**The Academic Freedom and Freedom of Expression in Educational Institutions**

**Submitted to:** The Special Rapporteur on the right to Education

**Submitted by:** Maat for Peace, Development and Human Rights (Holds a special consultative status with the United Nations ECOSOC)

**Date:** February 2024

**Introduction:**

Academic freedom is considered the most crucial factor in enriching educational institutions, especially higher education institutions; As it contributes to the creation of an enabling environment for researchers and academics to engage in critical thinking and pursue sophisticated research, convey knowledge to students, and expressing their academic, scientific and critical views in full freedom without fear of censorship or reprisal, which anyways extends to each of the academic staff, students and researchers in educational institutions and think tanks. While academic freedom is significantly connected with the right to express opinion, it’s more linked to the right to quality education, which is affirmed by the committee on the Economic, Social and Cultural Rights in its general comment (No.13) as follows: “The right to education can only be enjoyed if accompanied by the academic freedom of staff and students”, which indicates that academic freedom can be regarded as part of the right to access and provide quality education at all levels. In light of the following, Maat presents this report to the Special Rapporteur on the Right to Education to assist her submit her report on “The Academic Freedom and Freedom of Expression in Educational Institutions”, to the Human Rights Council in June 2024, through responding to a number of questions in the questionnaire attached with the call as follows:

* **How does your state constitution define and protect academic freedom, and what are the potential limitations on it? (Question No. 1)**

Maat noticed that a number of constitutions and legislations in different regions in the world do protect academic freedom, in Egypt, for example, the Egyptian constitution assures academic freedom in articles No. 21, 23 and 66, which stipulate that the state guarantees the independence of universities and scientific and linguistic complexes and the freedom of scientific research, and is committed to supporting researches and inventors, protecting their inventions and working on their implementation.[[1]](#footnote-1) In a relevant context, article No. 33 of the Italian constitution stipulates that “The institutions of higher learning—universities and academies—have the right to establish their own regulations within the limits established by the laws of the State” [[2]](#footnote-2). That notwithstanding, academic freedom faces existing and potential legislative restrictions in numerous nations worldwide, which impede quality education and scientific research, in Israel, for example, the Israeli authorities are currently considering a new bill that would deny the recognition of students’ degrees from Palestinian universities, which will undermine the academic freedom of Arab citizens of Israel who choose to study at Palestinian universities. In the United States, a number of states, including Tennessee, Florida, Texas and Ohio, issued laws banning the teaching of critical race theory at schools, universities and public educational institutions, and withholding the funding to universities teaching it. This theory is mainly based on the idea that racism, which white people priviledge, is embedded in American institutions. This prohibition contradicts with the academic freedom stipulated in international human rights conventions.

* **Are academic staff, teachers, students all entitled to academic freedom? Does this differ by level of education? Please explain. (Question No. 2)**

Academic freedom is generally an essential right of academic staff and teachers, however, the extent of this freedom may vary according to the level of education. In Egypt, for instance, academic freedom is a fundamental principle at the university level; As scholars and faculty professors are allowed to pursue knowledge and research at the university level and entitled to freely choose the research topic, issue the outcomes and express their opinion. While, in general, academic freedom is limited in kindergarten, primary and secondary education; as teachers are committed to school curriculums imposed by the state at these educational levels without the freedom to choose the subjects they wish to teach.

In contrast, it was noticed that academic freedom is unconditionally restricted at all educational levels in numerous states of concern to Maat, especially those experiencing political tensions and turmoils and armed conflicts. In Yemen, for example, academic freedoms are undergoing absolute restrictions by the Houthi group at all educational levels, including primary, secondary and tertiary education. Throughout previous years, Maat documented the houthis detention of students and faculty staff who addressed political, economic and legal issues opposing the houthis policies in Yemen. In January 2020, the security forces affiliated with the Houthi group detained Dr. (H.A) the president of the faculty of science and technology in Sana’a based on accusations related to his support to the legitimately recognized Yemeni government and the Arab coalition. This is also true in Afghanistan, where Taliban authorities detained several university professors who are publicly hostile to their policies. On 2 February 2023, for example, the security forces affiliated with Taliban arrested the journalism professor in Badakhshan university (I.M), upon his criticism of the Taliban ban on women’s access to higher education, and distributing specific scientific books emphasizing that Islam grants equal rights to women and men in education.[[3]](#footnote-3) In addition, girls in Afghanistan are no longer allowed to enroll on universities and female university professor’s career was suspended, by Taliban.[[4]](#footnote-4)

* **What do you consider to be the main challenges to academic freedom, and gaps in the legal framework for protecting academic freedom? (Question No.3)**

Maat believes that the key challenges to academic freedom are the brutal raids on campus, arbitrary detentions of university professors, researchers and students, political pressures on universities to eliminate perspectives contradicting the current power structure, restrictions imposed on the students’ speech, and the legislative and administrative threats to universities’ independence. The main challenges confronting academic freedom in various states are as follows:

**Violent raids on campus**

Violent raids on Universities are one of the most vital challenges to academic freedom in states of concern to Maat, as over the past years, numerous incidents of violent raids on universities by security forces were documented. In the west bank, Israeli soldiers stormed the campus of Birzeit University on multiple occasions, and targeted the Students’ Union activities, demonstrations and other activities hostile to the Israeli Occupation. On 24 September 2023, for instance, Israeli army forces invaded the Birzeit University campus and detained 7 Students after raiding and inspecting the Students’ Union Council on campus.[[5]](#footnote-5) Also, in Yemen, the Houthi group broke in several University campuses and detained many students and faculty teachers, on many occasions. In January 2020, for example, Houthi militants raided a law course at Sana’a university and abducted unspecified number of students opposing Houthis, and on 2nd of February at the same year, they raided a class at Sana’a university and assaulted the sociology professor (A.B.) due to his opposing views to their policy. [[6]](#footnote-6)

**Political pressures, threats of funding cuts and restrictions on the freedom of expression**

Political pressure on universities by politicians, lobbyists or donors is currently among the major challenges facing academic freedom in many regions. In this context, Maat noticed that academic freedom, in the United States, Israel and some European states, is subjected to a widespread suppression campaign since the Israeli war on Gaza in October 2023. As Universities criticizing Israel war on Gaza are facing threats of funding cut by politicians, lobbyists and donors. Students who are openly in solidarity with victims of the ongoing Israel-Palestine conflict are subjected to assaulting, intimidation, expulsion, dismissal, cancellation of their scholarships and blacklisting as terrorism supporters. Also, academic staff and university professors who embrace legal views contrary to the Israeli war on Gaza are subjected to intimidation, surveillance, dismissal, ban on teaching, public reprimand, defamation campaigns, disciplinary proceedings and accusations of anti-Semitism. According to the reports reviewed by Maat, since the Israeli war on Gaza, over 450 students and university professors have been targeted and harassed by lobbyists and university administrations in the USA.[[7]](#footnote-7) In addition to over 100 students and academic staff at Israeli universities who have been either suspended or dismissed, and at least 10 others have been arbitrarily detained due to condemning the Israeli attack on the Gaza strip after 7 October 2023.[[8]](#footnote-8)

Moving to the gaps in the legal framework for the protection of academic freedom, Maat noticed their deficiency in many states. In the USA, for example, there is no single federal law explicitly protecting academic freedom, which consequently opens the way for relying on legal and judicial precedents and interpretations under the existing frameworks. Moreover, academic freedom has been restricted by laws passed in several American states, for example, Tennessee, Florida,[[9]](#footnote-9) Texas and Ohio have lately enacted laws that ban faculty teachers from teaching theories of racial injustice at schools, universities and public educational institutions, and ban on funding such universities.[[10]](#footnote-10)

* **Please provide examples of institutional guidelines/codes of conduct developed to ensure respect for academic freedom, including from external public or private actors.** **(Question No.5)**

Maat notices that many states worldwide currently lack guidelines and codes of conduct ensuring respect for academic freedom, except few states, the greatest majority lack such principles and rules, however, the United States is widely recognized for developing guidelines and codes of conduct that ensure respect for academic freedom by higher education institutions. For example, in 1940, the American association of university professors developed a punch of institutional regulations and guidelines on academic freedom, that provide a thorough framework for perceiving and supporting academic freedom, defining the rights and duties of faculty teachers and encourage free inquiry and scientific research.[[11]](#footnote-11)

* **Please explain whether and the extent to which academic staff and students, at all levels of education, are subject to surveillance by public authorities, for example through on-site cameras or online scrutiny. Has this led to undue restrictions to academic freedom and freedom of expression in educational institutions? (question No.8)**

Academic staff and students are heavily monitored by public authorities and lobbyists in several states worldwide. As in the USA, since the Israeli war on Gaza started in October 2023, surveillance and online scrutiny imposed on faculty professors and students who oppose Israeli policies in the occupied Palestinian territories have been aggravated, which led to undue restrictions on academic freedom and freedom of speech at universities and American educational institutions. In the same context, it was noticed that a website called “canary mission” frequently scans for American students and university professors; in an attempt to identify and expose those who are critical of the Israeli policies and practices in the occupied Palestinian territories, and those who show empathy towards the Palestinians. As this website browses all other websites, including social media, official university pages and press interviews; To target academics, students and professionals who stand for Palestinians on and outside American university campuses, Which led to undue restrictions on hundreds of American students and academics who devoted their lives to teaching, research and documenting the grievances of vulnerable communities, and resulted in hundreds of resignations.[[12]](#footnote-12)

For instance, the president of Harvard university (C.G) was forced to resign her post in January 2024, just 6 months after taking it up, upon being subjected to increasing pressures following attending a congress hearing session concerning anti-Semitism in campus on 4 December 2023, as she was accused of failing to apply codes of conduct to students to halt what was considered as anti-Semitic rhetoric on campus.[[13]](#footnote-13) Also in Yemen, since taking control of the capital Sana’a in September 2014, the Houthi group started recording lectures held within universities under its control, particularly Sana’a university, which caused the spread of extensive panic and fear among academics, and a decline in their teaching performance, especially after some of them were detained and interrogated of charges concerning their academic views on the conflict in Yemen.[[14]](#footnote-14)

* **Please explain the extent to which teachers and professors at different education levels can chose school manuals and other books/resources for teaching, and the reasons for any restriction in this regard. Have any specific books/materials been banned, and alternatively is some material mandatory? (Question No.10)**

Maat noticed that the ability of Universities, faculty teachers and academics to choose educational books and materials is limited in several countries worldwide, as public authorities in many of them impose restrictions on teaching certain subjects and textbooks. For example, public authorities in several American states, including Tennessee, Florida, Texas and Ohio, ban the teaching of critical race theory and other racial injustice theories – which are based on the notion of inherent racism in American institutions – at schools, universities and public educational institutions. Whereas in violation of laws and regulations governing higher education, the Houthi group in Yemen imposed certain mobilizational courses on students at universities under their control, particularly Ibb university.[[15]](#footnote-15)

**Recommendations**

* The necessity for the Special Rapporteur to call upon the Israeli authorities to put an end to the blatant violations of academic freedom in the occupied Palestinian territories.
* The Special Rapporteur’s recommendations should include a recommendation tackling the need of legislations development in the UN member states to ensure academic freedom in educational institutions.
* Consider calling on states to abolish legislations and laws that restrict freedom of expression and academic freedom in educational institutions.
* Urging states to develop guidelines and codes of conduct to ensure the respect of academic freedom, thus enhancing these freedoms in educational institutions.
* Appealing to the de facto authorities in Afghanistan to urgently permit girls to attend university and lift restrictions on women’s work as university professors.
1. Amended Egyptian Constitution 2019, link: <https://bit.ly/44dI09I> [↑](#footnote-ref-1)
2. THE CONSTITUTION OF THE ITALIAN REPUBLIC, Article 33, <https://constitutionnet.org/sites/default/files/Italy.Constitution.pdf> [↑](#footnote-ref-2)
3. Ismail Mashal: Family fears for outspoken professor in Taliban custody, BBC, 14 February 2023, link: <https://tinyl.io/ABAB> [↑](#footnote-ref-3)
4. Education for women 'is an Afghan value and an Islamic right,' says male professor in solidarity against university ban, <http://tinyurl.com/2a5ed8dx> [↑](#footnote-ref-4)
5. Israeli forces raid university, detain seven students, Wafa Agency, 24 September 2023, link: <https://tinyl.io/ABAD> [↑](#footnote-ref-5)
6. Yemen risked losing an entire generation of scholars, research, and the social progress that had been achieved that was associated with higher education, Ibid [↑](#footnote-ref-6)
7. PALESTINE AND THE CRISIS OF FREE SPEECH ON COLLEGE CAMPUSES, The Real News Network, JANUARY 25, 2024, link: <https://tinyl.io/ABA6> [↑](#footnote-ref-7)
8. Gaza war’s spillover effects on American academic freedom, Arab News, January 25, 2024, link: <https://arab.news/4wfe6> [↑](#footnote-ref-8)
9. Why academic freedom challenges are dangerous for democracy, <https://www.brookings.edu/articles/why-academic-freedom-challenges-are-dangerous-for-democracy/> [↑](#footnote-ref-9)
10. In Florida, DeSantis’s plans for colleges rattle some academics, The Washington Post, July 1, 2022, link: <https://tinyl.io/ABC5> [↑](#footnote-ref-10)
11. Recommended Institutional Regulations on Academic Freedom and Tenure, (AAUP), link: <https://tinyl.io/ABGL> [↑](#footnote-ref-11)
12. Academic Freedom Under Attack: The Chilling Effect of Surveillance Sites on US Professors Who Criticize Israel, JURIST, NOVEMBER 20, 2023, link: <https://tinyl.io/ABKW> [↑](#footnote-ref-12)
13. Canary Mission: Blacklists Target Academics Who Criticize Israel, misbar, 6th January 2024,link: <https://tinyl.io/ABGv> [↑](#footnote-ref-13)
14. This is how the Houthis are destroying higher education, Al-Islah.net, November 21, 2019, link: <https://tinyl.io/ABKY> [↑](#footnote-ref-14)
15. Coup violations and bombed courses in Yemeni universities, Middle East, December 2, 2023, link: <https://tinyl.io/ABKg> [↑](#footnote-ref-15)