

PRESENTED TO

UNITED NATIONS SPECIAL RAPPORTEUR ON THE
PROMOTION AND PROTECTION OF THE RIGHT TO
FREEDOM OF OPINION AND EXPRESSION

SUBMISSION

Academic Freedom and the Freedom of Opinion and Expression

Introduction

ICNL is grateful for the opportunity to provide input regarding the scope and protection of academic freedom as a component of the right to freedom of opinion and expression. In March 2019, ICNL published a report on *Closing Academic Space: Repressive State Practices in Legislative, Regulatory, and Other Restrictions on Higher Education Institutions*.¹ The report sets out international and regional standards respecting the protection of academic freedom and the autonomy of higher education institutions, and describes restrictive laws and practices relating to academic freedom and institutional autonomy around the world. These restrictions include:

- **Direct restrictions on activities of academics and students**, including restrictions on the expression of views; criminalization of academics; restrictions on research and the discussion of specific topics; restrictions on academic programs, curricula and teaching; mandatory training for faculty; travel restrictions; and repressive practices related to student expression;
- **Restrictions on the status and conditions of academics and students**, including restrictions on faculty and staffing; interference with student admissions; and politicization of admissions, scholarships, grades, and dismissal of students;
- **Restrictions on institutional governance and autonomy**, including changes to higher education laws; interference with governance structures of universities; regulatory restrictions; interference in the selection, appointment and dismissal of the leadership of institutions; changes to financial conditions for universities; and use of national emergency laws; and

¹ Kirsten Roberts Lyer & Aron Suba, *Closing Academic Space: Repressive State Practices in Legislative, Regulatory, and Other Restrictions on Higher Education Institutions* (hereinafter, *Closing Academic Space*), March 2019, available at <https://www.icnl.org/post/report/closing-academic-space>.

- **Generation of a negative societal environment for academic freedom,** including through a national environment that fosters self-censorship; negative public discourse by governments about academics and academic institutions; the use of ‘foreign agent’ or anti-terrorism laws; and, in extreme cases, the securitization and militarization of campuses.

This submission highlights key international and regional standards and restrictive practices respecting academic freedom and institutional autonomy, drawing primarily from the March 2019 report on *Closing Academic Space* (a copy of which accompanies this submission). We hope the Special Rapporteur will find this submission helpful in preparing the upcoming report to the 75th Session of the General Assembly.

International and Regional Legal Standards

We begin by reviewing key international and regional standards relating to academic freedom and institutional autonomy. Aside from Article 19 of the International Covenant on Civil and Political Rights – which protects 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” and thus affords protection to academic discourse by academics and students – several other international and regional instruments specifically protect academic freedom and recognize that institutional autonomy forms a core element of this freedom.²

Article 13(4) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides, with respect to the right to education, that “No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.”³ The UN Committee on Economic, Social and Cultural Rights (CESCR), in its General Comment No. 13 on the right to education, explained that “the right to education can only be enjoyed if accompanied by the academic freedom of staff and students,”⁴ elaborating upon this principle as follows:

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

² For additional discussion of these instruments, see Lyer & Suba, *Closing Academic Space*, Sec. II.a, pp. 22-31.

³ International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 13(4), available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

⁴ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, 8 December 1999, E/C.12/1999/10, para. 38, available at <https://www.refworld.org/docid/4538838c22.html>.

individuals to express freely opinions about the institution or system in which they work, to fulfil 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. ...

The enjoyment of academic freedom requires the autonomy of institutions of higher education. Autonomy is that degree of self-governance necessary for effective decision-making by institutions of higher education in relation to their academic work, standards, management and related activities. ...⁵

The Comment further specifies that “violations of article 13 includes: ... the failure to maintain a transparent and effective system to monitor conformity with article 13 (1); ... the denial of academic freedom of staff and students; the closure of educational institutions in times of political tension in non-conformity with article 4.”⁶

The 1997 *Recommendation concerning the Status of Higher-Education Teaching Personnel* adopted by the UNESCO General Conference specifies:

Higher-education teaching personnel are entitled to the maintaining of academic freedom, that is to say, the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom 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. All higher-education teaching personnel should have the right to fulfil their functions without discrimination of any kind and without fear of repression by the state or any other source. Higher-education teaching personnel can effectively do justice to this principle if the environment in which they operate is conducive, which requires a democratic atmosphere; hence the challenge for all of developing a democratic society.⁷

The Recommendation further explains:

⁵ *Id.* at paras. 39-40.

⁶ *Id.* at para. 58.

⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO), Recommendation concerning the Status of Higher-Education Teaching Personnel, 11 November 1997, para. 27, available at http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html.

The proper enjoyment of academic freedom and compliance with the duties and responsibilities listed below require the autonomy of institutions of higher education. Autonomy is 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. However, the nature of institutional autonomy may differ according to the type of establishment involved.

Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions.

Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.⁸

Article 13 of the Charter of Fundamental Rights of the European Union, regarding “Freedom of the arts and sciences,” provides: “The arts and scientific research shall be free of constraint. Academic freedom shall be respected.”⁹

From the Council of Europe, *Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy* states:

Academic freedom should guarantee the right of both institutions and individuals to be protected against undue outside interference, by public authorities or others. It is an essential condition for the search for truth, by both academic staff and students, and should be applied throughout Europe. University staff and/or students should be free to teach, learn and research without the fear of disciplinary action, dismissal or any other form of retribution.

Institutional autonomy, in its full scope, encompasses the autonomy of teaching and research as well as financial, organisational and staffing

⁸ *Id.* at paras. 17-19.

⁹ *Charter of Fundamental Rights of the European Union*, 2012/C 326/02, art. 13, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>.

autonomy. Institutional autonomy should be a dynamic concept evolving in the light of good practice.¹⁰

Other standards regarding academic freedom and institutional autonomy include: the 1970 American Association of University Professor's Statement of Principles on Academic Freedom and Tenure;¹¹ the 1988 Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education of the World University Service;¹² and the 1990 Kampala Declaration on Intellectual Freedom and Social Responsibility¹³ and the 2007 Juba Declaration on Academic Freedom and University Autonomy¹⁴ of the Council for the Development of Social Science Research in Africa.

Restrictive Laws and Practices Affecting Academic Freedom

As the sources of international law and standards listed above make clear, academic freedom implicates not only the expression and activities of academics and students, but arrangements affecting the autonomy of educational institutions, as well as the conduciveness of the broader environment to free participation in academic activities.

Restrictive laws and practices affecting academic freedom thus fall into several categories: (1) direct restrictions on activities of academics and students; (2) restrictions on the status and conditions of academics and students; (3) restrictions on institutional governance and autonomy; and (4) generation of a negative societal environment for academic freedom. In this section, we review manifestations and illustrative examples of these types of restrictive laws and practices.

DIRECT RESTRICTIONS ON ACTIVITIES OF ACADEMICS AND STUDENTS

- Like other citizens, academics should not be impeded in their right to freedom of expression as part of or outside of their work, but academics are frequently subject to dismissal or punishment based on their expression.¹⁵ In Turkey, approximately one-third of the 1,128 original signatories to a 2016 petition calling on the government to “create a road map that would lead to a lasting peace which includes the demands of the Kurdish political movement” have

¹⁰ Council of Europe, *Recommendation CM/Rec(2012)7 of the Committee of Ministers to member States on the responsibility of public authorities for academic freedom and institutional autonomy*, 20 June 2012, paras. 5-6, available at <https://www.refworld.org/pdfid/50697ed62.pdf>.

¹¹ American Association of University Professors, *1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments*, available at <https://www.aaup.org/file/1940%20Statement.pdf>.

¹² World University Service, *The Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education*, available at <https://www.cesaer.org/content/7-administration/legal-affairs/values/lima-declaration.pdf>.

¹³ Council for the Development of Social Science Research in Africa, *The Kampala Declaration on Intellectual Freedom and Social Responsibility (1990)*, available at <http://hrlibrary.umn.edu/africa/KAMDOK.htm>.

¹⁴ Council for the Development of Social Science Research in Africa, *Juba Declaration on Academic Freedom and University Autonomy*, 27 February 2007, available at <https://www.codesria.org/spip.php?article349>.

¹⁵ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. IV.a, pp. 74-78.

been dismissed from their positions.¹⁶ In Venezuela¹⁷ and Cuba,¹⁸ academics have been punished or prosecuted for expressing opinions critical of government policies or ideas outside of government-accepted norms. And in Vietnam, professors “must refrain from criticizing government policies and adhere to party views when teaching or writing on political topics.”¹⁹

- Criminalizing academics for their professional activities not only violates the free expression rights of the academics targeted, but can have a serious chilling effect on the autonomy of higher education institutions and academic discourse generally.²⁰ In Turkey, “State authorities have used prosecutions, arrests, and bans on public employment and foreign travel, among other actions, against thousands of academics” who signed the “Peace Petition” described above or who have been accused of being associated with disfavored individuals or groups.²¹ In Yemen, “Houthi forces have detained scholars as part of their crackdown on dissent,”²² while in Morocco, the law “permits the government to criminalize presentations or debate questioning the legitimacy of Islam, the legitimacy of the monarchy and state institutions.”²³
- Closely connected to repressive practices on the expression of views of academics are restrictions on particular research topics, which may entail limited access to libraries, restrictions on the publication of and research about certain topics, intellectual property restrictions and limitations on the ability of academics to collaborate internationally.²⁴ In Bangladesh, authorities have discouraged research on certain topics and government approval is required for certain historical publications.²⁵ In Jordan, academics have reported that the university administration needs to approve all research

¹⁶ Amnesty International, *No End in Sight: Purged Public Sector Workers Denied a Future in Turkey* (2017), at 11, available at <https://www.amnestyusa.org/wp-content/uploads/2017/05/No-End-In-Sight-ENG.pdf>.

¹⁷ Inter American Commission on Human Rights (IACHR), *Democratic Institutions, the Rule of Law and Human Rights in Venezuela: Country Report* (2017), at 165, available at <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>.

¹⁸ U.S. State Department, *2019 Country Reports on Human Rights Practices: Cuba*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/cuba/>.

¹⁹ Freedom House, *Freedom in the World 2019: Vietnam*, Sec. D3, available at <https://freedomhouse.org/country/vietnam/freedom-world/2019>.

²⁰ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. VI.a, pp. 97-100.

²¹ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2019), p. 3, available at <https://www.scholarsatrisk.org/wp-content/uploads/2020/01/Scholars-at-Risk-Free-to-Think-2019.pdf>.

²² Freedom House, *Freedom in the World 2019: Yemen*, Sec. D3, available at <https://freedomhouse.org/country/yemen/freedom-world/2019>.

²³ U.S. State Department, *2019 Country Reports on Human Rights Practices: Morocco*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/morocco/>.

²⁴ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. IV.b, pp. 78-80.

²⁵ U.S. State Department, *2019 Country Reports on Human Rights Practices: Bangladesh*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bangladesh/>.

papers, forums, reading materials, movies, or seminars.²⁶ In China, academics “expressing views not in line with CCP thought” have been dismissed.²⁷

- Travel restrictions on academics constrain their freedoms of movement and expression and ability to share knowledge and collaborate.²⁸ In Egypt, university faculty members reportedly required security clearances and approval from the Ministry of Foreign Affairs and the Ministry of Higher Education in order to travel abroad.²⁹ In India, the government has reportedly applied travel restrictions to visiting foreign scholars.³⁰
- Excessive state interference in academic programs and curricula impacts individual academics and students and higher education institutions as a whole.³¹ In Venezuela, autonomous public and private universities are constrained by the state in the creation of new academic programs,³² while in Nigeria, a governmental body reportedly “retains the power to approve or disapprove academic programmes of universities.”³³ In Hungary, the Prime Minister issued a decree removing gender studies from the list of approved academic programs.³⁴ And in China,³⁵ Cuba,³⁶ and Belarus,³⁷ institutions are required to teach official state ideology as part of university curricula.
- Another form of excessive restrictions related to curriculum and academic programs is state-sanctioned mandatory training for faculty, designed to advance certain ideological frameworks.³⁸ In Venezuela, for example, the state

²⁶ U.S. State Department, 2019 Country Reports on Human Rights Practices: Jordan, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/jordan/>.

²⁷ U.S. State Department, 2019 Country Reports on Human Rights Practices: China, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/china/>.

²⁸ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. IV.e, pp. 84-86.

²⁹ Association for Freedom of Thought and Expression (AFTE), *The Quarterly Report on the State of Freedom of Expression in Egypt: First quarter January to March 2017*, p. 23, available at https://afteegypt.org/en/afte_releases/2017/05/22/13021-afteegypt.html.

³⁰ U.S. State Department, 2019 Country Reports on Human Rights Practices: India, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/india/>.

³¹ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. IV.c, pp. 80-84.

³² Human Rights Observatory of the University of Los Andes et. al., *Contribution for the second cycle of Universal Periodic Review of Venezuela, in the 26th session of the United Nations Human Rights Council: Restrictions and reprisals against autonomy and academic freedom in higher education system in Venezuela* (2016), p. 5.

³³ Akpan Kufre Paul & Glory Amadi, *International Journal of Academic Research and Development*, “University autonomy and academic freedom in Nigeria: A theoretical overview,” July 2017, p. 542., available at <http://www.academicjournal.in/download/517/2-4-153-230.pdf>.

³⁴ Elizabeth Redden, *Inside Higher Ed*, “Hungary Officially Ends Gender Studies Programs,” 17 October 2018, available at <https://www.insidehighered.com/quicktakes/2018/10/17/hungary-officially-ends-gender-studies-programs>.

³⁵ U.S. State Department, 2019 Country Reports on Human Rights Practices: China, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/china/>.

³⁶ U.S. State Department, 2019 Country Reports on Human Rights Practices: Cuba, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/cuba/>.

³⁷ U.S. State Department, 2019 Country Reports on Human Rights Practices: Belarus, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/belarus/>.

³⁸ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. IV.d, p. 84.

exerts control over higher education teacher training policies in order to ensure programs support state-sanctioned socialist ideological frameworks.³⁹

- Students also frequently experience disproportionate state responses when they express their views.⁴⁰ Following the 2013 coup in Egypt, thousands of students were imprisoned for exercising their rights to expression, association and assembly.⁴¹ In Venezuela, restrictions on students related to the expression of political opinions have included exclusion from scholarships; the criminalization of protests; the physical presence and interventions of security forces in university campuses; arrest, detention, ill-treatment of students; extrajudicial killings; and the trial of students in military courts.⁴²

RESTRICTIONS ON STATUS AND CONDITIONS OF ACADEMICS AND STUDENTS

- Faculty and staff require job stability, merit-based appointments, and protection from arbitrary dismissal in order to freely engage in academic discourse, but examples of state interference with the appointment and dismissal of academics and staff are legion.⁴³ In Azerbaijan,⁴⁴ Egypt,⁴⁵ and Iran,⁴⁶ for instance, academics have been dismissed due to their political or religious affiliations. In Hungary, the Prime Minister-appointed chancellor now has control over staffing and appointments of senior academics “are validated by the ministry and confirmed by the President of the Republic.”⁴⁷
- State efforts to control the size and composition of student bodies, which necessarily affects the range of views expressed at universities, are also common.⁴⁸ In Uzbekistan, a 2014 study found that admissions quotas were established by the Cabinet of Ministers and endorsed by a presidential decree “outlining the exact intake for each university and each profile or speciality.” Universities had to lobby the Ministry of Education to increase their intake

³⁹ Human Rights Observatory of the University of Los Andes et al., *supra* note 32, p. 4.

⁴⁰ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. V.c, pp. 92-96.

⁴¹ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2016), p. 13, available at https://www.scholarsatrisk.org/wp-content/uploads/2016/11/Free_to_Think_2016.pdf.

⁴² Mayda Hocesvar, David Gómez & Nelson Rivas, *Interdisciplinary Political Studies*, “Threats to Academic Freedom in Venezuela: Legislative Impositions and Patterns of Discrimination Towards University Teachers and Students,” 11 December 2017, available at <https://www.scholarsatrisk.org/wp-content/uploads/2018/01/Threats-to-Academic-Freedom-in-Venezuela.pdf>; Human Rights Observatory of the University of Los Andes et. al., *supra* note 32.

⁴³ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. III.f, pp.67-72.

⁴⁴ U.S. State Department, *2019 Country Reports on Human Rights Practices: Azerbaijan*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/azerbaijan/>.

⁴⁵ U.S. State Department, *2017 Country Reports on Human Rights Practices: Egypt*, Sec. 2.A, available at <https://www.state.gov/reports/2017-country-reports-on-human-rights-practices/egypt/>.

⁴⁶ U.S. State Department, *2019 Country Reports on Human Rights Practices: Iran*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/iran/>.

⁴⁷ European University Association, *University Autonomy in Europe III: Country Profiles* (2017), p. 91, available at <https://eua.eu/downloads/publications/university%20autonomy%20in%20europe%20iii%20country%20profiles.pdf>.

⁴⁸ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. V.a, pp. 88-89.

and introduce new programs, with the final decision resting with the Cabinet of Ministers.⁴⁹ In Nigeria, several accounts suggest that student admissions policies are the subject of political interference,⁵⁰ with admissions decisions reportedly influenced by the political connections of applying students.⁵¹

- States can further control student expression through the politicization of admissions, awarding of scholarships and grades, and dismissal of students.⁵² In Bahrain, scholarships have reportedly been unfairly distributed to Shia students due to bias by government officials and students have been questioned on their political beliefs in admission interviews.⁵³ In Turkey, after the 2016 coup attempt, foreign students were deported or threatened with deportation for alleged links to Fethullah Gülen.⁵⁴

RESTRICTIONS ON INSTITUTIONAL GOVERNANCE AND AUTONOMY

- Governments can cripple or even close disfavored institutions by modifying laws and changing regulatory requirements.⁵⁵ In 2017, the Hungarian government introduced a new legislative framework for foreign universities, which was widely criticized as being directed specifically at Central European University (CEU).⁵⁶ As a result, CEU was forced to move its operations to Vienna beginning in 2019.⁵⁷ Venezuela presents another example where revisions to the legal framework have diminished institutional autonomy.⁵⁸
- Excessive state interference in governance structures can result in ‘state-run’ institutions, removing the ability of universities to operate autonomously.⁵⁹ In Venezuela, for example, a 2009 law delegated powers over university rules and policies, control of income and expenditure of universities, and teacher

⁴⁹ World Bank, *Uzbekistan: Modernizing Tertiary Education*, June 2014, p. 60, available at <https://www.worldbank.org/content/dam/Worldbank/document/eca/central-asia/Uzbekistan-Higher-Education-Report-2014-en.pdf>.

⁵⁰ Freedom House, *Freedom in the World 2019: Nigeria*, Sec. D3, available at <https://freedomhouse.org/country/nigeria/freedom-world/2019>.

⁵¹ Bakwaph Peter Kanyib, *Seton Hall University Dissertations and Theses*, “Admission Crisis in Nigerian Universities: The Challenges Youth And Parents Face in Seeking Admission” (2013), pp. 101, 107-110, available at <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=2917&context=dissertations>.

⁵² For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. V.b, pp. 89-91.

⁵³ U.S. State Department, *2019 Country Reports on Human Rights Practices: Bahrain*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/bahrain/>.

⁵⁴ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2017), pp. 16-18, available at <https://www.scholarsatrisk.org/wp-content/uploads/2017/09/Free-to-Think-2017.pdf>.

⁵⁵ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. III.a, pp. 41-48.

⁵⁶ European Commission for Democracy Through Law (Venice Commission), *Hungary: Opinion On Act XXV Of 4 April 2017 on the Amendment of Act CCIV Of 2011 on National Tertiary Education, Endorsed by the Venice Commission at its 111th Plenary Session (Venice, 6-7 October 2017)*, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)022-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)022-e).

⁵⁷ CEU, *Central European University Announces New Vienna Campus*, 22 March 2019, available at <https://www.ceu.edu/article/2019-03-22/central-european-university-announces-new-vienna-campus>.

⁵⁸ IACHR, *supra* note 17, p. 237, footnote 1126.

⁵⁹ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. III.b, pp. 48-53.

training to the Cabinet; established new rules for the elections of student representatives and university authorities; and explicitly noted that training programs and research need to be subordinated to the plans of the Cabinet.⁶⁰

- States can interfere with institutions through the excessive application of administrative or regulatory requirements.⁶¹ Russia provides an example of such interference: in 2017, the license of the European University in St. Petersburg was revoked after 11 unannounced inspections (triggered by a complaint by a ruling party politician) found 120 administrative violations, all but one of which had reportedly been resolved by the time of revocation.⁶²
- Interference in leadership by the government can also lead to state-controlled institutions.⁶³ Following the coup attempt in July 2016 in Turkey, the Council of Higher Education ordered the temporary resignation of 1,577 deans at private and state universities to “reestablish the autonomy of universities.”⁶⁴
- Changes to financial conditions may make it impossible for universities to operate and to plan for teaching and research.⁶⁵ In Venezuela, for example, budgetary decisions rest with the government, and financial retaliation is reported to be common against autonomous universities.⁶⁶
- Finally, situations of national emergency can be used by governments to impose excessive restrictions on universities in the context of framing them as ‘dangerous’ institutions, which in turn can notably curtail their autonomy.⁶⁷ In Turkey, for example, a state of emergency underlined and authorized the dismissals, arrests, and detentions of academics described above.⁶⁸

GENERATION OF A NEGATIVE SOCIETAL ENVIRONMENT FOR ACADEMIC FREEDOM

- Self-censorship by higher education personnel is fostered by a national environment where the state does not sufficiently protect the free expression of views and publication of research by academics.⁶⁹ Scholars at Risk has

⁶⁰ Hocevar et al., *supra* note 42, pp. 157-58.

⁶¹ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. III.c, pp. 53-54.

⁶² Daniela Crăciun & Georgiana Mihut, *International Higher Education*, “Requiem for a Dream: Academic Freedom under Threat in Democracies” (2017), p. 16, available at <https://ejournals.bc.edu/index.php/ihe/article/view/9999>.

⁶³ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. III.d, pp. 54-60.

⁶⁴ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2016), p. 11, available at <https://www.scholarsatrisk.org/wp-content/uploads/2016/11/Free-to-Think-2016.pdf>.

⁶⁵ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. III.e, pp. 60-67.

⁶⁶ Human Rights Observatory of the University of Los Andes et. al., *supra* note 32, p. 8.

⁶⁷ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. VI.e, pp. 105-06.

⁶⁸ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2017), p. 12, available at <https://www.scholarsatrisk.org/wp-content/uploads/2017/09/Free-to-Think-2017.pdf>.

⁶⁹ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. IV.f, pp. 86-87.

documented several instances of academics in India and Bangladesh, for example, being killed because of their political or religious opinions.⁷⁰

- Negative public discourse by governments and governmental affiliated actors can undermine the legitimacy of higher education institutions to operate as centers of learning.⁷¹ In Venezuela, for instance, the National Assembly passed a resolution in 2015 requesting state takeover of the management of remaining autonomous universities; the resolution accused such universities of being “abducted by forces of different signs” (that is, tendencies not aligned to the national government), of “generating processes of insubordination to the law,” and of “supporting unconstitutional and violent solutions against the democratically elected government.”⁷²
- Repressive measures aimed at undermining the legitimacy of institutions and academics may also take the form of using ‘foreign agent’ and anti-terrorism laws.⁷³ In Russia, for instance, the Levada Center, a research institution, has been required to register as a “foreign agent” on the basis that it is an organization that conducts “political activities” and receives “foreign funding,” thus stigmatizing the organization and hampering its activities.⁷⁴
- Practices related to the militarization of campuses are at the extreme end of repressive state practices which chill academic freedom.⁷⁵ In Egypt, Law No. 136 of 2014 reclassified universities as military facilities, resulting “in the referral of 65 students to military prosecution for events taking place on campus in the three academic years [in 2014-2017].”⁷⁶ In Jordan, the “academic community claimed there was a continuing intelligence presence in academic institutions, including monitoring academic conferences and lectures.”⁷⁷

Contact Information

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⁷⁰ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2016), pp. 7-8, available at <https://www.scholarsatrisk.org/wp-content/uploads/2016/11/Free-to-Think-2016.pdf>.

⁷¹ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. VI.d, pp. 104-05.

⁷² Hocevar et al., *supra* note 42, p. 160.

⁷³ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. VI.b, pp. 100-01.

⁷⁴ Scholars at Risk, *Free to Think: Report of the Scholars at Risk Academic Freedom Monitoring Project* (2017), p. 31, available at <https://www.scholarsatrisk.org/wp-content/uploads/2017/09/Free-to-Think-2017.pdf>.

⁷⁵ For additional discussion and examples on this point, see Lyer & Suba, *Closing Academic Space*, Sec. VI.c, pp. 101-04.

⁷⁶ AFTE, *Besieged Universities: A Report on the Rights and Freedoms of Students in Egyptian Universities from the Academic Years 2013-2014 to 2015-2016* (2017), p. 23, available at <https://afteegypt.org/wp-content/uploads/Besieged-Universities-web.pdf>.

⁷⁷ U.S. State Department, *2019 Country Reports on Human Rights Practices: Jordan*, Sec. 2.A, available at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/jordan/>.