

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 higher education in 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 colleagues within and outside China, as well as from media, describing overall pressures and attacks on higher education within and outside the country as a result of state authorities' actions and/or policies.
3. Scholars, students, and higher education institutions in China, including the Mainland, and Hong Kong and Macau Special Administrative Regions, face significant pressures, both from government and higher education actors, which threaten individual academic freedom and the ability of the higher education space to function in a free and open manner. Among the most severe pressures are criminal sanctions, including detentions, arrests, prosecutions, lengthy prison sentences, and inhumane treatment; as well as travel restrictions and dismissals, all to retaliate against or restrict the peaceful exercise of the rights to academic freedom, including its constituent freedoms of thought, opinion, expression, association, and travel.

Applicable legal standards

4. China has signed or ratified several applicable international human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), of which 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 [one’s] choice.” SAR notes with concern that China has yet to ratify the ICCPR.
5. Under Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which China is a party, States “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.” ICESCR Article 15 provides that “States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.” And the Committee on Economic, Social and Cultural Rights has stated “the right to education can only be enjoyed if accompanied by the academic freedom of staff and students” and “staff and students throughout the education sector are entitled to academic freedom” (CESCR Gen. Comment No. 13, 1999: para. 38).

6. Academic freedom is independently and interdependently grounded in rights to freedom of opinion and expression and the right to education, as articulated, respectively, in ICCPR Article 19 and ICESCR Article 13, and other international instruments. Violations of academic freedom also frequently manifest as violations of other rights, including liberty and security of person, freedom of movement, freedom of assembly, and freedom of association.¹
7. Institutional autonomy for higher education institutions is crucial for the realization of academic freedom and related rights. As described by the UNESCO Recommendation concerning the Status of Higher-Education Teaching Personnel (1997), “Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfillment of the functions entrusted to higher-education teaching personnel and institutions... Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.” (paras. 18-19).
8. Violations of academic freedom, institutional autonomy, and other core higher education values undermine security, impair the quality of teaching and research, and limit the ability of higher education to fully serve society.

Background and Context

9. Since the 1990s, China has rapidly developed its higher education sector through investment plans and strategic partnerships around the world. Chinese universities are climbing in international rankings, and have become increasingly influential on a global scale. Despite this progress, violations of the human rights of scholars, students, and institutions persist at an alarming rate.
10. In this reporting cycle, SAR has verified at least 26 significant attacks on higher education communities in Mainland China, Hong Kong, and Macau, including 11 reports involving detention, arrest, and prosecution; 6 reports of restrictions on movement; and 9 reports of institutional retaliation against scholars and students. These attacks have directly impacted at least 18 scholars and 104 students. This accounting is not exhaustive and does not include the much larger number of scholars, students, and others who have sought to avoid similar attacks through self-censorship, otherwise restricting their activities, or going into exile.

Wrongful Imprisonment and Prosecution

11. Scholars and students have been detained, arrested, and prosecuted for their scholarly work and other nonviolent expression or association. Particularly alarming is the number of such attacks involving members of China’s Uyghur minority.

Violations Targeting Uyghurs

12. On January 15, 2014, police arrested **Ilham Tohti**, an economics professor at Central Minzu University and a prominent advocate for the rights of the Uyghur community, in apparent connection with his academic activities.² Police raided his home and seized computers, cell phones, passports, teaching materials, and student essays. Seven of Tohti’s students were arrested in the same operation. Tohti and his students were reportedly held

incommunicado for five and eight months, respectively, without access to counsel or family. On September 23, following a closed, two-day trial, the Urumqi Intermediate People's Court found Tohti guilty of separatism-related offenses, sentenced him to life in prison, and ordered all his assets confiscated. The evidentiary bases for the charges reportedly included university course materials and writings published on his defunct website, Uyghur Online.³ On December 8, the seven students were convicted and sentenced to three-to-eight years imprisonment, also on separatism-related charges.⁴

13. On March 7, 2014, Chinese police detained **Wang Ke**, a professor of political thought at Japan's University of Kobe, who was traveling in China to conduct research on the Uyghur community.⁵ Wang, who is known for his research on ethnic Uyghurs, had arrived in China on March 3, planning a 10-day trip. However, he was taken into custody four days after arriving, and held for 17 days, during which he was allegedly "questioned for [his] activities in connection with [his] research which violated the law in China."
14. In July 2016, Chinese authorities detained **Hebibulla Tohti**, a Chinese-Uyghur theological scholar who had been living in Egypt, having completed his doctorate at Al-Azhar University the previous September.⁶ Chinese authorities ordered Tohti to return to Xinjiang to register with the government. Upon arrival, he was detained and interrogated about alleged "illegal activities" abroad, including "teaching religion to Uyghur students in Egypt without the permission of Chinese authorities, attending a religious conference in Saudi Arabia in 2015 without the permission of Chinese authorities, and writing about the distinct cultural achievements of the Uyghur in his dissertation." Tohti was released in January 2017, but was again detained in March 2017, and convicted and sentenced to ten years' imprisonment on undisclosed charges.⁷
15. Pressures against the **Uyghur community** appear to have intensified recently. In January 2017, Chinese authorities began systematically ordering Uyghur students studying abroad to return to China—in many cases detaining students' family members to force their return—apparently under the imprimatur of antiterrorism measures.⁸ Students who returned have reportedly been jailed, sent to reeducation camps, and disappeared. Egyptian authorities, apparently under pressure from China, have detained as many as 80 students who refused to return or were seeking refuge in other countries.⁹

Hong Kong

16. Scholars and students in Hong Kong have also experienced a heightened risk of arrest and prosecution during this review cycle. For example, on March 27, 2017, state authorities arrested and briefly detained University of Hong Kong professors **Benny Tai Yiu-ting** and **Chan Kin-man**, Hong Kong Federation of Students leaders **Tommy Cheung Sau-yin** and **Eason Chung**, and five others, in connection with their work supporting Hong Kong's Occupy Central campaign, a social movement launched in 2014 demanding electoral and democratic reforms in Hong Kong.¹⁰ Tai and Chan were charged with "conspiracy to commit public nuisance," "inciting others to commit public nuisance," and "inciting people to incite others to commit public nuisance," apparently related to an Occupy sit-in that they co-organized. Their trials are ongoing as of this submission.

Liu Xiaobo

17. While his arrest, conviction, and sentencing predate this review cycle, SAR notes with deep concern the death of **Liu Xiaobo**, an internationally renowned scholar of literature, writer, and activist, who supported the 1989 Tiananmen Square protests and co-authored the pro-democracy “Charter 08” manifesto.¹¹ Chinese authorities held Liu for one year without charge, until December 2009, when he was convicted and sentenced to 11 years in prison and 2 years’ deprivation of political rights for “inciting subversion of state power.” Liu was reportedly diagnosed with late-stage liver cancer in May 2017; however, despite international pleas, he was barred from traveling abroad to seek potentially life-saving treatment and only transferred to a hospital just over two weeks before his death on July 13, 2017. Liu Xia, his wife, has reportedly been under house arrest since 2010, where she remains.

Restrictions on Freedom of Movement

18. State authorities in Mainland China and Hong Kong have reportedly restricted—or pressured other states to restrict—scholars’ and students’ freedom of movement in connection with academic activity or political views.
19. On July 5, 2014, **Elliot Sperling**, then a professor of Central Eurasian Studies at Indiana University, was denied entry to China, apparently in retaliation for his public support of imprisoned scholar Ilham Tohti (*see* para. 12, *supra*).¹² After arriving at Beijing International Airport, border officials took Sperling into custody, briefly interrogated him, and deported him to the United States. Although Chinese authorities have not disclosed the basis for his exclusion, Sperling, notably, had visited China frequently, including as a visiting scholar at Peking University, and had not previously reported visa problems.
20. On November 15, 2015, Mainland officials reportedly denied entry to **Alex Chow**, **Nathan Law**, and **Eason Chung**, leaders of the Hong Kong Federation of Students, in apparent retaliation for their pro-democracy activism.¹³ The students were all involved in the 2014 Hong Kong democracy movement and have faced criminal charges for peaceful protest activities (*see* para. 16, *supra*). Mainland authorities reportedly rescinded their entry permits ahead of their scheduled trip to Beijing, where they sought meetings with government officials. Nearly one year later, on October 4, 2016, **Joshua Wong**, another pro-democracy student activist in Hong Kong, suffered similar travel restrictions, when, en route speak at universities in Thailand, he was detained for 12 hours at Bangkok’s Suvarnabhumi Airport before being deported.¹⁴ According to an airport immigration official, Wong had been put on a “black list” on orders by Chinese officials.
21. On March 24, 2017, Chinese officials barred **Feng Chongyi** from flying to Australia, where he is a permanent resident and scholar of China studies at the University of Technology, Sydney.¹⁵ Feng was in China for several weeks to research conditions relating to human rights lawyers. During his last week there, state security officers reportedly questioned him about his research. On March 24, Feng was prevented from boarding his return flight to Australia, learning the next day that his exit was being denied, on grounds

that he was a threat to state security. Authorities lifted the travel ban following advocacy by Australian authorities, and Feng returned to Australia on April 2, 2017.

22. In November 2017, Hong Kong authorities rejected visa applications of **Wu Rwei-ren** and **Wu Jieh-min**, Taiwanese scholars who had been invited to a conference in Hong Kong to speak on the theme “Colonial Hong Kong: from British colonial to Chinese rule.”¹⁶ Wu Rwei-ren and Wu Jieh-min, have both been publicly critical of Beijing and Hong Kong authorities, but had not previously been refused entry into China.

Institutional Retaliation Against Scholars and Students

23. Public universities have also retaliated against scholars’ and students’ academic and extramural activities, through disciplinary actions including dismissals, forced retirements, and refusals to renew contracts and confer degrees.
24. During the week of December 9, 2013, East China University of Political Science and Law banned law professor **Zhang Xuezhong** from teaching activities, in apparent retaliation for writings advocating constitutionalism and challenging China’s system of one-party rule.¹⁷ When he reportedly refused to apologize for his academic work, he was terminated outright.
25. On August 13, 2014, the University of Macau reportedly refused to renew the contract of political science professor **Bill Chou Kwok-ping**, apparently over his expression of support for democratic reforms and criticism of government policies.¹⁸ Although the university did not disclose the basis of its decision, Chou’s strong professional record, which includes a promotion to assistant professor in 2011, suggests that the decision was not performance-related.
26. On April 12, 2016, **Horace Chin Wan-kan**, an assistant professor in the Chinese Department at Hong Kong’s Lingnan University, was informed that he had been denied renewal of his tenure, in apparent retaliation for his public pro-democracy activism.¹⁹
27. On June 28, 2016, Hong Kong Polytechnic University (PolyU) launched disciplinary proceedings against **Lau Siu-lai**, a scholar of communication and social sciences, in connection to her activism.²⁰ Police had arrested Lau in February 2016 at a public market where she acted as a food hawker to express solidarity with vendors facing eviction. Nearly three months later, PolyU’s Deputy Dean announced disciplinary proceedings against her for “moonlighting.” Lau contends that the university’s moonlighting prohibition applies only to full-time staff, and that the proceedings are the result of political pressure from PolyU’s governing council.
28. On January 5, 2017, Shandong Jianzhu University forced art professor **Deng Xiaochao** to retire, in apparent retaliation for social media comments criticizing Chairman Mao Zedong.²¹
29. On July 25, 2017, Beijing Normal University fired professor **Shi Jiepeng**, a scholar of classical Chinese, for “expressing views outside the mainstream of society” after he made pro-democracy statements in newspapers and on social media.²² Prior to his firing, some

of Shi's conservative colleagues allegedly reported him to inspectors from the Central Commission for Discipline Inspection, who were visiting campuses in a state effort to ensure universities' promotion of government-aligned ideology.

30. On December 16, 2017, **Hong Kong University of Science and Technology** reportedly declined to confer degrees to students who had refused to stand during the national anthem and later walked out of a graduation ceremony. The students claimed that "the Chinese government was not serving the people and they, as social work students, should speak out."²³
31. In December 2017, Hong Kong Baptist University (HKBU) reportedly declined to renew the contract of professor **Roger Wong Hoi-fung**, in retaliation for his candidacy as a pan-democrat in China's National People's Congress election (which he ultimately lost).²⁴ Prior to the decision, Wong had been approved for HK \$1.26 million to fund a research project and allegedly given assurances of his contract renewal by a department head. HKBU officials have not publicly disclosed the basis of their decision.
32. On January 11, 2018, **Cheng Chung-tai**, a legislator and teaching fellow at Hong Kong Polytechnic University, was effectively dismissed from his position for political expression during an October 2016 legislative session.²⁵ In a January 2018 letter, university officials informed Cheng that they had decided not to renew his teaching contract because his "conduct and convictions [were] inconsistent with the university's commitment to quality education and aspiration to embrace internationalisation."

Conclusion

33. While Chinese universities have grown rapidly in size and influence, they are weighed down by political pressures and severe limitations on academic freedom and free expression. Criminal prosecutions, travel restrictions, and professional sanctions in retaliation for the exercise of academic freedom not only violate established human rights norms and devastate their victims; they also constitute a self-defeating pattern that will ultimately weaken China's ability to compete in a 21st century economy.

Recommendations to Chinese Authorities

34. SAR urges UN member states to call on China to publicly affirm its commitment to academic freedom and related human rights by:
 - a) reversing, and releasing relevant records relating to, the convictions of Ilham Tohti, his students, and other members of China's Uyghur minority who have been convicted based on nonviolent academic and/or expressive activity;
 - b) unconditionally releasing scholars and students currently in custody because of academic activity, nonviolent expression, or religious or ethnic identity, and, pending their release, ensuring due process, humane treatment, and access to family and counsel;

- c) ratifying the International Covenant on Civil and Political Rights, to which China is a signatory;
- d) pending ratification of the ICCPR, which ensures the right to “seek, receive and impart information and ideas..., regardless of frontiers,” establishing policies that prohibit travel restrictions intended to limit or retaliate against nonviolent academic or expressive activity; and
- e) codifying university autonomy to protect universities’ freedom to take administrative and academic action free from outside interference.

¹ 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 (<http://www.tandfonline.com/doi/full/10.1080/13642987.2014.976203>).

² <http://monitoring.academicfreedom.info/reports/2014-01-15-central-university-nationalities>

³ <http://monitoring.academicfreedom.info/reports/2014-09-22-central-university-nationalities>

⁴ <http://monitoring.academicfreedom.info/reports/2014-12-08-central-minzu-university>

⁵ <http://monitoring.academicfreedom.info/reports/2014-03-07-university-kobe>

⁶ <http://monitoring.academicfreedom.info/reports/2016-07-31-al-azhar-university>

⁷ <http://monitoring.academicfreedom.info/reports/2017-05-01-xinjiang-islamic-university>

⁸ <http://monitoring.academicfreedom.info/reports/2017-07-02-al-azhar-university>

⁹ https://afteegypt.org/breaking_news-2/2017/10/01/13468-afteegypt.html?lang=en

¹⁰ <http://monitoring.academicfreedom.info/reports/2017-03-27-university-hong-kong>

¹¹ <https://www.scholarsatrisk.org/2017/07/loss-wrongfully-imprisoned-scholar-liu-xiaobo/>

¹² <http://monitoring.academicfreedom.info/reports/2014-07-05-indiana-university>

¹³ <https://www.nytimes.com/2014/11/16/world/asia/hong-kong-protest-leaders-are-prevented-from-flying-to-beijing.html>

¹⁴ <http://monitoring.academicfreedom.info/reports/2016-10-04-open-university-hong-kong>

¹⁵ <http://monitoring.academicfreedom.info/reports/2017-03-24-university-technology-sydney>

¹⁶ <http://monitoring.academicfreedom.info/reports/2017-12-16-academia-sinica>

¹⁷ <http://monitoring.academicfreedom.info/reports/2013-12-09-east-china-university-political-science-and-law>

¹⁸ <http://monitoring.academicfreedom.info/reports/2014-08-13-university-macau>

¹⁹ <http://monitoring.academicfreedom.info/reports/2016-04-12-lingnan-university-0>

²⁰ <http://monitoring.academicfreedom.info/reports/2016-06-28-hong-kong-polytechnic-university>

²¹ <http://monitoring.academicfreedom.info/reports/2017-01-05-shandong-jianzhu-university>

²² <http://monitoring.academicfreedom.info/reports/2017-07-25-beijing-normal-university>

²³ <http://monitoring.academicfreedom.info/reports/2017-12-16-hong-kong-university-technology>

²⁴ <http://monitoring.academicfreedom.info/reports/2017-12-27-hong-kong-baptist-university>

²⁵ <http://monitoring.academicfreedom.info/reports/2018-01-11-hong-kong-polytechnic-university>