

February 17, 2022

Dear Dr. Anaïs Marin,

On behalf of Scholars at Risk, I write to share our deep concern about the restricted state of academic freedom in Belarus, and in particular about the ongoing persecution of students and scholars in Belarus.

Scholars at Risk (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 to comment on academic freedom and attacks on higher education communities in Belarus.

SAR monitors and analyzes attacks on higher education around the world, including within Belarus. Over the past year, SAR assessed reports from colleagues, the media, and human rights organizations in and outside Belarus, describing individual attacks and broad pressures on higher education throughout the country. SAR documented a particularly high number of attacks on academic freedom in Belarus between September 1, 2020 and August 31, 2021, and consequently included a detailed country profile in SAR's annual Free to Think 2021 report. That profile is included as part of this submission.

Although some of the incidents discussed in the profile occurred prior to the reporting period outlined by this call for submissions, they provide important context regarding the current threats to and restrictions on academic freedom in Belarus. Further, several of the attacks identified prior to the reporting period are ongoing. Notably, a number of students arrested prior to April 1, 2021 remain detained. Law student Marfa Rabkova, for example, has been held in pre-trial detention for over 500 days and is now facing thirteen charges that together carry up to 20 years in prison if she is convicted.¹ Eleven students and one professor arrested in November 2020 and sentenced to 2-2.5 years in July 2021 have been transferred to various penal colonies to serve their sentences.² All twelve have been designated as "persons prone to extremism and other destructive acts," meaning they are subjected to harsher treatment and conditions in prison – such as more cell checks and mandatory handcuffing outside of the cell – and are ineligible for parole and sentence reduction.³

¹ Scholars at Risk Network, "Marfa Rabkova, Belarus," <https://www.scholarsatrisk.org/actions/marfa-rabkova-belarus/> (last accessed on February 16, 2022).

² "All convicts in 'student case' transferred to penal colonies," Belsat, October 27, 2021, <https://belsat.eu/en/news/27-10-2021-all-convicts-in-student-case-transferred-to-penal-colonies/>.

³ "Convicts in the 'student case' labeled prone to extremism," Belsat, July 23, 2021, <https://belsat.eu/en/news/23-07-2021-convicts-in-the-student-case-labeled-prone-to-extremism/>; Yuras Karmanau, "In Belarus, yellow tags single out political prisoners," Belsat, June 4, 2021, <https://apnews.com/article/belarus-europe-dcae4d9b7e050323800d098c62bd91c9>.

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In addition to these acts against scholars and students, SAR is concerned about the proposed Article 54 of Belarus's current draft Constitution. That section appears to impose ideological restrictions on academic activity – namely the study and teaching of history – in violation of ICCPR Article 19, and domestic constitutional protections for freedom of opinion and expression. While preservation of historical memory is an important goal, and indeed a core function of higher education, mandating that members of society adhere to a particular historical narrative or viewpoint is inconsistent with fundamental principles of academic freedom.

Overall, SAR is deeply concerned about the restricted state of academic freedom and the ongoing persecution of students and scholars in Belarus. We thank you for your consideration of this submission and hope that you will be able to highlight these critical issues in your forthcoming report. If you have any questions or would like any further information, please do not hesitate to contact us at scholarsatrisk@nyu.edu.

Sincerely,



Robert Quinn
Executive Director

Belarus

In Belarus, Scholars at Risk (SAR) reported the use of excessive force and arrests of students and scholars during national demonstrations over the disputed results of the 2020 presidential election. State authorities also arrested student leaders and faculty in targeted raids. Infringing on university autonomy, the government of Alexander Lukashenko replaced rectors and other administrative staff at higher education institutions based on political considerations and called on universities to expel students and faculty who participated in or supported the protests.

Belarus is bound by national and international legal instruments that provide protections for academic freedom and higher education generally. Belarus is a party to several applicable international human rights instruments including the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to 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 Belarus, as a participant to the Bologna Process, committed in the 2018 Paris Communiqué to protecting and promoting academic freedom and institutional autonomy, among

other fundamental values, in the European Higher Education Area.² Belarus’s constitution also provides protections for academic freedom, including Article 51 which provides that “freedom of artistic, scientific and creativity and teaching shall be guaranteed,” and the right to education (Article 49).^{*} As it relates to discussion of protests and other political expression of scholars and students, it bears mentioning that Belarus’s constitution further provides for freedom of expression (Article 33) and freedom of assembly (Article 35).[†]

Attacks against students and scholars grew in August 2020, when students and other young activists organized mass demonstrations across the country to protest the results of the presidential election. The Central Election Commission reported that Lukashenko won the presidency with more than 80 percent of the vote. The election results have been widely disputed, with election workers charging that the election was marked by widespread fraud.³ The European Union refused to recognize the “falsified” results and described the election as neither free nor fair.⁴ The opposition candidate, Sviatlana Tsikhanouskaya, who ran for election in place of her

* Regarding the right to education, Article 49 provides that “secondary specialized and higher education shall be accessible to all in accordance with the capabilities of each individual. Everyone may, on a competitive basis, obtain the appropriate education at state educational establishments free of charge.” See Constitution of the Republic of Belarus (1994), available at <https://www.wipo.int/edocs/lexdocs/laws/en/by/by016en.pdf>.

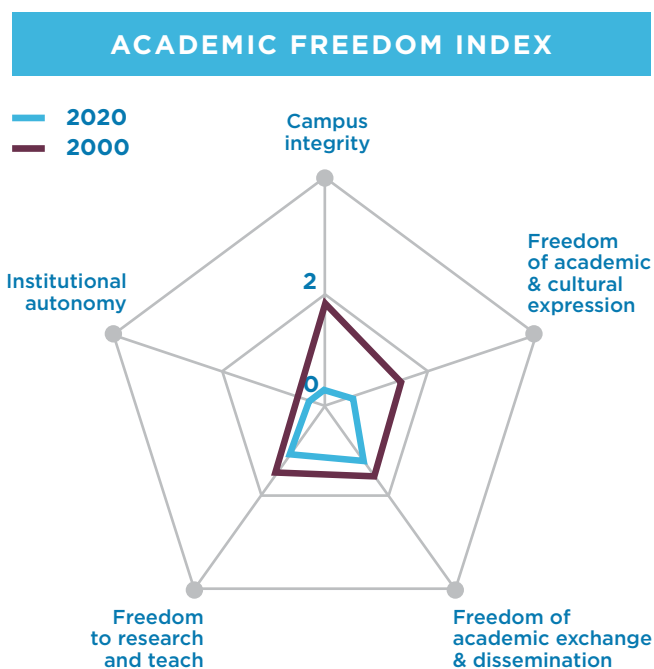
† Ibid. Regarding freedom of opinion and expression, Article 33 provides that “everyone is guaranteed freedom of thoughts and beliefs and their free expression. No one shall be forced to express one’s beliefs or to deny them.” Article 35 provides for freedom of assembly: “The freedom to hold assemblies, rallies, street marches, demonstrations and pickets that do not disturb law and order or violate the rights of other citizens of the Republic of Belarus, shall be guaranteed by the State.”

husband Siarhei Tsikhanouski (who was arrested in May 2020), was forced to flee to Lithuania due to mounting threats she and her children were facing. Belarusian authorities cracked down on students and others protesting the election results, often resorting to the use of force and arrests. Meanwhile, Lukashenko took drastic steps to reshape higher education, including by replacing rectors, deans, and other administrators at prominent higher education institutions where protests were held and calling for the expulsion of students and faculty who participated in the protests.⁵

Police responding to elections protests on and off university campuses frequently detained and arrested students and other peaceful protesters.* On September 1, the start of the academic year, up to 5,000 students from universities across Minsk walked out of their classes to march to the Ministry of Education to demand the resignation of Lukashenko, the release of political prisoners, and a new and fair election. Police blocked their path, shoved and hit students, and arrested at least 81 people, including nine journalists, one professor, and several students.⁶ On September 4, when 50 students gathered at **Minsk State Linguistic University (MSLU)** and sang “Do you Hear the People Sing?” (a song about rebellion and freedom from the musical *Les Misérables*), riot police arrived in three buses and arrested five students, shoving and dragging them out of the university.⁷ The students were reportedly released the following day. On October 13, Tsikhanouskaya, the opposition candidate, issued a “people’s ultimatum” to Lukashenko, demanding that he resign by October 25, stop the violence against protesters, and release political prisoners, or face a nationwide strike that would begin on October 26. On October 26, students from the **Belarusian National Technical University (BNTU)** and the **Belarusian State University of Informatics and Radioelectronics** marched on Independence Avenue, the major street in Minsk where many of the protests were held. Riot police arrived and arrested several students.⁸

State authorities targeted student leaders, including members of the Belarusian Students’ Association (BSA), conducting raids on their homes and arresting them in the street. These include **Marfa Rabkova**, a third-year student at European Humanities University and a volunteer coordinator at a local human rights organization, who was arrested on September 17 when she and her husband were pulled over in their

vehicle by several officers of the Main Directorate for Combating Organised Crime and Corruption.⁹ Rabkova remains in custody on charges of “education or other preparation of persons for participation in mass riots, or financing such activities,” “participating in a criminal organization,” and “inciting racial, national, religious or other social hostility by a group of individuals.” On November 12, police arrested 11 students from various universities, including members of the BSA, and searched the home of a university professor in connection with the protests.¹⁰ The students included **Alana Gebremariam**, a member of BSA’s coordinating council and Tsikhanouskaya’s representative for youth and student affairs; **Ksenia Syramalot**, BSA’s press secretary; Belarusian State University (BSU) students **Yahor Kanetski**, **Tanya Yakelchyk**, and **Ilia Trakhtenberg**; BNTU students **Nastya Bulybenka** and **Vika Hrankouskaya**; Belarusian State Pedagogical University students **Kasia Budzko**



Alexander Lukashenko and his administration quickly cracked down on the higher education sector in response to student and faculty protests over his controversial declaration as the winner of the 2020 presidential election. Experts’ recordings for campus integrity and freedom of academic expression dropped significantly between 2019 and 2020. 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>.

* In addition to the below examples, see SAR AFMP, September 5, 2020, <https://www.scholarsatrisk.org/report/2020-09-05-belarusian-state-university-minsk-state-linguistic-university/>; and SAR AFMP, October 17, 2020, <https://www.scholarsatrisk.org/report/2020-10-17-minsk-state-linguistic-university/>.

and **Yana Arabeika**; Belarusian State Academy of Arts student **Masha Kalenik**; and MSLU student **Hleb Fitzner**. The students and the professor whose house was raided, **Volha Filatchankava**, were convicted and sentenced to two and a half years' imprisonment on a charge of "organizing and preparing in group actions that grossly violate public order;" Fitzner pleaded guilty and was sentenced to two years' imprisonment. On March 5, 2021, police arrested 30 students and others attending the inaugural meeting of the **League of Student Associations**, in Minsk.¹¹ Several of the students attending had participated in the election protests. Masked police officers stormed the meeting, allegedly confiscated detainees' phones, and interrogated them for approximately five hours. Most were released later that night without official charges against them. Four of the students were sentenced to 14-15 days' imprisonment for "disobeying a lawful order of an official." On June 29, police arrested Belarusian State University law student **Katsiaryna Vinnikova** in retaliation for a speech she delivered at her school's graduation ceremony, in which she expressed sympathy for professors suspended from the school for their roles in the protests.¹² BSA has reported that nearly 500 students were detained in connection with the protests.¹³

Police also arrested scholars in apparent connection to the elections protests. Two professors at the Belarusian State University (BSU) were arrested as part of an apparent effort to deter protests over Lukashenko's visit to the campus on January 29, 2021. Police arrested **Volha Kavaleuskaya**, a professor of geology, one day before the visit.¹⁴ Kavaleuskaya was convicted of "disobedience to a lawful order or demand of an official in the exercise of his official powers" and "organizing or participating in unsanctioned mass events," and sentenced to 25 days' imprisonment. The morning of Lukashenko's visit, police arrested **Pavel Piatrou**, a professor in BSU's Department of Physical Electronics and Nanotechnologies, at his home.¹⁵ On February 1, Petlov was convicted of "disobedience to a lawful order or demand of an official in the exercise of his official power" and sentenced to 15 days' imprisonment. On June 30, 2021, Minsk airport authorities detained **Tatisana Kuzina**, co-founder and researcher at the School of Young Managers in Public Administration.¹⁶ Kuzina was accused of "conspiracy or other actions aimed at seizing state power," and "calls for actions aimed at damaging the national security of the Republic of Belarus."

University administrators, apparently under pressure from Lukashenko's administration, ordered

suspensions and dismissals to punish and deter faculty and students from participating in the protest movement. For example, BSU terminated physics scholar **Sviatlana Volchak** in apparent retaliation for her role as an organizer in the protest movement.¹⁷ Volchak was the coordinator of the strike committee at BSU, which authored a petition demanding that the university take action to end violence against protesters, secure the release of political prisoners, and support fair elections. On August 28, 2020, when the strike committee submitted its petition, police arrested Volchak and her husband.¹⁸ Volchak was released on September 12 and planned to resume teaching on September 15. The university terminated Volchak on September 18, citing her absence on September 14, even though Volchak made arrangements with a colleague to teach her class that day. In late October, Lukashenko replaced rectors at three universities—**Belarusian State University of Culture and Arts**, **Brest State Technical University**, and **MSLU**—after stating that "university rectors are not doing enough" regarding clamping down on protest activity.¹⁹ Starting on October 27, universities began expelling students and faculty in response to orders from Lukashenko.²⁰ This included the expulsion of as many as 30 students from **Belarusian State Medical University**²¹ (19 of whom were later reinstated) and 32 students from **BNTU**.²² In June 2021, Mogilev State University forced three professors—**Aliaksandr Aheeu**, **Ihar Sharukha**, and **Vital Evmenkov**—to resign, apparently for their public expression and alleged participation in the protests.²³ One scholar, **Alena Laeyuskaya**, a civil law professor at BSU, was denied renewal of her contract, apparently because her son, a lawyer, represented an imprisoned, former presidential candidate.²⁴ Available data indicates that as many as 160 students were expelled and more than 50 faculty dismissed in connection with the protest movement.²⁵

The use of force, arrests, other coercive legal actions, and university disciplinary actions against students and scholars peacefully protesting a fraudulent election and the detention of their colleagues shrinks the space for ideas and questions in Belarusian society. These actions threaten the entire higher education community in Belarus, limiting everyone's right to academic freedom and the societal benefit derived from open university environments that promote the free flow of ideas. The freedom of Belarusian higher education institutions to operate independently, without political considerations, was clearly attacked when Lukashenko moved to replace university leaders and administrators with political appointees and called

on university officials to expel students and faculty participating in protests. Taken together, these actions clearly violate institutional autonomy, undermine the right to academic freedom, and raise serious concern for the future of the Belarusian higher education sector.

SAR calls on state authorities in Belarus to refrain from the use of force against peaceful protesters; release wrongfully imprisoned students and scholars; drop charges resulting from their peaceful exercise of the right to freedom of expression and freedom of assembly; and respect universities' institutional autonomy by refraining from intervening in or ordering disciplinary matters. SAR calls on higher education institutions in Belarus to refrain from and reverse disciplinary actions taken against students and faculty in connection to their nonviolent expressive activity and associations. SAR further calls on the international community, including governments and higher education stakeholders, to press the Belarusian government and higher education partners to take the above actions and to support at-risk scholars and students from Belarus through whatever means possible.

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. European Higher Education Area, "PARIS Communiqué," May 25, 2018, https://www.ehea.info/media.ehea.info/file/2018_Paris/77/1/EHEAParis2018_Communique_final_952771.pdf.
3. Kostya Manenkov and Daria Litvinova, "Belarus poll workers describe fraud in Aug. 9 election," *Associated Press*, September 1, 2020, <https://apnews.com/article/international-news-ap-top-news-europe-72e43a8b9e4c56362d4c1d6393bd54fb>.
4. Council of the European Union, "Belarus: Declaration by the High Representative on behalf of the European Union on the so-called 'inauguration' of Aleksandr Lukashenko," September 24, 2020, <https://www.consilium.europa.eu/en/press/press-releases/2020/09/24/belarus-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-so-called-inauguration-of-aleksandr-lukashenko/>.
5. SAR Academic Freedom Monitoring Project (AFMP), October 27, 2020, <https://www.scholarsatrisk.org/report/2020-10-27-various-institutions/>.
6. SAR AFMP, September 1, 2020, <https://www.scholarsatrisk.org/report/2020-09-01-various/>.
7. SAR AFMP, September 4, 2020, <https://www.scholarsatrisk.org/report/2020-09-04-minsk-state-linguistic-university/>.
8. SAR AFMP October 26, 2020, <https://www.scholarsatrisk.org/report/2020-10-26-belarusian-national-technical-university-belarusian-state-university-of-informatics-and-radioelectronics/>.
9. SAR AFMP, September 2020, <https://www.scholarsatrisk.org/report/2020-09-17-european-humanities-university/>.
10. SAR AFMP, November 12, 2020, <https://www.scholarsatrisk.org/report/2020-11-12-bashkir-state-pedagogical-university-belarusian-state-university-of-informatics-and-radioelectronics/>.
11. SAR AFMP, March 5, 2021, <https://www.scholarsatrisk.org/report/2021-03-05-various/>.
12. SAR AFMP, June 30, 2021, <https://www.scholarsatrisk.org/report/2021-06-30-belarusian-state-university/>.
13. Belarusian Students' Association (BSA), "Repressions against students: study year results," June 28, 2021, https://zbsunion.by/en/news/pressure_on_students (accessed on August 10, 2021).
14. SAR AFMP, January 28, 2021, <https://www.scholarsatrisk.org/report/belarusian-state-university-2021-01-28/>.
15. SAR AFMP, January 29, 2021, <https://www.scholarsatrisk.org/report/2021-01-29-belarusian-state-university>.
16. SAR AFMP, June 28, 2021, <https://www.scholarsatrisk.org/report/2021-06-28-school-of-young-managers-in-public-administration/>.
17. SAR AFMP, September 18, 2020, <https://www.scholarsatrisk.org/report/2020-09-18-belarusian-state-university/>.
18. SAR AFMP, August 28, 2020, <https://www.scholarsatrisk.org/report/2020-08-28-belarusian-state-university/>.
19. SAR AFMP, October 20, 2020, <https://www.scholarsatrisk.org/report/2020-10-20-minsk-state-linguistic-university-belarusian-state-university-of-culture-and-arts-brest-state-technical-university/>.
20. SAR AFMP, October 27, 2020, <https://www.scholarsatrisk.org/report/2020-10-27-various-institutions/>.
21. SAR AFMP, October 28, 2020, <https://www.scholarsatrisk.org/report/2020-10-28-belarusian-state-medical-university/>.
22. SAR AFMP, October 28, 2020, <https://www.scholarsatrisk.org/report/2020-10-28-belarusian-national-technical-university/>.
23. SAR AFMP, June 10, 2021, <https://www.scholarsatrisk.org/report/2021-06-10-mogilev-state-university/>.
24. SAR AFMP, April 17, 2021, <https://www.scholarsatrisk.org/report/2021-04-17-belarusian-state-university/>.
25. BSA (June 28, 2021); Belarusian Independent Bologna Committee, "Pressure on Academia. Update from 06.07," July 6, 2021, <http://bolognaby.org/index.php/en/141-news-and-events-en/843-ts-sk-na-akadem-yu-2>.