Scholars at Risk’s Submission to the Fourth Cycle of the Universal Periodic Review of Russia
44th Session of the United Nations Human Rights Council
Submitted April 5, 2023
Introduction

1. 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 the United Nations Economic and Social Council (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 Russia.

2. This submission is the product of a joint effort between Scholars at Risk’s Academic Freedom Monitoring Project and the Academic Freedom Advocacy Clinic of McGill University’s Centre for Human Rights and Legal Pluralism (CHRLP) in Montréal, Canada. SAR gratefully acknowledges the substantial research and drafting work of McGill University faculty and students.1

3. This submission focuses on Russia’s compliance with its obligations under international law to respect, protect, and fulfill academic freedom and related rights. Already in a precarious situation before the war,2 academic freedom has deteriorated further following Russia’s invasion of Ukraine. Legislation and administrative measures targeting dissidence have profoundly affected scholars, students, and institutions. In addition to publicly available information, this report draws on the direct experience of former professors at Russian universities and documented violations throughout the country. SAR asks States to urge Russian authorities to take every available action to reverse the current course and ensure that academic freedom and related rights are protected henceforth. We likewise urge academic institutions and international organizations worldwide to take any available action to support Russian scholars and protect academic freedom at higher education institutions throughout the country.

4. This submission is based in part on information and insights collected during interviews conducted in March 2023 with Russian scholars now living in exile in Europe and North America. These scholars, some of whom agreed to be named herein, provided firsthand accounts of the violations of academic freedom that they experienced in Russia. SAR thanks them for their invaluable contribution to this submission.

Applicable Legal Standards

5. Russia has ratified and is bound by several relevant international human rights instruments, including most prominently the International Covenant on Civil and Political Rights (ICCPR)3 and the International Covenant on Social, Economic and Cultural Rights (ICESCR).4

6. Academic freedom is a human right independently and interdependently grounded in the rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as articulated, respectively, in ICCPR Article 19, ICESCR Articles 13
and 15(3). Violations of academic freedom also manifest as violations of other rights, including liberty and security of person, freedom of movement, freedom of assembly, and freedom of association.⁵ All these rights are guaranteed in the same instruments to which Russia is bound.⁶

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 his choice.”

8. ICESCR Article 13 binds Russia to “recognize the right of everyone to education” and “agree that education 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 that education “enable[s] all persons to participate effectively in a free society.” The Committee on Economic, Social and Cultural Rights (CESCR) has likewise noted that the right to education “can only be enjoyed if accompanied by the academic freedom of staff and students.”⁷

9. ICESCR Article 15(3) similarly binds Russia to “respect the freedom indispensable for scientific research and creative activity.” This “indispensable freedom” not only excludes censorship, but also imposes a positive obligation on the State to encourage “scientists, artists and others to take part in international scientific and cultural research activities.”⁸

10. Institutional autonomy is an integral part of academic freedom and a precondition for the proper functioning of institutions. Institutional autonomy includes self-governance concerning academic work, curricula, standards, and management.⁹ It thus encompasses “decisions regarding administration and determination of policies of education, research, extension work, allocation of resources, and other related activities,” allowing for the active participation of the academic community.¹⁰ Consequently, “[e]xternal interference in the selection, appointment and dismissal of leadership and professors,” and the deprivation of an autonomous organizational structure constitute limitations on academic freedom.¹¹ “States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.”¹²

11. UNESCO, like the CESCR, defines academic freedom as inextricably linked to institutional autonomy. As described by the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), “[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 […].”¹³ Russia remains an executive board member of UNESCO.¹⁴

12. Academic freedom includes both academic expression in traditional fora, such as the classroom or lab; and so-called extramural expression -- expression in one’s expertise, outside traditional fora. Institutional punishment such as termination for protected activity (e.g. public expression outside one’s expertise) also constitutes a violation of academic freedom.¹⁵
13. Russia’s domestic law also provides baseline guarantees for the academic freedom of teachers and students. As defined in Article 3 of the Federal Law “On Education in Russia,” academic freedom comprises the freedom of teachers to “present the subject at their discretion [and] to freely choose research topics,” while students are “to be free to obtain knowledge in accordance with their inclinations and needs.” As it relates to academic expression, the same provision imposes a responsibility upon the State “to create optimal conditions for a free search of truth and free expression and dissemination of its results.”

Discussion

14. Academic freedom in Russia, while declining for years, has significantly decreased during this review cycle, especially since the beginning of the 2020 constitutional reform and the war in Ukraine. Indeed, according to the most recent update of the Academic Freedom Index (AFi), which assesses levels of respect for academic freedom in 175 countries and territories based on surveys of more than 2000 country experts around the globe, Russia has fallen in the past two decades from the top quartile to the bottom 10-20% of states worldwide.

![Graph showing Academic Freedom Index for Russia](image)

15. The attacks on and erosions of academic freedom described herein represent just a fraction of the overall pressures on Russian higher education. Many attacks go unreported, and academics self-censor to avoid governmental and institutional retribution. Consequently, quantifying the breadth and impacts of attacks is difficult. However, primary sources interviewed in connection with this report corroborate the chill that recent measures have wrought on the overall academic environment in Russia.

Legislative/Regulatory Pressures

16. Recent laws and regulations directly impacting scholars, students, and academic activity, together with broadly applicable legislation purportedly intended to protect national security, have gravely harmed higher education across Russia.
17. “Reforms” passed in 2021 banned educational activities and engagements with foreign academics not approved by the government, severely curtailing international academic exchange and damaging Russian scholars’ relationships with scholars and institutions abroad. Related legislative changes permit Russian authorities to regulate (including prohibit) “educational activities” occurring outside formal academic programs, which are deemed to constitute anti-Russian propaganda; “educational activities” is broadly defined to include activities undertaken with the intention of “disseminating knowledge, experience, the formation of skills, value systems, or competence” – in other words, routine, extramural academic expression.

18. Russia’s Foreign Agents law, which was signed by President Putin in July 2022 and went into effect later that year, also profoundly impacts higher education. The law defines “foreign agents” to include any person or entity that has fallen under foreign influence of any kind (not simply those receiving foreign funding). The law imposes major administrative burdens on anyone designated a foreign agent, and mandates that their names, birthdates, and other identifying information be placed on a government website. In addition, the law bars individuals deemed foreign agents from teaching at state universities.

19. These laws, together with expansive national security measures and related political developments create significant pressures on Russian higher education. The laws have been interpreted to prohibit anti-war expression or require teaching of pro-war propaganda. Institutional protections for university autonomy have also deteriorated, and reports of students, educators, and educational leadership reporting their colleagues’ anti-war and anti-government expression to authorities have become commonplace. These factors, coupled with individual arrests and prosecutions, terminations and expulsions have driven many academics to flee the country.

Violence

20. On August 30, 2020, a prominent student activist at the Higher School of Economics in Moscow reportedly published a video on his YouTube channel, announcing that the school was preventing him from enrolling in a master’s program, despite his having been accepted, apparently in response to his activism. In the video, the student also spoke critically of President Putin. Hours after the video was published, two unidentified individuals reportedly beat the student in front of his home, causing severe injuries.

Arrest and Prosecution

21. On March 21, 2020, police arrested and detained a professor in the faculty of mechanics and mathematics at Moscow State University, for holding a peaceful, one-person demonstration on campus, in support of a detained student activist.

22. On April 14, 2021, authorities raided the offices of DOXA Student Magazine and arrested four of the magazine’s editors, after they posted a video on the magazine’s website.
advocating students not fear being expelled for participating in on-campus protests. The authorities had ordered the editors to take the video down, which they did. However, the editors filed a lawsuit challenging the order, apparently leading to the authorities’ actions.\(^{31}\)

23. On March 28, 2022, a local court found a lecturer at **Amur State University** guilty of discrediting the Russian Armed Forces, after a March 10, 2022 lecture in which she criticized Russian military actions in Ukraine. She was ordered to pay a fine of 30,000 rubles.\(^{32}\)

24. On April 19, 2022, a scholar was dismissed from his associate professor position at **Volgograd State University (VSU)**, where he had taught law for twenty-five years, for allegedly engaging in “immoral” conduct by sharing posts denouncing the Russian invasion of Ukraine. He was also convicted of disseminating false information and fined 30,000 rubles.\(^{33}\)

25. On June 30, 2022, Russia’s Federal Security Service (FSB) arrested Dmitri Kolker, a **Novosibirsk State University** scientist for treason, based on his academic exchanges with Chinese scholars following a lecture series he gave in collaboration with the Russian Academy of Sciences (RAN). The FSB reportedly reviewed Kolker’s lectures, and a state agent followed Kolker during the academic exchange. Kolker died in custody two days after his arrest, shortly after being removed from a clinic where he was being treated for pancreatic cancer.\(^{34}\)

**Loss of position**

26. On June 14, 2019, **St. Petersburg State University (SPBU)** administrators reportedly expelled a graduate student, visiting from the Free University of Berlin, after he conducted academic research including interviewing local environmental activists in two Russian cities – activities local authorities alleged constituted illegal journalistic activity that violated the terms of the student’s visa. The student was deported shortly thereafter.\(^{35}\)

27. On September 17, 2019, administrative authorities at **Ural State Economic University** reportedly summoned a student to a meeting on campus, where they threatened him with expulsion based on suspicions regarding his sexual orientation. The institute’s director reportedly told the student that the university had established a group to monitor students’ social media activity, and that they had seen that the student belonged to an LGBTQ group.\(^{36}\)

28. On December 1, 2020, the **Peoples’ Friendship University of Russia** expelled a student activist for his participation in a nonviolent demonstration in front of Russia’s Federal Security Service (FSB) building.\(^{37}\)

29. On January 30, 2021, **Astrakhan State University** expelled three students for participating in a January 23 protest supporting imprisoned opposition politician Alexei Navalny.\(^{38}\)
30. On February 25, 2022, the Higher School of Economics (HSE), Moscow refused to renew the contract of an associate professor, internationally renowned scholar and human rights activist, in apparent retaliation for his long-time criticism of Russian policy. Despite his department’s recommendation that his contract be renewed, and positive teaching reviews, two university commissions refused to recommend renewal on grounds including the subject of his doctoral degree, his interest in a temporary appointment at a foreign university, and disputed accusations of grade inflation. The commissions refused to provide further information regarding their decisions. Soon after, on April 8, Russian authorities added the professor to a list of foreign agents.39

31. On March 2, 2022, St. Petersburg State University’s (SPBU) website notified students that anyone attending mass demonstrations without a state-issued permit could face expulsion. One week later, Russia’s Ministry of Internal Affairs ordered SPBU to expel 13 students who had reportedly participated in anti-war demonstrations following Russia’s invasion of Ukraine.40

32. On February 28, 2022, Plekhanov Russian University of Economics expelled two students for expressing opposition to Russia’s invasion of Ukraine on social media. The university’s head of security had allegedly been monitoring their social media accounts and reported concerns about the posts with the vice-rector. In August 2022, a Moscow district court ordered the university to reinstate one of the students. 33

33. On June 22, 2022, the St. Petersburg State University administration published an order excluding a university administrator, lecturer in the Arts, and IT specialist, from the university’s academic council.41 The individual was affiliated with Bard College, which had recently been declared an undesirable foreign organization by the General Prosecutor’s Office of Russia.42 (See para. 36, infra)

34. On October 20, 2022, an associate professor of political philosophy and photography studies in St. Petersburg State University’s Liberal Arts and Sciences faculty (Smolny College) was fired for “immoral behaviour,” after participating in an anti-war rally – an act for which he was imprisoned for 10 days.43

Attacks on Institutions

35. On October 4, 2020, Russian prosecutors ordered the Presidential Academy of National Economy and Public Administration to provide data on students engaged in pro-democracy activities, projects promoting “American and European democratic and liberal values on campus,” information about student protesters and organizers, and about students participating in international exchange programs and international projects.44

36. On June 21, 2021, Russia’s General Prosecutor declared Bard College (U.S.) an undesirable organization.45 Bard had been in close collaboration with the Faculty of Liberal Arts and Sciences (Smolny College) of St. Petersburg State University since 1996.46 Bard’s designation as “undesirable” led to the exclusion of Smolny College affiliates from SPBU’s
academic council and the removal of all academic materials and books mentioning Bard College from university premises.

**Travel Restrictions/Designation as Foreign Agents**

37. On November 27, 2019, Russian authorities denied entry to Carine Clément, a French sociologist and researcher who had lived in Russia for 20 years, and who was seeking to enter the country to present research comparing French and Russian protest movements at an academic conference. Upon arrival, she was informed that she was subject to a ten-year travel ban issued on national security-related grounds, and deported shortly thereafter.

38. On April 1, 2022, Ekaterina Schulmann, a political scientist, journalist, and commentator based in Moscow and affiliated with the Moscow School for the Social and Economic Sciences was designated a foreign agent, while on a one-year fellowship at the Robert Bosch Academy in Berlin. While abroad, she received “foreign agent” status by the Justice Ministry for allegedly engaging in “political activities” while being under “foreign influence” – taking salaries from Russian institutions that received foreign funding. The new law “On control over the activities of persons being under foreign influence,” requires individuals to identify themselves as foreign agents when speaking or writing for a public audience. She is already being prosecuted by the Justice Ministry for failing to do so when posting online. This designation also jeopardises her ability to return to Russia to continue her academic career because individuals designated as foreign agents are prohibited from conducting any educational work with minors or teaching at state and municipal educational institutions.

**Conclusions and Recommendations**

39. As noted above, levels of respect for academic freedom in Russia have dropped precipitously over the last decade. Russia is now among the worst performing countries when it comes to protecting this vital right, in clear violation of its international legal obligations. Accordingly, SAR respectfully urges UN member states to call on Russia to take immediate action to reverse this dangerous pattern by:

a. Reversing prosecutions of scholars, students, and other members of the higher education community based on the nonviolent exercise of the rights to academic freedom and free expression;

b. Taking immediate action to restore international academic exchange between Russian scholars, students, and universities and their counterparts abroad;

c. Aligning national legislation with international standards stating that university autonomy includes autonomy in curricula, teaching, research, and management; and

d. Refraining from direct or indirect attacks on academic expression or other nonviolent expressive activity by scholars and students.
1 This submission may not reflect the views of the CHRLP, McGill University, its law faculty and students, or Scholars at Risk Network member institutions, or participating individuals.


6 See ICCPR, arts 9, 12, 21, 22.


8 Committee on Social, Economic and Cultural Rights, General comment No. 21: Right of everyone to take part in cultural life (Article 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/GC/21 (2009) at paras 49(c), 52(e).


12 See RSHETP at para. 19; see also Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, OHCHR, 75th Sess, UN DOC A/75/261 (2020) at para 14.


25 See Zotova, supra note 23.


28 See Dmitriy Rudenkin, Redaktor May 10, 2022, ‘The Possibility of Return to Russia is not Considered Seriously by Almost Anyone’: What a Survey or Russian Scholars who Left the Country Shows available at https://republic.ru/posts/103850


32 Telegram, Blagoveshchensk City Court of the Amur Region, March 28, 2022, A teacher at an Amur university was subjected to administrative punishment..., available at t.me/blg_sud/164; see also Jeanne Whalen, Washington Post, April 10, 2022, Russian students are turning in teachers who don’t back the war, available at www.washingtonpost.com/world/2022/04/10/russia-war-dissent-opposition-crackdown; see generally Marina Ostroumova, sm.news, March 28, 2022, A teacher of the Amur university was prosecuted for discrediting the Armed Forces of Russia, available at https://sm.news/prepodavatelya-amurskogo-vuza-privlekli-k-otvetstvennosti-za-diskreditaciyu-vs-rf-63007-u3t5/


41 See St. Petersburg State University, On the Order to Modify from 02.04.2014 No 1742/1 On the temporary composition of the Academic Council of liberal arts and sciences SPbGU, No 6697/1 (22 June 2021), available at spbu.ru/sites/default/files/20210622_6697_1.pdf


43 Based on an interview with the Scholar


46 See Faculty of Liberal Arts and Sciences, “About”, available at www.artesliberales.spbu.ru/en/faculty

48 Based on interviews with the scholar, March 13, 2023

