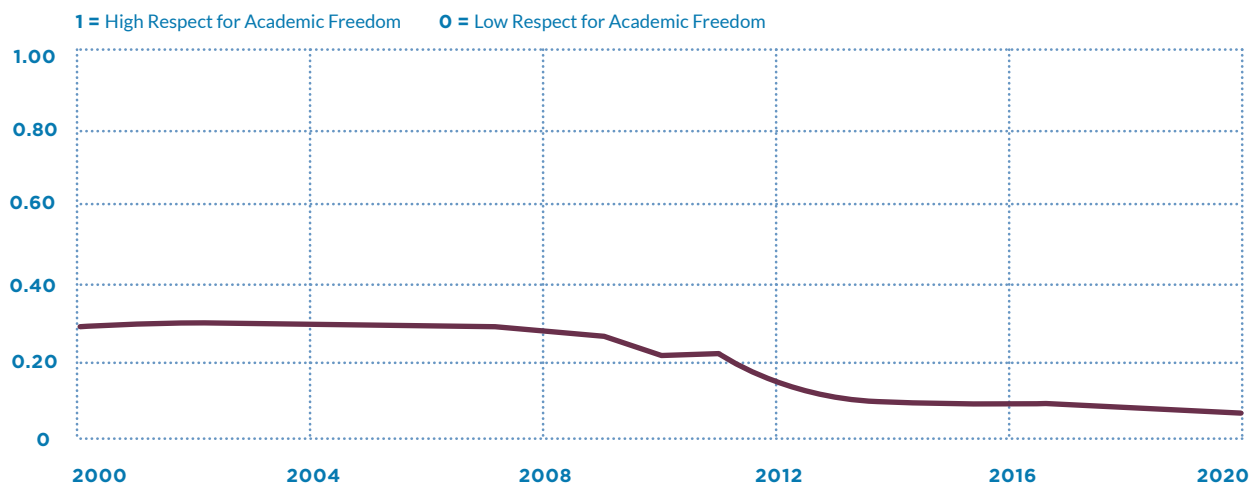
† Article 9 provides that “Citizens shall, in accordance with law, enjoy the right to receive higher education.” According to Article 10, “The State, in accordance with law, ensures the freedoms of scientific research, literary and artistic creation and other cultural activities conducted in higher education institutions. Research, literary and artistic creation and other cultural activities in higher education institutions shall be conducted in compliance with law.” And several other articles support higher education institutions’ independence in organizing academic offerings (Article 33), managing curriculum and course materials (Article 34), and conducting research (Article 35).

‡ For example, China’s Higher Education Law contains provisions that require higher education institutions’ adherence to the Chinese Communist Party’s ideology and that grant the Party control over universities. Provisions in China’s Constitution and Penal Code have also been used to punish and restrict legitimate academic content and conduct.

§ For an in-depth review of these attacks and pressures in China, Hong Kong, Macau, and where China’s higher education community engages internationally, see SAR, *Obstacles to Excellence: Academic Freedom and China’s Quest for World-Class Universities* (September 2019), <https://www.scholarsatrisk.org/resources/obstacles-to-excellence-academic-freedom-chinas-quest-for-world-class-universities>.



## ACADEMIC FREEDOM INDEX: CHINA



In mainland China, respect for academic freedom has suffered over the last 10 years. China's so-called "Great Firewall," censorship of publications, prosecutions and imprisonments of scholars and students, and restrictions on academics' entry to and exit from the country have constricted higher education's ability to pursue truth and freely share ideas. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

State Security Ministry, was arrested in January 2019 during a visit with family.<sup>4</sup> He has reportedly been denied access to family and legal counsel. Australia's ambassador to China was denied access to Yang's one-day trial, which was held behind closed doors.<sup>5</sup> On August 26, authorities detained **Fang Ran**, a PhD candidate in the sociology department of the University of Hong Kong (HKU).<sup>6</sup> Fang researches labor movements and labor empowerment in mainland China, according to his profile on HKU's website,<sup>7</sup> and had reportedly been studying conditions at factories in Shenzhen prior to being detained. He was taken into custody while in his hometown of Nanning, in Guangxi Province, and is reportedly being held under residential surveillance at a designated location, a form of detention outside state facilities that allows authorities to deny detainees access to legal counsel. Fang's father announced news of his son's detention over social media, claiming that he was accused of "incitement to subvert state power." According to a report by the *South China Morning Post*, Fang was often "invited for tea," a euphemism for informal questioning by state security personnel.<sup>8</sup> Legal scholar and human rights lawyer **Xu Zhiyong** remains in jail after being detained on February 15, 2020.<sup>9</sup> Authorities detained Xu as part of an effort to silence a group of lawyers and dissidents who met in December 2019 to discuss human rights and political developments in China. Xu, who has reportedly been tortured while in state

custody,<sup>10</sup> has since been charged with "subversion of state power," which carries a sentence of 15 years to life imprisonment.<sup>11</sup> Prominent economist **Ilham Tohti** continues to serve a life sentence in prison on separatism-related charges. For years, Tohti published writings and promoted dialogue that sought to raise awareness of issues facing the minority Uyghur community.

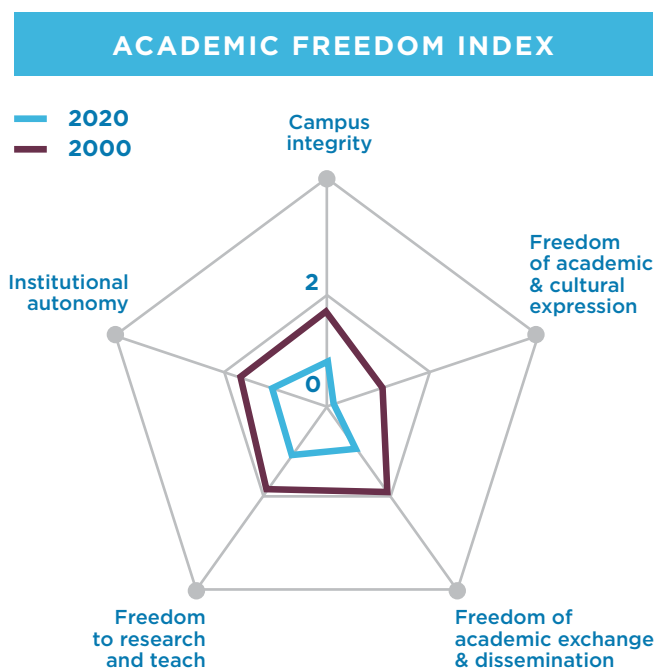
In China's Xinjiang Uyghur Autonomous Region (XUAR), an unknown number of scholars and students remain missing or in state custody, with some reportedly being held in so-called "re-education camps." They appear to be victims of a broader crackdown on ethnic and religious minority communities in the XUAR, including the Uyghur, Kyrgyz, and Kazakh communities, of which more than one million are reported to be missing and suspected to be in state custody. Reports indicate that detainees have been subjected to physical and psychological abuse, including beatings, solitary confinement, sterilization, and sexual harassment; they are also reportedly forced to recite CCP anthems, attend indoctrination classes, and consume pork and alcohol, in contravention of their religious beliefs.<sup>12</sup> Observance of religious practices and communications with family outside China appear to have frequently served as bases for detention. Some incidents involving scholars suggest that one's relationship with, or views regarding, the Chinese Communist Party (CCP) have

also served as the basis for detentions. Prominent scholars disappeared and suspected of being in state custody include, to name a few, **Rahile Dawut**, a world-renowned ethnographer and scholar of Uyghur studies at Xinjiang University who disappeared in December 2017;<sup>13</sup> **Tashpolat Tiyp**, the former president of XJU and a scholar of geography who was detained in March 2017, convicted of “separatism,” and issued a suspended death sentence following a “secret” trial;<sup>14</sup> and **Abdulqadir Jaleddin**, a poet and professor of literature at Xinjiang Pedagogical University, who was arrested in a January 2018 raid on his home.<sup>15</sup> In November 2020, SAR named Dawut the recipient of the Courage to Think Award, recognizing her “for her own work, as well as that of all the scholars and students of the Xinjiang Uyghur Autonomous Region, who together struggle for academic freedom and freedom of opinion, expression, belief, association, and movement.”<sup>16</sup>

Chinese authorities have used travel restrictions in an effort to restrict academic travel into and out of the country. On September 24, 2020, Chinese authorities announced that two Australian scholars, **Clive Hamilton** and **Alex Joske**, were banned from entering China in apparent retaliation for their academic work.<sup>17</sup> Hamilton, a professor of public ethics at Charles Sturt University, and Joske, an analyst at the Australian Strategic Policy Institute’s International Cyber Policy Centre, have both conducted considerable research on China’s foreign influence. The CCP-backed paper *The Global Times* reported that Hamilton and Joske were banned from entering China under the Exit and Entry Administration Law. On May 8, 2021, Chinese officials denied rights lawyer **Lu Siwei** exit from China to travel to the United States for an academic fellowship. Lu, whose law license was revoked months earlier for supporting a jailed Hong Kong democracy activist, had been granted a Humphrey Fellowship, a US State Department-funded fellowship awarded to mid-career professionals from designated countries “undergoing development or political transition” who have demonstrated leadership and “dedication to public service.” In stopping Lu from boarding his flight, Chinese officials told Lu that he “may endanger national security or interests.” In April 2019, another Chinese human rights lawyer, **Chen Jiangang**, was also denied travel to the US for the same fellowship program.<sup>18</sup>

Sanctions, including travel restrictions, were also used by the Chinese government to punish and restrict overseas academic research and expression by scholars outside the PRC. On March 22 and 26, Chinese officials targeted scholars from the European

Union and the United Kingdom with travel restrictions and other sanctions for their research, teaching, and public discourse about China, including the aforementioned human rights violations in the XUAR.<sup>19</sup> **Björn Jerdén**, director of the Swedish National China Centre at the Swedish Institute of International Affairs; **Jo Smith Finley**, reader in Chinese Studies at Newcastle University, UK; and **Adrian Zenz**, senior fellow in China Studies at the Victims of Communism Memorial Foundation, in the US, were banned entry to China, issued a freeze on assets held in China, and barred from collaboration with Chinese counterparts. Germany’s **Mercator Institute for China Studies** was also sanctioned among several institutions and political bodies in the EU and UK, including, for example, the Alliance of Democracies Foundation, in Denmark, and the European Parliament’s Subcommittee on Human Rights. The sanctions, which also targeted elected officials in the EU and UK, appeared to serve as retaliation for sanctions those governments issued against Chinese officials in response to human rights violations in the XUAR that Zenz and others have studied. Chinese companies in the XUAR have also filed a civil lawsuit against Zenz, demanding that he



University autonomy and the freedom of scholars and students to teach, learn, and share ideas has decreased substantially over the past 20 years in China, according to experts informing the Academic Freedom Index. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

“apologize, restore their reputation and compensate for their losses” in connection with his research on the XUAR.<sup>20</sup> On July 23, China issued sanctions against a number of individuals in the US, including Human Rights Watch’s China Director, **Sophie Richardson**, who holds a PhD and who has led extensive research efforts into human rights abuses in China, including academic freedom violations.<sup>21</sup> A statement issued by China’s Ministry of Foreign Affairs did not specify what the sanctions entailed, but noted that they were in response to sanctions issued by the US against Chinese officials as well as an advisory the US government issued warning business about the risks of conducting work in Hong Kong.

Over the past year, the government used its regulatory powers in ways that restrict academic freedom. In December 2020, the Ministry of Education issued a notice informing scholars in the social sciences and philosophy to not “degrade or vilify China intentionally in pursuit of international publication.”<sup>22</sup> The order was part of a series of 10 requirements intended to reform higher education evaluation methods that have for years focused on quantity-oriented indicators of research. The notice did not specify what “intentionally” degrading or vilifying China meant, but raises the risk of academics being punished for research that could be considered critical of the Party-state. In April 2021, the government launched a hotline intended for reporting online content that distorts, criticizes, or defames the Chinese Communist Party and its history.<sup>23</sup> The Cyberspace Administration of China established the hotline to root out “historical nihilism.”<sup>24</sup> Scholars and students expressing and sharing ideas in virtual classrooms, conferences, through blogs, and social media, whether in and outside China, could be subject to repercussions if reported to the hotline.

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Academic freedom and institutional autonomy are severely restricted in China. Arrests, prosecutions, university disciplinary actions, travel restrictions, and other coercive actions continue to be used to constrict scholars’ and students’ speech and their collaborations with peers. Such practices erode the conditions required of quality, world-class universities where scholars and students can explore ideas and questions freely, without fear of reprisal.

SAR calls on Chinese state authorities to refrain from the use of coercive legal and extralegal actions against scholars and students for their nonviolent exercise of academic freedom and other protected rights; release wrongfully imprisoned students and scholars;

and cease “re-education” efforts. SAR also calls on the Chinese government to drop sanctions against overseas scholars, repeal new and existing regulations and laws that undermine academic freedom or revise them to conform to international standards relating to academic freedom. SAR further calls on governments and higher education communities outside China to urge China’s government to take the above actions and to ensure that academic exchanges and partnerships with Chinese counterparts uphold human rights and the highest standards of academic freedom and institutional autonomy.

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## Hong Kong

**In the Hong Kong Special Administrative Region (HKSAR), Scholars at Risk (SAR) reported a continuation of arrests, prosecutions, and university disciplinary actions targeting outspoken scholars and students since the 2019 pro-democracy protest movement. University officials took actions to cancel campus events and effectively cut ties with student unions. Meanwhile the Beijing-imposed National Security Law continues to raise serious concerns about restrictions on academic freedom, among other rights.**

The HKSAR is bound by national and international legal instruments that provide protections for academic freedom. Since the 1997 transition of Hong Kong's sovereignty from the United Kingdom to China, Hong Kong has remained a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to "respect the freedom indispensable for scientific research and creative activity" (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as "that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights."<sup>1</sup> Hong Kong's Basic Law, popularly referred to as its "mini constitution," provides protections for academic freedom, institutional autonomy.<sup>\*</sup> Article 27 of the Basic Law also provides for freedoms of expression and assembly, both particularly relevant to incidents involving student and scholar political expression discussed here.

Over the past year, particularized attacks, broad pressures on higher education communities, and public concerns regarding the same frequently related to the controversial National Security Law (NSL). The NSL was drafted by China's central government and imposed on Hong Kong in June 2020. It purports to "safeguard national security" and punish "offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the Hong Kong Special Administrative Region." The law claims jurisdiction outside the PRC, stipulating in Article 38 that its application extends to "offences [...] committed against the [HKSAR] from outside the Region," including offences committed by non-residents of the HKSAR and non-citizens of the PRC. Those convicted under the NSL, may face lengthy prison sentences, including, in "grave" cases, life imprisonment.

Under the NSL, higher education institutions, like their primary and secondary school counterparts, are required to promote national security education, including through curricula that educate students on the NSL, and should prepare to "prevent and suppress" activities that run counter to the NSL.<sup>2</sup> In November 2020, the National Security Department set up a "tip line" for citizens to report alleged violations of the NSL.<sup>3</sup> A report by *The Atlantic* noted that a postgraduate student at the **University of Hong Kong (HKU)** had reported two academics from that institution to the tip line for reasons that were not mentioned in the report.<sup>4</sup> In March 2021, Hong Kong's University Grants Committee reminded leaders of public universities of their responsibility to uphold the legal requirements of the NSL, raising concerns that funding may depend on their enforcement of and education regarding the NSL.<sup>5</sup> In July, it was reported that three universities in Hong Kong, including **Hong Kong Baptist University (HKBU)**, **Hong Polytechnic University**, and **Lingnan University**, would require teaching of the NSL to undergraduate students.<sup>6</sup>

Local and international human rights experts and scholars have raised concerns over a severe chilling effect the NSL would have on academic freedom and other expressive activity. A May 2021 survey conducted by the Hong Kong Public Opinion Research Institute found that, among 7,216 Hong Kong residents polled, nearly 60% thought the NSL restricted

<sup>\*</sup> Hong Kong's Basic Law includes guarantees that higher education institutions in the region "may retain their autonomy and enjoy academic freedom," (Article 137) that "Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities," (Article 34) and that the HKSAR "shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications" (Article 136).

academic freedom, while 45% believed that higher education institutions were not making efforts to protect academic freedom.<sup>7</sup>

Students and scholars have been arrested and prosecuted, including under the NSL, for their expressive activities. On December 7, 2020, police arrested one current student and five recent graduates of the **Chinese University of Hong Kong (CUHK)** for their alleged participation in a protest on November 19.<sup>8</sup> Authorities charged them with “inciting secession” under the NSL for participating in a commencement day march and rally on the CUHK campus, during which pro-democracy and pro-independence themes were chanted and displayed on banners. Another CUHK student accused of participating in the same commencement day protest was arrested in Hong Kong on February 18, 2021.<sup>9</sup> The student, whose name was not disclosed in news reports, was charged with “participating in an unauthorized assembly” and “incitement to secession.” CUHK leadership reportedly called on Hong Kong’s National Security Police to investigate the protest.<sup>10</sup>

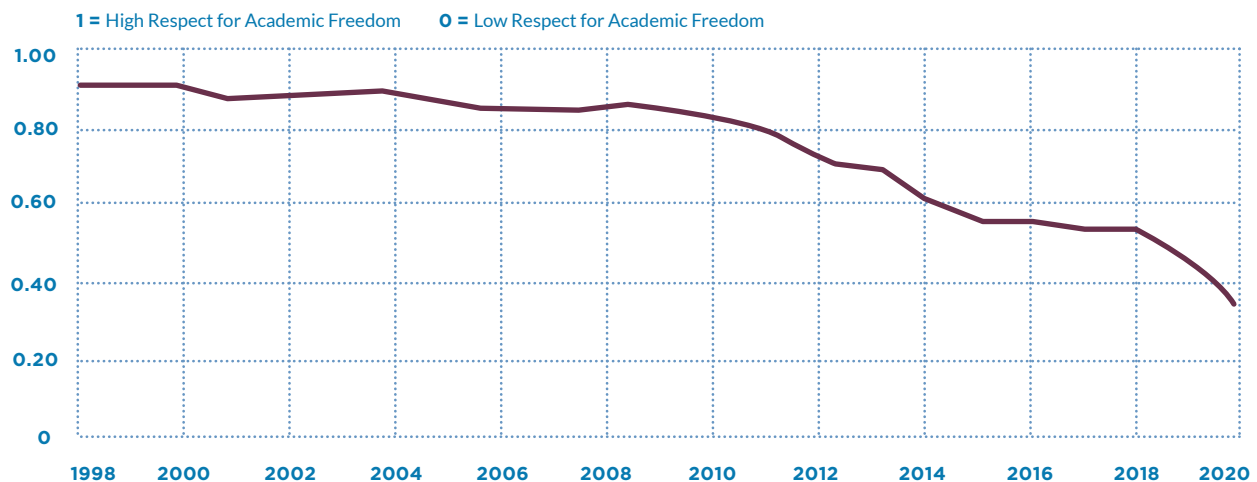
Although most prosecutions of scholars and students under the NSL have not advanced very far, prosecutions of prominent government critics and pro-democracy figures—including, for example, Apple Daily founder Jimmy Lai and barristers Margaret Ng

and Martin Lee, among others—accelerated in 2020 and 2021, suggesting a likelihood of more aggressive use of the NSL or other laws against members of higher education communities who continue to assert their academic freedom and right to freedom of expression.<sup>11</sup>

University administrations used disciplinary measures to punish expression they considered objectionable. Suspensions were ordered for two Hong Kong University of Science and Technology (HKUST) students who helped to organize an on-campus memorial to mark six months since the death of Alex Chow Tsz-lok, a classmate who died during a police intervention at one of the 2019 pro-democracy protests.<sup>12</sup> **Donald Mak Ka-chun**, the president of the student union, and **Lo Kai-ho**, the vice-president of the student union, were suspended for one semester for holding the memorial during the COVID-19 pandemic and allegedly refusing to remove event materials and slogans from campus notice boards and a campus path. Mak responded to the alleged violations by stating that the student union enforced strict social distancing measures at the memorial, including providing temperature checks and hand sanitizer to attendees.

University authorities took actions to cancel campus events they suspected of triggering NSL violations. In February 2021, **HKU** pressured its student union

### ACADEMIC FREEDOM INDEX: HONG KONG



Over the past decade, China’s Central Government has sought to increase its control over the Hong Kong Special Administrative Region, including the region’s higher education community. Hong Kong authorities have prosecuted prominent scholars for views critical of their leadership and of the Central Government, cracked down on student protesters through the use of force, investigations, and arrests, and quickly worked with Beijing to enforce a controversial National Security Law, imposed on the region in 2020, that effectively criminalizes a wide range of expressive activity. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPI), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.



to cancel screenings of *Lost in the Fumes*, a 2016 documentary about HKU graduate Edward Leung, who was imprisoned for his pro-independence activism. According to the *Hong Kong Free Press*, university officials urged the students to cancel viewings of the documentary, scheduled to begin on February 3, 2021, stating in one informal communication that slogans uttered in the documentary would invite “undesirable attention of opposition party and law enforcement agencies” and that the showings would “expose” the student union to “extremely high risk.”<sup>13</sup> Students showed the film despite HKU’s warning. At **HKBU**, administrators ordered the cancellation of an international photo exhibition that featured photos of scenes from the 2019 pro-democracy protests. HKBU cited “campus safety and security, and the need to maintain pandemic control” in its decision to cancel the World Press Photo exhibition, just two days before its opening on March 1.<sup>14</sup> The exhibition was ultimately hosted at an outside institution.

Three of Hong Kong’s leading universities sanctioned their student unions, based on the views and expressions of union members and leadership. On February 25, **CUHK**’s administration took action against its student union, suspending its practice of collecting student union fees on behalf of the union, requiring the union to register as an independent society or company and assume its own legal responsibility, suspending certain members of the union’s executive committee from their ex-officio positions in all CUHK committees, and withholding CUHK’s administrative support to the union’s executive committee and the provision of venues for its activities.<sup>15</sup> The university alleged that members of the union’s cabinet made potentially “unlawful remarks” as candidates, apparently referring to comments about “national security matters,” and made “false allegations against [CUHK].”<sup>16</sup> Days later, cabinet members announced their resignation, saying that they had lost their mandate after withdrawing their election manifesto and citing death threats and harassment they and their family members were subjected to following the university’s announcement. Roughly two months later, on April 28, **HKU** took action against its student union (HKUSU) on similar grounds.<sup>17</sup> Weeks earlier, the HKUSU had issued an open letter to HKU’s president, stating concerns over the mandated national security education and how it was to be implemented. *People’s Daily*, which is backed by the Chinese Communist Party, attacked the students’ letter with an article describing the HKUSU as a “malignant tumour,” and claiming that the union had “discredited” national security education and “reached a point where it has to be controlled

as it has been testing the bottom line crazily.” HKU’s administration moved to “stop collecting membership fees on behalf of the HKUSU, cease providing financial management services for [HKUSU],” and “enforce its management rights over the offices and other facilities currently used by HKUSU.” The administration described the union as “increasingly politicized.” Three months later, on July 13, the university announced that it officially de-recognized HKUSU and commenced an investigation into the union’s council, in response to a declaration the union passed on July 7 that expressed sympathy for a man who killed himself after stabbing a Hong Kong police officer.<sup>18</sup> The union’s leadership apologized, withdrew the declaration, and resigned shortly after facing criticism for its publication.<sup>19</sup> Hong Kong Chief Executive Carrie Lam condemned the union’s declaration and called on the university to take action against the students.<sup>20</sup> Days after the union was de-recognized, police launched an investigation and carried out a search of the union’s offices.<sup>21</sup> Hong Kong’s Police Commissioner later said that the declaration may have violated the NSL.<sup>22</sup> On August 4, the university barred students who attended the July 7 meeting from entering the HKU campus.<sup>23</sup> Police later arrested four HKUSU members under the NSL for attending the meeting.<sup>24</sup> Concerns over political actions against a student union were also raised at **HKBU**, where on July 26 administrators announced that they would no longer collect membership fees on behalf of the union.<sup>25</sup> The decision, announced the same day that NSL education would become mandatory, raised concerns among union leadership that it would seriously hinder its ability to raise funds and attract members. HKBU’s president said that he had always disagreed with the practice of universities collecting membership fees on behalf of unions.<sup>26</sup>

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Hong Kong’s academic freedom reached a new point of vulnerability following Beijing’s imposition of the NSL. The new law and the apparent growing acquiescence of local government officials and higher education leaders to the mainland government, as evidenced by a continuing trend of arrests, prosecutions, and university disciplinary measures intended to punish ideas, risk further eroding Hong Kong’s status as a leading global hub for academic and scientific activity and exchange, isolating the region and its higher education community, to everyone’s detriment.

SAR calls on Hong Kong and mainland Chinese authorities to immediately release scholars, students, and others who have been arrested and are being prosecuted under the NSL and other laws for peaceful,

expressive activity; repeal or, at a minimum, revise the NSL to conform to international standards of academic freedom, freedom of expression, due process, and other fundamental human rights; ensure that university governance and disciplinary proceedings are free of political considerations; and promote the academic freedom and institutional autonomy of Hong Kong's higher education community. SAR further calls on the international higher education community and governments to press Hong Kong and mainland authorities to take the above actions immediately, respect academic freedom and institutional autonomy in the HKSAR, and ensure that all partnerships with counterparts in the region respect academic freedom and institutional autonomy.

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**In India, Scholars at Risk (SAR) reported state authorities frequently cracking down on the higher education sector, including by using force against and detaining students, faculty, and staff participating in peaceful protests on- and off-campus, prosecuting dissident academics under the country's anti-terrorism law, and using regulatory powers to restrict academic freedom. University administrations also took aim at scholars through suspensions and efforts to force resignations.**

India is bound by national and international legal instruments that provide protections for academic freedom. India is a party to international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> India's constitution provides for freedoms of expression, assembly, and association (Article 19), but contains no explicit protection for academic or scientific freedom.<sup>2</sup>

Attacks on higher education in India documented this year fall against the backdrop of a years-long crackdown on dissent under the ruling Hindu-nationalist Bharatiya Janata Party (BJP) and Prime Minister Narendra Modi. This crackdown was heightened during the 2019-2020 reporting period, when students and faculty came under attack for protesting the passage of a controversial and discriminatory citizenship law known as the Citizenship Amendment Act (CAA) and for their criticism of the government more generally. Such repression continued this year, with more students and

scholars facing arrest, prosecution, and disciplinary action. As discussed in *Free to Think 2020*, cuts to internet service in Jammu and Kashmir, which began in August 2019 following the revocation that month of its special administrative status, continued to negatively impact academic activity. A proposal to revise existing guidelines on civil servants' participation in international online events also threatened to restrict scholars' freedom to engage with their peers around the world.

SAR reported detentions, arrests, and the use of force against students, faculty, and staff participating in on- and off-campus protests.<sup>3</sup> On September 5, 2020, for example, police detained more than 100 **Delhi University** faculty and staff peacefully protesting unpaid salaries.<sup>4</sup> Police claimed that the protesting faculty and staff did not have permission to hold the event on campus. Those detained were released later that day. On December 15, a group of students and family members of a prominent former student-activist were detained near the **Jamia Millia Islamia (JMI)** campus during a vigil held to mark one year since a violent police crackdown at JMI,<sup>5</sup> when police raided the campus and beat and detained at least 50 students protesting the CAA.<sup>6</sup> Those detained at the vigil were reportedly taken to an undisclosed location and released hours later. And on February 23, 2021, at least 15 **Dhanamanjuri University** students were injured during a protest demanding the resumption of college classes amid a faculty strike.<sup>7</sup> Police intervened and began firing tear gas at students when the students attempted to exit campus and march towards the State Assembly to continue their protest. Clashes broke out between police and some of the students, leading the former to baton-charge students and discharge more tear gas.

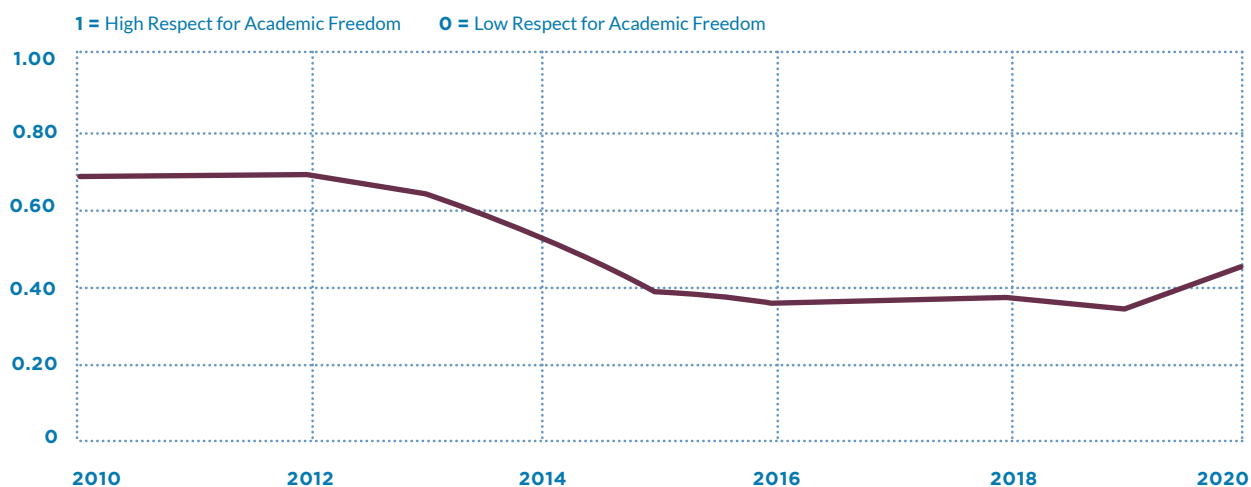
State authorities continue to investigate, prosecute, and scholars and students for their public expression and associations. For example, on November 9, 2020, police opened a criminal investigation into **Shilpa Singh**, a professor of political science at the V.M. Salgaocar College of Law, for Facebook comments about conservative religious practices in India.<sup>8</sup> The police investigation was based on a first information report (FIR) filed by Rajiv Jha, a member of a far-right Hindu-nationalist group, who complained that Singh “pass[ed] derogatory comments on social media mocking Hindu religion, traditions, faith, and beliefs.” Jha posted the FIR to Facebook, which reportedly resulted in frequent harassment and violent threats against Singh, who later publicly stated that comments in her initial post had been taken out of context. About one month after the investigation opened, a court

granted Singh anticipatory bail and ordered her to refrain from “posting any instigating post spreading hatred and enmity between the religions and classes.” A number of scholars and students remain in state custody or under investigation for their expression, views, and associations. These include **Anand Teltumbde**,<sup>9</sup> **Asif Iqbal Tanha**,<sup>10</sup> **Devangana Kalita**,<sup>11</sup> **Gokarakonda Naga (G.N.) Saibaba**,<sup>12</sup> **Hany Babu**,<sup>13</sup> **Meeran Haider**,<sup>14</sup> **Natasha Narwal**,<sup>15</sup> **Rona Wilson**,<sup>16</sup> **Safoora Zargar**,<sup>17</sup> **Sharjeel Imam**,<sup>18</sup> **Shoma Sen**,<sup>19</sup> and **Varavara Rao**.<sup>20</sup> Most of these scholars and students have been accused of violating the Unlawful Activities (Prevention) Act (UAPA), a law purportedly intended to prevent acts of terrorism and other national security threats, but that has frequently been used to punish and silence human rights activists, political opposition, and other expression or activities the government finds displeasing. Babu, Rao, Sen, Teltumbde, and Wilson were jailed under the UAPA based on allegations that they instigated violent clashes at the 2018 Bhima Koregaon memorial, which commemorated an 1818 battle in which Dalit soldiers of the British army fought upper-caste Hindus. Evidence used to support the allegations has been called into question for its veracity and relevance; it reportedly includes files that were planted on one defendant’s computer. The scholars implicated in the case are known for their human rights and anti-caste activism. At the close of this reporting period, Kalita, Narwal, Tanha, and Zargar—students

arrested for their peaceful activism against the CAA—were out on bail but continued to face charges.

Higher education institutions retaliated against scholars through suspensions and other pressures. On January 7, 2021, Visva-Bharati University (VBU) suspended economics professor **Sudipta Bhattacharyya**, in apparent retaliation for his expression critical of a hiring decision at VBU and his inquiry into a conversation the vice-chancellor claimed to have had with the renowned economist Amartya Sen.<sup>21</sup> The university said that Bhattacharyya “ma[de] derogatory remarks” and “circulat[ed] a complaint against a colleague.”<sup>22</sup> News of the suspension order prompted student protests and a petition signed by more than 500 academics. On May 17, the Central University of Kerala (CUK) suspended **Gilbert Sebastian**, an assistant professor in the Department of International Relations, for describing the Rashtriya Swayamsevak Sangh (RSS), a Hindu-nationalist organization connected to India’s ruling party, as a “proto-fascist” group.<sup>23</sup> Sebastian allegedly said this during a virtual session of a course he teaches on “fascism and Nazism,” during which he also allegedly referred to other political figures and governments that could be considered examples of proto-fascists, including the Spanish general Francisco Franco and the apartheid government of South Africa. Members of a student wing of the RSS, known as the Akhil Bharatiya Vidyarthi Parishad, complained to the

## ACADEMIC FREEDOM INDEX: INDIA



India has experienced a significant drop in national respect for academic freedom since 2014. That year, Narendra Modi came to power as prime minister and the Bharatiya Janata Party (BJP) took control of India’s Parliament. State and higher education actors have used arrests, prosecutions, dismissals, and other coercive means to punish and silence scholars and students whose academic work, views, or associations the government finds displeasing. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPI), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

university about Sebastian's remarks. At Ashoka University, a vice-chancellor's sudden resignation raised serious concerns over scholars' ability to think freely. **Pratap Bhanu Mehta**, a political scientist and the vice-chancellor of Ashoka University from 2017 to 2019, wrote in a resignation that he was considered by the university's founders to be a "political liability," apparently due to his writings, saying "My public writing in support of a politics that tries to honour constitutional values of freedom and equal respect for all citizens is perceived to carry risks for the university."<sup>24</sup> Protests and international outcry followed news of his resignation.<sup>25</sup> One of Mehta's close friends and a colleague at Ashoka, economist **Arvind Subramanian**, resigned in protest two days later, citing a shrinking space for academic freedom.<sup>26</sup>

During this reporting period, Indian authorities used regulatory powers to restrict academic exchange. On January 15, 2021, India's Ministry of Education (MoE), in consultation with the Ministry of External Affairs (MEA), announced guidelines for how publicly funded higher education institutions and their members hold online virtual conferences, seminars, and trainings.<sup>27</sup> According to the guidelines, state institutions, including public universities, organizing any international online event must seek the advance approval of the MEA, which is instructed to ensure that the event's subject matter "is not related to security of State, Border, North East States, [the Union Territory] of [Jammu and Kashmir], Ladakh or any other issues which are clearly/purely related to India's internal matter/s." The guidelines called for "appropriate level of scrutiny to be exercised to identify the nature and sensitivity of data / contents of presentations / information to be shared by the Indian delegation" and required the MEA's advance approval of event participants. Given the dependence of scholars, students, and their institutions on virtual meeting platforms due to the ongoing COVID-19 pandemic, members of the academic community raised concerns that the guidelines would severely hamper international academic exchange.<sup>28</sup> On February 25, the government announced that the new guidelines no longer applied to the higher education sector.<sup>29</sup> At the same time, however, existing guidelines from 2008 continue to require clearance from the MEA in the organizing of non-virtual international academic events, including "all events related to security of State, Border, North East States, [Jammu and Kashmir] or any other issues which are clearly/purely related to India's internal matters;" "events having foreign funding and sponsorship;" and "events involving sensitive subjects (political, scientific, technical, commercial, personal) with provisions for sharing of data in any form."

As described in *Free to Think 2020*, scholars, students, and society generally in Jammu and Kashmir continued to suffer from state-ordered restrictions on telecommunications that significantly impeded academic activity. Drastic cuts to internet service, along with a heightened security lockdown, were imposed on Jammu and Kashmir in August 2019 after India's Parliament voted to revoke the region's special status, which had offered some limited autonomy. Scholars and students had lodged complaints that they were unable to access research and learning materials, to submit academic works, register for academic programs, or apply for scholarships.<sup>30</sup> Internet speed was intermittently increased and throttled back over the course of the year. By February 2021, state authorities announced that internet connectivity would be fully restored.<sup>31</sup> Concerns have also been raised about scholars' and students' ability to research and discuss Jammu and Kashmir, a sensitive topic in India. In June 2021, officials at the **Tata Institute of Social Sciences (TISS)** launched an inquiry when social media users expressed outrage over a screenshot of a master's student's dissertation which referred to "India Occupied Kashmir" in the title.<sup>32</sup> TISS issued a statement in response to the backlash saying that the institute "does not endorse the title" and that "Necessary action has been initiated for fact finding."<sup>33</sup>

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SAR remains deeply concerned about actions taken and policies enforced by the Indian authorities that undermine academic freedom and institutional autonomy. Such actions and policies jeopardize the conditions India's higher education communities require for quality research, teaching, and discourse. Imprisoning and taking disciplinary actions against scholars and students for their ideas and restricting the academic activity of entire communities of scholars and students have a chilling effect on the sector's ability to understand and seek to resolve problems of the day. Ultimately, they deny everyone—in and outside India—the scientific, cultural, political, and economic benefits of a strong, healthy state of academic freedom.

SAR calls on Indian state authorities to safeguard and promote academic freedom, including by releasing and dropping prosecutions of scholars and students based on nonviolent academic or expressive activity and alleged associations; repealing the Unlawful Activities (Prevention) Act and similar legislation, or revising the same in order to ensure compliance with obligations under its constitution and international human rights law; removing existing restrictions and refraining from future restrictions on international academic



conferences, meetings, and other forms of scholarly exchange; and ensuring the autonomy and functioning of higher education institutions in Jammu and Kashmir, including by maintaining access to high-speed internet. SAR further calls on the higher education communities in and outside India, as well as international governments, to press Indian state authorities to take the above steps.

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# Israel and the Occupied Palestinian Territory

**In Israel and the Occupied Palestinian Territory (OPT), Scholars at Risk (SAR) reported the disastrous impact of armed conflict on higher education communities, clashes during campus protests, arbitrary arrests of Palestinian student-activists by the Israel Defense Forces (IDF), and the continuation of systematic restrictions on academic travel imposed by the Israeli government.**

The Israeli government is bound by domestic law and international legal instruments that provide protections for academic freedom and higher education generally, including the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Israel lacks a formal constitution and does not explicitly provide for academic freedom or freedom of expression in its Basic Laws, though Israel’s Supreme Court has interpreted the Basic Law: Human Dignity and Liberty as including freedom of expression and has

advanced some protections for the same through case law.<sup>2</sup> Israel’s occupation of the Palestinian territories of Gaza and the West Bank and the intensified armed conflict that occurred during this reporting period warrant reminders that all parties, including occupying forces and armed groups, have obligations to safeguard the right to education and to take all reasonable measures to protect higher education communities from attack and the effects of armed conflict, including the destruction and/or military use or occupation of higher education facilities.\* To that end, Israel has not yet endorsed the Safe Schools Declaration, “an inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.”<sup>3</sup>

During this reporting period, SAR noted a continuation of attacks and broad pressures on the Palestinian higher education community. These included reports of Israeli forces arresting and detaining Palestinian students in connection with their affiliations with campus student groups, and the maintenance of Israeli-imposed restrictions on movement in and out of the OPT that severely hinder scholars and students’ enjoyment of the right to education and academic freedom. Weeks of intense, armed conflict between Israeli forces, Hamas, and other armed groups in May 2021 were particularly damaging for higher education communities in the OPT.

On May 10, 2021, fighting broke out between Israeli forces and Palestinian militant groups, notably Hamas, following weeks of heightened tensions in East Jerusalem. In the lead-up to the fighting, Israeli forces raided the al-Aqsa mosque, considered one of the holiest sites in Islam. Tensions also stemmed from Israeli settlers’ efforts to evict Palestinian residents in East Jerusalem’s Sheikh Jarrah neighborhood. The evictions prompted protests at the **Hebrew University of Jerusalem** and **Ben-Gurion University of the Negev**, which were marked by clashes between opposing student groups and police.<sup>4</sup>

Ground fighting and volleys of airstrikes and rocket fire between Israeli forces and militant groups in the OPT resulted in a significant number of casualties. By the

\* The Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War states in Article 94 that “[t]he Detaining Power shall encourage intellectual, educational and recreational pursuits” and that “[i]t shall take all practicable measures to ensure the exercise thereof, in particular by providing suitable premises. All possible facilities shall be granted to internees to continue their studies or to take up new subjects. The education of children and young people shall be ensured; they shall be allowed to attend schools either within the place of internment or outside.” And whereby higher education institutions are considered civilian objects, Article 58 of Additional Protocol 1 of the Fourth Geneva Convention relative to the Protection of Victims of International Armed Conflicts states that parties to a conflict “shall, to the maximum extent feasible[...], endeavor to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives; avoid locating military objectives within or near densely populated areas; [and] take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.” For further reading, see Global Coalition to Protect Education from Attack, *Lessons in War 2015: Military Use of Schools and Universities during Armed Conflict* (2015), [http://protectingeducation.org/wp-content/uploads/documents/documents\\_lessons\\_in\\_war\\_2015.pdf](http://protectingeducation.org/wp-content/uploads/documents/documents_lessons_in_war_2015.pdf).

time a ceasefire was agreed to on May 21, the UN Office for the Coordination of Humanitarian Affairs reported 253 Palestinians killed and over 1,900 injured, and 12 Israelis and foreign nationals killed and 710 injured.<sup>5</sup> A Palestinian professor protesting the evictions in Sheikh Jarrah and a student protesting the Israeli military actions were among those killed and injured.<sup>6</sup>

The conflict also had a considerable impact on the security and functioning of Palestinian higher education institutions. In Gaza, universities were forced to temporarily suspend academic activities due to the fighting.<sup>7</sup> In one incident, on May 18, an Israeli airstrike targeted and destroyed a seven-story building containing educational facilities used by and affiliated with the **Islamic University of Gaza**.<sup>8</sup> Israeli forces reportedly ordered tenants to evacuate the Kahil Building shortly before the airstrike. Sources did not indicate the basis for targeting the building, including whether any military targets were housed within it. Facilities affiliated with **Al-Aqsa University** were also damaged by airstrikes into Gaza, and the use of tear gas canisters and sound bombs resulted in a fire that destroyed a building on the campus of **Al-Quds University**, according to a report by *Al-Fanar Media*.<sup>9</sup>

Arrests and imprisonments of Palestinian student activists by Israeli forces continued, as in previous reporting periods. In many cases, authorities detained and prosecuted students for their affiliation with on-campus organizations, including student councils, which often serve as crucial venues for young Palestinians to voice concerns and opinions on politics and other important matters. For students at **Birzeit University**, the risk of arrest and prosecution for such affiliations has been especially intense. On October 21, 2020, the Israel Defense Forces (IDF) classified the Democratic Progressive Student Pole (DPSP), the campus student wing of the Popular Front for the Liberation of Palestine, as an “unlawful association.”<sup>10</sup> The IDF’s announcement raised concerns that the decision would further threaten student expression and enable IDF to carry out more arbitrary raids and arrests of students in the West Bank.<sup>11</sup>

On December 23, 2020, the Israeli Ofer Military Court convicted and sentenced Birzeit University student **Elia Abu Hijleh** to 11 months’ imprisonment on charges of belonging to a “prohibited student group.”<sup>12</sup> The IDF had arrested Hijleh in a July 1 raid on her home in Ramallah. During this reporting period, two more Birzeit students who were being held on similar charges—**Ruba Assi** and **Layan Kayed**—were sentenced to 16–18 months’ imprisonment and fines ranging from \$900–1,300 USD.<sup>13</sup>

On July 7, the IDF detained **Layan Nasir**, a nutrition student at Birzeit, based on her alleged membership in a prohibited student organization.<sup>14</sup> IDF forces raided Nasir’s family home, detained her, and brought her to the Ofer Military Camp, where they interrogated her before taking her to Damon Prison on July 14. On August 26, Nasir was released on 24,000 ILS bail (roughly \$7,500 USD).

On July 14, the IDF detained at least 30 Birzeit students returning from a visit to the family of Muntaser Shalabi, a US-Palestinian national detained and accused of killing an Israeli citizen in May 2020.<sup>15</sup> The students visited Shalabi’s family following the demolition of his home by Israeli forces. The IDF had stopped a bus carrying the students in a village near Ramallah, blindfolded them, and took them to an unknown location. The IDF released at least 10 of the students on July 14 and 15, while 14 students were brought to two separate detention facilities. As of the end of this reporting period, the 14 students remained in Israeli custody without having had a court hearing. The IDF accused the students of being part of a Hamas student organization.

As of August 2021, the Right to Education Campaign, a group established at **Birzeit University**, reported that 58 of its students were arrested by Israeli forces between September 2020 and July 2021 and that 80 students, including students detained prior to September 2020, remained in Israeli detention facilities.<sup>16</sup> Beyond Birzeit University, the Middle East Studies Association’s (MESA) Committee on Academic Freedom has reported that Israeli authorities continue to detain more than 300 Palestinian students.<sup>17</sup>

Israeli state authorities continue to impose on scholars and students an array of policies that restrict their movement in and out of the OPT. These include longstanding restrictions, such as checkpoints and travel permits imposed on all Palestinians, as well as targeted pressures that directly impact the international academic community.

For example, as reported in years past, Israeli authorities have obstructed international scholars’ travel to the West Bank by denying visa renewal requests, despite their holding long-term university appointments and not posing a credible security risk, and through severe administrative hurdles, including fluctuating visa documentation requirements, restrictions on movement within the West Bank, demands for financial bonds of up to 80,000 ILS (roughly \$25,000 USD), and a lack of transparency regarding the application of visa-related rules.<sup>18</sup> These restrictions prevented international scholars from



taking up or resuming appointments at universities in the West Bank, including at Birzeit University, which reported a third of its international faculty missing from campus by the start of the 2019-2020 academic year due to visa-related difficulties.<sup>19</sup> By the start of the 2021 academic year, a Birzeit contact reported that two international faculty were denied entry and that some international faculty were forced to leave the OPT due to nonrenewal of their visas.<sup>20</sup>

International scholars and students may also be barred entry to Israel, and by extension the Palestinian territories, under a law enacted by the Knesset, Israel's legislature, in 2017. The legislation, which amended the Entry into Israel Law, gives the Ministry of the Interior discretion to deny entry to any non-citizen or non-permanent resident "who knowingly issues a public call for boycotting Israel that, given the content of the call and the circumstances in which it was issued, has a reasonable possibility of leading to the imposition of a boycott—if the issuer was aware of this possibility."<sup>21</sup> In October 2018, a student from the United States was denied entry to Israel, where she was to complete her graduate studies, based on accusations that she was involved in boycott-related activities; the Supreme Court later reversed the ban on her entry, permitting her to commence her studies.<sup>22</sup>

For Palestinian scholars and students in the West Bank, East Jerusalem, and Gaza, checkpoints, roadblocks, the separation wall, and the opaque and lengthy processing of travel permits restrict their travel within the OPT, into Israel, and abroad, constricting their ability to study, teach, research, and exchange ideas with colleagues within and outside the OPT. Israel's border restrictions also impede the importation of equipment, books, and school materials that quality higher education requires.<sup>23</sup>

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Armed conflict, arrests, the use of force against student-activists, and discriminatory restrictions on freedom of movement have taken a drastic toll on scholars' and students' academic freedom and their right to education. For those in the OPT especially, attacks and policies that hinder academic freedom threaten efforts to develop quality higher education and, by consequence, Palestinians' scientific, social, and economic progress. Israeli authorities have a responsibility to ensure safety and security, but they must also endeavor to safeguard and promote academic freedom and quality higher education for *all* students and scholars.

SAR calls on Israeli authorities and all parties to armed conflict to ensure compliance with recognized international human rights law and humanitarian law standards, including those relating to academic freedom, the right to education, freedom of expression, freedom of association, and freedom of assembly. SAR calls on Israeli authorities to take actions to ensure students' and scholars' freedom of movement, to ensure that they obtain greater access to academic institutions within and outside Israel and the OPT. SAR calls on all state and non-state armed forces operating in Israel and the OPT to take measures to ensure security of higher education institutions, to refrain from unlawful entry onto campus, and to ensure that any security-related actions on campus are proportional and necessary, and comply fully with applicable international human rights and humanitarian law standards.

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## Myanmar

**In Myanmar, Scholars at Risk (SAR) reported an intense and prolonged crackdown on the higher education community in connection with a military coup. Military and police forces frequently used violent force, detentions, and prosecutions to restrict and retaliate against students and scholars protesting the coup. Higher education campuses were raided and occupied by military forces in an effort to quash dissent and establish military control over those institutions. Thousands of academics and other higher education personnel were suspended from their positions for protesting the coup.**

Myanmar is bound by national and international legal instruments that provide protections for academic freedom. At the international level, Myanmar has ratified the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Myanmar has not signed the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), an essential component of academic freedom. Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Myanmar’s constitution, which was largely drafted by the military, provides that “every citizen, in accordance with the educational policy laid down by the Union: (a) has the right to education [...] [and] (c) have [sic] the right to conduct scientific research, explore science, work with creativity and write to develop the arts and conduct research...” (Article 366 (a) and (c)),<sup>2</sup> while provisions

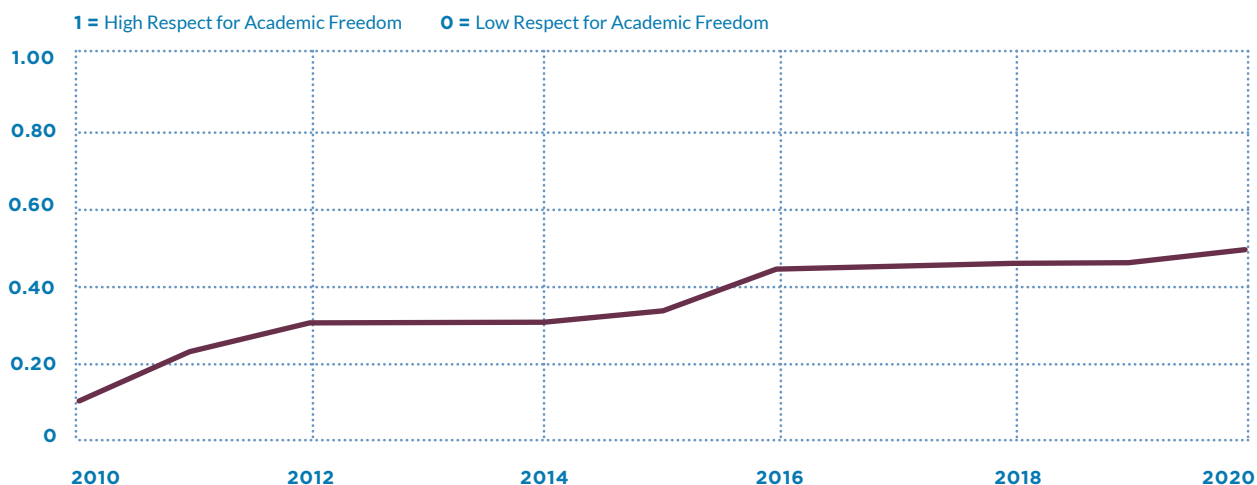
for freedoms of expression, association, and assembly have considerable limitations.<sup>3</sup> Considering the military coup and ongoing armed conflict in the country, it warrants noting here that Myanmar has not endorsed the Safe Schools Declaration, an “inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.”<sup>4</sup>

Respect for academic freedom in Myanmar began to improve following the restoration of civilian rule around 2011.<sup>\*</sup> That progress has been jeopardized by a February 1, 2021 coup, in which the military, which controlled the country from 1961 to 2011, rejected the results of a November 2020 election awarding the vast majority of seats in parliament to the National League for Democracy (NLD), led by Myanmar’s State Counsellor Aung San Suu Kyi. Rather than turn over power, they arrested Suu Kyi and top members of her party, as well as **Sean Turnell**, an Australian economist and academic who advised Suu Kyi.<sup>5</sup> The military announced that it would run the country for the next year. Protests, many organized and led by students and academics, erupted around the country, condemning the military coup and demanding a return to a democratic state. Military and police forces were brutal in their efforts to quash the protests and cement their control, detaining thousands, killing hundreds, and injuring many more. Security forces took particular aim at students, scholars, and their higher education institutions, occupying campuses and coercing personnel to report to work under the threat of suspension and dismissal.

Violent force was used by military and police in their efforts to restrict protest activities, leaving more than 1,100 dead,<sup>6</sup> including Yadanabon University student **Ma Kyal Sin**<sup>7</sup> and medical student **Khant Nyar Hein**,<sup>8</sup> both shot during protests. More than 8,500 people, including university students and faculty, have been detained and arrested for their participation in the protests and a civil disobedience movement (CDM) that called for general strikes.<sup>9</sup> Three days after the coup began, police carried out arrests at the **University of Medicine**, in Mandalay, where students and other activists protested outside the campus gates, holding signs and chanting slogans against the coup.<sup>10</sup> Police fired rubber bullets at and beat students protesting in front of the **Mawlamyine University** campus.<sup>11</sup> Police ordered them to disperse, fired “warning shots” in the air, and then charged at the protesters. At least 14 were arrested and one student was reported injured by

\* According to the Academic Freedom Index (AFI), respect for academic freedom in Myanmar grew from a score of 0.04 (the lowest tier), in 2009, to 0.49 (the middle tier), in 2020. More information about the AFI can be found here: [https://www.gppi.net/media/KinzelbachEtAl\\_2021\\_Free\\_Universities\\_AFI-2020.pdf](https://www.gppi.net/media/KinzelbachEtAl_2021_Free_Universities_AFI-2020.pdf).

## ACADEMIC FREEDOM INDEX: MYANMAR



In Myanmar, respect for academic freedom began to improve following the restoration of civilian rule around 2011. That progress is at risk of reversal since a military coup on February 1, 2021 that was followed by armed raids and occupations of universities, killings of student protesters, and mass suspensions of protesting academic personnel. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

a rubber bullet. On March 2, 2021, plainclothes state security forces abducted **Arkar Moe Thu**, a professor in the Oriental Studies Department of the University of Yangon who organized educators as part of the CDM.<sup>12</sup> Arkar Moe Thu was detained at gunpoint near campus, just as university personnel gathered for a protest. Like a growing number of activists, he was reportedly charged under section 505 (a) of the penal code (now section 505 (b)): “Whoever makes, publishes or circulates any statement, rumour or report – with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such.” Within months of the coup, the military amended the penal code in ways that legal experts assessed would enhance the power to arbitrarily detain and prosecute activists, including students and scholars, for nonviolent dissent.\* On April 21, police and soldiers arrested **Myo Htet Naing Linn**, interim chair of the student union at Myitkyina University, during an early morning raid on his family’s home.<sup>13</sup> On May 21, soldiers and police arrested **Nilar Myint**, an assistant lecturer at Hinthada Technological University, as part of its crackdown on anti-coup protests.<sup>14</sup> Nilar

Myint was among faculty at many universities across the country who were suspended for participating in protests and acts of civil disobedience. One source reported that more than 70 faculty members at Hinthada had been suspended.<sup>15</sup>

While the vast majority of incidents involving the use of force and arrests occurred following the coup, it bears mentioning here the arrests of students carried out months earlier. (Student groups have for many years played an especially important role in political movements in Myanmar, including the 1988 Uprising.) In September 2020, police arrested 14 university students, many of whom are members of the **All Burma Federation of Student Unions (ABSFU)**, for protesting armed conflict in Myanmar’s Rakhine state.<sup>16</sup> At least six of the students were reportedly arrested for allegedly distributing leaflets and other print materials containing anti-war and pro-democracy slogans. At the time the arrests were reported, ABSFU claimed that as many as 30 other students went into hiding to avoid arrest. Months later, on January 5, police arrested another ABFSU member, **Phone Myint Kyaw**, in Aung May That San township.<sup>17</sup>

\* According to analysis by the Centre for Law and Democracy, under the revised penal code, Section 505(a) now makes it a crime “to make statements which undermine the motivation, discipline, health or conduct of military personnel or government employees or which bring their conduct into hatred or disloyalty.” Additionally, a new provision introduced to the penal code (section 505A) makes it a criminal offence to “cause fear among the public,” “spread false news, knowing or believing that it is untrue,” and committing or agitating for the commission or a criminal offence against a government employee, whether directly or indirectly.” See Centre for Law and Democracy, “Myanmar: Analysis of the Military’s Changes to the Penal Code,” May 10, 2021, <https://www.law-democracy.org/live/myanmar-analysis-of-the-militarys-changes-to-the-penal-code/>.



Since early on in the coup, military forces raided and took control of a number of higher education campuses, in apparent efforts to stop anti-coup activism and to assert control over those facilities, including to use them for military purposes. On February 14, as many as 20 soldiers raided the **Myanmar Aerospace Engineering University**.<sup>18</sup> A student who witnessed the raid reported that soldiers threatened faculty and staff who confronted them, saying that they should “behave intelligently” and not do anything to harm the military’s reputation. On March 7, at **Mandalay Technological University**, soldiers demanded faculty and staff turn over the campus for the military to use as a base.<sup>19</sup> When personnel refused to comply, more soldiers arrived and fired tear gas and rubber bullets to force their entry. That same day, police and soldiers raided **Monywa University**, where university personnel and locals had been protesting the coup.<sup>20</sup> The Armed Conflict Location and Event Data Project has collected reports of military forces raiding and/or occupying the campuses of at least seven more universities in early March, including **Yandanabon University**, **Mawlamyine University**, **Kyaukse University**, **Tawma University**, **Hakha University**, **Yenangyaung University**, and **Pakokku University**.<sup>21</sup>

Mass suspensions were also used by the military to punish anti-coup protesters and further exert control over higher education institutions. On May 11, *Reuters* reported that more than 11,000 higher education faculty and staff were suspended, according to information provided by the Myanmar Teachers’ Federation. By May 23, that number reached nearly 20,000.<sup>22</sup> The suspensions targeted personnel who participated in a nationwide strike, part of the CDM. In the weeks ahead of the *Reuters* report, the military ordered faculty, staff, and students to return to campuses around the country for in-person learning, after more than a year of class suspensions and some remote learning due to the COVID-19 pandemic.<sup>23</sup> The military commanded university administrators to provide lists of faculty who were reported absent from their duties on May 3.<sup>24</sup> Faculty and staff were further ordered to end their participation in the CDM and to sign a pledge committing to refraining from future participation in the CDM.<sup>25</sup>

Overseas scholars and students from Myanmar were also targeted by the military-controlled government. In Australia, for example, staff from Myanmar’s embassy in Canberra reportedly issued letters to Myanmar government employees studying on Australian-funded scholarships, demanding that they pledge loyalty and promise not to participate in the CDM (as was asked

of faculty back in Myanmar) or “incite anyone to participate.”<sup>26</sup> Failure to reply to this request or giving false information would result in “punishment under existing laws and rules,” according to the *Australian Broadcasting Corporation*, which obtained a copy of the letter.<sup>27</sup> SAR understands from scholars supporting colleagues in Myanmar that the government has taken disciplinary actions against overseas civil servants enrolled in PhD programs who have expressed support for the CDM, in some cases ordering them to return to Myanmar or ordering the revocation of their government scholarships.

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The use of force, arrests, mass suspensions and dismissals, campus raids and occupations, and other coercive legal actions by the military and police against students and scholars represent a resounding attack on the human rights, academic freedom, and institutional autonomy of Myanmar’s higher education community. University students, faculty, and staff, like all people in Myanmar, have the right to peacefully express themselves, including through assemblies and associations, and must be able to exercise such rights without fear of violent or career-ending retribution.

SAR calls on military and police forces in Myanmar to immediately refrain from the use of force, detentions, and arrests against protesters; refrain from raiding and occupying educational facilities and other civilian structures; and remove military and police forces currently occupying the same facilities and structures. SAR urges the military to swiftly restore democratic, civilian-led government and rule of law in Myanmar, and protect and promote human rights, including academic freedom, and other conditions needed for quality higher education and the free exchange of ideas. SAR further calls on international government and higher education leaders to support Myanmar’s higher education community by pressing Myanmar’s military to take the above actions, including through appropriate sanctions, and to take all available action to assist at-risk scholars and students, including through temporary hosting arrangements and government support for the same.

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## Nigeria

**In Nigeria, Scholars at Risk (SAR) reported non-state actors carrying out attacks and raids on higher education institutions. Student expression was also threatened by police using force against peaceful student protests and suspensions targeting students' social media activity.**

Nigeria is bound by national and international legal instruments protecting academic freedom. Nigeria is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Nigeria’s constitution also contains provisions that support academic freedom and related rights relevant to incidents reported here, including explicit protections for the right to education (Article 38), freedom of opinion and expression (Article 39), and freedom of assembly (Article 40).<sup>2</sup> In March 2019, Nigeria endorsed the Safe Schools Declaration, an “inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict.”<sup>3</sup>

Over the past year, Nigeria saw an intense surge in attacks and abductions targeting education institutions, particularly in the country’s northern region. Attacks had been prevalent in the region in recent years, especially at the **University of Maiduguri**, where SAR has reported eight attacks since 2017. Boko Haram, a terrorist organization based in northern Nigeria, claimed responsibility for a number of those attacks. Armed criminal groups seeking ransom appear to be responsible for many of the recent attacks and kidnappings. Roughly 1,000 students and staff from primary to higher education institutions have been abducted since December 2020.<sup>4</sup> Education facilities

have often been shuttered as a preventative measure, while the government has struggled to prevent additional incidents. Amidst the heightened insecurity posed by attacks and abductions, increasing university tuition fees at some institutions regularly prompted protests by students.

In March 2021, SAR began reporting armed groups carrying out violent attacks and raids at higher education institutions in the northern region of Nigeria. More than 90 higher education students and personnel were abducted and at least 11 people were killed in connection with these incidents. On March 10, 2021, a group of five gunmen stormed the **National Institute of Construction Technology**, situated in Uromi, and abducted a student and staff member.<sup>5</sup> Security forces were able to secure their release six days later after tracking them to a forest. One day after the raid in Uromi, gunmen attacked the **Federal College of Forestry Mechanisation** and abducted 39 students and staff members.<sup>6</sup> The gunmen had breached the college’s perimeter at roughly 11:30 PM and began opening fire. The abducted students and staff were released by May 5. On April 20, an armed raid on the **Greenfield University** campus resulted in 20 students kidnapped and an employee killed.<sup>7</sup> Five of the abducted students were reported dead on April 26. The remaining students were released by May 30 after a ransom was paid to their captors.<sup>8</sup> On May 30, gunmen raided **Taraba State University** and kidnapped Umar Buba, head of the university’s Faculty of Agriculture and a former dean of student affairs. He was released on June 3.<sup>9</sup> On July 11, gunmen raided **Zamfara College of Agriculture and Animal Sciences (ZCAAS)** and kidnapped the provost, Habibu Bukullu.<sup>10</sup> The gunmen released him days later, though it is unclear whether a ransom was paid. The next month, on August 16, a group of unidentified gunmen again raided **ZCAAS**, killing a police officer and two campus security guards, and kidnapping 15 students and 4 staff members.<sup>11</sup> The students were reportedly released on August 27. It is unclear whether the staff members were also released.

Over the past year, SAR has also reported attacks on student expression in Nigeria. These have included the use of violent force and arrests by state security forces during student protests, as well as disciplinary measures by university administrators. On November 4, 2020, Ignatius Ajuru University of Education summarily suspended two students, **Chibuzor Remmy** and **Sunday Idongesit Okpokpo**, for alleged social media posts calling on classmates to protest issues relating to access to banking on campus and calling for

the cancellation of examinations and a matriculation ceremony.<sup>12</sup> The university lifted the suspensions after a lawyer representing one of the students denounced the disciplinary action during a radio appearance. On December 16, police fired tear gas at students from the **Sa'adatu Rimi College of Education** peacefully protesting a sudden closure of the university following a reported uptick in COVID-19 cases and abductions of secondary school students by Boko Haram.<sup>13</sup> The students had been turned away from the college by security guards, who also used tear gas against them. Tear gas was also deployed on February 1, 2021, when unidentified state security forces attempted to disperse a group of **University of Abuja** students peacefully protesting a reported 100 percent increase in tuition fees.<sup>14</sup> The students, who were protesting along an expressway near the campus, were also reportedly beaten with batons. At **Kaduna State College of Education**, on June 28, 2021, state security forces clashed with students protesting against school tuition fee increases.<sup>15</sup> Two students were reportedly struck by stray bullets from security forces and died from their injuries. College officials suspended academic activities following the clashes.

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Violent attacks, raids on campuses, and abductions of students and staff, the use of force by police and other security forces against student protesters, and disciplinary measures intended to punish nonviolent student expression undermine the right to education and academic freedom, as well as institutional autonomy and the peaceful exchange of ideas. Such attacks violate higher education's core values and constrain the sector's ability to serve society.

SAR calls on state authorities in Nigeria to take all available steps to respond to and prevent raids and violent attacks on campuses, including by securing the safe return of missing students and staff and holding perpetrators accountable. SAR also calls on state and higher education authorities to respect and promote academic freedom and institutional autonomy, including by refraining from the use of force or disciplinary measures against nonviolent student expression.

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# Pakistan

**In Pakistan, Scholars at Risk (SAR) reported state security forces' use of violent force against and arrests of students participating in protest activities, and efforts to shut down university events, while the country's blasphemy law continues to threaten academic freedom.**

Pakistan is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Pakistan is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> While Pakistan's constitution does not provide any explicit protection for academic freedom, it provides that the state shall “make technical and professional education generally available and higher education equally accessible to all on the basis of merit” (Article 37(c)).<sup>2</sup> Pakistan's constitution provides protections for freedoms of expression (Article 19), assembly (Article 16), and association (Article 17), albeit with vague and concerning caveats.\*

During this reporting period, SAR documented police and security guards using violent force and arresting students, faculty, and staff during on- and off-campus protests. Students protested in response to decisions by higher education officials to hold in-person exams amidst the COVID-19 pandemic, but also policies relating to foreign degree recognition, tuition fees, and higher education spending.

Outside the **Pakistan Medical Commission (PMC)**, on January 6, 2021, police used batons and water cannons against medical school students and recent graduates protesting the PMC's decision to refuse to recognize medical school diplomas issued by 21 universities in Kyrgyzstan and Uzbekistan.<sup>3</sup> Protesters rallied outside the PMC building in Islamabad, but then moved on to a major highway, bringing traffic to a halt. When some of the protesters allegedly threw stones at police who arrived on the scene to order their dispersal, police charged with batons and fired water cannons. An unspecified number of protesters, including a leader of the Foreign Medical Graduates group, were arrested and released later that day.

In Lahore, police beat and arrested students from the **University of Management and Technology** during a demonstration protesting the education minister's announcement that all university exams would be held on campus.<sup>4</sup> Classes were held virtually prior to the announcement. When the Progressive Students' Collective (PSC), a left-wing student group, protested the announcement just outside UMT, police intervened and beat student protesters with batons, leaving several hospitalized, including PSC's president, Zubair Siddiqui. He was also arrested for his participation in the protest.

The next day, at the **University of Central Punjab**, also in Lahore, security guards clashed violently with students protesting the in-person examination announcement.<sup>5</sup> Hundreds of students staged a sit-in outside the university gates, which security guards kept closed, and asked to meet with the university administration regarding the examinations. Tensions grew when a subset of protesters kicked and threw stones at the gate. At one point, the gates opened and security guards charged with batons and beat students back, while some students reportedly threw stones in return. At least 36 students were detained by the police at the protest site; more students were arrested in the subsequent days.

At the **University of Peshawar (UoP)**, on June 1, police fired tear gas and used batons against faculty and staff during a demonstration at the University of Peshawar (UoP).<sup>6</sup> Faculty and staff from multiple universities held a protest at UoP to demand the establishment of provincial higher education commissions, the reversal of a reduction in salaries for employees, an increased

\* According to Article 19 of Pakistan's Constitution, “Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, *subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, commission of or incitement to an offence*” (emphasis added). Article 17 provides that, “Every citizen shall have the right to form associations or unions, *subject to any reasonable restrictions imposed by law in the interest of sovereignty or integrity of Pakistan, public order or morality*” (emphasis added). See Constitution of Pakistan (2015), available at [https://www.constituteproject.org/constitution/Pakistan\\_2015.pdf](https://www.constituteproject.org/constitution/Pakistan_2015.pdf).

budget for higher education, and the removal of hikes in student fees. Police reportedly beat the protesters with batons and fired tear gas into the crowd, injuring several. Police also detained eight protesters for allegedly blocking the road.

On July 1, outside the **Higher Education Commission**, police used force against and briefly detained students from several universities protesting in-person exams and demanding the resignation of Pakistan's education minister.<sup>7</sup> Hundreds of students had gathered for the protest, which blocked traffic on a main road. Police reportedly baton-charged students in an effort to remove them from the street. A dozen students were detained and later released.

And at the **Islamia College Peshawar**, on July 7 2021, police fired tear gas and used batons against students protesting an increase in student fees and demanding the replacement of the registrar and treasurer.<sup>8</sup> Students marched through a main road in Peshawar, blocking traffic. Police reportedly fired tear gas and hit students with batons in an apparent attempt to disperse them. At least 12 students were reportedly injured.

University administrators and students took action in two instances to shut down events, apparently based on their substantive focus.

On March 20, 2021, the **Lahore University of Management Sciences (LUMS)** cancelled a five-day online conference commemorating the 50<sup>th</sup> anniversary of the Bangladesh War of Liberation, which led to the secession of East Pakistan to form Bangladesh and left millions dead, injured, and displaced.<sup>9</sup> News of the conference, titled, "War, Violence, and Memory: Commemorating 50 Years of the 1971 War," and cosponsored by the School of Humanities and Social Sciences at LUMS and the National Institute of Pakistan Studies at **Quaid-i-Azam University**, reportedly generated considerable criticism over social media. LUMS did not publicly announce the cancellation, but, according to student journalists at LUMS, the dean's office emailed members of the campus community, stating that the event was cancelled due to "unavoidable circumstances."<sup>10</sup>

At **Punjab University**, on August 26, alleged members of the Islami Jamiat-e-Talaba (IJT), one of the largest student organizations in Pakistan and the student wing of the Islamist political party Jamaat-e-Islami, attacked members of a Progressive Students Collective (PSC) hosting a "study circle" on the Taliban's rise in

Afghanistan.<sup>11</sup> A PSC official told one news outlet, *VoicePK*, that IJT members started threatening his group shortly after the study circle was announced. The alleged IJT members reportedly attempted to stop the study circle, engaging in a verbal altercation with PSC members, and then began beating them with rods and sticks. PSC members allege that campus security guards failed to stop the IJT members from attacking them. At least two PSC members were injured. An IJT spokesperson at Punjab University denied allegations that his group was involved in the attack.

A law criminalizing blasphemy continues to pose a severe threat to scholars and students, among other members of Pakistan's civil society, and their ability to carry out academic work. Section 295-C of the Penal Code carries the death sentence or life imprisonment for anyone who "by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him)."<sup>12</sup> Section 295-C's vague language and absence of an intent element has raised concerns over its potential to punish and deter a wide range of expression.<sup>\*</sup> In April 2017, a mob brutally murdered **Mashal Khan**, a journalism student at Abdul Wali Khan University, based on accusations that he published blasphemous content on a Facebook page.<sup>13</sup> A police investigation found that the rumors of blasphemy were spread to incite violence against him in apparent retaliation for issues he had raised at the university. **Junaid Hafeez**, a graduate student and adjunct lecturer at Bahauddin Zakariya University, remains in prison after being convicted and sentenced to death for blasphemy in December 2019. Authorities arrested Hafeez in 2013 after a student, who was allegedly affiliated with the IJT, circulated a leaflet accusing Hafeez of making blasphemous statements on Facebook.<sup>14</sup> The leaflets prompted students to gather on campus and demand Hafeez's execution. In 2014, gunmen shot and killed Hafeez's lawyer, Rashid Rehman, for agreeing to represent him.<sup>15</sup>

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Attacks on student expression and academic events, arrests of student protesters, and the blasphemy law raise grave concerns over the state of academic freedom in Pakistan. Violence, coercion, and statutes criminalizing nonviolent expressive activity impede the pursuit of truth and the development and exchange of new ideas. Members of Pakistan's higher education community must have academic freedom, institutional

\* For further discussion of blasphemy and academic freedom in Pakistan, see SAR's submission to the Third Cycle of the Universal Periodic Review of Pakistan (2017), at <https://www.scholarsatrisk.org/resources/pakistan-upr-submission-third-cycle/>.

autonomy, and a commitment by state and university officials to uphold the same, in order to carry out their work and provide society the benefits of quality higher education and scholarly exchange.

SAR calls on state authorities in Pakistan to commit to protecting and promoting academic freedom and institutional autonomy, and to refrain from the use of force, arrests, imprisonment, and the death sentence in connection with students' and scholars' nonviolent exercise of the rights to freedom of expression and freedom of assembly. SAR further calls on state authorities to revise Section 295-C of the Penal Code to include an intent requirement, and specific and focused evidentiary and due-process requirements for all blasphemy prosecutions. SAR calls on higher education authorities likewise to protect academic freedom, including by ensuring that faculty and students can inquire and discuss issues of the day without interference. International governments and higher education stakeholders are called on to urge Pakistani counterparts to take the above actions.

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## South Africa

**In South Africa, Scholars at Risk (SAR) reported repeated violent clashes between police, private security forces, and students protesting on- and off-campus over access to higher education.**

South Africa is bound by national and international legal instruments that provide protections for academic freedom. South Africa is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> South Africa’s constitution explicitly recognizes the right to academic freedom (Article 16(1)(d)) and the right to education (Article 21(1)).<sup>2</sup> As it relates to a number of incidents discussed here, South Africa’s constitution also provides for freedoms of expression (Article 16), assembly, picket, and petition (Article 17), and association (Article 18).<sup>3</sup>

Incidents reported during this period centered around student protests over access to higher education. In March 2021, fees protests erupted after the Higher Education Minister announced a massive funding shortfall that would severely impede many students’ ability to commence or resume their studies, especially those who had historical debt. In their protests, students demanded the government increase funding for higher education and cancel historical debts. Protests over the cost of education in South Africa have become a routine fixture since the Fees Must Fall movement of 2015, when students across the country demanded a reduction in tuition fees. During the 2021 protests, clashes frequently broke out between police, private security forces, and students.

Protests and the police response were particularly intense at the **University of Witwatersrand (Wits)**, in

Johannesburg. On March 9, 2021, police used force against students protesting at Wits.<sup>4</sup> Some of the students had reportedly blockaded a road near campus with burning tires. Police reportedly responded by firing rubber bullets to disperse students. Police also arrested one student.

On March 10, police killed a bystander during their response to another protest at Wits.<sup>5</sup> Students peacefully protested on a street just outside the Braamfontein campus gates. Police arrived on the scene, fired rubber bullets, and used stun grenades against the students. In firing rubber bullets, officers struck a bystander, identified as **Mthokozisi Ntumba** (a Wits alumnus), in the chest, killing him. Ntumba had just exited a local medical clinic and was not participating in the protest. Authorities later arrested and charged four police officers with murder.

At the **University of the Free State**, police used stun grenades and beat one student while responding to a campus protest on March 11.<sup>6</sup> Police also arrested 24 students for blocking a road leading to campus.

On March 15, police fired tear gas and water cannons to disperse student protesters in the neighboring area of Wits’s Braamfontein campus.<sup>7</sup> Some of the protesters had reportedly attempted to occupy a nearby highway using burning tires. Police fired a water cannon and launched tear gas in response. Reporters covering the protest on live television reported that, amid the police response, a young woman, apparently a student, was shot in the leg by a rubber bullet, leaving a deep flesh wound. She was later transported to a hospital.

At the **Mangosuthu University of Technology**, on April 7, police fired water cannons at student protesters who attempted to block a highway outside the university gates.<sup>8</sup> Eventually, the protesters retreated behind the campus gates, but police continued to fire water cannons in an apparent effort to remove them from campus. One student was reportedly arrested for public violence.

At **Walter Sisulu University**, administrators announced that the university would be shut down due to violence that broke out amid protests on April 19.<sup>9</sup> Police alleged that students had set fire to a nuala, an armored police vehicle, that officers brought onto campus in their response to the protests. Clashes between students and police resulted in injuries to officers, including one who was hospitalized. A university spokesperson claimed that students looted the cafeteria and set fire to a university bus. One student was arrested for public violence.



Nearly three months later, on July 5, police fired stun grenades to disperse students protesting at the **Central University of Technology**.<sup>10</sup> The students held a vigil the night before to protest allowances provided by the National Student Financial Aid Scheme that had not been disbursed. Some of the students slept outside the campus overnight while others returned the next morning to continue protesting. Police posted to campus reportedly used stun grenades and, according to one student, fired rubber bullets, apparently in an effort to disperse students during the second day of the protest. Police also arrested two students for allegedly breaching COVID-19 regulations.

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SAR is concerned by the use of force by South African police in response to nonviolent student protests. The use of force and arrests to restrict or punish nonviolent student expression undermines academic freedom and other protected human rights, including especially freedom of expression and freedom of assembly. Student expression is a fundamental aspect of quality higher expression and democratically legitimate societies. SAR is also concerned by violence initiated by subsets of student protesters, which threatens the safety of the campus community.

SAR calls on state authorities in South Africa to protect and promote student expression and academic freedom. SAR reminds state authorities that, while police and other state security forces have a responsibility to maintain order and security, they must exercise restraint and ensure that their response is proportionate, does not threaten the safety of students and other civilians, and is not used to restrict or retaliate against nonviolent expressive activity. Likewise, while students have rights to freedom of expression and freedom of assembly, they are reminded to exercise those rights responsibly and refrain from violence.

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# Thailand

**In Thailand, Scholars at Risk (SAR) reported state authorities using arrests, prosecutions, and other actions to punish nonviolent student expression critical of the monarchy and demanding democratic reforms.**

**Scholars and intellectuals also experienced legal pressure for their academic work about the monarchy. Thailand's lèse-majesté law remains a serious threat to academic freedom and other rights of the higher education community.**

Thailand is bound by national and international legal instruments that provide protections for academic freedom. Thailand is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to freedom of expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Thailand's constitution, despite an explicit reference to and protection of academic freedom and freedom of expression, contains significant, concerning limitations.<sup>\*</sup>

Thai authorities continue to punish and apply pressure on scholars, students, and other members of the higher education community. Such attacks and pressures have frequently stemmed from expression and inquiry considered to be critical of the monarchy and, more recently, student-led protests demanding

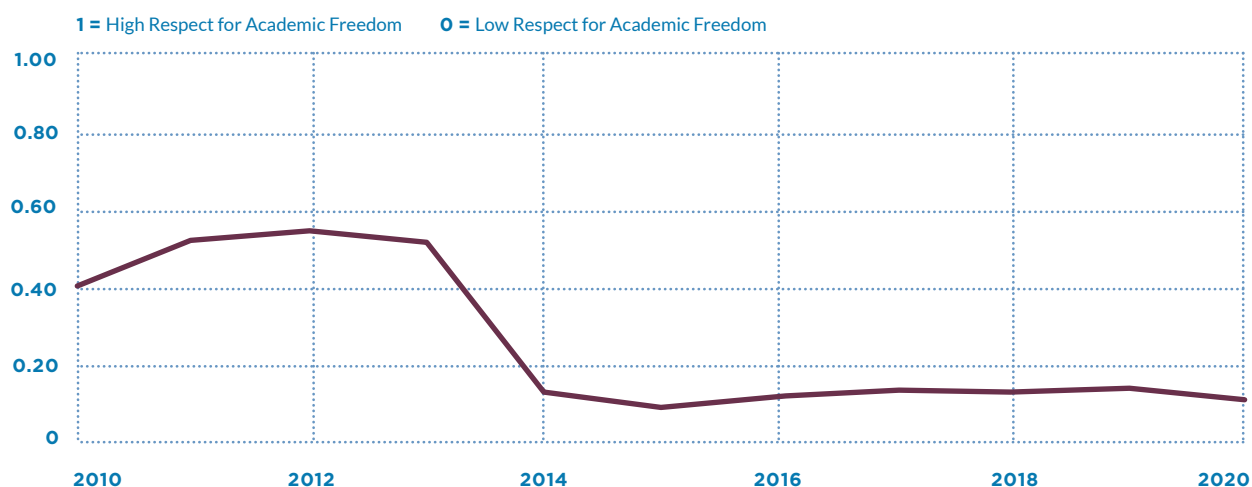
democratic reforms. In July 2020, Thailand's Free Youth Movement, an organization of anti-government student activists, held a “Free Youth” rally that marked the start of a string of nationwide protests demanding democratic reforms, the resignation of Prime Minister Prayut Chan-o-cha and his cabinet, the drafting of a new constitution based on the will of the people, and an end to the repression of critics of the Thai monarchy. By August 2020, a fourth demand—reform of the monarchy—had been added. The government and supporters of the monarchy have used physical and coercive legal force to oppose the student movement. Thailand's lèse-majesté law (Section 112 of the criminal code), which criminalizes insulting and defaming the royal family, has been routinely used against student activists.<sup>†</sup> The law has long been employed to restrict academic inquiry and expression.<sup>2</sup>

Over the past year, Thai authorities summoned, arrested, and prosecuted students for peaceful protest activities, social media, and artistic expression. These actions often targeted students connected to the Free Youth and related groups, such as the United Front of Thammasat and Demonstration and the Ratsadorn group. Some of the activists targeted by authorities included Thammasat University students **Jutatip Sirikhan**, **Panusaya “Rung” Sithijirawattanakul**, **Parit “Penguin” Chiwarak**, **Sirichai Nathuang**, and **Nathchanon Pairoj**; Ramkhamhaeng University student **Panupong Jadnok**; and Chiang Mai University students, **Yotsunthon Ruttapradit** and **Withaya Khlagnin**. Police arrested Sirikhan, a leader in the Free Youth Movement and a former president of the Student Union of Thailand, for her participation in and organization of a rally on July 18 that kicked off the movement, charging her with “breaching internal security and COVID-19 regulations” and sedition.<sup>3</sup> Likewise, Nathchanon was charged with violating an Emergency Decree that limited public gatherings for his role in the protests.<sup>4</sup> On May 5, Thai police summoned Yotsunthon and Withaya on charges of lèse-majesté and violating the 1979 Flag Act, which criminalizes using any means to disrespect the flag, for exhibiting an art installation during an on-campus protest deemed to be critical of the monarchy.<sup>5</sup> The artwork featured a mannequin draped in plastic wrap, with white and red stripes on both sides, to resemble

<sup>\*</sup> According to Section 34 of Thailand's constitution, “A person shall enjoy the liberty to express opinions, make speeches, write, print, publicise and express by other means. The restriction of such liberty shall not be imposed, except by virtue of the provisions of law specifically enacted for the purpose of maintaining the security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals, or protecting the health of the people...Academic freedom shall be protected. However, the exercise of such freedom shall not be contrary to the duties of the Thai people or good morals, and shall respect and not obstruct the different views of another person.” See Constitution of Thailand (2017), available at [https://www.constituteproject.org/constitution/Thailand\\_2017.pdf?lang=en](https://www.constituteproject.org/constitution/Thailand_2017.pdf?lang=en).

<sup>†</sup> “Whoever, defames, insults or threatens the King, the Queen, the Heir-apparent or the Regent, shall be punished with imprisonment of three to fifteen years.” See Criminal Code of Thailand, Section 112, available at <https://library.siam-legal.com/thai-law/criminal-code-royal-family-sections-107-112/>.

## ACADEMIC FREEDOM INDEX: THAILAND



When the NCPO, the military junta that ruled Thailand from 2014 to 2019, took power, respect for academic freedom in Thailand dropped from 0.52 in 2013 to 0.15, in the lowest tier of countries. Despite the March 2019 election and a transition away from military rule, experts have not reported an improvement in respect for academic freedom. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPI), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

the Thai flag, but with the mannequin situated where a blue stripe, which represents the monarchy, would have normally been marked. Students were invited to write messages on the red and white stripes of the art piece. Panusaya, the spokesperson for the Student Union of Thailand, was initially charged with sedition in connection with reading a declaration and a list of demands for democratic reform at a rally. She was later indicted on charges of *lèse-majesté* for speeches, protests, and postings on Facebook, including a letter addressed to King Vachiralongkorn and a post criticizing the government's use of water cannons against protesters.<sup>6</sup> Parit, leader of the United Front of Thammasat and Demonstration Group, and Panupong were arrested on charges of sedition, assembly with intention to cause violence, violating a ban on public gatherings, and other offenses after giving a series of anti-government speeches at student-led protests. They were later indicted on multiple counts of *lèse-majesté*, some of which were related to anti-government social media posts.<sup>7</sup> As of August 2021, Parit, Panusaya, and Panupong were each charged with *lèse-majesté* in 20, 9, and 8 cases, respectively.

In and outside Thailand, human rights groups raised concerns over students and other activists being denied bail and detained amid the COVID-19 pandemic. These include Panupong, Panusaya, and Parit, who were repeatedly denied bail and began hunger strikes in protest of their indefinite detentions.<sup>8</sup>

Following protests over the bail denial and the students' worsening health, Panusaya and Parit were granted bail on May 6 and May 11, respectively.<sup>9</sup> Panupong also remained detained despite testing positive and being hospitalized for COVID-19. He was released on bail on June 1.<sup>10</sup>

SAR reported on two violent incidents occurring during pro-democracy student protests. On October 21, 2020, clashes broke out on the **Ramkhamhaeng University** campus when student members of the Ramkhamhaeng Network for Democracy (RND) were confronted by a group of royalists who came to counter-protest in support of the monarchy.<sup>11</sup> According to witnesses, members of both groups began throwing water bottles and other objects at each other. An alleged royalist reportedly threw a large speaker at Thitima Butdee, a student leader for RND, injuring her. The clash came several days after an October 16 protest held in Bangkok, where police deployed water cannons against roughly 2,000 students and civilians who gathered to protest the government.<sup>12</sup> Police forces used water containing blue dye to identify and arrest protesters more easily. Three protesters and five police officers were injured in the protest.

Academic work regarding the monarchy was also the subject of a civil suit and university investigation during this reporting period. On March 5, 2021, a civil defamation suit seeking more than USD \$1.5 million in damages was filed against Suan Sunandha Rajabhat

University professor **Nattapoll Chaiching** and four others over his writings on relations between US and Thai security forces and the state of the royal family following the end of Thailand's absolute monarchy in 1932.<sup>13</sup> The plaintiff, M.R. Priyanandana Rangsit, complained that a mistake found in Nattapoll's PhD thesis defamed her father, Prince Rangsit, a member of the royal family. The mistake—noting that Prince Rangsit interfered in the government by attending a cabinet meeting while serving as Regent—was first investigated by Chulalongkorn University (CU) officials in 2018. CU officials found that the mistake was not intentional, but nevertheless froze public access to Nattapoll's thesis. (Access to the thesis remains restricted to this day.) In 2020, Nattapoll published a revised version of his thesis in book form, striking misread evidence that was the cause of the mistake. The book sold widely, apparently owing to the ongoing pro-democracy protests, and, despite the corrections made to it, prompted renewed criticism and calls by royalist academics for CU to investigate Nattapoll as well as the above-mentioned lawsuit filed by M.R. Priyanandana Rangsit. The university commenced a new investigation in February 2021; the results could lead to the revocation of Nattapoll's degree.<sup>14</sup> Nattapoll's thesis advisor, **Kullada Kesboonchu-Mead**, and three current and former staff from the publishing house that released the book, are listed as codefendants in the lawsuit.

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Arrests and prosecutions intended to restrict and punish peaceful student expression undermine academic freedom and the role universities play in functioning democracies. They chill academic inquiry and expression, depriving society of the benefits of higher education and research. For Thai higher education and society generally to flourish, students and academics must have the freedom to peacefully voice dissent, ask questions, and conduct academic research without fear of coercive legal action.

SAR calls on state authorities in Thailand to release and drop charges against wrongfully imprisoned student activists; repeal the lèse-majesté law; amend the sedition law in compliance with international human rights standards; and draft legislation to ensure greater protection of academic freedom, consistent with international human rights and higher education standards and principles. SAR also calls on the international higher education community and government leaders to press Thai authorities to take the above actions and to support at-risk scholars and students in Thailand.

## ENDNOTES

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## Turkey

**In Turkey, Scholars at Risk (SAR) reported a continuation of severe pressures on academic freedom, institutional autonomy, and scholar and student expression more generally. These included the appointment of a university rector based on apparent political considerations, efforts to restrict student protests, and arrests and prosecutions of students and scholars.**

Turkey is bound by national and international legal instruments that provide protections for academic freedom. Turkey is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Domestic Turkish law also recognizes academic freedom and related rights, including universities’ right to administrative and academic autonomy.<sup>2</sup> Turkey’s constitution explicitly recognizes the right to “study and teach, express, and disseminate science and the arts, and to carry out research in these fields freely” (Article 27) and the right to education (Article 42).<sup>3</sup> As it relates to a number of incidents discussed here, Turkey’s Constitution also provides for freedoms of expression (Article 26), association (Article 33), and assembly (Article 34), albeit with some caveats.\*

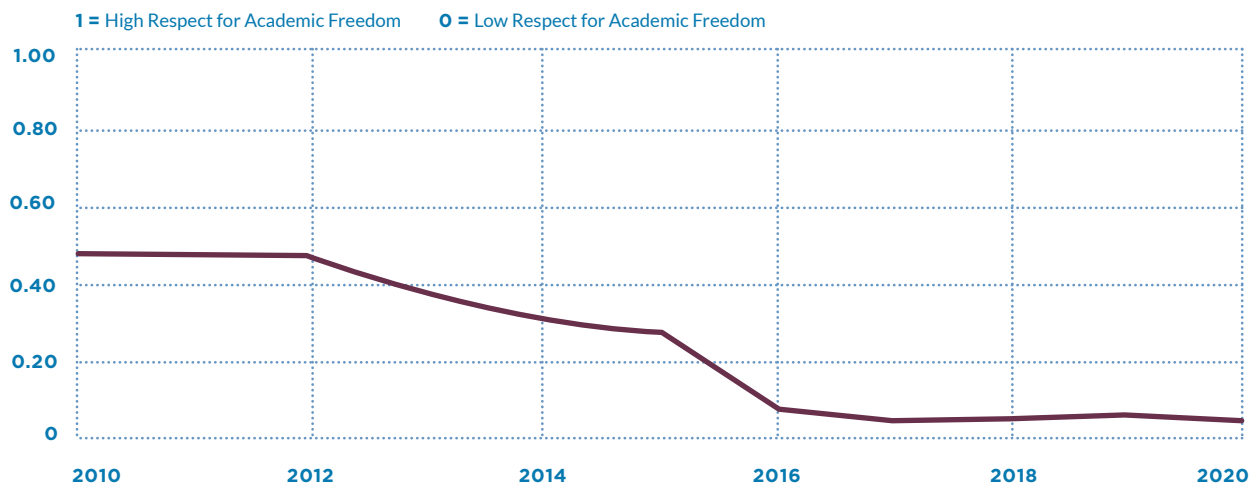
Turkey’s higher education community continues to suffer the devastating effects of a series of crackdowns, beginning early in 2016 with sweeping retaliation against academic signatories to a petition demanding an end to Turkey’s harsh policies in the southeastern Kurdish region of the country (the “Academics for Peace” petition), and continuing with the government’s response to a failed coup attempt in July of that year. As previously reported, actions and policies targeting the higher education space following those events include criminal investigations, arrests, and prosecutions of scholars, university staff, and students; government-mandated terminations of more than 6,000 higher education personnel; forced closure of universities; international travel bans targeting affected scholars and their families; and other restrictions amounting to what became known as “civil death” for many of these scholars—an end to their academic careers and their inability to start over elsewhere.<sup>†</sup> This reporting period also saw a significant number of arrests of and attacks on nonviolent student protesters and other members of the higher education community. Several of these protests were in response to the installation, by Turkey’s president, Recep Tayyip Erdoğan, of a political ally as rector of Boğaziçi University, one of the country’s top institutions.

On January 1, President Recep Tayyip Erdoğan appointed new rectors to five universities, including most notably Istanbul’s **Boğaziçi University**, an institution internationally known for its progressive culture and academic excellence. According to a report published by the Turkish Academy of Sciences, Boğaziçi was the most “academically productive public university in Turkey,”<sup>4</sup> and, by virtue of its academic reputation and diversity, had been seen as having avoided some of the worst impacts of government pressures imposed on the country’s higher education institutions since 2016.<sup>5</sup> In the past, under Turkish law, rectors were appointed only after being elected by tenured and tenure-track academic faculty and then presented to the country’s president for appointment. On October 29, 2016, however, amidst the state of emergency enacted in response to the failed coup attempt of July of that year, President Erdoğan issued emergency decree No. 676, which removed university faculty from the rector appointment process, placing it

\* For example, with regard to freedom of expression and dissemination of thought, Article 26 stipulates, “The exercise of these freedoms may be restricted for the purposes of national security, public order, public safety, safeguarding the basic characteristics of the Republic and the indivisible integrity of the State with its territory and nation, preventing crime, punishing offenders, withholding information duly classified as a state secret, protecting the reputation or rights and private and family life of others, or protecting professional secrets as prescribed by law, or ensuring the proper functioning of the judiciary.” Articles 33 and 34 contain similar national security–related caveats.

† Many dismissed academics were forced to take on menial work to support themselves and their families. In March 2021, one such scholar, bioengineering professor Mustafa Çamaş, was killed in an accident on a construction site where he was working as a laborer. See “Dismissed academic turned laborer killed in construction site accident,” *Turkish Minute*, March 25, 2021, <https://turkishminute.com/2021/03/25/dismissed-academic-laborer-killed-construction-site-accident/>.

## ACADEMIC FREEDOM INDEX: TURKEY



In Turkey, respect for academic freedom dropped steeply amid sweeping attacks on scholars and students ordered by President Recep Tayyip Erdoğan's government, including summary dismissals, arrests, prosecutions, and travel restrictions targeting scholars, staff, and students for public expression or alleged affiliations with groups disfavored by the government. Learn more about the above data, made available by the Academic Freedom Index, a tool co-developed by the Global Public Policy Institute (GPPi), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the V-Dem Institute, and SAR, at <https://www.gppi.net/2021/03/11/free-universities>.

in the hands of the presidency and the Turkish Higher Education Council (YÖK). The UN Office of the High Commissioner for Human Rights (OHCHR) noted that this decree (among others) constitutes “omnibus legislation and regulate[s] various matters which seem unrelated to any threat to national security,”<sup>6</sup> and endorsed the view, asserted by the Council of Europe's Venice Commission, that the decree did not necessarily appear to have “a link to the management of the state of emergency.”<sup>7</sup> After the state of emergency was lifted in 2018, President Erdoğan again used executive powers to amend the appointment process by issuing a decree that removed YÖK and making the presidency the sole authority to appoint rectors at state universities. While past appointments have raised concerns and protests, at no point has such protest been as intense when Erdoğan unilaterally appointed Melih Bulu, a former politician, member of the ruling Justice and Development Party (AKP), and a political ally, as rector of Boğaziçi University. The decision was swiftly condemned by Boğaziçi faculty and students, who stated that it violated institutional autonomy, academic freedom, and democratic values. Critics of the appointment also raised serious concerns about Bulu's qualifications and integrity as an academic, citing reports that he plagiarized his doctoral thesis.<sup>8</sup>

The appointment of Bulu sparked a series of protests that lasted through the spring. Police routinely responded to the protests with force and arrests.<sup>9</sup> On January 4, hundreds of Boğaziçi University students

and faculty boycotted classes, which were being held online due to the COVID-19 pandemic, and gathered to protest the appointment in front of the South Campus. Police responded by firing tear gas and rubber bullets at the students and clashing with them.<sup>10</sup> The following day, authorities reportedly raided the homes of 24 individuals alleged to have participated in the protest, taking 17 people into custody, and reportedly another 14 on January 6. The protesters were reportedly strip-searched during their detentions and faced potential charges of violating Law No. 2911 on Meetings and Demonstrations and resisting arrest (although they do not appear to have been charged). They were reportedly released on January 7.<sup>11</sup> On January 8, at the Middle East Technical University, police violently arrested 17 more students protesting against the Boğaziçi appointment.<sup>12</sup> On February 1, students, faculty, and others gathered on the Boğaziçi campus shortly after an order by the Istanbul governor's office banning protest activities for a month. Police detained 108 people outside the university gates, and another 51 on campus.<sup>13</sup> Although most were released about a day later, 97 protesters were later indicted on charges of violating Law No. 2911.<sup>14</sup> Another 71 students were detained in connection with protest activities on February 4 and 5, in Bursa,<sup>15</sup> Çanakkale,<sup>16</sup> Konak,<sup>17</sup> and Samsun.<sup>18</sup>

On July 15, President Erdoğan issued a presidential decree ordering Bulu's dismissal and replacing him with Mehmet Naci İnci, a member of the Faculty of

Science and Literature, as acting rector of Boğaziçi University. Reporting by *Reuters* suggests that YÖK sought Bulu's dismissal at least in part due to shortcomings in his work as rector.<sup>19</sup> Shortly after Bulu's removal, the Acting Rector terminated the contract of **Can Candan**, a filmmaker and a lecturer in the Department of Western Languages and Literatures.<sup>20</sup> Candan was publicly supportive of and documented the student protests over Bulu's appointment as rector. İnci noted in his termination letter that Candan was the subject of a disciplinary investigation for expression critical of the university. İnci also declined to approve courses scheduled to be taught by **Feyzi Erçin**, a lawyer and a part-time lecturer in the same department, who was also critical of the university administration and who supported students during the protests.<sup>21</sup> On August 20, Erdoğan appointed İnci as rector, a decision that prompted renewed protests by faculty and students who expressed outrage that the president ignored an internal vote that found 95 percent of faculty opposed to İnci for the rectorship.<sup>22</sup>

The past year also saw prosecutions of scholars and students. For example, on November 30, 2020, **Vedat Demir**, a former Istanbul University communications scholar who was arrested following the July 2016 coup attempt, was sentenced to six years and seven months in prison for "membership in an armed terrorist organization." Authorities accused him of being a member of the Gülenist movement. The evidentiary bases for the conviction reportedly included Demir's possession of five US one-dollar bills, personal notes, WhatsApp messages with other academics, and articles Demir authored. The hearing reportedly lasted minutes and Demir's lawyer was not permitted to speak.<sup>23</sup> On January 30, 2021, five Boğaziçi University students were arrested for their alleged involvement in an art exhibition on campus that included a poster displaying the Kaaba, a sacred Muslim shrine in Mecca, Saudi Arabia, alongside LGBTQ+ pride flags, a mythical half-woman, half-snake figure found in Middle Eastern folklore, and an explanatory text challenging traditional gender roles. An Islamic group on campus complained about the poster, leading police to search the offices of the university's fine arts and LGBTQ+ student clubs. Police arrested the five students on charges of "incitement to hatred" and "insulting religious values."<sup>24</sup> Following the arrests, Interior Minister Süleyman Soylu tweeted that "LGBT perverts" had been detained in connection with the exhibition. And on February 7, 2021, police arrested Mimar Sinan Fine Arts University student **Beyza Buldağ**, in connection with a Twitter account

she allegedly administered, which posted an open letter addressed to President Erdoğan demanding the release of detained protesters and the resignation of Melih Bulu. She was later transferred to Istanbul and formally charged with "provoking the public to enmity, hatred and hostility" and "provoking to commit crimes."<sup>25</sup>

In one incident reported to SAR, a higher education body known as the Interuniversity Board declined to certify the equivalence of a scholar's US doctoral degree, apparently based on the board's disagreement with the subject and contents of the scholar's thesis.<sup>26</sup> The Interuniversity Board ("Üniversitelerarası Kurul" or "ÜAK") certifies international education credentials by determining whether candidates obtained their degree through formal education and whether the university that granted the degree is recognized in Turkey. In 2019, the State University of New York Binghamton (SUNY-Binghamton) granted a PhD in sociology to **Mehmet Baki Deniz**. In May 2020, Deniz submitted to ÜAK the requisite materials for degree certification, including his thesis, titled "Who Rules Turkey Between 1980 and 2008? Business Power and the Rise of Authoritarian Populism."<sup>27</sup> In their June 2021 decision declining to certify Deniz's PhD, the Board cited "the content and subject" of the thesis, without providing any further explanation. Without the certification of his PhD, Deniz is effectively unable to find academic employment in Turkey. Deniz's lawyer has since appealed the ÜAK's decision with Turkey's Council of State ("Danıştay"), the highest administrative court, claiming that it violates Article 27 of Turkey's constitution, which protects "the right to study and teach, express, and disseminate science and the arts, and to carry out research in these fields freely." Commenting on ÜAK's rejection, the Human Rights Foundation of Turkey raised concern that "researchers from Turkey who did a PhD abroad will have to choose between self-censorship to write mediocre theses to be approved by the ÜAK and not returning to Turkey."<sup>28</sup>

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It has been more than five years since Turkish authorities began a nationwide campaign of attacks on scholars, students, and staff for their opinions and alleged associations. Political actors and state officials continue to intervene in university affairs. Authorities continue to use force, arrests, prosecutions, and regulatory powers against scholars and students. Travel restrictions and employment bans under the guise of national security measures continue to freeze out academics across the country looking to pursue

their work. Turkey's higher education community and their academic freedom remain in a state of paralysis.<sup>29</sup>

SAR renews its calls on Turkey's government to reverse the harm done to Turkey's higher education community between 2016 and the present, including by reversing and rectifying prosecutions, terminations, travel restrictions, and other state actions that were conducted in violation of applicable human rights standards. SAR calls on Turkish authorities to refrain from the use of force, arrests, and prosecution against scholars and students for nonviolent exercise of the rights to academic freedom and freedom of expression, and to respect the autonomy of Turkey's higher education institutions, including by restoring the role of faculty in the rector appointment process. SAR further calls upon the global academic community and higher education leaders around the world to publicly express, on all possible platforms, their concerns about academic freedom in Turkey, convey their criticisms to Turkey's Higher Education Council (YÖK), offer support to scholars who have been wrongfully dismissed from their positions or who are the subject of wrongful prosecutions, and uncompromisingly insist on academic freedom as a condition of their partnership with Turkish institutions.

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## United States

**In the United States (US), Scholars at Risk (SAR) reported targeted harassment and disruption of online university events; pressures on individual scholars from political actors outside universities and from universities themselves; political and legislative attacks that seek to ban the teaching of particular scholarly doctrines; and travel restrictions, investigations, and prosecutions that undermine academic freedom for US-based and international scholars and students.**

The US is bound by national and international legal instruments that provide protections for academic freedom. The US is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19). The US is a signatory to, but has not ratified, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> The First Amendment of the US Constitution likewise protects freedom of expression, and the US Supreme Court has long recognized that academic freedom falls squarely within the First Amendment’s protections. Those protections include both the right to the free exchange of ideas among professors and students, and university autonomy.<sup>2</sup>

During this reporting period, universities and colleges in the US were politicized in significant and concerning ways. As much academic activity and events remained online, targeted harassment of students and professors in the form of so-called “Zoom-bombings”—the effective hijacking of online classes, meetings, ceremonies, and other events in which outside actors interject disruptive, harassing, offensive, or intimidating content, comments, or

images—continued. Individual professors suffered retaliation for publicized instances of classroom expression. And political figures—including the former president, Donald Trump, and a number of state lawmakers—sought to ban or otherwise punish the teaching of particular academic material or doctrines, or individuals associated with them.

As the COVID-19 pandemic continued and worsened in the US in the fall and winter of the 2020-2021 academic year, much of university life continued online. Universities made apparent progress in developing security protocols and training members of their communities to prevent or minimize Zoom-bombings. However, Zoom-bombing continued to pose a threat to the university space, including in several incidents reported by SAR. At **Brandeis University**, multiple individuals disrupted a panel discussion titled “Cultural Genocide: An Overview of Uyghurs in Xinjiang, China,” focusing on the Chinese government’s treatment of the Uyghur population.<sup>3</sup> Before it began, the panel was the subject of a coordinated letter campaign, charging that it would be biased. Shortly after the panel started, attendees began disrupting it, playing the Chinese National Anthem over their speakers and writing messages such as “FAKE NEWS” and “bullsh\*t” over the presenters’ slides. At **Tufts University**, a public colloquium on “Diversity Equity and Inclusion in STEM” was disrupted during a presentation by Karl Reid, the executive director of the National Society of Black Engineers, when an unidentified individual took control of the screen and wrote a racist term across the slides.<sup>4</sup> Reid turned off the shared display screen and finished his presentation. The university police department subsequently launched an investigation. At the **City University of New York (CUNY)**, a virtual event celebrating Black History Month titled, “Diversity Through Hair,” was forced to shut down when as many as 20 individuals began disrupting it, first by playing loud, racist music, and then writing racist slurs into the chat feature and chanting the slurs through their microphones.<sup>5</sup> According to CUNY’s chancellor, several online events celebrating Black History Month were similarly targeted.<sup>6</sup>

SAR has previously reported with concern instances of growing politicization of higher education, including efforts to inspire students to monitor and report their professors’ classroom conduct to parties outside of the higher education sector. During this reporting period, SAR found a number of apparently politically motivated actions targeting individual scholars at US higher education institutions, including suspensions, dismissals, and external attempts to pressure

universities to take similar actions.

On September 8-9, 2020, professors around the United States participated in a national “Scholar Strike for Social Justice,” agreeing to stop their classes and focus instead on racial justice-related teaching and activities. Mississippi State Auditor Shad White called for the dismissal of **James Thomas**, a professor of sociology at the University of Mississippi, after he participated in the strike.<sup>7</sup> White’s rationale was that the strike constituted a work stoppage by a public employee, illegal under state law. On September 14, White sent a letter to the university recommending Thomas’s termination. He later subpoenaed the university, demanding, among other things, Thomas’s class rosters, emails, and class schedules. Similarly, at Texas A&M University, authorities suspended sociology professor **Wendy Leo Moore** for two days without pay after she participated in the strike, on grounds she had violated a Texas law prohibiting “an organized work stoppage against the state or a political subdivision of the state.”<sup>8</sup> At Cypress College, in California, adjunct professor **Faryha Salim** was placed on administrative leave—purportedly for her safety—after a heated, in-class exchange with a student about so-called “cancel culture” and the role of police in US society.<sup>9</sup> The student shared a video of the exchange with a reporter from the conservative publication *The Daily Wire*, and the video was uploaded on YouTube, leading to calls for disciplinary action against Salim. Violent threats were also directed at Salim and the college. At Collin College in Texas, professors **Audra Heaslip** and **Suzanne Jones** learned in January 2021 that their teaching contracts would not be renewed based on the objections of senior administration officials.<sup>10</sup> The stated reasons for the decisions included the professors’ leadership in an academic union and their private and public criticism of the college’s handling of the COVID-19 pandemic. A third Collin College professor, **Lora Burnett**, was fired one month later, also in apparent retaliation for expression critical of the college’s COVID-19 response.<sup>11</sup> And at Linfield University, in April 2021, **Daniel Pollack-Pelzner**, a tenured English professor, was summarily terminated after he publicly advocated on behalf of students and faculty who complained about alleged sexual abuse by members of the university’s Board of Trustees.<sup>12</sup> Pollack-Pelzner also accused the university president and chair of the

board of trustees of making anti-Semitic remarks.

Among the most prominent pressures on higher education during this reporting period was a series of political efforts targeting specific academic doctrines, or the individuals who purportedly teach them. These pressures came alongside claims, often by conservative political actors, of left-wing “indoctrination” within US higher education. In July 2020, then-President Donald Trump threatened to pull federal funding for higher education institutions that were engaged in what he called “radical left indoctrination.”<sup>13</sup> Beginning in September 2020, he then targeted critical race theory, a decades-old academic movement focusing on the relationship between race, racism, and power.\* On September 22, he issued Executive Order 13950 instructing federal agencies and contractors to cease diversity trainings that focused on “critical race theory,” “white privilege,” and other ideas which he declared were “divisive” and “un-American.”<sup>14</sup> He also denounced *The New York Times’ 1619 Project*, an in-depth examination of the impact of slavery in the US.

President Trump’s successor, President Joe Biden, rescinded Trump’s Executive Order 13950 when he took office in January 2021. But in the months that followed, legislators in several US states began advancing legislation effectively banning critical race theory, *The 1619 Project*, and other ideas related to race and gender on higher education campuses, as well as in secondary and primary education. For example, in **Idaho**, a law was passed that explicitly identified critical race theory as a threat to fundamental rights such as freedom of inquiry and expression, and respect for the dignity of others, and banned educational institutions from spending money teaching the “tenets” of critical race theory and related ideas.<sup>15</sup> On March 17, Idaho’s State Legislature voted to cut over \$400,000 from Boise State University (BSU), specifically targeting the university’s social justice programs.<sup>16</sup> The bill also requires BSU, University of Idaho, Idaho State University, and Lewis-Clark State College to report to the Joint Finance-Appropriations Committee that no funds from student tuition or the general budget were used to “support social justice ideology student activities, clubs, events and organizations on campus.”<sup>17</sup> In **Oklahoma**, a law was signed on May 10, prohibiting educational

\* It is important to note that President Trump and other politicians employ the label “critical race theory” broadly, going well beyond any definition that members of the academic movement of the same name would recognize. Kimberlé Crenshaw, a critical race theorist and a law professor at the University of California Los Angeles and Columbia University, has stated, “They’ve lumped everything together: critical race theory, the 1619 project, whiteness studies, talking about white privilege,” . . . “What they have in common is they are discourses that refuse to participate in the lie that America has triumphantly overcome its racist history, that everything is behind us. None of these projects accept that it’s all behind us.” See Fabiola Cineas, “Critical Race Theory, and Trump’s War On It, Explained,” Vox, September 24, 2020, <https://www.vox.com/2020/9/24/21451220/critical-race-theory-diversity-training-trump>.

institutions from teaching a range of broadly defined race- and gender-related concepts, including that of unconscious bias, or that “an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.”<sup>18</sup> Following passage of the Oklahoma bill, **Oklahoma City Community College** “paused” a course on race and ethnicity out of concern that discussions of concepts like white privilege would run afoul of the law.<sup>19</sup> The school later lifted the “pause,” but introduced new course offerings so that students would not need to take the course in order to fill a requirement.<sup>20</sup> Legislation proposed in **Missouri** defined critical race theory broadly to include any teaching about systemic racism, specifically forbade certain curricula including *The New York Times’ 1619 Project*, and proposed to strip state funding from schools and universities that transgress the law.<sup>21</sup> Legislation proposed in **Louisiana**,<sup>22</sup> **New Hampshire**,<sup>23</sup> and **Rhode Island**<sup>24</sup> would ban the teaching of “divisive concepts,” such as the idea that systemic racism exists. And in **Florida**, the governor signed a law that, among other things, requires state higher education institutions to survey annually “intellectual freedom and viewpoint diversity” and permits students to record video or audio of class lectures, without their lecturer’s consent, in connection with complaints to their higher education institution or “as evidence in, or in preparation for, a criminal or civil proceeding” involving the same.<sup>25</sup> The legislation drew a number of concerns, including that it could chill rather than protect scholar and student speech, and that the survey results may be used to punish institutions.<sup>26</sup> Around the time the governor signed the legislation, Wilton Simpson, the Republican president of the state senate, claimed that universities lacked a “diversity of thought” and that there appeared to be “socialism factories” in the public university system.<sup>27</sup>

**Nikole Hannah-Jones**, a Pulitzer Prize-winning journalist and creator of the abovementioned *1619 Project*, was denied tenure at the University of North Carolina-Chapel Hill (UNC), despite support from faculty and a school leader, raising grave questions about politicization of the appointment process and other external influence over the same.<sup>28</sup> Hannah-Jones was offered the Knight Chair in Race and Investigative Journalism, a historically tenured position, at UNC’s Hussman School of Journalism

and Media. The school’s dean reportedly stated that Hannah-Jones had gained “enthusiastic support” from the school’s faculty and tenure committee. Conservative political actors and organizations expressed public and private criticism about the job offer. Months before news of the appointment even went public, major donor Walter Hussman Jr (the school’s namesake), reportedly emailed multiple administrators, including the university’s chancellor and the school’s dean, describing “concerns” he had about Hannah-Jones’ hiring. In one email, Hussman stated, “I worry about the controversy of tying the UNC journalism school to the *1619 Project*,” and that “based on her own words, many will conclude she is trying to push an agenda, and they will assume she is manipulating historical facts to support it.”<sup>29</sup> According to Hannah-Jones’ lawyers, the Board of Trustees declined twice, without explanation, to conduct a vote on whether to grant her tenure. In February 2021, the university reportedly offered her a fixed, five-year appointment after which she could be considered for tenure, which Hannah-Jones initially accepted. On June 30, in the face of widespread media attention, the board met and voted 9-4 in favor of approving Hannah-Jones for tenure. However, roughly one week later, Hannah-Jones formally declined to take the tenured position at UNC and accepted a tenured faculty role at Howard University instead.

Restrictions on the inbound academic travel of entire classes of scholars or students, part of an executive order issued by former President Trump in 2017, continued into this reporting period. The order initially targeted Iran, Libya, Somalia, Sudan, Syria, and Yemen, six countries that, prior to the executive order, collectively sent more than 17,500 students and scholars to the US, according to data compiled by the Institute of International Education.<sup>30</sup> Eight more countries—Chad, Eritrea, Kyrgyzstan, Myanmar, Nigeria, North Korea, Tanzania, and Venezuela—were later added to the list. Human rights and higher education groups condemned the executive order and filed legal challenges, on grounds that it discriminated against Muslims and did little to address national security concerns, the purported intent of the Trump administration. The order was particularly punitive for scholars and students from the countries listed, as it impeded their ability to enroll in or work at US-based higher education institutions, or participate in

\* According to the law, the survey is to be selected or designed by the state’s Board of Education and the state university system’s Board of Governors and should consider “the extent to which competing ideas and perspectives are presented and members of the college community, including students, faculty, and staff, feel free to express their beliefs and viewpoints on campus and in the classroom.” The law prohibits students who make recordings of lectures from publishing those same recordings without the faculty member’s consent; however, this aspect of the law raises concerns that third parties may nevertheless attempt to publish those same recordings. See Florida State Legislature, House Bill No. 233, 2021 Regular Session, available at <http://laws.flrules.org/2021/159>.

international academic and scientific conferences in the US. In January 2021, President Joe Biden revoked the order shortly after his inauguration. By August 2021, most inbound travel remained limited as part of the government's COVID-19 response.

Over the last year, serious concerns were raised over the US Department of Justice's (DoJ) efforts to counter economic espionage and intellectual property theft through a program known as the China Initiative. The DoJ established the China Initiative in 2018, amid intense scrutiny of China by the Trump administration and growing restrictions on the inbound travel of Chinese scholars and students to the US. Agents pursuing cases under the China Initiative have investigated professors, researchers, and students—labeled as so-called “non-traditional collectors”—for allegedly engaging in intellectual property theft and withholding affiliations with academic and scientific institutions in China.<sup>31</sup> More than a dozen scholars have been arrested and charged under the China Initiative since it was established, including **Anming Hu**, a University of Tennessee researcher with expertise in nanotechnology.<sup>32</sup> The Federal Bureau of Investigation (FBI) accused Hu of hiding his affiliation with the Beijing University of Technology while seeking funding from the National Aeronautics and Space Administration (NASA). In February 2020, Hu was indicted on three counts of “wire fraud” and three counts of “making false statements.” In court proceedings, Hu's lawyer presented evidence that Hu provided the University of Tennessee and NASA documentation of his affiliation with the Beijing University of Technology.<sup>33</sup> A federal agent working on the case told jurors that the FBI had put Hu under surveillance for two years after he declined to accept a proposal to engage in espionage activities on behalf of the US government.<sup>34</sup> In June 2021, jurors declared that they could not reach a verdict in Hu's case, prompting US District Court Judge Thomas Varlan to declare a mistrial.<sup>35</sup> Federal prosecutors prepared to retry Hu; however, on September 9, Judge Varlan acquitted Hu of all counts of wire fraud and making false statements.<sup>36</sup> One day before Hu's acquittal, a group of 177 Stanford University faculty members published an open letter to the US Attorney General, Merrick Garland, noting that most alleged crimes prosecuted under the China Initiative have “nothing to do with scientific espionage or intellectual property theft,” but rather—as in the cases of Hu and others, including Massachusetts Institute of Technology researcher **Gang Chen**—allegations of misconduct, “such as failure to disclose foreign appointments or funding.”<sup>37</sup> In some of these cases, the group wrote, “normal academic activities that we all do, such as

serving as referees and writing recommendation letters, are adduced as evidence of ‘extensive dealings with [China].’” The Stanford faculty members, along with other groups, have also raised concerns that the China Initiative perpetuates racial profiling of scholars of Chinese and Asian descent in the US and risks undermining academic freedom, international scholarly collaboration, and ultimately US competitiveness in scientific research.<sup>38</sup>

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State attempts to limit the scope of teaching, research, and discussion in higher education institutions and targeted harassment of scholars and students encroach on both individual academic freedom and on the autonomy of the higher education sector. Broad-brush travel restrictions that directly impact large numbers of international scholars and students and investigative programs that appear to target scholars and students based on their racial or ethnic background or ancestry also undermine individual academic freedom as well as everyone's enjoyment of the benefits of international academic work and exchange. Scholars, students, and their higher education institutions require academic freedom and institutional autonomy to learn, teach, and expand society's understanding of pressing issues.

SAR calls on US lawmakers and other political actors to refrain from efforts to dictate the content of teaching or research, including through legislative, executive, or private actions. Laws, regulations, and government programs relating to higher education must comport with international human rights and higher education standards and principles relating to academic freedom and institutional autonomy. SAR further calls on same state authorities, lawmakers, and political actors to promote academic freedom and institutional autonomy. SAR also urges higher education stakeholders, including institutional leaders and associations, to promote and demand respect for institutional autonomy and the academic freedom of their scholars and students, including by publicly advocating against external pressures on academic activity, including any such legislative or administrative actions.

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## Zimbabwe

**In Zimbabwe, Scholars at Risk (SAR) reported arrests and prosecutions of students in connection with nonviolent expressive activity, including protests over the imprisonment of student leaders. In at least one incident, unidentified individuals attacked a group of student union members.**

Zimbabwe is bound by national and international legal instruments that provide protections for academic freedom. Zimbabwe is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which provides for the right to education (Article 13) and calls on state parties to “respect the freedom indispensable for scientific research and creative activity” (Article 15(3)). Full exercise of academic freedom depends also on respect for institutional autonomy, defined as “that degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> Zimbabwe’s constitution explicitly recognizes the right to academic freedom (Article 61(1)(c)) and the right to education (Article 75(1)).<sup>2</sup> As it relates to a number of incidents discussed here, Zimbabwe’s constitution also provides for freedom of expression (Article 61), and freedom of assembly and association (Article 58).<sup>3</sup>

SAR has previously reported the use of arrests and other legal actions against Zimbabwean students for their protest activities. During this reporting period, students protested the abduction of a journalism student, the jailing of student-activists, and university policies relating to the impact of the COVID-19 pandemic. Authorities carried out arrests of students for alleged crimes against public order, in particular for violating Section 37 of the Criminal Law Act (CLA): participating in a gathering with intent to promote public violence, breaches of the peace or bigotry.<sup>4</sup> The arrests and use of force appear to fit a pattern of state actions in Zimbabwe targeting political opponents and other critics of the government.

On September 10, 2020, police arrested **Takudzwa Ngadziore**, president of the Zimbabwe National Students Union (ZINASU), for his role in organizing a protest over the abduction of a journalism student, **Tawanda Muchehiwa**.<sup>5</sup> On September 8, Ngadziore and other students peacefully protested outside the Impala Car Rental offices in Harare to demand that the company respond to allegations that its vehicles were used by state security agents to abduct Muchehiwa. On September 10, as Ngadziore left a court for a hearing on charges stemming from an unrelated incident, police arrested him for violating Section 37 of the CLA, in connection with the September 8 protest. On September 14, police briefly arrested nine students who protested outside a courthouse in support of Ngadziore.<sup>6</sup> On September 18, following Ngadziore’s release, a group of unidentified individuals assaulted Ngadziore, other ZINASU members, and journalists during a press conference held again near the Impala Car rental offices.<sup>7</sup> The assailants abducted Ngadziore before bringing him to the police station, where police took Ngadziore back into custody. On October 16, Ngadziore was released on bail and ordered to stay at least 500 meters away from the Impala Car Rental offices, report to the police station every week, and refrain from participating in public gatherings.

On December 7, police arrested nine students at **Morgan Zintec Teachers’ College** in an apparent effort to restrict a campus gathering.<sup>8</sup> Students had gathered on campus to draft a petition protesting a university decision that would require students to repeat the 2019-2020 academic year due to the COVID-19 pandemic. The students were charged under Section 37 and later released on bail.

On February 26, 2021, police arrested six student leaders for their participation in a press conference demanding the release of a jailed student leader named **Makomborero Haruzivishe**.<sup>9</sup> Haruzivishe, a member of the opposition party Movement for Democratic Change Alliance, was arrested on charges of incitement and resisting arrest in connection with his political expression. Following the press conference, police arrested six student leaders in attendance. Three of the students—**Liam Kanhenga**, **Paidamoyo Masaraure**, and **Pritchard Paradzayi**—were charged with not wearing masks, while three others—**Tapiwanashe Chiriga**, **Takudzwa Ngadziore**, and **Nancy Njenge**—were charged with public violence. As of this report, authorities have not provided an evidentiary basis for the charges of public violence. Kanhenga, Masaraure, and Paradzayi were reportedly fined before they were released later that day. Njenge was released on bail the following morning.

On March 3, authorities arrested four students and a journalist participating in a protest calling for a fair bail ruling for Chiriga and Ngadziore.<sup>10</sup> Chiriga and Ngadziore were reportedly scheduled to have a bail hearing on March 1; however, authorities postponed the hearing to March 4. Students held a protest at the Harare Magistrate's Court in response to the bail postponement and demanded that authorities provide a fair bail hearing. On March 4, following their arrest, the students—**Falon Dunga, Pritchard Paradzayi, Glown Magaya, and Allan Chipoyi**—were charged with participating in a gathering with intent to cause public violence, according to *University World News*.<sup>11</sup> Authorities did not provide an evidentiary basis for the charges. Authorities released the students two days later.

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SAR is concerned about the frequent use of arrests and prosecutions against students in Zimbabwe. These actions have apparently been taken in an effort to restrict or retaliate against nonviolent student expression. As a party to the International Covenant on Civil and Political Rights, Zimbabwe has a responsibility to protect and refrain from limiting or punishing students' nonviolent exercise of the rights to freedom of expression and freedom of assembly. Attacks on student expression undermine the conditions needed for quality higher education and democratic society more generally.

SAR calls on Zimbabwean authorities to refrain from actions that restrict or punish peaceful student expression and to demonstrate a commitment to academic freedom and quality higher education by protecting and promoting student expression. SAR further calls on higher education leaders in Zimbabwe and governments around the world to call on Zimbabwean state authorities to protect student expression and academic freedom.

6. SAR AFMP, September 14, 2020, <https://www.scholarsatrisk.org/report/2020-09-14-unknown/>.
7. SAR AFMP, September 18, 2020, <https://www.scholarsatrisk.org/report/2020-09-18-various/>.
8. SAR AFMP, December 7, 2020, <https://www.scholarsatrisk.org/report/2020-12-07-morgan-zintec-teachers-college/>.
9. SAR AFMP, February 26, 2021, <https://www.scholarsatrisk.org/report/2021-02-26-midlands-state-university-womens-university-in-africa-chinhoyi-university-of-technology/>.
10. SAR AFMP, March 3, 2021, <https://www.scholarsatrisk.org/report/2021-03-03-various/>.
11. Prince Gora, "More student activists arrested and detained in Zimbabwe," *University World News*, March 8, 2021, <https://www.universityworldnews.com/post.php?story=20210308090021290>.

## ENDNOTES

1. See UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 17, [http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html).
2. Constitution of Zimbabwe (2013), available at [https://www.constituteproject.org/constitution/Zimbabwe\\_2013.pdf](https://www.constituteproject.org/constitution/Zimbabwe_2013.pdf).
3. Ibid.
4. See Criminal Law (Codification and Reform) Act of 2004, available at <https://zimlil.org/zw/legislation/act/2004/23>.
5. SAR Academic Freedom Monitoring Project (AFMP), September 10, 2020, <https://www.scholarsatrisk.org/report/2020-09-10-various/>.

# Recommendations

The data reflected in *Free to Think 2021* presents a distressing phenomenon of attacks on higher education communities around the world. Violent attacks on the university space; imprisonments and prosecutions; the use of force against students; terminations and expulsions; travel restrictions; threats to institutional autonomy; and other pressures violate the rights and safety of countless individuals and undermine the role of higher education in society.

Whatever the types of attack and wherever they occur, these attacks share significant negative outcomes: they undermine the security of higher education institutions and personnel, including those directly targeted and those intimidated or silenced by attacks on others. They impose restrictions on access to higher education by targeted and vulnerable individuals and groups. They undermine research, teaching, and public discourse, eroding not only academic quality but social, political, economic, and cultural development. And insofar as higher education contributes to pedagogy, materials, and teacher training, attacks on higher education can undermine education at all levels. They contribute to “brain drain” and “brain drag,” the “lost personal, professional, and creative productivity that would have been, but for the rational fear of retaliation,”\* undermining national investments in education and exacerbating inequities within the global knowledge economy. Finally, they disrupt increasingly important flows of higher education staff, students, and research between countries, depriving everyone the fullest benefits of cross-border exchange and research.

Recognizing these incidents—despite variations in target, type of attack, and location—as a single global phenomenon is a critical first step in devising solutions. The next step is to encourage a robust response at the international and state levels, from within higher education itself and from civil society and the public at large.

## INTERNATIONAL COMMUNITY

*The international community should adopt in appropriate resolutions, statements, and plans of action, clear public recognition of:*

- **the problem of attacks on higher education** and their negative consequences in lives lost, harms to individuals and communities, and damage to the research, teaching, and public functions of higher education;
- **the responsibility of states** to protect higher education communities within their territories against such attacks, including responsibilities to abstain from direct or complicit involvement in such attacks within or outside their territories, to assist victims, and to prevent and deter future attacks, including by conducting prompt, thorough, and transparent investigations of attacks and holding perpetrators accountable; and
- **the responsibility of states to respect and safeguard academic freedom and institutional autonomy** as essential contributors to the security of higher education communities as well as to the research, teaching, and administrative quality necessary for higher education to most effectively serve society.

## RESPONSIBLE STATES

*Responsible states should undertake, through their ministries and other relevant agencies, and through their inter-state relations should encourage other states also, to ensure the security of higher education communities and more specifically to:*

- **recognize publicly the problem of attacks on higher education**, their negative consequences, and the responsibility of states to protect higher education communities within their territories against such attacks;
- **abstain from direct or indirect involvement in attacks** on higher education of any type, including by undue external interference or compulsion;
- **release scholars and students wrongfully imprisoned** for their exercise of academic freedom or constituent rights; **ensure the right to due process, medical care, legal counsel, and access to family** for those in state custody;
- **lift restrictions on the travel, movement, or residence** of scholars, students, and other higher education personnel, and refrain from future

\* Robert Quinn, “Academic Self-Censorship Is a ‘Brain Drag’ on Arab Universities and Societies,” *Al-Fanar Media*, April 18, 2021, <https://www.al-fanarmedia.org/2021/04/academic-self-censorship-is-a-brain-drag-on-arab-universities-and-societies/>.



restrictions that are based on nonviolent academic conduct, expression, or associations;

- **conduct prompt, thorough and transparent investigations** of attacks and hold perpetrators accountable through proceedings that meet internationally recognized standards;
- **provide adequate security for higher education communities**, whether through direct protection, budgetary allocation, or other arrangement consistent with principles of institutional autonomy;
- **ensure the security and integrity of virtual higher education spaces** for faculty and students, and hold accountable individuals and groups that attempt to violate those spaces;
- **review national laws**—in cooperation with their higher education sector and with due regard for the values essential to quality higher education, especially institutional autonomy and academic freedom—to ensure that higher education communities are protected under law and free from improper external interference, insecurity, or intimidation; and **repeal or amend these, as necessary**, to ensure institutional autonomy and the security of higher education communities and to protect scholars' and students' right to academic freedom; and
- **develop policies and practices that reinforce academic freedom and institutional autonomy** as essential contributors to the security of higher education communities, as well as to their research, teaching, administrative, and public functions.

## HIGHER EDUCATION SECTOR

*The higher education sector, including administrators, scholars, students, and staff, should:*

- **demand recognition of the problem of attacks on higher education**, their negative consequences, and the responsibility of states to protect higher education communities within their territories against such attacks;
- **assist states in reviewing national laws and policies**, with due regard for the values essential to quality higher education—especially academic freedom and institutional autonomy—to ensure that higher education communities are protected under law and free from improper external interference, insecurity, or intimidation;

- **abstain from direct or indirect involvement in attacks** on higher education of any type, including by undue external interference or compulsion;
- **take all reasonable measures to provide adequate security for the members of their communities**, whether through direct protection, budgetary allocation, or other suitable arrangements;
- **ensure the security and integrity of virtual higher education spaces** for faculty and students, and hold accountable individuals and groups that attempt to violate these spaces;
- **document and report incidents to appropriate state and civil society partners**, including, as appropriate, conducting or demanding of states to conduct prompt, thorough, and transparent investigations of incidents and holding perpetrators accountable;
- **develop policies and practices that reinforce a culture of respect for principles of academic freedom and institutional autonomy** as essential contributors to security and to research, teaching, administrative, and public functions, including practices within higher education communities themselves and regular engagements with states, civil society, and the public at large; and
- **assist threatened scholars and students**, including by offering on-campus and virtual opportunities for research, teaching, and study, extending access to online resources, and providing career advice and referrals.

## CIVIL SOCIETY

*Civil society can play a critical role in improving the security of higher education communities and should:*

- **demand recognition of the problem of attacks on higher education**, their negative consequences, and the responsibility of states to protect higher education communities within their territories against such attacks;
- **assist in reviewing national laws and policies**, with due regard for the values essential to quality higher education—especially academic freedom and institutional autonomy—to ensure that higher education communities are protected under law and free from improper external interference, insecurity, or intimidation;
- **abstain from direct or indirect involvement in attacks** on higher education of any type, including by undue external interference or compulsion;

- **demand all reasonable measures to provide adequate security for higher education communities**, whether through direct protection, budgetary allocation, or other suitable arrangements;
- **document and report incidents to appropriate domestic authorities and the international community**, including, as appropriate, conducting or demanding of states to conduct prompt, thorough, and transparent investigations of incidents and the holding of perpetrators accountable; and
- **develop campaigns and practices that reinforce a culture of respect for principles of academic freedom and institutional autonomy** as essential contributors to the security of higher education communities as well as to their research, teaching, administrative, and public functions.

## THE PUBLIC







*The public at large may also play a critical role in improving the security of higher education communities and is called on to:*







- **demand recognition of the problem of attacks on higher education**, their negative consequences, and the responsibility of states to protect higher education communities within their territories against such attacks;
- **abstain from direct or indirect involvement in attacks** on higher education of any type, including by undue external interference or compulsion;
- **demand all reasonable measures to provide adequate security for higher education communities**, whether through direct protection, budgetary allocation, or other suitable arrangements;
- **report incidents to appropriate domestic authorities and the international community**, including demanding of states to conduct prompt, thorough, and transparent investigations of incidents and holding perpetrators accountable; and
- **participate in campaigns and practices that reinforce a culture of respect for principles of academic freedom and institutional autonomy** as essential contributors to the security of higher education communities as well as to their research, teaching, administrative, and public functions.

# Appendix: Table of Incidents

The below table includes 332 attacks arising from 272 verified incidents in 65 countries, as reported by Scholars at Risk's Academic Freedom Monitoring Project from September 1, 2020, to August 31, 2021. Note that the total number of attacks exceeds the total number of incidents reported because one incident may involve more than one type of conduct. Figures cited only include independently verified incidents. Over this reporting period, the project







evaluated 453 reported attacks. Incidents are listed below in reverse chronological order and are described by the location where the incident took place, the institution(s) implicated in the incident, and the type(s) of attack associated with the incident. For more detailed information on the below incidents, including links to sources cited in incident reports, please visit the Monitoring Project website at [www.scholarsatrisk.org/monitoringproject](http://www.scholarsatrisk.org/monitoringproject).

Date	Location	Institution(s)						
08/31/21	Sudan	University of Zalingei	X					
08/29/21	Afghanistan	Various Institutions						X
08/28/21	Mexico	Autonomous University of Puebla	X					
08/26/21	Pakistan	Punjab University	X					
08/26/21	China	University of Hong Kong		X				
08/24/21	Colombia	University of Cauca	X					
08/23/21	Turkey	Boğaziçi University		X				
08/21/21	Brazil	Various Institutions	X					
08/21/21	Afghanistan	Various Institutions						X
08/17/21	Colombia	University of Antioquia						X
08/17/21	Afghanistan	Herat University						X
08/16/21	Nigeria	Zamfara College of Agriculture & Animal Science	X	X				
08/14/21	Hong Kong	University of Hong Kong		X				
08/10/21	Indonesia	Cenderawasih University		X				
08/10/21	Nepal	Tribhuvan University		X				
08/08/21	Thailand	Thammasat University		X				
08/06/21	Sri Lanka	Various Institutions		X				X
08/04/21	Hong Kong	University of Hong Kong				X		
08/04/21	India	Jai Narayan Vyas University	X	X	X			
08/02/21	Liberia	University of Liberia	X					
07/29/21	Congo (DRC)	University of Bunia						X
07/29/21	India	Jai Narayan Vyas University				X		
07/26/21	Congo (DRC)	University of Kinshasa	X					X
07/24/21	Congo (DRC)	University of Kinshasa	X					
07/19/21	Kenya	Meru National Polytechnic	X					
07/16/21	Hong Kong	University of Hong Kong			X			
07/16/21	Turkey	Boğaziçi University				X		
07/14/21	Palestine (OPT)	Birzeit University		X	X			
07/14/21	Kenya	University of Nairobi	X					
07/14/21	Brazil	University of São Paulo			X			
07/14/21	Indonesia	Cenderawasih University	X	X				

Date	Location	Institution(s)						
07/13/21	Hong Kong	University of Hong Kong						X
07/11/21	Egypt	Alexander von Humboldt Foundation		X				
07/11/21	Nigeria	Zamfara College of Agriculture & Animal Science	X					
07/07/21	Pakistan	Islamia College University-Peshawar	X					
07/07/21	Palestine (OPT)	Birzeit University		X	X			
07/06/21	China	Various Institutions						X
07/05/21	South Africa	Central University of Technology	X	X				
07/03/21	Turkey	Boğaziçi University						X
07/01/21	Pakistan	Various Institutions	X	X				
06/30/21	Belarus	Belarusian State University		X				
06/30/21	India	Ambedkar University Delhi						X
06/28/21	Nigeria	Kaduna State College of Education	X					
06/28/21	Belarus	School of Young Managers in Public Administration		X	X			
06/21/21	Russia	Bard College; St. Petersburg State University						X
06/21/21	Sri Lanka	General Sir John Kotelawala National Defence University	X					
06/16/21	Madagascar	University of Toliara	X					
06/16/21	Turkey	State University of New York at Binghamton				X		
06/15/21	Algeria	University of Bab Ezzouar		X				
06/14/21	Senegal	University of Sine-saloum El Hadj Ibrahima Niass	X					
06/14/21	Congo (DRC)	Superior Institute of Medical Technique	X					
06/10/21	Belarus	Mogilev State University				X		
06/10/21	Nigeria	Nuhu Bamalli Polytechnic	X					
06/08/21	China	Zhongbei College	X					
06/04/21	Nigeria	Cross River State University of Science & Technology	X					
06/04/21	Malaysia	University of Technology Malaysia						X
06/01/21	Bangladesh	Dhaka University	X					
06/01/21	Pakistan	University of Peshawar	X					
05/30/21	Nigeria	Taraba State University	X					
05/29/21	Afghanistan	Al-Beroni University	X					
05/27/21	Uganda	Kyambogo University	X	X				
05/25/21	Kenya	Maasai Mara University	X	X				
05/24/21	Egypt	University of Washington					X	
05/21/21	Nigeria	Kashim Ibrahim College of Education; Umar Ibn Ibrahim El Kanemi College of Science & Technology	X					
05/21/21	Myanmar	Hinthada Technological University		X				
05/20/21	Brazil	University of São Paulo			X			
05/19/21	USA	University of North Carolina at Chapel Hill				X		
05/18/21	Palestine (OPT)	Islamic University of Gaza						X
05/17/21	Swaziland	University of Eswatini	X					
05/17/21	India	Central University of Kerala				X		



## Appendix: Table of Incidents

Date	Location	Institution(s)						
05/17/21	Myanmar	Mawlamyine University		X	X			
05/12/21	Brazil	Federal University of Rio Grande do Sul	X	X				
05/11/21	Israel	Ben-Gurion University of the Negev	X					
05/11/21	Algeria	University of Béjaïa		X				
05/09/21	Israel	Hebrew University of Jerusalem	X					
05/08/21	China	Unaffiliated					X	
05/05/21	Thailand	Chiang Mai University			X			
05/04/21	Colombia	Universidad del Rosario						X
05/04/21	Algeria	Various Institutions		X				
05/03/21	Azerbaijan	Azerbaijan State Economic University		X				
05/03/21	Myanmar	Various Institutions				X		
05/03/21	Brazil	University of São Paulo						X
05/02/21	Indonesia	Various Institutions	X	X				
05/01/21	Afghanistan	Islamic University of Kabul	X					
04/30/21	USA	Cypress College	X			X		
04/28/21	Hong Kong	University of Hong Kong						X
04/27/21	Bangladesh	Chattogram Medical College	X					
04/27/21	USA	Linfield University				X		
04/26/21	Zambia	University of Cape Town; University of Zambia			X			
04/24/21	Afghanistan	Peshgam Institute of Higher Education	X					
04/23/21	Colombia	Universidad del Valle	X					
04/23/21	Brazil	Universidade Paulista	X					
04/22/21	Algeria	Unaffiliated		X	X			
04/21/21	Bulgaria	University of National & World Economy				X		
04/21/21	Myanmar	Myitkyina University		X				
04/20/21	Peru	National University of Huancavelica	X					
04/20/21	Nigeria	Greenfield University	X					
04/19/21	Turkey	Boğaziçi University			X			
04/19/21	South Africa	Walter Sisulu University	X					
04/17/21	Belarus	Belarusian State University				X		
04/17/21	Angola	Various Institutions	X					
04/16/21	India	Kannur University		X				
04/15/21	China	Chinese University of Hong Kong; University of Hong Kong		X				
04/14/21	Russia	Various Institutions		X	X			
04/12/21	Sierra Leone	University of Sierra Leone	X	X				
04/09/21	Nigeria	Akwa Ibom State University				X		
04/07/21	South Africa	Mangosuthu University of Technology	X					
04/07/21	Indonesia	Cenderawasih University		X				
04/06/21	Afghanistan	Takhar University	X					
04/01/21	Turkey	Boğaziçi University		X				
03/26/21	Turkey	Boğaziçi University		X				
03/26/21	China	Newcastle University					X	X



Killings, Violence, Disappearances



Imprisonment



Prosecution



Loss of Position















Travel Restrictions



Other

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Date	Location	Institution(s)						
03/25/21	Turkey	Boğaziçi University		X				
03/25/21	Bangladesh	Dhaka University	X					
03/22/21	China	Various Institutions					X	X
03/21/21	Netherlands	Leiden University; Unaffiliated						X
03/20/21	Pakistan	Lahore University of Management Sciences						X
03/17/21	USA	Boise State University						X
03/16/21	USA	Boise State University						X
03/16/21	Afghanistan	Baghlan University	X					
03/15/21	South Africa	Various Institutions	X					
03/14/21	India	English & Foreign Languages University		X				
03/11/21	Nigeria	Federal College of Forestry Mechanisation	X					
03/11/21	South Africa	University of the Free State	X					
03/10/21	South Africa	University of Witwatersrand	X	X				
03/10/21	Nigeria	National Institute of Construction Technology	X					
03/09/21	South Africa	University of Witwatersrand	X	X				
03/08/21	India	Delhi University	X					
03/07/21	Myanmar	Mandalay Technological University	X					X
03/07/21	Myanmar	Monywa University						X
03/05/21	Belarus	Various Institutions		X				
03/03/21	Zimbabwe	Various Institutions		X				
03/02/21	Brazil	Federal University of Pelotas			X			
03/02/21	Myanmar	University of Yangon		X	X			
02/26/21	Zimbabwe	Various Institutions		X	X			
02/25/21	Hong Kong	Chinese University of Hong Kong						X
02/25/21	Hong Kong	Hong Kong Baptist University						X
02/25/21	USA	Collin College				X		
02/23/21	Angola	Kimpa Vita University		X				
02/23/21	India	Dhanamanjuri University	X					
02/22/21	Angola	University Agostinho Neto		X				
02/22/21	Haiti	University of Haiti; University of Port-au-Prince	X					
02/22/21	Iran	University of Tehran		X	X			
02/19/21	USA	City University of New York						X
02/18/21	Afghanistan	Kabul University	X					
02/18/21	Madagascar	University of Toamasina	X					
02/18/21	Hong Kong	Chinese University of Hong Kong		X				
02/17/21	Bangladesh	Barisal University	X					
02/14/21	United Kingdom	University of Edinburgh						X
02/14/21	Myanmar	Myanmar Aerospace Engineering University						X
02/14/21	Ethiopia	Jimma University	X	X	X			
02/12/21	Myanmar	Mawlamyine University	X	X				X
02/09/21	Poland	Polish Center for Holocaust Research; University of Ottawa						X
02/08/21	Madagascar	Antsiranana University		X				

Date	Location	Institution(s)						
02/07/21	Bangladesh	Various Institutions	X					
02/07/21	Turkey	Mimar Sinan Fine Arts University		X	X			
02/05/21	Turkey	Various Institutions	X	X				
02/05/21	USA	Tufts University						X
02/04/21	Turkey	Boğaziçi University			X		X	
02/04/21	Turkey	Various Institutions		X				
02/04/21	Turkey	Various Institutions		X	X			
02/04/21	Turkey	Çanakkale Onsekiz Mart University		X				
02/04/21	Myanmar	University of Medicine, Mandalay		X				
02/01/21	Thailand	Chulalongkorn University				X		
02/01/21	Nigeria	University of Abuja	X					
02/01/21	Egypt	Central European University		X	X			
02/01/21	Azerbaijan	Lankaran State University		X				
02/01/21	Turkey	Boğaziçi University		X				
01/30/21	Russia	Astrakhan State University				X		
01/30/21	Turkey	Boğaziçi University		X				
01/29/21	Belarus	Belarus State University		X				
01/28/21	Iran	Unaffiliated						X
01/28/21	USA	Collin College				X		
01/28/21	USA	Collin College				X		
01/28/21	Belarus	Belarusian State University		X				
01/26/21	Pakistan	University of Central Punjab	X					
01/25/21	Pakistan	University of Management & Technology		X				
01/25/21	Hong Kong	Hong Kong University of Science & Technology				X		
01/14/21	Greece	Various Institutions	X					
01/12/21	Tunisia	University of Sfax	X					
01/09/21	Iran	Kharazmi University		X				
01/08/21	Turkey	Middle East Technical University		X				
01/08/21	India	University of Hyderabad		X				
01/07/21	India	Visva Bharati University				X		
01/06/21	Pakistan	Unknown	X					
01/05/21	Turkey	Boğaziçi University		X				
01/05/21	Myanmar	Yadanabon University		X	X			
01/04/21	Turkey	Boğaziçi University	X					
12/29/20	Lebanon	American University of Beirut	X					
12/29/20	Morocco	University of Mohammed V-Rabat		X				
12/23/20	Israel	Birzeit University		X	X			
12/19/20	Lebanon	American University of Beirut	X					
12/16/20	Panama	University of Panama	X					
12/16/20	Iraq	Al-Manara University College	X					
12/16/20	Nigeria	Sa'adatu Rimi College of Education	X					
12/15/20	India	Jamia Millia Islamia		X				
12/15/20	Iraq	University of Misan	X					



Killings, Violence, Disappearances



Imprisonment



Prosecution



Loss of Position









Travel Restrictions









Other

# FREE TO THINK 2021: Report of the Scholars at Risk Academic Freedom Monitoring Project

Date	Location	Institution(s)						
12/11/20	United Kingdom	University of Edinburgh	X					
12/07/20	Zimbabwe	Morgan Zintec Teachers' College		X	X			
12/07/20	Gabon	Omar Bongo University						X
12/07/20	Hong Kong	Chinese University of Hong Kong		X	X			
12/05/20	Yemen	University of Aden	X					
12/03/20	Kenya	University of Nairobi	X					
12/02/20	Kenya	Karatina University	X					
12/02/20	Lebanon	Saint Joseph University	X					
12/01/20	Russia	Peoples' Friendship University of Russia				X		
12/01/20	Lebanon	Saint Joseph University	X					
11/30/20	Turkey	Unaffiliated		X	X			
11/28/20	Poland	Warsaw University of Technology	X					
11/27/20	Bangladesh	Shah Mokhdum Medical College	X					
11/23/20	Iran	University of Tehran		X				
11/20/20	Saudi Arabia	Unaffiliated		X				
11/13/20	USA	Brandeis University						X
11/12/20	Belarus	Various Institutions		X				X
11/09/20	Afghanistan	Tabesh University	X					
11/09/20	India	V.M. Salgaocar College of Law	X		X			
11/08/20	Bangladesh	University of Dhaka	X					
11/06/20	France	University of Toulouse-Jean Jaurès						X
11/06/20	Turkey	Various Institutions		X				
11/05/20	China	Capital Normal University						X
11/04/20	Nigeria	Ignatius Ajuru University of Education				X		
11/03/20	Spain	University of La Laguna	X	X				
11/02/20	Afghanistan	Kabul University	X					
11/01/20	Malaysia	University of Malaya	X	X	X			X
10/29/20	India	Unaffiliated						X
10/29/20	Greece	Athens University of Economics & Business	X					
10/28/20	Belarus	Belarusian State Medical University				X		
10/28/20	Belarus	Belarusian National Technical University				X		
10/27/20	Belarus	Various Institutions				X		
10/26/20	Belarus	Belarusian National Technical University; Belarusian State University of Informatics and Radioelectronics		X				
10/24/20	Afghanistan	Kawsar-e Danish Educational Center	X					
10/21/20	Thailand	Ramkhamhang University	X					
10/20/20	Belarus	Belarusian State University of Culture & Arts; Brest State Technical University; Minsk State Linguistic University				X		
10/17/20	Belarus	Minsk State Linguistic University		X				
10/16/20	Thailand	Various Institutions	X					
10/15/20	India	Anna University		X				
10/15/20	Thailand	Thammasat University		X	X			



## Appendix: Table of Incidents

Date	Location	Institution(s)						
10/13/20	Australia	University of Sydney	X	X				
10/13/20	Côte d'Ivoire	National Institute for the Training of Health Professionals	X	X				
10/12/20	India	Delhi University		X				
10/09/20	Greece	National Technical University of Athens						X
10/05/20	Haiti	École Normale Supérieure	X					
10/04/20	Russia	Presidential Academy of National Economy & Public Administration						X
10/02/20	Haiti	École Normale Supérieure	X					
10/01/20	Japan	Science Council of Japan						X
10/01/20	Peru	National University of San Marcos	X					
09/29/20	Myanmar	Various Institutions		X				
09/24/20	China	Charles Sturt University					X	
09/23/20	Vietnam	Ton Duc Thang University		X	X			X
09/22/20	India	University of Dhaka	X					
09/18/20	Belarus	Belarusian State University				X		
09/18/20	Zimbabwe	Various Institutions	X	X				
09/17/20	Canada	University of Toronto				X		
09/17/20	Belarus	European Humanities University		X	X			
09/16/20	Australia	University of Sydney		X				
09/14/20	USA	University of Mississippi				X		X
09/14/20	Afghanistan	Nangarhar University	X					
09/14/20	Zimbabwe	Unknown		X				
09/11/20	Nicaragua	National Autonomous University of Nicaragua				X		
09/10/20	Zimbabwe	Various Institutions		X				
09/10/20	Argentina	National University of Córdoba			X			
09/10/20	Bangladesh	National University of Bangladesh				X		
09/09/20	Bangladesh	Dhaka University				X		
09/09/20	Yemen	Sana'a University	X	X				
09/09/20	USA	Texas A&M University				X		
09/05/20	India	Delhi University		X				
09/05/20	Belarus	Belarusian State University; Minsk State Linguistic University		X				
09/04/20	Belarus	Minsk State Linguistic University	X	X				
09/02/20	Bangladesh	National University of Bangladesh				X		
09/01/20	Belarus	Various Institutions	X	X				
09/01/20	Hungary	University of Theatre & Film Arts						X
09/01/20	Thailand	Thammasat University		X	X			
<b>TOTALS</b> (September 1, 2020 – August 31, 2021)			<b>110</b>	<b>101</b>	<b>34</b>	<b>34</b>	<b>6</b>	<b>47</b>

**TOTAL ATTACKS: 332**

## Appendix: Academic Freedom Monitoring Project Methodology

**The Scholars at Risk (SAR) Academic Freedom Monitoring Project aims to identify, assess, and track incidents involving one or more of six types of conduct that may constitute violations of academic freedom and/or the human rights of members of higher education communities.**

The Monitoring Project is led by SAR staff working in partnership with higher education professionals, researchers, students participating in SAR's Academic Freedom Legal Clinics, and advocates around the world serving as volunteer researchers. Anonymity of researchers is maintained where warranted by personal security or other concerns.

Monitoring Project staff and volunteer researchers identify and research incidents based on a system developed by SAR. Volunteer researchers may focus on researching a particular country or region for which they have expertise. All reports are reviewed by SAR secretariat staff before they are published to the Monitoring Project website. Volunteers also work with SAR to advise and develop advocacy responses to patterns of attacks found at the country level as well as severe, acute pressures on higher education communities.

The Monitoring Project reports incidents involving six types of conduct:

**Killings/Violence/Disappearances:** Relevant incidents include killings and disappearances either in retaliation for particular academic content or conduct, or the targeting of members of higher education communities, including higher education leaders, faculty, staff, and students. Disappearance includes arrest, detention, abduction, or other deprivation of liberty by government or quasi-government officials, or by groups or individuals acting on behalf of, or with support, consent, or acquiescence of the government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law. Violence includes violent physical assaults causing serious harm to individual members of higher education communities, including beatings, shootings, or other injuries with weapons, and torture, as well as

threats of violence.

**Wrongful Imprisonment:** Relevant incidents include the arrest, interrogation, detention, and/or prosecution of scholars, students, or other members of higher education communities on false or otherwise wrongful grounds or charges, directly relating to, or in retaliation for, the expression of academic opinions or other professional or student activity, as well as in retaliation against other exercise of fundamental human rights, including freedom of expression and freedom of association. The latter may include incidents of scholars, students, or other members of higher education communities engaging in protected free expression, such as writing a letter to a newspaper or participating in a protest rally, even if such letter or rally is unrelated to the individual's higher education sector status. (These incidents may not qualify as violations of academic freedom directly, but may still constitute violations of the human rights of members of higher education communities which in turn may indirectly impair academic freedom.)

**Wrongful Prosecution:** Relevant incidents include administrative, civil, or criminal proceedings against higher education leaders, academic and nonacademic staff, or higher education students involving false or otherwise wrongful grounds or charges directly relating to, or in retaliation for, the expression of academic opinions or other professional or student activity, or in retaliation for other exercise of fundamental human rights including freedom of expression and freedom of association. (Note that charges may be grounded in local law but nevertheless violate recognized international human rights standards because they punish protected activity.) Relevant incidents may also include, among others, proceedings for so-called "reputational harms" (e.g. 'insulting the State' or 'offending national leaders') which may subject individuals to substantial monetary penalties or imprisonment, restrictions on travel during pendency of any action or after conviction, bankruptcy, loss of political rights (including right to hold or run for elective office) and loss of position at state enterprises, including universities. Also included should be documented incidents where state or other entities use the threat of defamation or similar legal action to intimidate and silence academic personnel or students, even

if such an action is never formally commenced (e.g., a state minister makes a public speech threatening prosecution of a scholar or expulsion of students for publishing an article). Such proceedings may be brought on behalf of individuals and institutions including governments and other state entities (such as the military), officials, private citizens, state religions, and nations themselves. When reporting on incidents of this type, researchers are encouraged to identify and if possible attach copies of the legal provisions providing the basis for any charges or threatened charges and evidence, such as any photographs of incidents or copies of any allegedly offending statements or publications.

**Travel Restrictions:** Relevant incidents include improper travel restrictions on higher education leaders, academic and nonacademic staff, and higher education students in connection with academic content or conduct. These include, but are not limited to, legal, administrative, or physical restrictions on travel within a state; restrictions on travel between states; arbitrary restrictions on a scholar or student's ability to obtain a visa or other entry or exit documents; denial of future permissions for travel; and retaliation for attempting to travel or after return from travel. Travel restrictions may be imposed by government authorities of the scholar or student's home state, government authorities of the state to be visited, and/or higher education institutions, leadership or professional associations.

**Loss of Position:** Relevant incidents involving higher education leaders or academic staff include discharge, demotion, loss of promotion or other professional penalty for a scholar's academic work and exercise of other fundamental human rights, including statements made in the classroom, writings, research, professional association/union activity, engagement with (and criticism of) higher education leadership or education policy, etc. Relevant incidents involving students include dismissal or expulsion from studies based on academic work or student activities, including statements made in the classroom, writings, research, student association/union activity, engagement with (and criticism of) higher education leadership or education policy, etc. The offending penalties may be imposed by state authorities, higher education institutions, or other higher education-related authorities.

**Other Incidents:** Researchers are encouraged to report incidents which do not fit squarely within one or more of the five defined types of conduct yet are of such importance, scale, scope, and/or duration that they have already, or have the potential to impair

significantly higher education functions, academic freedom, or the exercise of human rights by members of higher education communities. Such incidents may include occupation or closing of higher education campuses; destruction of higher education facilities, materials, or infrastructures; systematic or prolonged harassment or threats against members of higher education communities; systematic limits on access to higher education; and/or systematic discrimination based on gender, race or other grounds in access to, employment within, or other elements relating to higher education. The "other" type acknowledges that it is not easy to anticipate all relevant types of attacks that the Monitoring Project might expose and leaves room for researchers to include significant incidents that do not fit squarely elsewhere. Over time, regular reports of similar kinds of conduct in the "other" type may justify adding an additional delimited type.

Volunteer researchers submit reports to SAR on a rolling basis. Volunteers are encouraged to focus on the defined types of attacks, but are also instructed to exercise an "inclusion preference," reporting corroborated incidents that may be difficult to fit within the aforementioned types, but that raise significant concerns about the security and freedom of higher education communities. This allows the broadest collection of initial data, data that over time will help support analysis of scope and frequency. In all cases, SAR staff provide a secondary level of review and work within the limits of available resources, and with individual monitors, to corroborate reported incidents and to evaluate when an incident rises to the level of reportable "attack" for project purposes. Sources typically include local, national, and international media outlets and, where possible, primary sources such as interviews with victims, witnesses, or bystanders, and court, government, or university documents. Incidents corroborated by sufficient reliable sources are deemed "verified" and published as warranting public attention, including via email digests, website, social media, and summary reports.

Incident reports, links, and references are provided to assist users in evaluating alleged reports and do not necessarily represent the views of SAR, volunteer researchers, or respective members and partners of the SAR Network. SAR will not knowingly report or disseminate information that is false or uncorroborated. SAR welcomes submissions of additional corroborating, clarifying, or contradictory information that may be used to further research or otherwise improve data reported.

# SAR Publications and Materials



**Free to Think  
2020**



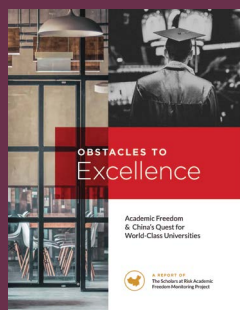
**Free to Think  
2019**



**Free to Think  
2018**



**Free to Think  
2017**



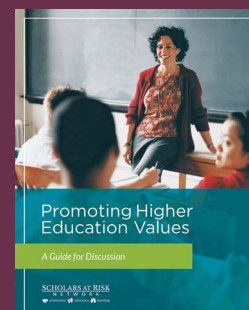
**Obstacles to Excellence:  
Academic Freedom &  
China's Quest for World-  
Class Universities**



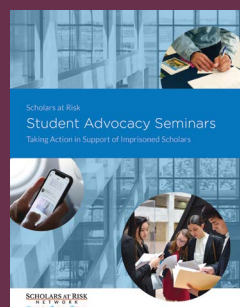
**Intellectual-HRDs & Claims  
for Academic Freedom  
Under Human Rights Law**



**Dangerous Questions:  
Why Academic  
Freedom Matters**



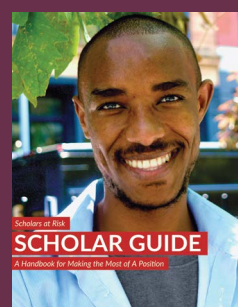
**Promoting Higher  
Education Values:  
A Guide for Discussion**



**Student Advocacy  
Seminars Handbook**



**How to Host  
Handbook**



**Scholar  
Guide**



**Speaker Series  
Handbook**





**THOUSANDS OF EDUCATORS AND ACADEMICS** are killed, imprisoned, attacked, or threatened around the world each year because of what they teach, write, or say. This is dangerous for all of us. It not only destroys lives, but it also denies everyone the benefit of expert knowledge, destabilizes vulnerable societies, and cripples the healthy public discourse that sustains democracy.

Scholars at Risk (SAR) is an international network of over 500 higher education institutions and thousands of individuals in more than 40 countries that is leading the charge in protecting and offering sanctuary to threatened scholars and students. Our mission is to protect higher education communities and their members from violent and coercive attacks, and by doing so to expand the space in society for reason and evidence-based approaches to resolving conflicts and solving problems. We meet this mission through direct protection of individuals, advocacy aimed at preventing attacks and increasing accountability, and research and learning initiatives that promote academic freedom and related values.

Institutions and individuals are invited to take part in this important work by joining the network, offering to host at-risk scholars, organizing campus events, advocating on behalf of imprisoned academics and students, conducting research through SAR's Academic Freedom Monitoring Project and working groups, proposing your own projects, and donating to SAR to sustain these activities. To learn more about SAR activities, network membership, or how you or your institution might benefit, please visit:

[www.scholarsatrisk.org](http://www.scholarsatrisk.org)



*Scholars at Risk is an independent not-for-profit  
corporation hosted at New York University*

## **SCHOLARS AT RISK** N E T W O R K

 protection  advocacy  learning

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