# **Submission from AFTE on academic freedom and freedom of expression in educational institutions in EgyptCairo, 2 February 2024**

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* **About AFTE:**

The Association for Freedom of Thought and Expression (AFTE) is a non-governmental organization, registered according to Egyptian law as a law firm since 2006. AFTE works on promoting and protecting the rights to freedom of expression and access to information using research, legal aid, documentation, and advocacy. AFTE’s scope of activities includes media freedom, digital rights, freedom of information, freedom of creativity, academic freedom, and student rights. In 2023, AFTE was registered under the NGOs law. You can read more via their website: <https://afteegypt.org/en> .

# **First: General framework:**

Academic freedom is defined by the Declaration on Academic Freedom issued by the First World Conference of University Presidents at Columbia University as: “The freedom to pursue, develop and transmit knowledge and ideas through research, teaching, speaking and publishing, in compliance with the norms and rules of scientific research, without interference or sanctions, and without undermining what this research or understanding may lead to.”[[1]](#footnote-0) This definition distinguishes between academic freedom and human rights, meaning that academic freedom is not an extension of civil and political rights, but rather a distinct set of rights.

The Egyptian Constitution, in Article 23, states that “The state guarantees the freedom of scientific research and encourages its institutions, as a means of achieving national sovereignty, building a knowledge economy, and sponsoring researchers and inventors. It allocates a percentage of government spending for it not less than 1% of the gross national product, which gradually increases until it is in line with international standards. The state also guarantees ways for the effective contribution of the private and civil sectors and the contribution of Egyptians abroad to the development of scientific research.”[[2]](#footnote-1)Article 23 reflects the lack of a clear vision of the importance and definition of academic freedom, as it has omitted to mention the concept in its various dimensions.

In this context, a careful and in-depth reading of the concept of academic freedom can lead to several conclusions: First, it is essential to include academic freedom in the constitution and university laws. This is necessary to bind the state, university administrations, social currents, and others to refrain from restricting academic work. Second, it is important to highlight and mobilize around the issues of academic freedom, in addition to focusing on the exercise of rights and freedoms in the university. Focusing on academic freedom will provide a wider opportunity for professors and students to participate in discussion, learning, research, and academic production without restrictions or interference.

**The main challenges face academic freedom:** academic freedom in Egypt faces several challenges. The university and security agencies continue to restrict the public sphere within universities and to stifle ideas. In other words academic freedom has been violated on several levels, including:

1. **Freedom of research and teaching:**

Despite the fact that Article 23 of the Egyptian Constitution guarantees the freedom of scientific research,[[3]](#footnote-2) universities have continued to restrict academic freedom since 2013 by imposing restrictions and interfering in the areas of research and teaching, and by limiting the powers of university professors to the bare minimum. This has been done through the following: (a) Revoking the approval of academic theses for political reasons. (b) Interference by university administrations in the freedom of research and teaching for political and security reasons, or under the guise of protecting the morals and values of society. This has included restrictions on the discussion of issues of sex and religion. (c) Interference by the Ministry of Higher Education in the freedom of research and teaching in order to restrict academic freedom. In this context, it is possible to cite the objection of the Minister of Higher Education to one of the questions in a law exam for students of the Faculty of Law for addressing the statement issued by the Supreme Military Council to remove former President Mohamed Morsi (the July 3, 2013 statement), or the Minister's directive that the scientific content of all scientific departments in universities be free of any offense by statement or allusion regarding societies, countries, or individuals in friendly countries.

In general, these interventions, whether by the faculty, university, or Ministry of Higher Education, in the freedom of research and teaching, seek to limit the role of the university in engaging with the current issues facing society politically, economically, and socially. This leads to the isolation of the university from reality and the weakening of its role and influence in public life.[[4]](#footnote-3)

1. **Academic exchange: Restrictions on hosting:**

Agreements of cooperation between governmental universities and foreign universities are subject to the control and supervision of the security services, which have the final say on whether or not to complete the agreements. Foreign researchers in Egypt are also subjected to security restrictions while conducting field research, despite having official papers that prove their research work. These pressures lead to unfinished research and make researchers return to their countries. In this context, it is possible to highlight the torture and killing of Italian researcher Giulio Regeni in 2016 by the security services. Regeni was a doctoral researcher and visitor at the American University and was conducting research on the street vendors' syndicate in Egypt. There is also a master's student who was arrested several times by the Egyptian security forces while conducting field research, despite participating in a study program between a governmental Egyptian university and a European university, and the existence of official papers that prove his work. Each time, the student was interrogated and asked questions about the reason for his presence and the nature of the activity he was doing, before being released. Thus, the student faced severe security pressure, and was unable to continue his studies in Egypt, and decided to return to his country again.[[5]](#footnote-4)

* **Second: Autonomy of educational institutions**

The Egyptian Constitution of 2014 guarantees the independence of universities, scientific and linguistic academies, and provides for university education to be in accordance with international quality standards. The principle of university independence extends to financial, administrative, and academic independence, which includes the following:

* The selection of university leaders
* Decision-making in the university council
* The independence of faculty members
* Freedom of research and teaching
* The independence of academic affairs
* The enjoyment of student freedoms and rights[[6]](#footnote-5)

Egyptian universities have been governed by the Universities Organization Law No. 49 of 1972 since 1972. [[7]](#footnote-6)This law has been amended several times, but no new law has been issued to reflect the political and social changes that have taken place since January 2011. At this context, the issue of university independence in Egypt faces a number of challenges, including:

1. **The selection of university leaders and its impact on decision-making:**

The selection of university leaders is one of the most important determinants of university independence. The issue of the selection of leaders has been a source of political and academic debate for a long time, especially after January 2011.

The Universities Organization Law of 1972 stipulated that the selection of university leaders, such as the president of the university, the dean of the faculty, and the head of the department, should be by appointment. Article 25 of the 1972 Universities Organization Law stipulated that the president of the university should be appointed by a decree of the President of the Republic upon the proposal of the Minister of Higher Education. The president of the university may be dismissed from his position before the expiry of his term of appointment by a decree of the President of the Republic upon the request of the Supreme Council of Universities.[[8]](#footnote-7)

At the same time ,article 43 stipulated that the deans of faculties should be appointed by a decree of the President of the Republic. They are chosen by secret ballot in the faculty council, and three names are sent to the president of the university, who then nominates one of them to the Minister of Higher Education.[[9]](#footnote-8)

After the January 2011 revolution, and as a result of the efforts of the university autonomy movement and student movements, the first democratic system for the selection of university leaders by election was adopted. The deans of faculties were also elected by secret ballot by professors of the faculty and by a percentage of the auxiliary staff. This situation continued until June 24, 2014, when President Abdel Fattah el-Sisi issued a law amending some provisions of the Universities Organization Law No. 49 of 1972, returning to the appointment of university leaders instead of electing them.[[10]](#footnote-9)

These amendments to the appointment of university leaders violate Article (21) of the Egyptian Constitution, which states that the state shall guarantee the independence of universities and scientific and linguistic academies. University independence includes the absence of interference by the state or any other external entity in the administrative affairs of the university and the way in which its leaders are chosen.

In implementation of this law, the Ministry of Higher Education issued Decree No. 2665 of 2015 to form the committee responsible for nominating the presidents of universities, deans of faculties and institutes, and to regulate its work, procedures and conditions for candidacy. Finally, Ministerial Decree No. 293 of 2021 rearranged the procedures for forming the committees responsible for selecting university leaders, and attached to them conditions for differentiating between candidates.

As a result, administrative promotions within the university have been obstructed due to the political orientations of their owners on the basis of instructions from the security forces. The adoption of the appointment policy also indicates the dominance of the executive authority over the selection of university leaders and the obstruction of university independence by controlling the planning and implementation of university management policies in a way that meets the needs and requirements of each university.[[11]](#footnote-10)

1. **Security clearance for professors' travel:**

The issue of security clearance required for professors' travel raises concerns about the independence of universities. Security clearance can prevent professors from conducting research and teaching at universities outside Egypt. It can also hinder their communication with their peers to exchange knowledge, engage in scientific discourse, and keep up with developments in their field of specialization.[[12]](#footnote-11)

Law No. (49) of 1972 on the Organization of Universities does not include any provision requiring professors and auxiliary staff to obtain the approval of the General Administration of Intelligence and Information before traveling. This administration is an internal unit of the Ministry of Higher Education whose tasks and areas of competence are not publicly known. Security clearance is also a violation of Article (21) of the Egyptian Constitution, which states that "The state shall guarantee the independence of universities... ." The Ministry of Higher Education and other state security institutions are not allowed to interfere in the administrative, financial, or academic affairs of universities.

Despite this, universities have refused to allow professors to travel due to the lack of security clearance. For example the administration of Ain Shams University refused to grant final approval to Professor Mohamed Hassan Suleiman, a faculty member at the Faculty of Engineering, to travel on a scholarship to the United States. This was despite Suleiman meeting all of the requirements and approvals from the university. The reason for the refusal was the lack of security clearance, which led to Suleiman not receiving the scholarship. This indicates the blatant interference of the security forces in the university and the travel of its members.[[13]](#footnote-12)

**Examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom:**

Codes of conduct and institutional regulations overlook the issue of academic freedom in universities. For example, we reviewed the codes of conduct for the Cairo University [[14]](#footnote-13)and several other universities, including Ain Shams University,[[15]](#footnote-14) Zagazig University,[[16]](#footnote-15) the American University in Cairo[[17]](#footnote-16), and the British University in Egypt[[18]](#footnote-17), and we did not find any reference to academic freedom. Instead, codes of conduct focus on regulating the behavior of students and faculty members and clarifying professional ethics.

* **Third: Funding**

Government-funded universities in Egypt derive their financial resources primarily from government spending, which reaches more than 75% of the total university budgets. The reliance of universities on this spending leads to state control over all university affairs through the Supreme Council of Universities and the Minister of Higher Education. These bodies are responsible for appointing university leaders, including presidents, vice presidents, and university secretaries. University presidents appoint deans, deputies, and department heads, subject to the approval of the security authorities.

This raises some questions about how to achieve a balance between the principle of independent university management and its reliance on government funding. Government funding gives the government (the executive authority) the right to directly supervise educational and research affairs in universities, the right of the Minister of Higher Education to issue directives to universities on various matters, and the right of the government and security agencies to interfere in universities.

As a result, the reliance of universities on government resources has led to the loss of university independence and its financial, administrative, and academic subordination to the executive authority.[[19]](#footnote-18)

* **Fourth: Surveillance**

In recent years, the role of universities in Egypt has seen a development in following the approach of the state's security institutions in terms of monitoring in different forms and levels of faculty members and students inside and outside the university, which led to the stifling of any attempt to express or think inside and outside the university campus. The university's policies did not stop at restricting academic freedom and cooperating with the security agencies to harass opposition members, but the authority of the university extended to monitoring the behavior and activities of professors and students in the private sphere and in their personal lives. The violations used by the university in this context have varied, as we find that the university refers students and professors to investigation on the basis of expressing their religious views on their social media pages, and the matter has reached the point of expelling a student. The university also punishes professors for expressing their personal opinions on state policy or the economic situation, and the university also punishes students for brawls between students outside the university. The university also dismissed a professor at the University of Suez because of a recreational video containing a dance by the professor on the grounds that it violated the values of the university. In the same context, the university obstructs the promotion of professors and their obtaining of academic degrees due to the political activity of their relatives.

It is clear from these practices that the university tends to consolidate its role in monitoring and tracking the activities of professors and students outside the university, and in signing punitive policies against them, such as: investigation, dismissal, or deduction from salary. The university also gives itself powers that are not stipulated in the Law on the Organization of Universities or the Egyptian Constitution and international conventions. The Egyptian Constitution states the academic freedom and independence of universities and the right to thought, opinion, and expression. International conventions confirm the same values.

These practices go beyond violating the independence of the university, academic freedom, and student rights, to the recruitment of the university itself by the security agencies and its employment as a tool of monitoring and punishment. In the event that the security authorities overlook the behavior or activity of an individual, the university highlights that behavior that is inconsistent with the repressive security policies adopted by the authorities. The university then punishes the individuals, and thus the university goes beyond the control of the security agencies over the university by transforming the university itself into a surveillance and punishment apparatus.

This expansion and brutality of the role of the university is a serious threat to the future of higher education in Egypt. It undermines the university's ability to fulfill its mission of providing quality education and research, and it creates a climate of fear and intimidation that stifles critical thought and creativity.[[20]](#footnote-19)

* **Fifth: Freedom of expression in teaching and access to books:**

In recent years, the restriction of freedom of opinion and expression at the level of university administrations has taken on a variety of forms, the most important of which is the prohibition of professors from participating in public affairs through media appearances, writing articles, press statements, or on social media platforms. For example, in September 2015, the administration of Kafr El-Sheikh University issued a decision prohibiting media appearances and the issuance or publication of any articles or press statements without the prior permission of the university president or the written approval of the competent authorities of the university. Suez Canal University followed suit in November 2015.

The university also punishes faculty members who express their opinions using social media platforms such as Facebook or other platforms by transferring them to disciplinary councils and other violations. For example, Manar Tantawi, a faculty member at the High Technological Institute in Tenth of Ramadan, was transferred to a disciplinary council for criticizing the administration of the institute on social media. Ayman Mansour Nada, a professor of public opinion and political communication and former head of the Department of Radio and Television at the Faculty of Media, Cairo University, was suspended from work for the sixth time in May 2022 after publishing a number of articles on his Facebook page criticizing Egyptian media and some media professionals. Such violations continue to occur against university professors, whether in relation to their opinions and participation in political and social affairs, or in relation to their activities related to improving their financial and administrative conditions, or their vision for reform of the educational process.

**the dismissal from employment:**

In January 2015, President Sisi issued a new amendment to the University Law that regulates the cases of dismissal of a faculty member and the procedures for his or her accountability. The amended Article 110 of the law stipulates that a faculty member shall be punished by dismissal in four cases:

-If he or she participated, incited, or assisted in violence or riots inside the universities or any of their facilities.

-If he or she is engaged in any party activities inside the university.

-If he or she brought any type of weapon, explosives, fireworks, incendiary materials, or tools that expose individuals, facilities, and property to harm and danger.

-If he or she committed any act that dishonors the faculty member's honor or undermines his or her integrity, dignity, and the dignity of his or her position.[[21]](#footnote-20)

These clauses are in violation of Article 74 of the Constitution, which guarantees the right of citizens to form political parties.[[22]](#footnote-21) They also raise concerns about the political, civil, and personal freedoms of university professors. They restrict their participation in the political arena and their exercise of the right to express opinions and participate in public affairs. In reality, these amendments are primarily aimed at excluding and dismissing professors with opposition ideas and opinions to the regime.

These amendments also give the university powers that are not within its jurisdiction. A university is an academic institution, so how can it determine whether a professor is engaged in party activities or inciting violence and riots, except by relying on security reports? This allows the security agencies to infiltrate the university and the affairs of faculty members without justification. This has led to the consolidation of security interventions in university administrations and the consolidation of the approach of surveillance and punishment that a university professor may receive according to his or her academic behavior and even personal.

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