

## China

In China, Scholars at Risk (SAR) reported the ongoing imprisonment and prosecution of scholars for their political views and expressive activity, the continued detention of scholars belonging to ethnic minority communities, the use of travel restrictions and other sanctions to restrict the academic freedom of local and international scholars and academic institutions, and the use of regulatory powers in ways that risk constricting academic research, teaching, and expression.

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

management and related activities consistent with systems of public accountability, especially in respect of funding provided by the state, and respect for academic freedom and human rights.”<sup>1</sup> China’s constitution contains provisions from which protections for academic freedom may be independently and interdependently derived,<sup>\*</sup> and China’s Higher Education Law also contains provisions that support the same;<sup>†</sup> however, these are also in tension with other constitutional provisions and other legal instruments that limit academic expression and inquiry, and institutional autonomy.<sup>‡</sup>

Especially since current President Xi Jinping rose to power in 2013, China’s higher education community has seen frequent attacks and pressures on academic freedom.<sup>§</sup> These have occurred alongside government efforts to further develop higher education institutions that can compete with international counterparts

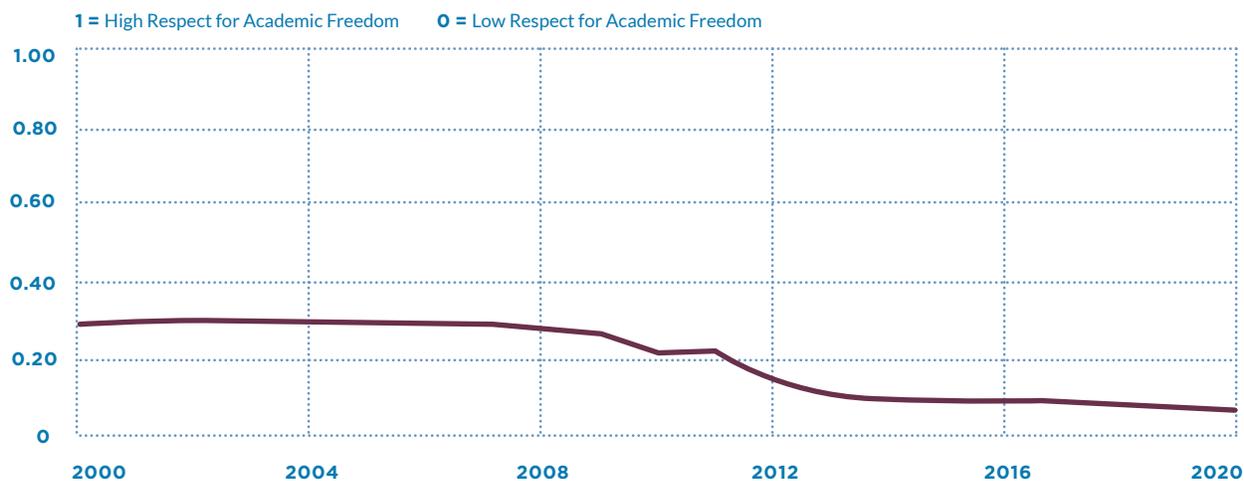
\* Article 35 provides that Chinese citizens “enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.” Article 46 provides citizens’ “duty as well as the right to receive education,” and recognizes that the “State promotes the all-round development of children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

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

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

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

## ACADEMIC FREEDOM INDEX: CHINA



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

and to control sensitive narratives and debates to advantage the Party-state. Actions frequently used in the past to restrict academic freedom and punish activity that the Party-state finds objectionable, including the use of detentions, prosecutions, travel restrictions, and university disciplinary measures, continued into this reporting period.

Chinese authorities continue to arrest, prosecute, and imprison scholars and students in connection with their academic and expressive activities. On May 9, 2021, after roughly two years in state custody, **Yuan Keqin**, a Chinese professor of history at Japan's Hokkaido University of Education (HUE), finally met with legal counsel for the first time.<sup>2</sup> Yuan was detained along with his wife during a trip to China to attend his mother's funeral. Authorities released Yuan's wife and allowed her to travel back to Japan on the condition that she come back to China with Yuan's phone, laptop, and academic materials. Yuan reportedly is being tried on espionage-related charges, the bases of which are unknown. On May 27, 2021, **Yang Hengjun**, a writer and visiting scholar at Columbia University, in the United States (US), was tried for espionage.<sup>3</sup> Yang, an Australian citizen who once worked for China's State Security Ministry, was arrested in January 2019 during a visit with family.<sup>4</sup> He has reportedly been denied access to family and legal counsel. Australia's ambassador to China was denied access to Yang's one-day trial,

which was held behind closed doors.<sup>5</sup> On August 26, authorities detained **Fang Ran**, a PhD candidate in the sociology department of the University of Hong Kong (HKU).<sup>6</sup> Fang researches labor movements and labor empowerment in mainland China, according to his profile on HKU's website,<sup>7</sup> and had reportedly been studying conditions at factories in Shenzhen prior to being detained. He was taken into custody while in his hometown of Nanning, in Guangxi Province, and is reportedly being held under residential surveillance at a designated location, a form of detention outside state facilities that allows authorities to deny detainees access to legal counsel. Fang's father announced news of his son's detention over social media, claiming that he was accused of "incitement to subvert state power." According to a report by the *South China Morning Post*, Fang was often "invited for tea," a euphemism for informal questioning by state security personnel.<sup>8</sup> Legal scholar and human rights lawyer **Xu Zhiyong** remains in jail after being detained on February 15, 2020.<sup>9</sup> Authorities detained Xu as part of an effort to silence a group of lawyers and dissidents who met in December 2019 to discuss human rights and political developments in China. Xu, who has reportedly been tortured while in state custody,<sup>10</sup> has since been charged with "subversion of state power," which carries a sentence of 15 years to life imprisonment.<sup>11</sup> Prominent economist **Ilham Tohti** continues to serve a life sentence in prison on

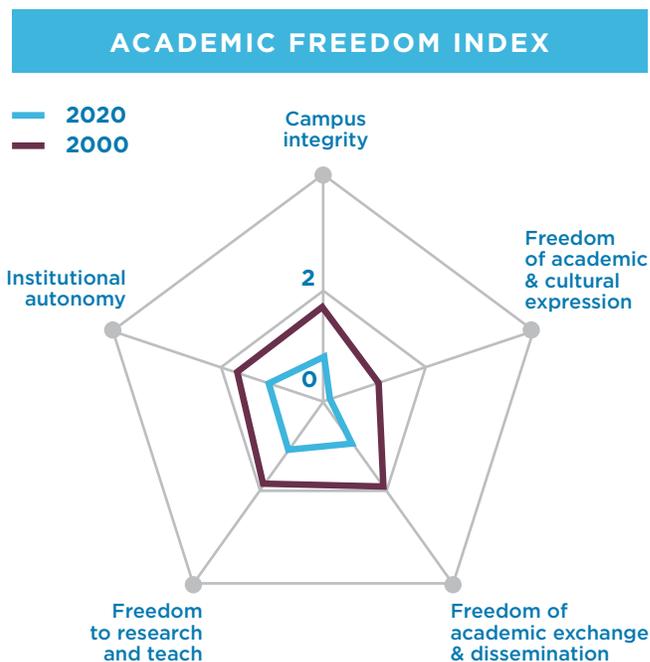
separatism-related charges. For years, Tohti published writings and promoted dialogue that sought to raise awareness of issues facing the minority Uyghur community.

In China's Xinjiang Uyghur Autonomous Region (XUAR), an unknown number of scholars and students remain missing or in state custody, with some reportedly being held in so-called "re-education camps." They appear to be victims of a broader crackdown on ethnic and religious minority communities in the XUAR, including the Uyghur, Kyrgyz, and Kazakh communities, of which more than one million are reported to be missing and suspected to be in state custody. Reports indicate that detainees have been subjected to physical and psychological abuse, including beatings, solitary confinement, sterilization, and sexual harassment; they are also reportedly forced to recite CCP anthems, attend indoctrination classes, and consume pork and alcohol, in contravention of their religious beliefs.<sup>12</sup> Observance of religious practices and communications with family outside China appear to have frequently served as bases for detention. Some incidents involving scholars suggest that one's relationship with, or views regarding, the Chinese Communist Party (CCP) have also served as the basis for detentions. Prominent scholars disappeared and suspected of being in state custody include, to name a few, **Rahile Dawut**, a world-renowned ethnographer and scholar of Uyghur studies at Xinjiang University who disappeared in December 2017;<sup>13</sup> **Tashpolat Tiyyip**, the former president of XJU and a scholar of geography who was detained in March 2017, convicted of "separatism," and issued a suspended death sentence following a "secret" trial;<sup>14</sup> and **Abdulqadir Jalaleddin**, a poet and professor of literature at Xinjiang Pedagogical University, who was arrested in a January 2018 raid on his home.<sup>15</sup> In November 2020, SAR named Dawut the recipient of the Courage to Think Award, recognizing her "for her own work, as well as that of all the scholars and students of the Xinjiang Uyghur Autonomous Region, who together struggle for academic freedom and freedom of opinion, expression, belief, association, and movement."<sup>16</sup>

Chinese authorities have used travel restrictions in an effort to restrict academic travel into and out of the country. On September 24, 2020, Chinese authorities announced that two Australian scholars, **Clive Hamilton** and **Alex Joske**, were banned from entering China in apparent retaliation for their academic work.<sup>17</sup> Hamilton, a professor of public ethics at Charles Sturt University, and Joske, an analyst at the Australian Strategic Policy Institute's International Cyber Policy

Centre, have both conducted considerable research on China's foreign influence. The CCP-backed paper *The Global Times* reported that Hamilton and Joske were banned from entering China under the Exit and Entry Administration Law. On May 8, 2021, Chinese officials denied rights lawyer **Lu Siwei** exit from China to travel to the United States for an academic fellowship. Lu, whose law license was revoked months earlier for supporting a jailed Hong Kong democracy activist, had been granted a Humphrey Fellowship, a US State Department-funded fellowship awarded to mid-career professionals from designated countries "undergoing development or political transition" who have demonstrated leadership and "dedication to public service." In stopping Lu from boarding his flight, Chinese officials told Lu that he "may endanger national security or interests." In April 2019, another Chinese human rights lawyer, **Chen Jiangang**, was also denied travel to the US for the same fellowship program.<sup>18</sup>

Sanctions, including travel restrictions, were also used by the Chinese government to punish and restrict overseas academic research and expression



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

by scholars outside the PRC. On March 22 and 26, Chinese officials targeted scholars from the European Union and the United Kingdom with travel restrictions and other sanctions for their research, teaching, and public discourse about China, including the aforementioned human rights violations in the XUAR.<sup>19</sup> **Björn Jerdén**, director of the Swedish National China Centre at the Swedish Institute of International Affairs; **Jo Smith Finley**, reader in Chinese Studies at Newcastle University, UK; and **Adrian Zenz**, senior fellow in China Studies at the Victims of Communism Memorial Foundation, in the US, were banned entry to China, issued a freeze on assets held in China, and barred from collaboration with Chinese counterparts. Germany's **Mercator Institute for China Studies** was also sanctioned among several institutions and political bodies in the EU and UK, including, for example, the Alliance of Democracies Foundation, in Denmark, and the European Parliament's Subcommittee on Human Rights. The sanctions, which also targeted elected officials in the EU and UK, appeared to serve as retaliation for sanctions those governments issued against Chinese officials in response to human rights violations in the XUAR that Zenz and others have studied. Chinese companies in the XUAR have also filed a civil lawsuit against Zenz, demanding that he "apologize, restore their reputation and compensate for their losses" in connection with his research on the XUAR.<sup>20</sup> On July 23, China issued sanctions against a number of individuals in the US, including Human Rights Watch's China Director, **Sophie Richardson**, who holds a PhD and who has led extensive research efforts into human rights abuses in China, including academic freedom violations.<sup>21</sup> A statement issued by China's Ministry of Foreign Affairs did not specify what the sanctions entailed, but noted that they were in response to sanctions issued by the US against Chinese officials as well as an advisory the US government issued warning business about the risks of conducting work in Hong Kong.

Over the past year, the government used its regulatory powers in ways that restrict academic freedom. In December 2020, the Ministry of Education issued a notice informing scholars in the social sciences and philosophy to not "degrade or vilify China intentionally in pursuit of international publication."<sup>22</sup> The order was part of a series of 10 requirements intended to reform higher education evaluation methods that have for years focused on quantity-oriented indicators of research. The notice did not specify what "intentionally" degrading or vilifying China meant, but raises the risk of academics being punished for research that could be considered critical of the Party-state. In April 2021, the government launched a hotline

intended for reporting online content that distorts, criticizes, or defames the Chinese Communist Party and its history.<sup>23</sup> The Cyberspace Administration of China established the hotline to root out "historical nihilism."<sup>24</sup> Scholars and students expressing and sharing ideas in virtual classrooms, conferences, through blogs, and social media, whether in and outside China, could be subject to repercussions if reported to the hotline.

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

SAR calls on Chinese state authorities to refrain from the use of coercive legal and extralegal actions against scholars and students for their nonviolent exercise of academic freedom and other protected rights; release wrongfully imprisoned students and scholars; and cease "re-education" efforts. SAR also calls on the Chinese government to drop sanctions against overseas scholars, repeal new and existing regulations and laws that undermine academic freedom or revise them to conform to international standards relating to academic freedom. SAR further calls on governments and higher education communities outside China to urge China's government to take the above actions and to ensure that academic exchanges and partnerships with Chinese counterparts uphold human rights and the highest standards of academic freedom and institutional autonomy.

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## ENDNOTES

1. See UNESCO, "Recommendation concerning the Status of Higher-Education Teaching Personnel," November 11, 1997, para. 17, [http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html).
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