

**Briefing for Council of the European Union,
Mashreq/Maghreb Working Party**

Threats to Academic Freedom in Egypt

Introduction

1. This is a submission by Scholars at Risk (SAR)¹ to the Council of the European Union, preparatory body Mashreq/Maghreb Working Party (MaMa). 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's European office is based at Maynooth University, Ireland. SAR welcomes the opportunity to comment on conditions relating to academic freedom and attacks on higher education in Egypt.
2. As part of its advocacy work, SAR monitors and analyses attacks on higher education around the world, including within Egypt. We have received reports from individuals within and outside Egypt, as well as from media, describing overall pressures and attacks on higher education throughout the country.
3. In recent years, Egyptian higher education has faced a broad range of pressures, including violent attacks, arrests and prosecutions, legislative and executive decrees which erode academic freedom or target scholars and students, and restrictions on travel. Indeed, the recently-developed Global Public Policy Institute (GPPi) Academic Freedom Index ranks Egypt among the world's lowest-scoring countries with respect to academic freedom, and shows a substantial decline over the past 10 years.²
4. Among these cases (described in more detail below), are those of: Ahmed Samir Santawy, a master's student at Central European University in Vienna arrested in February 2021 on national security related charges, and subject to custodial abuse in apparent connection with his nonviolent expression; Patrick George Zaki, an Egyptian master's student enrolled at the University of Bologna who was arrested by Egyptian authorities in February 2020 in apparent connection with his human rights activism and research, and has remained in custody where he has been subject to torture, ever since; and Giulio Regeni, an Italian PhD student who was conducting research in Egypt in 2016 when he was disappeared and later found murdered.
5. These are among the most well-known recent attacks on higher education in Egypt, but they are not the only ones. Since the inception of SAR's Academic Freedom Monitoring Project, we have recorded 59 separate attacks on higher education in Egypt. While these attacks differ in kind and severity, they all share a common motivation: to silence the expression, ideas, and exchange that occur on a free, open, and safe university campus. Thus, well beyond the institutions and individuals directly targeted, these

¹ This submission may not reflect the views of individual Scholars at Risk Network members, institutions, or participating individuals.

² See Spannagel, J., Kinzelbach, K., Saliba, I.: The Academic Freedom Index and Other New Indicators Relating to the Academic Space: an Introduction, available at https://www.v-dem.net/media/filer_public/0d/a3/0da3981c-86ab-4d4f-b809-5bb77f43a0c7/wp_spannagel2020.pdf

attacks undermine Egypt's entire higher education system and shrink everyone's space to think, question, and share ideas freely and safely.³

6. SAR thus respectfully recommends that the European Union and its Member States make the following commitments:
 - A. Provide funding to support at-risk scholars and students or the higher education institutions and NGOs seeking to assist them. Together with SAR Europe's Inspireurope project partners, SAR calls on the European Commission to establish a dedicated EU fellowship programme for researchers at risk. EU support for at-risk scholars would also serve to publicly highlight the crucial role of scholars, free inquiry, and free expression in democratic societies.⁴
 - B. Expand monitoring and reporting of attacks on scholars and academic freedom in Egypt. There is an urgent need to (a) collect more local data on attacks, threats and undue restrictions on academic freedom and individual scholars and (b) ensure reporting on academic freedom in official records, reports and action plans of national, regional and international human rights mechanisms.
 - C. Revisit existing EU support and protection mechanisms for human rights defenders. In the experience of SAR and partners, a significant number of at-risk scholars are human rights defenders, whether by nature of their academic work, extramural advocacy work, or expressive activities. Of these, only a very small number of at-risk scholars have managed to access EU funding for human rights defenders (HRDs), primarily through the European Instrument for Democracy & Human Rights (EIDHR) or ProtectDefenders.eu emergency grants.
 - D. Ensure that EU institutions and Member States' representatives visiting Egypt are briefed on the situation of academic freedom.
 - E. Take the lead at the upcoming session of the UN Human Rights Council to set up a monitoring and reporting mechanism on grave human rights violations in Egypt, which should explicitly include within its scope attacks on scholars and higher education.
 - F. Urge Egyptian authorities to:
 1. Ensure the release of scholars and students currently in prison in Egypt because of academic activity, nonviolent expression, or religious or ethnic identity, and, pending their release, ensure due process, humane treatment, and access to family, counsel, and medical treatment;

³ Learn more about SAR's monitoring work at <https://www.scholarsatrisk.org/actions/academic-freedom-monitoring-project/>.

⁴ See Researchers at Risk: Mapping Europe's Response, Report of the Inspireurope project, pp. 42-43, available at: <https://www.maynoothuniversity.ie/sar-europe/inspireurope>.

2. Conduct full and transparent investigations of violent attacks on scholars and students in Egypt;
3. End policies and practices that restrict travel into and out of Egypt by scholars, students, or others, which are intended to, or which do in effect, result in prohibitions on ideas from crossing borders.

Applicable Standards

7. Academic freedom is fully and independently grounded in rights to freedom of opinion and expression, the right to education, and the right to the benefits of science, as articulated, respectively, in Article 19 of the International Covenant on Civil and Political Rights (ICCPR), Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 15(3) of the ICESCR.
8. In the recent report on academic freedom issued by the United Nations special rapporteur on the protection and promotion of freedom of opinion and expression, the special rapporteur reaffirms the following observations by the UN Committee on Economic Social and Cultural Rights:

Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction.⁵

9. The special rapporteur went on to note that:

[A]academic freedom should be understood to include the freedom of individuals, as members of academic communities (e.g., faculty, students, staff, scholars, administrators and community participants) or in their own pursuits, to conduct activities involving the discovery and transmission of information and ideas, and to do so with the full protection of human rights law.⁶

10. The special rapporteur also explicitly recognized that academic freedom involves protections for institutional autonomy and self-governance: “States are under a positive obligation to create a general enabling environment for seeking, receiving and imparting information and ideas. Institutional protection and autonomy are a part of that enabling environment.”⁷

⁵ A/75/261, 28 July 2020 at para. 6, citing 3 E/C.12/1999/10, para. 39.

⁶ *Ibid.* para. 8.

⁷ *Ibid.* para. 9.

11. UNESCO, the specialized agency of the United Nations whose mandate includes higher education, research and human rights, has likewise recognized and articulated the meaning and importance of academic freedom and institutional autonomy.⁸
12. The Charter of Fundamental Rights of the European Union at Article 13 states that the “arts and scientific research shall be free of constraint. Academic freedom shall be respected”.
13. Academic freedom is explicitly supported in the EU Action Plan on Human Rights and Democracy 2020-2024 which commits to supporting action to protect academic freedom and the autonomy of education institutions. It makes specific reference to ‘academics’ alongside other civil society actors and states that it will support them “in order to defend their right to exercise their roles free from any form of intimidation, discrimination or violence”.⁹
14. This commitment is supported by the European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU’s external action.¹⁰
15. The 2020 Bonn Declaration on ‘Freedom of Scientific Research’ includes a commitment by the Research Ministers of the EU to strengthen academic freedom and institutional autonomy and encourages research organisations “to promote and anchor the principles of academic freedom in their international relationships”.¹¹
16. The African Charter on Human and Peoples’ Rights (ACHPR) at Article 9 similarly protects the right to receive information and to “express and disseminate... opinions within the law”. ACHPR Article 17 protects the right to education.

⁸ UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997), recognizing, *inter alia*, that “[a]utonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper 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. [...] Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.” paras. 18-19.

⁹ The Council Conclusions on the EU Action Plan on Human Rights and Democracy 2020-2024, and the annexed EU Action Plan on Human Rights and Democracy 2020-2024, as agreed by the Council on 17 November 2020 is available here: <https://www.consilium.europa.eu/media/46838/st12848-en20.pdf> (last accessed 24 February 2021). (See pg. 11.)

¹⁰ European Parliament, “*European Parliament recommendation of 29 November 2018 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Defence of academic freedom in the EU’s external action (2018/2117(INI))*,” adopted November 29, 2018, http://www.europarl.europa.eu/doceo/document/TA-8-2018-0483_EN.pdf?redirect. (last accessed 24 February 2021).

¹¹ *Bonn Declaration on Freedom of Scientific Research*, adopted at the Ministerial Conference of the European Researcher Area 20 October 2020 in Bonn, and is available here: https://www.bmbf.de/files/10_2_2_Bonn_Declaration_en_final.pdf (last accessed 24 February 2021).

17. Finally, Article 19 of the Egyptian Constitution explicitly guarantees the Right to Education.
18. As a party to the ICCPR, ICESCR, and ACHPR, as a founding member of UNESCO, and under its domestic law, Egypt is thus obligated to protect and promote academic freedom.

Attacks on Higher Education In Egypt

19. The past several years have seen significant erosion of rights in the Egyptian higher education space. In a March 2019 report submitted in connection with the United Nations' most recent Universal Periodic Review of Egypt, Scholars at Risk, together with the Association for Freedom of Thought and Expression in Egypt, documented a widespread pattern of attacks including:

- The killing of at least five higher education students;¹²
 - Mass arrests of more than 800 student protesters and others engaged in on-campus expression;¹³
 - Legislative and executive decrees targeting on-campus expression and eroding university autonomy, including by giving Egypt's president increased power to appoint university leadership, giving university authorities increased power to expel students unilaterally for a range of offenses; and by placing military authorities in charge of policing on-campus activities, and adjudicating alleged crimes on campus;¹⁴
 - Administrative penalties, including expulsions, of more than 600 students, as well as administrative/disciplinary penalties of at least seven professors or university staff;¹⁵ and
 - Restrictions on travel, including denial of entry to at least five international scholars, institution-wide policies limiting academic travel in at least two universities, and the actual or threatened arbitrary deportations of dozens of Uyghur-Chinese students studying in Egypt.¹⁶
20. This pattern of pressures remains ongoing and demands attention by the EU. Most recently, it includes the case of Ahmed Samir Santawy, an Egyptian citizen and second-year master's student in sociology and social anthropology at Central European University in Vienna, whose academic focus is women's rights in Egypt. Santawy had been in Egypt since December 15, 2020, visiting family. In the period since his arrival, reports indicate that he was briefly interrogated at the airport, his family's home was raided, and he was summoned by police authorities to appear at a local police station. He appeared on February 1, 2021, and was reportedly taken into custody, held incommunicado for five days, beaten

¹² See *ibid.* at paras. 31-33.

¹³ See *ibid.* at paras. 22-30.

¹⁴ See <https://www.scholarsatrisk.org/wp-content/uploads/2019/04/Scholars-at-Risk-AFTE-Egypt-UPR-Submission-1.pdf> at paras 15-21.

¹⁵ See *ibid.* at paras. 34-41.

¹⁶ See *ibid.* at paras. 42-50.

and blindfolded, interrogated about his studies and social media activity, and, on February 6, charged with “membership in a terrorist group,” “spreading false news,” and “using a social media account to spread false news.” As of this report, Santawy remains in custody at Liman Tora Prison, south of Cairo, without access to his family or lawyers.¹⁷

21. On February 7, 2020, Egyptian authorities arrested Patrick George Zaki, a postgraduate student in gender studies at the University of Bologna, apparently in connection with his human rights activism and research. Zaki had returned from Italy to Egypt for a brief family visit, but was reportedly detained at Cairo International Airport by members of the Egyptian National Security Agency (NSA), interrogated about his human rights activism and activities in Italy, and transported to an undisclosed location, where he was allegedly subjected to torture, including beatings and electric shocks. Twenty-four hours after he was initially detained, authorities brought Zaki to a public prosecutor’s office, where he was ordered detained for an additional fifteen days. Egyptian authorities have reportedly charged Zaki with “publishing rumors and false news that aim to disturb social peace and sow chaos,” “incitement to protest without permission from the relevant authorities with the aim of undermining state authority,” “calling for the overthrow of the state,” “managing a social media account that aims to undermine the social order and public safety,” and “incitement to commit violence and terrorist crimes.” Authorities have not publicly disclosed the evidentiary basis for Zaki’s arrest. As of this report, Zaki remains in custody following repeated extensions of his detention, and has suffered health problems, including asthma, as a result.¹⁸

22. On May 14, 2020, Egyptian authorities arrested College of Staten Island (CSI) CUNY student filmmaker Mustafa Ali Hassanien in apparent retaliation for his criticism of the Egyptian government, when he arrived at Cairo International Airport to visit his family. He was charged with “disturbing public security,” “spreading false news,” and “belonging to a terrorist organization,” and reportedly transferred to different detention facilities numerous times before being taken to Tora Prison, where he remains detained as of this report.¹⁹

23. These attacks follow similar actions targeting individual Egyptian students studying abroad, including the well-known cases of Italian PhD candidate Giulio Regeni, who was disappeared and later found murdered while conducting research on labor-related issues in January 2016,²⁰ and University of Washington PhD candidate Walid Salim, who was detained March 2018 in connection with his research on the judiciary.²¹

24. Likewise, in a number of recent cases, Egyptian scholars and intellectuals have been arrested in apparent connection with their academic work, activism, or affiliations. On June 3, 2020, for example, Egyptian authorities arrested Ahmed Tohamy Abdel-Hay, an assistant professor of Political Science at

¹⁷ <https://www.scholarsatrisk.org/report/2021-02-01-central-european-university/>.

¹⁸ <https://www.scholarsatrisk.org/report/2020-02-07-university-of-bologna/>.

¹⁹ <https://www.scholarsatrisk.org/report/2020-05-14-college-of-staten-island-cuny/>.

²⁰ <https://www.scholarsatrisk.org/report/2016-01-25-american-university-cairo-university-cambridge/>.

²¹ <https://www.scholarsatrisk.org/report/2018-05-26-university-of-washington/>.

the Faculty of Economic Studies and Political Science at Alexandria University who has authored books and papers on political movements in Egypt and articles critical of President Abdel Fattah Al-Sisi. He was charged with “joining a terrorist group, spreading false news and statements, and misusing social media”, in apparent connection with an investigation into his alleged relationship with Muhammad Sultan, an Egyptian-American activist, who filed a lawsuit in the US against the country’s former prime minister alleging mistreatment in Egyptian prisons from 2013 to 2015.²²

25. On March 18, 2020, Egyptian authorities arrested a group of four prominent intellectuals for engaging in a peaceful, public protest calling for the release of prisoners amid fears of the coronavirus disease known as Coronavirus Disease 2019 (COVID-19). They included: Laila Soueif, a mathematics professor at the University of Cairo; Mona Seif, Soueif’s daughter and human rights activist; Ahdaf Soueif, Soueif’s sister, prominent novelist and public intellectual; and Rabab el-Mahdy, an associate professor of political science at The American University in Cairo. The group was released on bail but was charged with “publishing false news” about prisons and “unlawful protest.”²³
26. In September 2019, allegations of corruption by President Sisi led to widespread protests. Authorities responded with violent force, and by arresting scholars, opposition political figures, lawyers, and journalists engaged in the protests. Among those arrested were Cairo University scholars Hasan Nafaa, Hazam Hosni, Magdi Kerqar, and Ahmad Helmy Hamdun, who were charged with “participat[ing] in a terrorist group” and “spread[ing] false news,” among other offenses.²⁴
27. On June 25, 2019, police arrested Omar el-Shenety, a prominent economist and professor at the American University in Cairo and the London School of Economics, along with seven others — including activists, journalists, and a former lawmaker — in apparent retaliation for their planned participation in Egypt’s 2020 Parliamentary elections. Authorities had previously accused Shenety of being a member of the Muslim Brotherhood, which the government had declared a terrorist organization and banned, and froze the assets of a bookstore Shenety owned.²⁵
28. Finally, On March 25, 2019, authorities reportedly arrested Al-Azhar University professor of Islamic law Sayed Hassan Abdallah Hassan after he published over social media information about the alleged rape and death of a student on campus.²⁶ University authorities had denied that alleged March 18 incident took place, and prevented students from participating in a peaceful protest in response.²⁷ After Hassan allegedly published information about the attack on social media, university authorities reportedly opened an investigation into his activities, leading to his arrest. He was later charged with

²² <https://www.scholarsatrisk.org/report/2020-06-30-alexandria-university/>.

²³ <https://www.scholarsatrisk.org/report/2020-03-18-university-of-cairo-american-university-of-cairo-university-of-lancaster/>.

²⁴ <https://www.scholarsatrisk.org/report/2019-09-24-cairo-university/>.

²⁵ <https://www.scholarsatrisk.org/report/2019-06-25-american-university-cairo/>.

²⁶ <https://www.scholarsatrisk.org/report/2019-03-25-al-azhar-university/>.

²⁷ <https://www.scholarsatrisk.org/report/2019-03-24-al-azhar-university/>.

“publishing false news and joining a banned group” and ordered that they be held for 15 days pending an investigation.

Conclusion

29. Collectively, these incidents demonstrate that attacks on the higher education space – including violent attacks – remain a pressing problem that the EU must address. We therefore respectfully urge the Council of the EU to take the above-described measures, and any other measures it deems appropriate, to protect Egyptian scholars and address the continuing harm resulting from the numerous cases that remain ongoing as of this report.

About Scholars at Risk

Scholars at Risk (SAR) is an international network of institutions and individuals whose mission is to protect scholars and promote academic freedom. SAR's European office is based at Maynooth University, Ireland. SAR Europe supports and coordinates the activities of 11 Scholars at Risk national sections and partner networks across Europe to strengthen our collective voice at the European level and contribute to informed policymaking for the greater protection of scholars and increased respect for academic freedom worldwide. SAR Europe coordinates Inspireurope, an EU-funded, 10-partner initiative to support researchers at risk. SAR Europe also works to expand, coordinate and support advocacy in Europe to promote academic freedom, including convening the European Coordinating Committee for Academic Freedom Advocacy.

Related Resources

- *Free to Think 2020*, Report of Scholars at Risk Academic Freedom Monitoring Project
- 2020 UN Special Rapporteur for Freedom of Opinion and Expression: Report on Academic Freedom
- 2018 European Parliament Recommendation on Defence of Academic Freedom in the EU's External Action
- 2020 Council of Europe Recommendation and Resolution on Threats to Academic Freedom and Autonomy of Higher Education Institutions in Europe
- 2020 Kinzelbach, Katrin. Researching Academic Freedom: Guidelines and Sample Case Studies. Centre for Human Rights Erlangen-Nürnberg Interdisziplinäres Zentrum der FAU (CHREN). This book introduces case study guidelines as well as sample studies that apply these guidelines to the country cases Egypt, at pg 141.
- Monitoring: Academic Freedom Index & SAR's Academic Freedom Monitoring Project

5 March 2021
