Joint Submission to the Universal Periodic Review of Egypt by Scholars at Risk and the Association for Freedom of Thought and Expression in Egypt

Third Review Cycle, 34th Session of the United Nations Human Rights Council
Introduction

1. This submission is the product of a joint effort between Scholars at Risk (SAR) and the Association for Freedom of Thought and Expression in Egypt (AFTE).

2. SAR is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities, and promoting academic freedom worldwide. SAR has Special Consultative Status with ECOSOC (2013), and welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on conditions relating to academic freedom and attacks on higher education communities in Egypt.

3. AFTE was established in 2006 under Egypt’s Attorneyship Law. AFTE is an independent Egyptian human rights organization, working with the Egyptian constitution, the Universal Declaration of Human Rights, and international treaties as our points of reference. Our staff has worked on a range of programs and cases since 2006. AFTE’s activities have evolved and expanded over the years, to accommodate the dynamic nature of Egyptian politics and society. AFTE was one of the first organizations to establish a special program tackling the rights of the academic community in Egypt; through the Academic Freedom and Student Rights Program, AFTE was able to provide support to faculty and students who were subjected to violations.

4. As part of its advocacy work, SAR monitors and analyzes attacks on higher education around the world, including within Egypt. AFTE, likewise, conducts research and compiles data on attacks on scholars and other members of higher education communities throughout the country. During this UPR period (October 2014-March 2019), SAR and AFTE have received reports from individuals within and outside Egypt, as well as from media, describing overall pressures and attacks on higher education throughout the country.

5. This submission focuses on a broad range of pressures and attacks on the higher education space, including violence, arrests and prosecutions, legislative and executive decrees which erode academic freedom or target scholars and students, restrictions on travel, and administrative penalties. Collectively, these attacks not only harm the individuals and institutions directly targeted; they undermine Egypt’s entire higher education system and shrink everyone’s space to think, question, and share ideas freely and safely.
Applicable Legal Standards

6. Academic freedom is independently and interdependently grounded in rights to freedom of opinion and expression and the right to education, as articulated, respectively, in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), among other international instruments, including the African Charter on Human and Peoples’ Rights.

7. ICCPR Article 19 guarantees “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.”

8. ICESCR Article 13 recognizes the right of everyone to education that “shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms,” and “enable all persons to participate effectively in a free society.” This is reinforced by ICESCR Article 15, which commits State Parties “to respect the freedom indispensable for scientific research and creative activity.” The Committee on Economic, Social and Cultural Rights has recognized that the right to education contained in these provisions “can only be enjoyed if accompanied by the academic freedom of staff and students” and that “staff and students throughout the education sector are entitled to academic freedom.”

9. The African Charter on Human and Peoples’ Rights (ACHPR) at Article 9 similarly protects the right to receive information and to “express and disseminate... opinions within the law”. ACHPR Article 17 protects the right to education.

10. UNESCO, the specialized agency of the United Nations whose mandate includes higher education, research and human rights, recognized and articulated the meaning and importance of academic freedom and institutional autonomy. The UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997) (RSHETP) recognizes “[a]utonomy 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.” (Paras. 18-19).
11. Despite the provisions cited above, violations of academic freedom persist. Violations of academic freedom also frequently manifest as violations of other rights, including liberty and security of person (ICCPR Art. 9), freedom of movement (ICCPR Art. 12), freedom of assembly (ICCPR Art. 21), and freedom of association (ICCPR Art. 22).³

12. Egypt is a party to the ICCPR, ICESCR, and ACHPR, among other international instruments, and a founding member of UNESCO.

**Background and Context**

13. This review period has seen significant erosions of rights in the higher education space, including: legislation and executive decrees that harm university autonomy and target on-campus expression; mass arrests of more than 800 student protesters and others engaged in on-campus expression; the killing of at least four higher education students; administrative penalties, including expulsions, of more than 600 students, as well as administrative/disciplinary penalties of at least seven professors or university staff; and restrictions on travel, including denial of entry to at least five international scholars, institution-wide policies limiting academic travel in at least two universities, and the actual or threatened arbitrary deportations of dozens of Uyghur-Chinese students studying in Egypt.

14. This accounting is not exhaustive and does not include arrests, detentions, restrictions on travel and related actions that have been undertaken in a non-transparent manner; and does not include the much larger number of scholars, students, and others who have sought to avoid similar attacks through self-censorship or otherwise restricting activities.

**Attacks on Higher Education and Pressures on Academic Freedom**

**LEGISLATION AND EXECUTIVE DECREES IMPACTING HIGHER EDUCATION**

15. During and immediately prior to this review period, Egyptian authorities passed several pieces of legislation or executive decrees which threatened to erode university autonomy, both by giving political actors outside campus some control over university governance, and, more severely, by placing military authorities in charge of policing on-campus activities, and adjudicating alleged crimes on campus.

16. On February 16, 2014, then-interim president Adly Mansour amended the Law Regulating Universities to allow university presidents to unilaterally expel students for a broad range of offenses, including “subverting the educational process, endangering university facilities, targeting members of the academic and administrative staff or inciting violence on campuses.”⁴ Before the amendment, known as Article 184, the Law
Regulating Universities (Article 127, on disciplinary action against students) and applicable regulations provided that only disciplinary boards had the authority to expel students.

17. On June 24, 2014, President al-Sisi amended the Law Regulating Universities, vesting in his office the power to appoint university presidents and other leadership. The amendment reversed a 2011 policy giving that authority to university faculty. According to the amendments of Article 25, the president of the republic now chooses university presidents from among three candidates named by a special committee, which is selected by the minister of higher education. The dean of the college is appointed in the same way, according to the amendments to Article 43 in the same law.

18. On October 22, 2014, President al-Sisi issued a decree giving the president of al-Azhar University—a public, Islamic university, which, in addition to religious education, houses many faculties of science, and enrolls nearly 300,000 students nationwide—the same powers as presidents of public universities, to be able to expel students without going through disciplinary boards.

19. On October 27, 2014, President al-Sisi issued Decree Law No. 136 for the year 2014, which places universities, among other public institutions and facilities, under military control. The decree, which purported to protect “vital and public institutions,” requires the armed forces to coordinate with the police in order to protect these facilities, thus permitting the military to enter campus at will. The law further stipulated that vaguely defined “crimes” or “attacks” on certain public facilities fall under the jurisdiction of military law, referring anyone accused of committing any of these attacks to military prosecution, rather than civilian prosecution. Egyptian military courts are presided over by military officers—not civilian judicial officials—and normally are not subject to the same requirements with respect to due process and independence as civilian courts. Under the decree, thousands of individuals were reportedly tried before military tribunals, among them students who had participated in on-campus protests (see, e.g. Paragraph 24, infra). Although the law as set to expire after two years, the Egyptian parliament extended it in October 2016 for an additional five year period.

20. On January 15, 2015, President al-Sisi amended the Law Regulating Universities to permit university presidents to refer teaching staff to a disciplinary board for: “1. Participating, instigating or assisting violence or riots within universities or any of its facilities; 2. participating in partisan political work within the university…” which could lead to their dismissal. Critics have charged that the decree has been enforced selectively, targeting only those actors on campus who oppose the ruling regime.
21. In 2014, 2015 and 2017, government officials issued several decrees that reduced student unions’ abilities to manage their affairs and organize their events. These amendments restricted students’ right to organize; imposed arbitrary criteria regulating the right to run for student elections, including preventing those who had not paid full tuition from participating. Additionally, the decrees require students running for office to be Egyptian nationals, to attain a passing grade every year, and to have a clean academic record without any disciplinary action against them. As a result, hundreds of politically active students were excluded from participating in student elections, as many universities have increasingly imposed disciplinary sanctions on student activists during the two academic years following President al-Sisi’s assumption of power.

ARRESTS

Mass Arrests of Student Protesters

22. Against the above backdrop, university students—in particular student protesters—have been exposed to widespread arrest and military prosecutions. AFTE has documented the arrests of 761 students during the 2014-15 academic year, and another 84 students during the 2015-2016 academic year. In the years since, greatly diminished student union activity has coincided with a diminution of mass arrests.

23. These included the arrest and 15-day detention of at least 110 students from around the country in the days immediately following the start of the school year on October 11, 2014. The majority of these students had reportedly been involved in on-campus protests prior to the start of the school year, challenging the rule of Egyptian President Abdel Fattah Al-Sisi, and demanding academic freedom and the release of other detained students.

24. Among the students arrested in 2014-15, 65 were referred to military prosecution under Decree Law No. 136 (2014) (described in detail in paragraph 19 supra). These students included protesters from Zagazig and Al-Azhar Universities.

25. On February 22, 2018, the Criminal Court of Cairo placed four former student union activists on a list of suspected terrorists. The decision appeared to be based exclusively on their student union activity, as they were identified specifically with reference to their former union affiliations, with no further factual allegations made against them. The subjects of the decision were: Amr el-Helw, former president of Tanta University student union and his deputy, Moaza Sharkawy; Adham Kadri, the former president of Sohag University Students Union; and Amr Khattab, secretary of Masr Elqaweaa student group Ain Shams University.
Arrests of Individual Students, Scholars, and Academic Staff

26. Several students, scholars, and staff have been placed under arrest and subject to lengthy pretrial detention in connection with academic activity or other on-campus expression.

27. On February 16, 2015, Sherif Gaber, a 22-year-old commerce student at Suez Canal University, was found guilty of “contempt of religion” and given a one-year prison sentence, after a group of his fellow students circulated a petition accusing him of having started a social media page promoting atheism, and, on that basis, the president of the university reportedly filed a complaint against him with local prosecutors.21

28. On November 29, 2015, authorities detained and interrogated researcher and journalist Ismail Alexandrani, apparently based on security-related allegations—namely claims that he had published false information and belonged to a banned organization. Alexandrani was placed in pre-trial detention, originally for a period of 15 days pending an investigation; however, his detention was extended multiple times, and ultimately lasted more than two-and-a-half years before he received a verdict. On May 22, 2018, it was reported that the North Cairo Military Criminal Court had sentenced Alexandrani to 10 years in prison. After the trial, Alexandrani's lawyer noted that the government had not presented evidence relating to his membership in a banned organization, or his alleged publication of secret information.22

29. On August 23, 2018, authorities arrested Yahya Kazaz, a professor of geology at Helwan University, on charges relating to insulting the president, based on his social media posts calling for President Al-Sisi’s departure and stating “resistance is the solution.” Kazaz was also placed under administrative investigation at his university based on the same allegations.23

30. On May 24, 2018, Egyptian authorities detained Walid Salem, a PhD student from the University of Washington, in apparent connection with his academic research. He was later charged with “spreading false news” and “joining a terrorist group”. He was released from custody in late December 2018; his case remains pending as of this submission.24

KILLINGS, VIOLENCE AND DISAPPEARANCES

31. At least two students have reportedly been killed in clashes with police during on-campus protests. On October 21, 2014, Omar Sherief, a student at Alexandria University, was
killed by a shot on the chest, during the storming of the police forces to the campus.  
And on May 16, 2015, Anas al-Mahdy died in the hospital after reportedly being beaten by private security forces on April 19, 2015, during a protest at Cairo University.  

32. On May 19, 2015, Islam Salah al-Din Abul-Hamd Attito, a 22-year-old student in his senior year at the faculty of engineering at Ain Shams University (ASU), was killed by police. One day later, the Egyptian Interior Ministry claimed that Attito was a militant member of a terrorist organization who had been involved in the killing of a police colonel, which occurred after Attito opened fire on police during a raid of his hiding place in a deserted area in Cairo’s suburbs. Eyewitness accounts raise serious concerns about the official explanation. In particular, witnesses stated that Attito had reportedly been taking an exam when two men claiming to be university officials entered the room, grabbed students’ exams until they identified him, and told him that he would need to come to the student affairs office after the exam to provide a copy of his national ID card, which was missing from university files. Immediately after the exam, Attito was seen on security video leaving the campus, and then being chased by two men. Other witnesses indicated he was later seen being forced into an unmarked car, and was never heard from again. His body reportedly showed signs of torture.  

33. On January 25, 2016, Giulio Regeni, a 28-year-old PhD candidate at the University of Cambridge, UK and visiting scholar at the American University in Cairo, went missing after leaving his home in the Giza district in Cairo around 8:00 pm on January 25, 2016. Regeni, an economics student who was studying Egyptian labor movements, had reportedly been in the process of preparing to do field research for his PhD thesis, including identifying labor rights activists for possible interviews. His body was discovered on February 3, 2016; authorities indicated that it showed signs that he had been tortured and suffered a “slow death”—he was naked from the waist down, with a number of knife wounds and cigarette burns on his body. Investigations of the murder by Egyptian and Italian investigators have not conclusively identified the perpetrator(s). Egyptian authorities deny that government officials were involved, although international news sources have reported that Regeni was in police custody prior to his death, and have pointed to signs of evidence- and witness-tampering in the investigation.  

**ADMINISTRATIVE/DISCIPLINARY PENALTIES**

*Against students*

34. During the 2014-15 academic year, AFTE documented 523 disciplinary penalties against university students, including dismissals from universities, in retaliation for their political activities. Among the disciplinary penalties during that year were orders issued on December 17 and 28, 2014 by Al-Azhar University, expelling 122 students, based on
allegations that they had engaged in riots, illegal protests and violence. As of this report, specific factual allegations against the expelled students were unavailable.\textsuperscript{30}

35. During the 2015-16 academic year, AFTE documented another 97 disciplinary penalty against students.\textsuperscript{31} In 2016-17\textsuperscript{32} and 2017-18 academic years, as student protest activity significantly declined, only eight disciplinary penalty were documented.

36. In October, 2015, al-Azhar University canceled the doctoral dissertation of a researcher in the Faculty of Islamic Studies’ Zagazig branch, the subject of which had been the adaptation of jurisprudence to revolutions, on grounds that the subject was not appropriate for the current political and security environment in Egypt. The university referred the researcher’s dissertation supervisors to administrative investigation.\textsuperscript{33}

37. On December 29, 2015, Suez Canal University announced that it had decided to rescind credit previously granted for two theses—a master’s thesis and a PhD thesis—both in political science, dealing with political issues relating to the Muslim Brotherhood. University authorities justified the decision claiming that the research was contrary to ‘the public order of the state’ and contradicted judicial verdicts relating to the Muslim Brotherhood.\textsuperscript{34}

\textbf{Against teaching staff}

38. In August 2016, the German University in Cairo (GUC) reportedly terminated its contract with Tarek Abol Naga, a professor of architecture, in apparent retaliation for student projects he supervised. In July 2016, university security officers, reportedly under orders from university administration, destroyed designs by two of Professor Naga’s students. Parents had reportedly complained about the designs, which were exhibited on campus and explored themes including “nudity in the history of humanity” and “feminine divinity across civilizations.”\textsuperscript{35}

39. On March 8, 2017, Suez University officials suspended Dr. Mona Prince, a scholar of English literature, in apparent retaliation for leading class discussions on religion in literature. On May 13, 2018, following an investigation by the university and an appeal by Dr. Prince, she was formally terminated. As of this report, an appeal of the decision is pending before the high administrative court.\textsuperscript{36}

40. On August 20, 2017, Zagazig University suspended Maher al-Maghraby, a professor of neuropsychiatry in the school’s Faculty of Medicine, pending an investigation into allegedly blasphemous social media posts. His suspension lasted three months, during which he was prevented from entering the university, other than for investigative purposes or disciplinary hearings. Professor al-Maghraby denied knowledge of the posts,
and was ultimately not penalized based on his claims that his account was likely hacked.  

41. On May 2, 2018, Ahmed Rashwan, a faculty member in modern and contemporary history in the Faculty of Education at the University of Damanhour University, was placed under administrative investigation and suspended for three months in connection with arguments he made in a book titled “Studies In Modern Egyptian History.” The president of the university reportedly referred Dr. Rashwan for investigation based on claims he had made about Mubarak-era clerics, including former minister of religious affairs Sheikh Metwaly el-Sharaoui and Amr Khaled, a television preacher. Rashwan was ultimately found given an administrative censure, but was not fined or suspended.  

RESTRICTIONS ON TRAVEL  

42. Restrictions on scholars’ travel—a core aspect of academic life that is crucial for the international exchange of ideas—have also occurred frequently during this review period.  

43. On Saturday, December 13, 2014, Michele Dunne, a senior associate at Carnegie Endowment for International Peace and U.S. scholar who had been publicly critical of the Egyptian government, was barred from entering Egypt to attend a conference hosted by the Egyptian Council for Foreign Affairs, where she was scheduled to appear as a panelist. Egyptian officials reportedly informed Dunne that she would not be able to “access Egypt anymore.” Government officials claimed that the decision to deny her entry was because she sought to enter Egypt to attend an academic conference using a tourist visa.  

44. In July 2015, Tanta University enacted a policy requiring teaching staff to obtain permission from the ministry of foreign affairs, through the ministry of higher education, in order to participate in international conferences or submitting academic studies to any foreign institution.  

45. In July 2015, Cairo University issued a decree requiring professors seeking to engage in academic travel abroad to pay the university a monetary “donation.” Professors with under 10 years’ experience were required to donate 10,000 Egyptian pounds (about $1,250 US), while other professors were required to donate double that amount. Although university officials claimed the donation was optional, opponents charged that, as a practical matter, failing to pay the “donation” would result in administrative burdens and make travel difficult or impossible.
46. On July 1, 2015, Fanny Ohier, a French researcher and master's student in the department of political sociology at the School for Advanced Studies in the Social Sciences in Paris, was taken into custody and subsequently deported from Egypt, where she had been conducting research on the April 6 youth movement, an outlawed activist group. At the time she was taken into custody, she was preparing to meet with members of the movement; officers inspected her computer, luggage and cell phone, and later cancelled her visa. Although she was not given an official reason for her deportation, she reportedly overheard officers state that she had “improper friends.”

47. On December 11, 2015, Cairo University notified doctoral student Kholoud Saber that her research sabbatical at the University of Louvain (UCL), in Belgium, had been terminated due to alleged security clearance issues, and called on her to return to Egypt or risk dismissal. In February 2016, after Saber filed a lawsuit challenging the decision, and following a response by human rights groups, Cairo University reinstated her. Saber has since been subject to additional security inquiries relating to her travel abroad, which remain unresolved as of this report.

48. On January 3, 2016, Dr. Amel Grami, a professor in the Faculty of Arts and Humanities at the University of Manouba in Tunisia who has written extensively on issues including the Arab Spring, political Islam, and terrorism, was taken into custody at Cairo International Airport while en route to Alexandria, where she was scheduled to give a presentation. She was reportedly subject to a lengthy interrogation, during which she was informed that she was a security threat, but given no further information about the reasons for her detention. After being detained for more than 14 hours with no apparent way to enter Egypt, she elected to returned to Tunisia.

49. On January 30, 2016, security officials at Cairo International Airport prevented Atef Botros, a lecturer in German literature at Philipp University of Marburg in Germany, from entering Egypt, allegedly on security grounds. Dr. Botros, who was born in Egypt, is the founder of an NGO known as Mayadin al-Tahrir, which reportedly seeks to provide cultural and educational services to low income Egyptians. He reported that, after being detained and interrogated for several hours without a specific explanation for the government’s actions, he was informed that he was subject to a lifetime ban on re-entering Egypt. He was released the following day.

50. On July 2, 2017, Egyptian police reportedly began detaining and deporting scores of Chinese-Uyghur students from Al-Azhar University, in parallel with actions taken by Chinese authorities. Chinese authorities had been systematically ordering student members of the Uyghur Muslim minority who had been studying abroad to return to China by May 20 of that year. Authorities reportedly held students’ family members in detention as a means of ensuring that the students returned; when the students did return,
they were reportedly jailed, sent to reeducation camps, or disappeared. As news of these pressures began to spread, many Uyghur students in Egypt, mostly from Al-Azhar University, prepared to leave the country or went into hiding. During the first week of July, Egyptian authorities detained as many as 80 Uyghur students at airports, in cafes frequented by Egypt’s Uyghur population, apartments, and on the Al-Azhar campus. Reports indicate that many of these students were deported to China, while an unknown may number remain detained in Egypt.\textsuperscript{49}

**Recommendations**

51. SAR and AFTE respectfully urge UN member states to call on Egypt to publicly affirm its commitment to academic freedom and related human rights by:

a. Repealing laws and policies which infringe upon academic freedom and university autonomy, especially Decree Law No. 136;

b. Unconditionally releasing scholars and students currently in prison because of academic activity, nonviolent expression, or religious or ethnic identity, and, pending their release, ensuring due process, humane treatment, and access to family, counsel, and medical treatment;

c. Conducting full and transparent investigations of violent attacks on scholars and students;

d. Ending policies and practices that restrict travel into and out of Egypt by scholars, students, or others, which are intended to, or which do in effect, result in prohibitions on ideas from crossing borders;

e. Publicly endorse the Principles of State Responsibility to Protect Higher Education from Attack, which provide that States should:

   i. Abstain from direct or complicit involvement in attacks on higher education;
   ii. Protect higher education against present and future attacks;
   iii. Assist victims of attacks; and
   iv. Deter future attacks, including by investigating attacks and holding perpetrators accountable.\textsuperscript{50}
1 This submission may not reflect the views of individual Scholars at Risk Network members, institutions, or participating individuals. Scholars at Risk invites comments on this submission or inquiries about our work at scholarsatrisk@nyu.edu.
2 CESCR Gen. Comment No. 13, 1999; para. 38
4 https://afteegypt.org/en/academic_freedoms/2017/03/21/12906-afteegypt.html;
https://carnegieendowment.org/2017/03/06/egypt-campus-students-versus-regime-pub-68207
5 Article 13 bis established the principle of electing university leadership.
6 See Article 72, Law 103 (1961) as amended.
7 https://www.topuniversities.com/universities/al-azhar-university
9 https://carnegieendowment.org/sada/74878
11 https://carnegieendowment.org/sada/74878; Law Regulating Universities, Article 110
12 See Resolution No. 4591 (2014) and Resolution No. 4307 (2015), passed by successive ministers of higher education, and Resolution No. 2523 (2017), an executive bylaw passed by the prime minister.
13 Students are generally not required to pay tuition to attend lectures or take exams, but only before receiving a degree.
14 In addition, during the 2013-2014 and 2014-15 academic years, the Minister of Higher Education, who was statutorily responsible for calling student union elections, failed to do so, leaving posts unfilled.
16 https://afteegypt.org/en/academic_freedoms/2016/08/16/12390-afteegypt.html
18 https://afteegypt.org/en/academic_freedoms/2017/03/21/12906-afteegypt.html
26 Ibid.
31 https://afteegypt.org/en/academic_freedoms/2016/08/16/12390-afteegypt.html
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Ibid.


https://www.scholarsatrisk.org/report/2015-12-11-cairo-university-0/


https://www.scholarsatrisk.org/report/2016-01-03-university-manouba-bibliotheca-alexandrina/


https://www.scholarsatrisk.org/report/2017-07-02-al-azhar-university/;


https://www.scholarsatrisk.org/report/2017-07-02-al-azhar-university/