

**Scholars at Risk's Submission to the Fourth
Cycle of the Universal Periodic Review of
China**

45th Session of the
United Nations
Human Rights Council
Submitted July 18, 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 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 the People’s Republic of China (the “PRC” or “China”).
2. As part of its advocacy work, SAR monitors and analyzes attacks on higher education around the world, including within China. During this UPR period, SAR has received reports from human rights organizations and media describing overall pressures and attacks on higher education throughout the country.
3. This submission is the product of a joint effort between Scholars at Risk’s Academic Freedom Monitoring Project and the legal clinic of the Human Rights Centre of Ghent University, Belgium.¹ SAR gratefully acknowledges the substantial research and drafting work of Ghent faculty and students.²
4. This submission focuses on China’s compliance with its obligations under international law to protect and promote academic freedom and related rights within its territory and territories under its control, including the Hong Kong Special Administrative Region (Hong Kong), the Xinjiang Uyghur Autonomous Region (XUAR), and Tibet.

Applicable Legal Standards

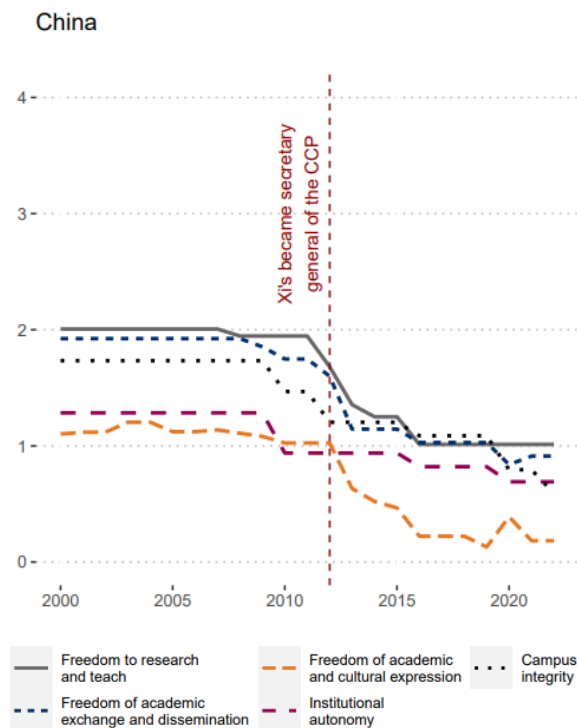
5. China is a signatory to the International Covenant on Civil and Political Rights (ICCPR),³ and has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). China is also a member of UNESCO.
6. Academic freedom is fully and independently grounded in the rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as articulated, respectively, in ICCPR Article 19 and ICESCR Article 13, and Article 15(3) of the ICESCR. Academic freedom has been described in UNESCO’s Recommendation concerning the Status of Higher-Education Teaching Personnel (1997) as follows:

Higher-education personnel are entitled to maintain academic freedom, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies. All higher-education teaching personnel have the right to fulfil their functions without any fear of repression by the state or any other source.

7. Violations of academic freedom frequently manifest as violations of other rights, including liberty and security of person, freedom of movement, freedom of assembly, and freedom of association.⁴
8. China has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Article 5 obliges Parties to prohibit and eliminate racial discrimination in the enjoyment of the right to freedom of opinion and expression, and the right to education and training.
9. Article 47 of China's Constitution provides for the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. Article 35 recognizes the right of its citizens to enjoy freedom of speech, the press, assembly, association, procession and demonstration.
10. Article 137 of the Basic Law of the Hong Kong Special Administrative Region stipulates that educational institutions of all kinds may retain their autonomy and enjoy academic freedom. Article 27 states that Hong Kong residents have the right to freedom of speech, press and publication, association, assembly, procession and demonstration. Following the transition, Hong Kong remains a signatory to the ICCPR, and the Basic Law provides in Article 39 that both the ICCPR and the ICESCR apply.

Discussion

11. Since the mid-1990s, the Chinese government has implemented a series of policies aimed at increasing the reputation of Chinese universities; as a result, a growing portion of Chinese institutions now appear in global rankings. Despite these investments, China has worked against the healthy functioning of Chinese universities by engaging in significant violations of academic freedom and university autonomy, imposing party ideology on academics and students and, more broadly, controlling and suppressing the exchange of critical thought and ideas.⁵
12. According to the most recent update of the Academic Freedom index (AFi), which assesses the level of respect for academic freedom in 179 countries and territories based on a survey of over 2,000 country experts around the globe, China has seen sharp declines in academic freedom in recent years. While weak for decades, the CCP's tightening of control over higher education, beginning around 2010, has marked an acceleration of pressures.⁶ China now ranks in the bottom 10% of countries worldwide, according to the AFi.⁷ The following chart shows the deterioration of academic freedom indicators:⁸



13. In Mainland China and Hong Kong, individual scholars face direct pressures, including arrest and prosecution in retaliation for academic expression; student protesters have suffered violence and imprisonment at the hands of government authorities; authorities have restricted international academic travel and exchange; and universities and other authorities have retaliated against academic and political expression by scholars and students. In the XUAR, minority members of the academic community have faced disappearances and detentions in so-called “re-education camps.”
14. SAR’s Academic Freedom Monitoring Project (“AFMP”) has identified and tracked 93 attacks on higher education in Mainland China, and 32 attacks in Hong Kong during this review cycle (May 2018-July 2023). This accounting is not exhaustive: limitations on press freedom, challenges in accessing sources, and self-censorship among scholars and students who have suffered violations of academic freedom and other human rights ensures that many incidents go unreported.

Mainland China

Prosecution, Imprisonment, and Violence

15. Chinese authorities frequently utilize arrests – some of them violent – and prosecutions, to retaliate against students’ academic and political expression.
16. In a series of incidents in late 2018⁹ and early 2019,¹⁰ dozens of students from **Peking University**, **Nanjing University**, and **Renmin University**, among other institutions, were arrested – sometimes forcibly, and in many cases subject to long-term detention – in retaliation for pro-union expression.¹¹

17. In early April 2019, authorities reportedly detained a **Northwest Minzu University** graduate student in retaliation for an essay he wrote for his civil service exam, which described the decline in government career opportunities for Tibetans.¹²
18. In September 2019, authorities detained a professor of Chinese history from Japan's **Hokkaido University** for roughly two months, accusing him of spying, apparently based (at least in part) on his possession of literature relating to the 1937-45 Sino-Japanese War.¹³
19. In February 2020, authorities placed a constitutional law professor from **Tsinghua University** under house arrest after he published an essay criticizing the CCP's management of the COVID-19 pandemic.¹⁴ The following July, authorities detained the professor, seizing his computer and several documents, releasing him about a week later.¹⁵ The professor, who had previously been demoted by the university and banned from teaching for his critique of the CCP,¹⁶ was then fired from his position.¹⁷
20. On February 13, 2020, authorities arrested a former lecturer at the **Beijing University of Post and Telecommunications** and prominent civil rights lawyer, after he published an essay calling for President Xi's resignation and criticizing the government's handling of COVID-19, protests in Hong Kong, and other issues. The professor, who had previously been jailed in connection with his activism, was in hiding when he was arrested; authorities reportedly located him using facial recognition technology.¹⁸ After a closed-door trial in June 2022, the scholar was sentenced to 14 years in prison for inciting subversion of state power.¹⁹
21. On May 10, 2020, a legal scholar and prominent human rights lawyer from **East China University** was detained and fired from his position in retaliation for his criticism of the national constitution. His license to practice law was also revoked.²⁰
22. On June 8, 2021, police beat **Zhongbei College** students with batons and fired tear gas at them, as they attempted to protest a proposed reorganization of their institution.²¹

Loss of Position/Retaliation

23. In several cases reported this cycle, universities and other institutions have terminated, expelled, or otherwise retaliated against scholars or students in connection with academic or political expression.
24. On May 21, 2018, it was reported that a professor at the **Zhongnan University of Economics and Law** had been removed from her research and teaching position after students reported her for making remarks that violated Communist Party policy.²²
25. In September 2018, the XUAR Education Supervision Bureau ordered the four **Kashgar University** scholars dismissed for alleged "separatist tendencies."²³
26. On February 7, 2020, the **Chinese Academy of Social Sciences School of Humanities and Law** announced the dismissal of a lecturer in the social work department, in retaliation for a social media post criticizing China's political system amid the coronavirus outbreak.²⁴

27. On July 12, 2020, **Tsinghua University** fired a renowned legal scholar in retaliation for his writings and public criticism of President Xi.²⁵
28. On July 19, 2022, **Tsinghua University** sanctioned two students for distributing LGBTQ+ flags on campus.²⁶

Restrictions on Travel

29. Chinese authorities have sought to prevent or punish international academic exchange, both with respect to scholars and students leaving and entering the country.
30. On November 1, 2018, Chinese authorities reportedly prevented two **Unirule Institute of Economics** scholars from leaving China to attend an academic seminar at Harvard University, purportedly on national security grounds.²⁷
31. On September 24, 2020, authorities announced that two scholars from **Charles Sturt University** in Australia had been banned from entering China in apparent retaliation for their academic work examining China's influence in Australia.²⁸
32. On March 22, 2021, authorities announced sanctions against two EU scholars and several institutions, including the **Mercator Institute for China Studies**, barring entry into China. The sanctions were in retaliation for academic research, including on human rights abuses in the XUAR.²⁹ Similar sanctions were announced against 10 UK scholars and institutions, including **Newcastle University**, on March 26, 2021.³⁰
33. On May 8, 2021, authorities barred a prominent human rights lawyer from leaving the country to undertake an academic fellowship in the United States, on national security grounds.³¹
34. In June 2021, authorities detained a graduate student and gender activist en route to the UK, where she was set to begin a masters program at the **University of Sussex**. She has reportedly been detained ever since on charges of 'inciting subversion of state power.'³²

The Xinjiang Uyghur Autonomous Region

35. Human rights abuses against members of the Uyghur minority in China's XUAR continue to raise grave concerns. Since 2017, Uyghur scholars and students in the XUAR have been reported missing or detained, including at so-called "re-education camps."³³ Frequently, these detentions are imposed without any public legal basis, later giving way to charges of separatism, extremism and terrorism.³⁴
36. Nurm Muhammad Tohti,³⁵ a professor at **Hotan Teachers College** and renowned Uyghur writer, was reportedly detained in a re-education camp in late 2018. Authorities did not disclose whether he was charged with a crime. He died in custody, as reported on June 12, 2019. Authorities did not release information regarding his death, although family members indicated that he suffered from heart conditions and diabetes. It was suggested prison authorities failed to provide him with proper treatment.³⁶

37. Among those currently detained:

- A prominent economics professor from **Central Minzu University** who has written extensively about China's treatment of the Uyghur minority. He was detained and formally charged with separatism on January 15, 2014, and sentenced to life in prison the following September.³⁷ Seven of his students were also detained, after receiving sentences ranging from three to eight years in prison.
- A geographer, formerly at **Xinjiang University**, who was reportedly detained in 2017 and later sentenced to death on charges of separatism; as of this submission, he reportedly remains detained;³⁸
- A Uyghur studies scholar from **Xinjiang University** who reportedly went missing in December 2017, and whose whereabouts have not been disclosed by Chinese authorities;³⁹
- A literary scholar from **Xinjiang Pedagogical University**, reportedly detained in January 2018.⁴⁰

The Hong Kong Special Administrative Region

38. In Hong Kong, this UPR cycle has been marked by widespread student protest activity, disproportionate responses by the government, interference by the mainland Chinese government, and the far-reaching implications of a draconian National Security Law (NSL).

Attacks on Student Protesters

39. In June 2019, largely student-led protests resulted from a government-proposed draft bill that opponents feared would have placed Hong Kong residents, including detained protesters, at risk of custodial transfer to China and other countries with whom Hong Kong did not have an extradition treaty. The largely peaceful protests grew into broader criticism of the Hong Kong government and calls for democratic reforms. The extreme response by authorities triggered significant international concerns.
40. On October 6, 2019, for example, roughly forty police officers carried out a warrantless search of the **Chinese University of Hong Kong** and detained five students who were putting up protest-related posters.⁴¹
41. The protests continued to grow, and beginning on November 11, 2019, police laid siege to the **University of Hong Kong, Hong Kong Polytechnic University (PolyU), the Chinese University of Hong Kong**, and other institutions in an effort to remove students and other protesters who had moved on to those campuses.⁴² Police reportedly fired thousands of rounds of tear gas, rubber bullets, and sponge grenades at protesters; in some cases, medics treating the injured and journalists covering the protests were also targeted and hit. Some protesters responded by barricading campus entry points and, in some cases, throwing bricks and molotov cocktails, and firing arrows at police.

42. The clashes grew particularly intense at **PolyU**, where, beginning November 17, 2019, police fired water cannons and tear gas, and threatened to use live ammunition, as students retreated onto campus. Hundreds were reported injured in the clashes, and the standoff continued for eleven days before police entered the campus and arrested the remaining students.⁴³ Ultimately, authorities reportedly arrested about 2,000 students and 10 faculty over the course of the protests, with more than 1,100 arrested in and around the PolyU campus alone.⁴⁴

Hong Kong's National Security Law

43. In June 2020, China's Central Government imposed on Hong Kong national security legislation that purports to "punish offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign government or external elements." The law's broad and vague provisions threaten to chill academic freedom and peaceful dissent and discourse.

44. In September 2021, as required by the new NSL, public universities began designing and implementing "national security" curricula. The NSL courses, now a graduation requirement at all of Hong Kong's public higher education institutions, reportedly cover the law's provisions and their application to daily life, including protest activities, as well as the history of China and Hong Kong.⁴⁵

Other Violations

45. On July 28, 2020, the **University of Hong Kong's** Council ordered the dismissal of an associate professor of law in connection with his peaceful pro-democracy activism.⁴⁶

46. On December 7, 2020, police arrested eight people in connection with their participation in a peaceful protest at the **Chinese University of Hong Kong (CUHK)**.⁴⁷

47. On February 25, 2021, the **CUHK** imposed a series of punitive actions against the university's student union, in retaliation for criticisms of the university administration expressed by candidates running for the student union cabinet.⁴⁸

48. On April 28, 2021, the **University of Hong Kong** announced sanctions against the student union for public expressions regarding political developments in Hong Kong and the university administration.⁴⁹

Conclusion and Recommendations

49. Attacks on the Chinese and Hong Kong higher education sectors remain a matter of grave concern. Indeed, the level of government control imposed on universities, students and scholars in China and Hong Kong is likely as intense as it has ever been. State authorities and university administrators routinely target academic and political expression by students and professors, using tools including violence, imprisonment, prosecution, termination and professional retaliation, and restrictions on movement.

50. The situation of members of the Uyghur minority in the XUAR raises particularly grave concerns, as does the significant increase in pressures that has occurred in Hong Kong during this review cycle.
51. SAR respectfully urges UN Members States to call on Chinese authorities to:
- a. Uphold academic freedom and institutional autonomy in a manner consistent with China’s obligations under international law.
 - b. Revise the Hong Kong National Security Law to conform to international legal standards and obligations relating to academic freedom and freedom of expression, including by clarifying language that may lead to overly broad interpretations or misapplications that could restrict or punish responsible, non-violent academic activity.
 - c. Abstain from direct or indirect violations of academic freedom or attacks on higher education, including through encroachments upon university autonomy, violence or coercion, legislative or administrative attacks, censorship of academic curricula, within or outside mainland China, Tibet and Hong Kong.
 - d. Repeal discriminatory policies and practices targeting religious minorities including the Uyghur community, and ensuring access to higher education and the right to education; and
 - e. Order the release of scholars, students, and higher education personnel wrongfully imprisoned, including those detained at so-called “re-education” camps.

¹ This submission may not reflect the views of the Human Rights Centre, Ghent University, Ghent faculty and students, or 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 The Human Rights Law Clinic (HRLC) is incorporated in the curriculum of the Faculty of Law and Criminology at Ghent University, with the objective of providing (1) intensive, hands-on, practical education in the form of Clinical Legal Education in the field of human rights and migration law; and (2) to fulfil a central social justice role by contributing to the effective protection of human rights, in particular those of disadvantaged persons and groups. The goal of this Clinic is to draft a report, in the context of the fourth cycle of the Human Rights Council’s Universal Periodic Review of China. <https://hrc.ugent.be/clinic/human-rights-and-migration-law-clinic/#>

³ Vienna Convention on the Law of Treaties (1969), Article 12. As a Signatory Party which has not yet ratified the ICCPR, China must still refrain from acts that would defeat the treaty's object and purpose.

⁴ R. Quinn and J. Levine, Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law, *Int’l J. of Hum. Rts.*, Dec. 2014, Vol. 18, Issue 7-8, ISBN: 1364-2987.

⁵ SAR, *Obstacles to Excellence: Academic Freedom and China’s Quest for World Class Universities*, September 24, 2019 <https://www.scholarsatrisk.org/resources/obstacles-to-excellence-academic-freedom-chinas-quest-for-world-class-universities/>

⁶ Sophia Woodman and Tim Pringle, ‘Differentiating risks to academic freedom in the globalised university in China’ (2022) 48(4) *Philosophy and Social Criticism* 642 651; *Academic Freedom on the Decline, Researchers at the University of Gothenburg and FAU Erlangen-Nürnberg publish the Academic Freedom Index 2023* <https://www.fau.eu/2023/03/02/news/research/academic-freedom-deteriorates-in-22-countries/#:~:text=Today%2C%20the%20Academic%20Freedom%20Index,population%2C%20approximately%204%20billion%20people>

⁷ https://www.v-dem.net/data_analysis/VariableGraph/.

- ⁸ Academic Freedom Index, Update 2023, https://academic-freedom-index.net/research/Academic_Freedom_Index_Update.pdf
- ⁹ SAR AFMP, November 9, 2018 <https://www.scholarsatrisk.org/report/2018-11-09-various-institutions/>
- ¹⁰ SAR AFMP, December 28, 2018 <https://www.scholarsatrisk.org/report/12-28-2018-pekings-university/>
- ¹¹ SAR AFMP, January 21, 2019 <https://www.scholarsatrisk.org/report/2019-01-21-pekings-university-renmin-university/>
- SAR AFMP, April 29, 2019 <https://www.scholarsatrisk.org/report/2019-04-29-pekings-university/>
- SAR AFMP, April 30, 2019 <https://www.scholarsatrisk.org/report/2019-04-30-pekings-university/>
- ¹² SAR AFMP, April 1, 2019 <https://www.scholarsatrisk.org/report/2019-04-01-northwest-minzu-university/>
- ¹³ SAR AFMP, October 21, 2019 <https://www.scholarsatrisk.org/report/2019-10-21-hokkaido-university/>
- ¹⁴ SAR AFMP, February 16, 2020 <https://www.scholarsatrisk.org/report/2020-02-16-tsinghua-university/>
- ¹⁵ SAR AFMP, July 6, 2020 <https://www.scholarsatrisk.org/report/2020-07-06-tsinghua-university/>
- ¹⁶ Geremie R. Barmé, ‘Imminent Fears, Immediate Hope – A Beijing Jeremiad’ (*China Heritage*, 8 August 2021) <https://chinaheritage.net/journal/imminent-fears-immediate-hopes-a-beijing-jeremiad/>
- ¹⁷ SAR AFMP, July 12, 2020 <https://www.scholarsatrisk.org/report/2020-07-12-tsinghua-university/>
- ¹⁸ SAR AFMP, February 15, 2020 <https://www.scholarsatrisk.org/report/2020-02-15-unaffiliated/>
- ¹⁹ <https://www.bbc.com/news/world-asia-china-65229269>
- ²⁰ SAR AFMP May 10, 2020 <https://www.scholarsatrisk.org/report/2020-05-10-unaffiliated/>
- ²¹ SAR AFMP, June 8, 2021 <https://www.scholarsatrisk.org/report/2021-06-08-zhongbei-college/>
- ²² SAR AFMP, May 21, 2018 <https://www.scholarsatrisk.org/report/2018-05-21-zhongnan-university-of-economics-and-law/>
- ²³ SAR AFMP, September 19, 2018 <https://www.scholarsatrisk.org/report/2018-09-19-kashgar-university/>
- ²⁴ SAR AFMP, February 7, 2020 <https://www.scholarsatrisk.org/report/2020-02-07-chinese-academy-of-social-sciences/>
- ²⁵ SAR AFMP, July 12, 2020 <https://www.scholarsatrisk.org/report/2020-07-12-tsinghua-university/>
- ²⁶ SAR AFMP, July 19, 2022 <https://www.scholarsatrisk.org/report/2022-07-19-tsinghua-university/>
- ²⁷ SAR AFMP, November 1, 2018 <https://www.scholarsatrisk.org/report/2018-11-01-unirule-institute-of-economics/>
- ²⁸ SAR AFMP, September 24, 2020 <https://www.scholarsatrisk.org/report/2020-09-24-charles-sturt-university/>
- ²⁹ SAR AFMP, March 22, 2021 <https://www.scholarsatrisk.org/report/2021-03-22-various-institutions/>
- ³⁰ SAR AFMP, March 26, 2021 <https://www.scholarsatrisk.org/report/2021-03-26-newcastle-university/>
- ³¹ SAR AFMP, May 8, 2021 <https://www.scholarsatrisk.org/report/2021-05-08-unaffiliated/>
- ³² Jessie Lau, ‘China’s Silenced Feminist : a BBC Eye investigation’ (*BBC*, 18 May 2022) <https://www.bbc.com/mediacentre/2022/bbc-eye-chinas-silenced-feminist> <https://rsf.org/en/china-rsf-urges-release-ailling-investigative-journalist-huang-xueqin-detained-over-500-days>
- ³³ SAR Free to Think 2022, <https://www.scholarsatrisk.org/resources/free-to-think-2022/>; Uyghur Human Rights Project, ‘Briefing: The Disappearance of Uyghur Intellectual and Cultural Elites: A New Form of Eliticide’ (*Uyghur Human Rights Project*, 8 December 2021) https://uhrp.org/wp-content/uploads/2021/12/The-Disappearance-of-Uyghur-Intellectual-and-Cultural-Elites_2021-12-07-1.pdf
- ³⁴ United Nations Human Rights Office of the High Commissioner, ‘OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China’ (*United Nations*, 31 August 2022) <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf> at para. 64.
- ³⁵ Consistent with UN practice, SAR is only identifying by name those victims who are deceased.
- ³⁶ SAR AFMP, June 12, 2019 <https://www.scholarsatrisk.org/report/2019-06-12-hotan-teachers-college/>
- ³⁷ SAR AFMP, January 15, 2014 <https://www.scholarsatrisk.org/report/2014-01-15-central-university-nationalities/>
- ³⁸ SAR AFMP, October 4, 2018 <https://www.scholarsatrisk.org/report/2018-10-04-unaffiliated/>
- ³⁹ SAR AFMP, December 1, 2017 <https://www.scholarsatrisk.org/report/2017-12-01-xinjiang-university/>
- ⁴⁰ SAR AFMP, January 29, 2018 <https://www.scholarsatrisk.org/report/2018-01-29-xinjiang-pedagogical-university/>
- ⁴¹ SAR AFMP, October 6, 2019 <https://www.scholarsatrisk.org/report/2019-10-06-chinese-university-of-hong-kong/>
- ⁴² SAR AFMP, November 11, 2019 <https://www.scholarsatrisk.org/report/2019-11-11-chinese-university-of-hong-kong-university-of-hong-kong-hong-kong-polytechnic-university/>

-
- ⁴³ SAR AFMP, November 17, 2019 <https://www.scholarsatrisk.org/report/2019-11-17-hong-kong-polytechnic-university/>
- ⁴⁴ SAR, Free to Think 2020 <https://www.scholarsatrisk.org/wp-content/uploads/2020/11/Scholars-at-Risk-Free-to-Think-2020.pdf> at p. 89.
- ⁴⁵ SAR, Free to Think 2022, <https://www.scholarsatrisk.org/resources/free-to-think-2022/>
- ⁴⁶ SAR AFMP, July 28, 2020 <https://www.scholarsatrisk.org/report/2020-07-28-university-of-hong-kong/>
- ⁴⁷ SAR AFMP, December 7, 2020 <https://www.scholarsatrisk.org/report/2020-12-07-chinese-university-of-hong-kong/>
- ⁴⁸ SAR AFMP, February 25, 2021 <https://www.scholarsatrisk.org/report/2021-02-25-chinese-university-of-hong-kong/>
- ⁴⁹ SAR AFMP, April 28, 2021 <https://www.scholarsatrisk.org/report/2021-04-28-university-of-hong-kong/>