

South Africa

In South Africa, Scholars at Risk (SAR) reported repeated violent clashes between police, private security forces, and students protesting on- and off-campus over access to higher education.

South Africa is bound by national and international legal instruments that provide protections for academic freedom. South Africa is a party to the International Covenant on Civil and Political Rights (ICCPR), which provides for freedom of opinion and expression (Article 19), and 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)). 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.”¹ South Africa’s constitution explicitly recognizes the right to academic freedom (Article 16(1)(d)) and the right to education (Article 21(1)).² As it relates to a number of incidents discussed here, South Africa’s Constitution also provides for freedoms of expression (Article 16), assembly, picket, and petition (Article 17), and association (Article 18).³

Incidents reported during this period centered around student protests over access to higher education. In March 2021, fees protests erupted after the Higher Education Minister announced a massive funding shortfall that would severely impede many students’ ability to commence or resume their studies, especially those who had historical debt. In their protests, students demanded the government increase funding for higher education and cancel historical debts. Protests over the cost of education in South Africa have become a routine fixture since the Fees Must Fall

movement of 2015, when students across the country demanded a reduction in tuition fees. During the 2021 protests, clashes frequently broke out between police, private security forces, and students.

Protests and the police response were particularly intense at the **University of Witwatersrand (Wits)**, in Johannesburg. On March 9, 2021, police used force against students protesting at Wits.⁴ Some of the students had reportedly blockaded a road near campus with burning tires. Police reportedly responded by firing rubber bullets to disperse students. Police also arrested one student.

On March 10, police killed a bystander during their response to another protest at Wits.⁵ Students peacefully protested on a street just outside the Braamfontein campus gates. Police arrived on the scene, fired rubber bullets, and used stun grenades against the students. In firing rubber bullets, officers struck a bystander, identified as **Mthokozisi Ntumba** (a Wits alumnus), in the chest, killing him. Ntumba had just exited a local medical clinic and was not participating in the protest. Authorities later arrested and have charged four police officers with murder.

At the **University of the Free State**, police used stun grenades and beat one student while responding to a campus protest on March 11.⁶ Police also arrested 24 students for blocking a road leading to campus.

On March 15, police fired tear gas and water cannons to disperse student protesters in the neighboring area of Wits’s Braamfontein campus.⁷ Some of the protesters had reportedly attempted to occupy a nearby highway using burning tires. Police fired a water cannon and launched tear gas in response. Reporters covering the protest on live television reported that, amid the police response, a young

woman, apparently a student, was shot in the leg by a rubber bullet, leaving a deep flesh wound. She was later transported to a hospital.

At the **Mangosuthu University of Technology**, on April 7, police fired water cannons at student protesters who attempted to block a highway outside the university gates.⁸ Eventually, the protesters retreated behind the campus gates, but police continued to fire water cannons in an apparent effort to remove them from campus. One student was reportedly arrested for public violence.

At **Walter Sisulu University**, administrators announced that the university would be shut down due to violence that broke out amid protests on April 19.⁹ Police alleged that students had set fire to a nyala, an armored police vehicle, that officers brought onto campus in their response to the protests. Clashes between students and police resulted in injuries to officers, including one who was hospitalized. A university spokesperson claimed that students looted the cafeteria and set fire to a university bus. One student was arrested for public violence.

Nearly three months later, on July 5, police fired stun grenades to disperse students protesting at the **Central University of Technology**.¹⁰ The students held a vigil the night before to protest allowances provided by the National Student Financial Aid Scheme that had not been disbursed. Some of the students slept outside the campus overnight while others returned the next morning to continue protesting. Police posted to campus reportedly used stun grenades and, according to one student, fired rubber bullets, apparently in an effort to disperse students during the second day of the protest. Police also arrested two students for allegedly breaching COVID-19 regulations.

SAR is concerned by the use of force by South African police in response to nonviolent student protests. The use of force and arrests to restrict or punish nonviolent student expression undermines academic freedom and other protected human rights, including especially freedom of expression and freedom of assembly. Student expression is a fundamental aspect of quality higher expression and democratically legitimate societies. SAR is also concerned by violence initiated by subsets of student protesters, which threatens the safety of the campus community.

SAR calls on state authorities in South Africa to protect and promote student expression and academic freedom. SAR reminds state authorities

that, while police and other state security forces have a responsibility to maintain order and security, they must exercise restraint and ensure that their response is proportionate, does not threaten the safety of students and other civilians, and is not used to restrict or retaliate against nonviolent expressive activity. Likewise, while students have rights to freedom of expression and freedom of assembly, they are reminded to exercise those rights responsibly and refrain from violence.

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.
2. Constitution of South Africa (2012), available at https://www.constituteproject.org/constitution/South_Africa_2012.pdf.
3. Ibid.
4. SAR Academic Freedom Monitoring Project (AFMP), March 9, 2021, <https://www.scholarsatrisk.org/report/2021-03-09-university-of-witwatersrand/>.
5. SAR AFMP, March 10, 2021, <https://www.scholarsatrisk.org/report/2021-03-10-university-of-witwatersrand/>.
6. SAR AFMP, March 11, 2021, <https://www.scholarsatrisk.org/report/2021-03-11-university-of-the-free-state/>.
7. SAR AFMP, March 15, 2021, <https://www.scholarsatrisk.org/report/2021-03-15-various-institutions/>.
8. SAR AFMP, April 7, 2021, <https://www.scholarsatrisk.org/report/2021-04-07-mangosuthu-university-of-technology/>.
9. SAR AFMP, April 19, 2021 <https://www.scholarsatrisk.org/report/2021-04-19-walter-sisulu-university/>.
10. SAR AFMP, July 5, 2021, <https://www.scholarsatrisk.org/report/2021-07-05-central-university-of-technology/>.