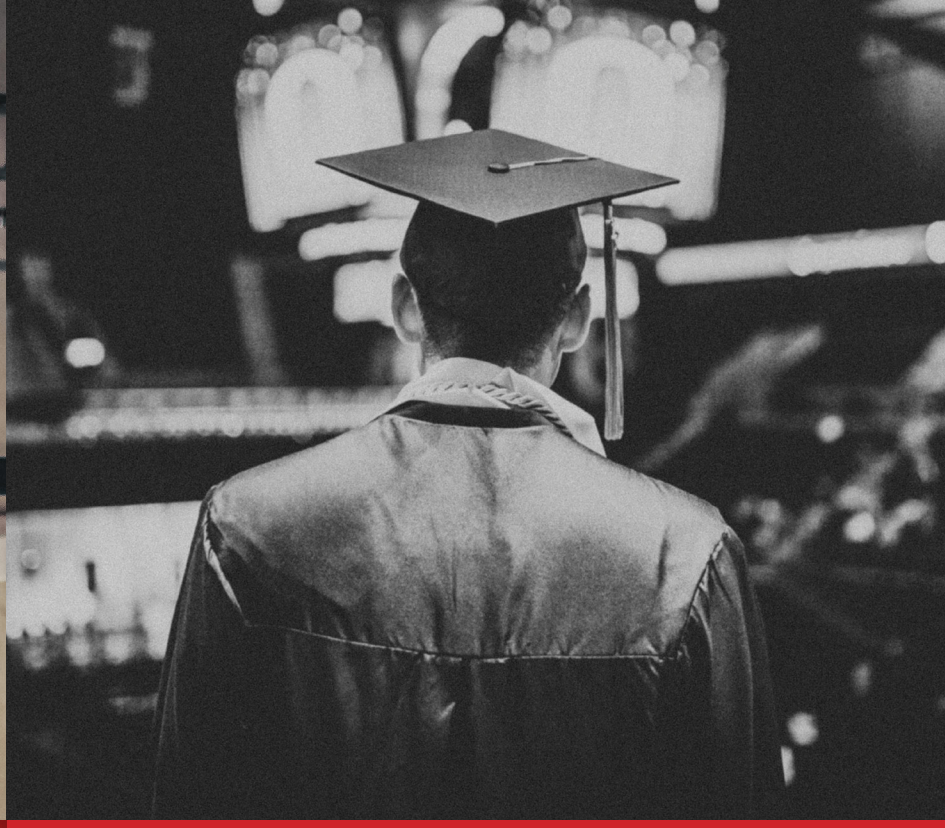

OBSTACLES TO Excellence

Academic Freedom & China's Quest for World-Class Universities

A REPORT OF

The Scholars at Risk Academic Freedom Monitoring Project

ACKNOWLEDGMENTS

Scholars at Risk (SAR) gratefully acknowledges the members of higher education communities worldwide who have inspired us through their courage and dedication. We acknowledge the researchers who made this report possible, especially Paul Mooney, the committee of expert reviewers who provided crucial insight, and contributors to the Academic Freedom Monitoring Project, who have reported incidents analyzed in this report and SAR's *Free to Think* report series.

We thank the many member institutions, associations, partners, and individuals that contribute to our work generally, including core support for services for threatened and refugee scholars. These include our funding partners, the members of SAR's Board and Ambassadors Council, and the many friends of SAR, who help us each day to protect more scholars.

This report is the result of research conducted by outside consultants and SAR staff, and may not reflect the views of individual network members, institutions, or participating individuals. Scholars at Risk invites comments on this report or inquiries about our work at scholarsatrisk@nyu.edu.

Scholars at Risk depends on the generous financial support of these and other friends inside and outside higher education communities to sustain our work. Gifts of any size are gratefully appreciated, including matching gifts and bequests.

To donate, please visit **www.scholarsatrisk.org**.

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EXECUTIVE SUMMARY

China's government has made significant investments to develop universities that already compete with the world's best. Their progress has captured global attention over the years, with universities around the world forging partnerships with institutions in the People's Republic of China (PRC), and scholars and students from around the world flocking to study, teach, and research in the country. But while China continues to stoke its ambitions for developing more world-class universities, respect for academic freedom and other human rights essential to quality higher education lags behind, leaving scholars and students at risk, and the country's goals in the balance.

Obstacles to Excellence: Academic Freedom and China's Quest for World-Class Universities looks at a wide range of pressures and threats to academic freedom in China and where China has extraterritorial academic connections.* Based on interviews with Chinese and international sources familiar with higher education in China; data from SAR's Academic Freedom Monitoring Project;† legislative and regulatory texts; statements by government officials; and reporting and research by human rights organizations, academia, and the press, this report aims to raise awareness and understanding of these pressures, and offers constructive recommendations for governments, higher education communities, and civil society in China and around the world.

In **mainland China**, state and university authorities have employed a range of tactics to intimidate, silence, and punish academics and students. They include limits on internet access, libraries, and publication imports that impair research and learning; orders to ban discussion and research on topics the Party-state deems controversial; surveillance and monitoring of academic activity that result in loss of position and self-censorship; travel restrictions that disrupt the flow of ideas across borders; and the use of detentions, prosecutions, and other coercive tactics to retaliate against and constrain critical inquiry and expression. Reinforcing these restrictions

* This report focuses on higher education institutions and personnel under the territorial control of the PRC, at home and in overseas activities.

† The Academic Freedom Monitoring Project investigates and reports attacks on higher education communities around the world. To learn more, visit https://www.scholarsatrisk.org/actions/academic-freedom-monitoring-project/.

and violations is a rallying of efforts by the Chinese Communist Party (CCP) to make Party ideology central to the PRC's education system, including the development of "Xi Jinping Thought Centers," teacher training in Party ideology, and leveraging Party loyalty through research funding opportunities.

Scholars and students in and from the **Tibet**, **Inner Mongolia**, and **Xinjiang Uyghur Autonomous Regions** report intensive levels of surveillance, censorship, and the threat of imprisonment under the PRC's increasingly strict security policies. They also face challenges in accessing quality higher education due to language policies that tilt towards a Mandarin-only approach. Since 2017, a growing number of scholars and students from Xinjiang's minority communities have been targets of an unprecedented government crackdown, which, many rights groups and experts believe, has resulted in more than one million individuals wrongfully detained in so-called "re-education" camps or disappeared.

In the **Hong Kong and Macau** Special Administrative Regions, university communities that for years enjoyed relatively significant academic freedom are confronted with a shrinking space for ideas. The pro-democracy protests of 2014 marked a turning point for Hong Kong, where Beijing has increasingly sought influence over higher education and civil society, including by attempts to eliminate dissent and critical inquiry. A ferry ride away, in Macau, scholars and students operate in an environment where the conditions needed for academic freedom and quality higher education have eroded.

Respect for academic freedom and other human rights essential to quality higher education lags behind, leaving scholars and students at risk, and the country's goals in the balance.

Amidst these pressures, **foreign higher education institutions** have established joint ventures on the mainland in partnership with Chinese universities. These partnerships, while offering important opportunities for international research, dialogue, and learning, have been met with concerns over their autonomy and independence from political influence, and the ability of participating scholars and students to carry out their work and studies amidst the serious pressures that exist off-campus. In light of these and other concerns, a growing number of foreign higher education institutions have pulled out of joint ventures or otherwise scaled back their institutional presence in China.

China's long arm extends over higher education communities around the world, too. Chinese students and scholars who study and work overseas, as well as their non-Chinese peers, suffer from restrictions on and retaliation for academic conduct and content. This includes reports of scholars and students experiencing surveillance, intimidation, and coercive legal action, and apparent efforts by PRC officials and their allies to constrain expression on foreign campuses. The last include concerns over Confucius Institutes and their compatibility with pro-academic freedom values of their host campuses. Meanwhile, broad allegations by foreign government officials and political figures that Chinese scholars and students overseas are linked to espionage and intellectual property theft have resulted in policies and actions that threaten the ability of innocent Chinese scholars and students to engage in academic activity abroad, as well as the stigmatization of these same communities.

The impact of these pressures on academic freedom extend far beyond the scholars and students directly targeted, sending a message to members of the Chinese and global higher education communities that certain questions and ideas are off-limits. Moreover, because the line delimiting what is off-limits is fuzzy, scholars, students, and institutions resort to self-censorship, shrinking the space for inquiry and expression. Perry Link, a China scholar at University of California-Riverside, described the phenomenon as an "anaconda in the chandelier," silently threatening to drop and devour. The PRC government benefits from this ambiguity, as "everyone in its shadow makes his or her large and small adjustments—all quite 'naturally.'"*

* Perry Link, "China: The Anaconda in the Chandelier," *The New York Review of Books*, April 11, 2002, https://www.nybooks.com/articles/2002/04/11/china-the-anaconda-in-the-chandelier/.

Respect for academic freedom *and* for China's ambition for world-class universities requires a deeper understanding of the issues at hand, along with a robust and global dialogue and response. Toward that end, this report aims to provide a survey of major issues impacting academic freedom in China and where China has extraterritorial academic connections. It is not a comprehensive study of higher education or human rights in China. Additional research is needed on all of the issues raised.

The pressures described in this report may not reflect the daily experiences of most academics and students in China, especially those whose professional or academic interests mirror prevailing interests of the Party-state. Indeed, many scholars or students in China may perceive themselves as having relatively broad freedom to pursue their teaching or research interests. What matters, however, is not the *percentage* of Chinese scholars, students, institutions, or their partners who have experienced the pressures described here. What matters is that a violation of any one scholar or student's academic freedom threatens everyone's, and the fact that *any* scholar, student, institution, or partner *could* find themselves the object of such pressures, often with little or no warning, whenever their overlapping interests change.

Notwithstanding the issues identified in this report, Chinese higher education has advanced considerably in many areas, particularly at select institutions and in select disciplines. But this advance has not taken place in a vacuum, as Chinese higher education and research have drawn from and built upon teaching, research, and scholarship developed under conditions of greater academic freedom abroad. The question therefore is not whether China can achieve its goal of creating world-class universities *without* academic freedom—it has not to date—but whether Chinese higher education can continue to build and maintain world-class institutions while relying on academic freedom practiced elsewhere, and at what harm to the ability of Chinese scholars to develop and share their own unique perspectives, innovations and insights, at home and abroad. A related question is how higher education communities outside of China should respond to the issues identified in this report, including whether they should continue to favor fully free and open engagement with Chinese higher education communities, if that freedom and openness is not fully reciprocated.

This report invites consideration of these issues and questions. It offers recommendations for strengthening academic freedom that would support China's higher education ambitions, emphasizing the need for greater dialogue, even while insisting on China's responsibility to protect academic freedom and human rights.

Specifically, SAR urges government authorities, higher education leaders, and civil society in mainland China, Hong Kong, and Macau to:

- **Uphold academic freedom and institutional autonomy in a manner** consistent with China's obligations under international law;
- **Abstain from direct or indirect involvement in pressures and attacks** on academic freedom within or outside mainland China, Hong Kong, and Macau;
- **Release unconditionally**, or demand the release of, scholars, students, and higher education personnel wrongfully imprisoned, including those detained at so-called "re-education" camps;
- **Remove ideology-based restrictions** on access to information; **suspend and rollback ideological education and research funding schemes**;
- **Refrain from surveillance** mechanisms that constrain scholars' and students' full enjoyment of academic freedom;
- **Ensure that students and scholars in minority regions have equitable access** to quality higher education;
- **Uphold academic freedom and institutional autonomy in extraterritorial partnerships**;
- **Encourage Chinese scholars' and students' free engagement** with the international community; and
- **Encourage dialogue among institutions, scholars, and students** about academic freedom and its importance to China's ambitions for world-class universities.

SAR urges state authorities, higher education communities, and civil society outside of China to:

- **Support Chinese scholars and students** who have been threatened or punished, including by hosting them as visitors on campus and

advocate, with their consent, on behalf of wrongfully imprisoned scholars and students in China;
- **Monitor and investigate allegations of pressures and attacks on academic freedom**;
- **Promote the academic freedom of Chinese scholars and students abroad**, including by ensuring that campus spaces and activities are free from surveillance, intimidation, or harassment, and by taking other public and private actions that demonstrate a commitment to the inclusion and safety of Chinese scholars and students on campus;
- **Ensure that international higher education partnerships, including with Chinese institutions, uphold and promote academic freedom**, institutional autonomy, and other core higher education values, and implement mechanisms that review and respond to pressures and attacks on academic freedom as necessary;
- **Demand inclusion of academic freedom and institutional autonomy concerns in international higher education rankings and evaluations** by higher education institutions, associations, and the media; and
- **Encourage dialogue among institutions, scholars, and students** about academic freedom and its importance to world-class universities; place academic freedom concerns on the program of conferences, workshops, leadership meetings, and associations; develop proactive cultures and practices of respect for higher education values; and take advantage of resources in support of dialogue including *SAR's Promoting Higher Education Values Guide for Discussion and Workshop Supplement*.

SAR invites comments or inquiries about this report and its recommendations at **scholarsatrisk@nyu.edu**.

INTRODUCTION

Obstacles to Excellence: Academic Freedom and China's Quest for World Class Universities examines concerns about academic freedom in China as well as in partnerships and activities with Chinese higher education institutions and communities abroad. The report builds on SAR's core mission to protect threatened scholars and promote academic freedom worldwide, including SAR's Academic Freedom Monitoring Project and annual *Free to Think* reports.

The purpose of this report is to encourage thoughtful reflection on the concerns identified—inside and outside of China—encouraging deeper research and informing discussion and decisions relating to current and future higher education activities. SAR's hope is that this report may provide a resource for all persons and institutions that have a stake in higher education in and outside China, especially those that support China's quest for world-class universities but believe that achieving that goal depends on greater respect for academic freedom and human rights.

Since 2000, SAR's protection services have assisted thousands of threatened scholars, including through temporary research and teaching positions at universities within our global network.* These include scholars from China who, despite the risk of further harm, request sanctuary from imprisonment, prosecution, violence, harassment, and other threats they have experienced in the country. Some of those scholars have helped to inform this and other reports. We urge more universities to join us in providing urgently needed assistance to such scholars from China and around the world who are forced to flee.†

SAR's advocacy work, including the Academic Freedom Monitoring Project and the Scholars in Prison Project, investigate and raise awareness of threats to scholars, students, and other members of higher education communities around the world, including in China.‡ This report includes examination of country-specific trends in SAR's monitoring data and case advocacy, with the hope of encouraging state and higher education authorities in China and around the world to remedy attacks on higher education communities and safeguard academic freedom.

* To learn more about SAR's protection services, visit https://www.scholarsatrisk.org/get-help/.
† To learn more about hosting threatened scholars from around the world, visit https://www.scholarsatrisk.org/actions/host-a-scholar/.
‡ To learn more and take action on behalf of an imprisoned scholar or student, visit https://www.scholarsatrisk.org/action/scholars-in-prison-project/.

SAR's research and learning work, including *Dangerous Questions: Why Academic Freedom Matters*, a free online course, and the related publication *Promoting Higher Education Values*, together aim to help higher education leaders and institutions structure discussions about academic freedom and related values at home and in their partnerships, including how to "engage with values" and how to respond constructively to academic freedom-related incidents when they arise.* International higher education partnerships in China and with Chinese counterparts outside of China present unique opportunities to explore such discussions. The pressures identified in this report demonstrate the importance of doing so, both for foreign institutions, scholars, and students engaged in activities with China, and for Chinese higher education leaders seeking to grow China's world-class institutions.

This report aims to provide a survey of major issues impacting academic freedom in China and where China has extraterritorial academic connections. It is not a comprehensive study of higher education or human rights in China. Additional research is needed on all of the issues raised. SAR encourages academia, the media, and the human rights community to improve a global understanding and appreciation of these issues, including by conducting more quantitative and qualitative studies on systemic pressures (e.g. scale and scope of self-censorship, impact of Confucius Institutes on campuses), discipline-specific experiences (e.g. those outside the humanities and social sciences, including mathematics, computer science, engineering, etc.), regional experiences (e.g. Macau and Inner Mongolia), and the link between academic freedom and higher education quality generally.

The pressures described in this report may not reflect the daily experiences of most academics and students in China, especially those whose professional or academic interests mirror prevailing interests of the Party-state. Indeed, many scholars or students in China may perceive themselves as having relatively broad freedom to pursue their teaching or research interests. What matters, however, is not the *percentage* of Chinese scholars, students, institutions or their partners who have experienced the pressures described here. What matters is that a violation of any one scholar or student's academic freedom threatens everyone's, and the fact that *any* scholar, student, institution, or partner *could* find themselves the object of such pressures, often with little or no warning, whenever their overlapping interests change.

Notwithstanding the issues identified in this report, Chinese higher education has advanced considerably in many areas, particularly at select institutions and in select disciplines. But this advance has not taken place in a vacuum, as Chinese higher education and research have drawn from and built upon teaching, research, and scholarship developed under conditions of greater academic freedom abroad. The question therefore is not whether China can achieve its goal of creating world-class universities *without* academic freedom—it has not to date—but whether Chinese higher education can continue to build and maintain world-class institutions while relying on academic freedom practiced elsewhere, and at what harm to the ability of Chinese scholars to develop and share their own unique perspectives, innovations and insights, at home and abroad. A related question is how higher education communities outside of China should respond to the issues identified in this report, including whether they should continue to favor fully free and open engagement with Chinese higher education communities, if that freedom and openness is not fully reciprocated.

This report invites further consideration and study of these issues and questions. It offers recommendations for strengthening academic freedom that would support China's higher education ambitions, emphasizing the need for greater dialogue with relevant government and higher education stakeholders, even while insisting on China's responsibility to protect academic freedom and human rights.

* To learn more about SAR's research and learning work, including SAR's *Promoting Higher Education Values* guidebook, visit https://www.scholarsatrisk.org/learning/ and https://www.scholarsatrisk.org/resources/promoting-higher-education-values-a-guide-for-discussion/, respectively.

METHODOLOGY

The report was produced using a mixed-methods approach, drawing from interviews, incidents reported by SAR's Academic Freedom Monitoring Project, publicly available primary sources, news media, human rights reports, and academic literature. Research began in December 2017 and continued through June 2019.

Researchers interviewed or obtained comment from over sixty individual sources from a variety of backgrounds, including higher education, law, and regional studies, among others.* Some sources were identified and interviewed as a result of being the victims of alleged abuses or for having had publicly reported difficulties with the Chinese authorities. Sources included scholars and students from and based in mainland China, Hong Kong, and Macau, as well as their counterparts outside of the PRC. Interviews were both structured and semi-structured, and were conducted in person and virtually, including via video and audio connection and over email. Interviews were offered in English and Mandarin. While researchers offered anonymity to all those contacted, over a dozen sources declined to be interviewed, in some cases due to fear of retribution.

The report's findings are also based on analysis of more than one hundred verified attacks on Chinese scholars, students, and institutions or involving China, as reported by SAR's Academic Freedom Monitoring Project, from December 2012 to June 2019. These include six distinct types of attacks on higher education communities: killings, violence, and disappearances; wrongful imprisonments; wrongful prosecutions; loss of position; restrictions on travel or movement; and other severe or systemic pressures on higher education communities. Reports are verified by SAR staff, volunteer monitors, and clinical faculty and students assessing both primary and secondary sources. A table of incidents reviewed for this report can be found in the appendix.

Researchers drew from a wide array of primary and secondary source evidence and documents for

* SAR acknowledges that, given the limited scope of this project and the challenges in conducting human rights research in China (including many of the pressures discussed in this report), the number of interview subjects from China was limited and their backgrounds do not fully reflect the diversity of Chinese academia. Nevertheless, SAR's intention is not to provide an in-depth analysis but rather to provide a survey of major concerns, as identified from academic literature, human rights reports, and media, corroborated or supplemented by interviews as available. SAR encourages more in-depth research, including extensive interviewing, where practical, on all of the issues identified, including, for example, disparate impacts on scholars in humanities and social sciences versus science, technology, engineering, and mathematical fields.

this report. This included legislation, proclamations, higher education regulations, and chat transcripts; a growing body of academic literature on higher education, law, and human rights in China; human rights reports from NGOs and government bodies; and press coverage of relevant higher education and human rights developments.

The final version of this report was prepared in English, from which a Chinese-language edition was prepared using a professional translation service. SAR invites readers to share with SAR any corrections or other suggestions for updating or improving this or future reports.

It is important to establish here some brief understanding of academic freedom. The term "academic freedom," while not explicitly listed in the major international human rights treaties, can be independently and interdependently derived from the rights to freedom of opinion and expression and the right to education, as articulated in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR), respectively.* The major elements of academic freedom are perhaps best elaborated in the 1997 UNESCO Recommendation Concerning the Status of Higher Education Teaching Personnel, which defines it as scholars'

> *"...right, 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."* †

For this report and other purposes, UNESCO's articulation of academic freedom serves as a useful reference, even as it does not attempt to delimit all forms of protected content or conduct. Attempts to more narrowly define academic freedom (e.g. dismissing a scholar's engagement with the popular media or written expression outside academic publications as unprotected) inevitably dismiss important and legitimate forms of and venues for academic activity, and shrink the space for expression and inquiry.

The 1997 UNESCO recommendation also provides a useful articulation of institutional autonomy, a core university value discussed throughout this report. According to UNESCO, institutional autonomy is the

> *"...degree of self-governance necessary for effective decision making by institutions of higher education regarding their academic work, standards, management and related activities consistent with systems of public accountability [...] and respect for academic freedom and human rights."* ‡

The recommendation goes on to describe autonomy as 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."§ While institutional autonomy is crucial to the functioning of quality higher education institutions, UNESCO also underscores the need for higher education institutions to take care in exercising their institutional autonomy, warning that it should not be used "as a pretext to limit the rights of higher-education teaching personnel."¶

Finally, it is also necessary here to consider the term "world-class universities." Over the years, higher education experts and policy makers around the world have often described such institutions along the lines of scholarly research production (publications and citations), institutional resources, faculty-to-student ratios, and internationalization, among others. This report does not question the consideration of these and other factors, nor does it propose a new standard definition. This report does, however, urge higher education and government stakeholders to join SAR and others in demanding protections for academic freedom, institutional autonomy, and related values among these measures.

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* In addition, Article 15 of the ICESCR recognizes "the right of everyone... to enjoy the benefits of scientific progress" (Article 15(1)(b)), and the resulting undertakings of States Parties to respect "the freedom indispensable for scientific research and creative activity" (Article 15(3)) and to encourage "development of international contacts and co-operation in the scientific and cultural fields" (Article 15(4)).

† UNESCO, "Recommendation Concerning the Status of Higher Education Teaching Personnel," November 11, 1997, para. 27.

‡ Ibid, para. 17.

§ Ibid, para. 18.

¶ Ibid, para. 20.

Overview of Higher Education in China

China has a long history of advanced education dating back more than two millennia, when the first imperial academies were opened to train civil servants. From then on, higher education in China has undergone many developments, moving from the Confucian model to incorporate structures and styles of education that arrived with Western missionaries in the late-1800s, the introduction of a Soviet-style system that followed the establishment of the Chinese Communist government in 1949, and a surge of investment and reforms since China's opening-up in the late 1970s. Today, a growing number of Chinese universities have begun to appear on global rankings, a much sought-after recognition of the PRC government's efforts to improve higher education. However, evidence of political interference in higher education and efforts by the state to force Party ideology on scholars and students, and control and suppress critical questions and ideas may undermine China's higher education system.

Origins and Development of Higher Education in China

While the roots of China's formal education system date back millennia, with the formation of private and public institutions of learning, it was the introduction of the imperial civil service examination system under the Sui Dynasty (581–618 AD) that

marked a major shift in national education efforts.[1] The exam tested candidates on Confucian classics, poetry, philosophy, politics, and history, preparing them to take up government posts around the country.[2] Wealthy families, independent scholars, and local government officials set up schools to prepare students for the examination, which endured until 1905.[3]

Starting in the late-nineteenth century, China's higher education system began to introduce elements modeled on European and US systems.[4] Higher education at this time drew influences from the Christian missionaries who came to China following the First Opium War of 1840 and began opening institutions including St. John's University, Shanghai (now the site of East China University of Political Science and Law), Shanghai Hujiang University (later incorporated into East China Normal University), and Tongji University, to name a few.[5]

The system changed dramatically in 1949 when the Chinese Communist Party (CCP) came to power and began to replace private universities with institutions modeled on those in the Soviet Union.[6] The Soviet-style reforms resulted in a reduction in comprehensive universities and the fields of humanities and social sciences, and an expansion in the number of schools focused on serving the planned economy.[7]

The Cultural Revolution in 1966 brought most higher education to a standstill.[8] In the early years of the revolution, middle school to university students joined the Red Guard movement and began to participate in the revolution.[9] Higher education leaders and teachers were denounced in public and beaten; some were even murdered or driven to commit suicide.[10] Scholars, intellectuals, and students were sent to the countryside to work as farm laborers as part of "re-education" efforts.[11] Universities began to reopen in the early 1970s, but one's proletarian background often became an important criterion for admission to some universities.[12]

In 1977, Chinese leader Deng Xiaoping came to power and brought significant change to the country's higher education system. Deng reestablished the National Higher Education Entrance Examination (known as the *gaokao*) and launched far-reaching reforms with the goal of educating a new generation that would advance the work of Party-building, agricultural and industrial production, and economic reforms.[13] Over the next decade, higher education experienced rapid growth, with many universities expanding or merging in order to offer a more comprehensive education along with specialized technical training.[14]

In the spring of 1989, hundreds of thousands of students and citizens took to Tiananmen Square and the streets of Beijing and other major cities, calling for political and economic reforms. The movement came to a violent end on June 4, when the People's Liberation Army—ordered to advance into Beijing and to clear the square—opened fire on unarmed protesters at and around Tiananmen Square. Fatalities estimated from several hundred to several thousand, including many students.[15] Student leaders, scholars, and intellectuals—labeled by authorities as the "Black Hands" behind the movement—were arrested and many were sent to prison.[16] The harsh crackdown against the 1989 student movement continues to have a chilling effect on student activism to this day, with many not even aware of what really happened.

Building "World-Class" Universities

In the mid-1990s, the Chinese government began to implement a series of programs to bolster the reputation of key Chinese universities. Although the mechanics of these programs changed frequently and remain unclear, international higher education rankings suggest that they ultimately raised the visibility of dozens of Chinese universities, including Tsinghua University and Peking University.[17] These gains, however, did not come without problems. Some critics say the government's focus on elite institutions of higher education has widened the gap among universities in the country.

In 1995, China's Ministry of Education (MoE) launched the 211 Project (211工程), an investment program aimed at strengthening select higher education institutions in China. Approximately 118 universities were labeled 211 Project universities; at their peak, they trained roughly four-fifths of China's doctoral candidates and one-third of all undergraduates.[18] The project specifically sought to develop priority academic disciplines, improving research and education quality, and constructing more effective management structures.[19] In 2011, China announced that no new universities would be admitted to the project.

In May 1998, Chinese president Jiang Zemin announced that China must have "a number of

first-rate universities of international advanced level."[20] The next year, the government launched the 985 Project (985工程) with the goal of investing in and promoting select Chinese universities to the ranks of world-class universities.[21] 985 Project universities were allocated considerable national and local government funding to make investments as they saw fit.[22]

In the project's second phase, from 2004 to 2007, the government more clearly defined 985 Project universities' objectives: "innovating institutions, building up faculties, building up platforms and bases, creating supportive conditions, and creating international exchanges and cooperation."[23] Thirty-nine universities had joined the 985 Project by the time the government closed its doors to new entrants in 2011.

In 2009, nine of the 985 Project universities formed the C9 League (九校联盟) as a new tiered system intended to serve as China's equivalent of the Ivy League in the United States. The C9 includes nine elite research-intensive universities that have consistently figured at the top of Chinese university rankings,[24] including Fudan University, the Harbin Institute of Technology, Nanjing University, Peking University, Shanghai Jiaotong University, Tsinghua University, the University of Science and Technology of China, Xi'an Jiaotong University, and Zhejiang University. The C9 League accounts for three percent of China's researchers, but receives ten percent of national research expenditures.[25]

These rankings do not factor into their assessments respect for academic freedom [or] institutional autonomy...

In 2017, the Chinese government, under president Xi Jinping, announced the Double World-Class University Project (双一流), which seeks to establish 42 world-class, research-driven universities and 465 world-class disciplines (individual academic departments) distributed among 140 universities by 2049.* The new program replaced the 211 Project and 985 Project,[26] incorporating all universities under the 985 Project and introducing Yunnan University, Xinjiang University, and Zhengzhou University.[27]

According to Matthew D. Johnson, former dean of arts and sciences at Taylor's University, Malaysia, the goals of the Double World-Class program were very similar to its predecessors, with "more world-ranked universities [and] more world-ranked subject areas." This, Johnson said, could help further elevate lower ranked universities that have special offerings, offering the example of "an otherwise unexceptional university with an outstanding business program."[28]

China's investment efforts have had some positive reputational impacts. As of 2019, thirty-seven out of the thirty-nine 985 Project universities appear on at least one of the major world university rankings (Times Higher Education, QS, Academic Ranking of World Universities).[29] Meanwhile, the C9 universities have featured prominently in 2019 international rankings, with six among the top one hundred on the QS rankings and three among the top one hundred on both the *Times Higher Education* and the Academic Ranking of World Universities lists.[30]

Although appearance in world university rankings is an indication of increased investment in Chinese higher education, these rankings do not factor into their assessments respect for academic freedom, institutional autonomy, and other values, and hence cannot measure the sustainability of the research achieved by this investment.†

Scholars and higher education experts have been critical of the PRC's approach to building world-class universities. A working paper by Harvard University China scholar Elizabeth Perry suggests that funding schemes may be a factor contributing to self-censorship at universities that financially stand to benefit the most from these programs. "The party-state's lavish funding of elite public institutions of higher education, propelled in large part by the prospect of their rising rapidly in the global rankings, is surely a key reason for the notable quiescence of the Chinese academy," Perry wrote.[31] Perry also wrote that funding schemes, like the 211 and 985 Projects, have resulted in a "further stratification of Chinese universities."[32]

* The term "double first-class" refers to world-class universities and world-class disciplines.

† Recognizing this deficiency, researchers at the Global Public Policy Institute (GPPI), in Berlin, are developing a research methodology to measure and compare levels of respect for academic freedom. SAR is a contributor to the project. *See* Felix Hoffman and Katrin Kinzelbach, "Forbidden Knowledge: Measuring Academic Freedom," Global Public Policy Institute, April 2018, https://www.gppi.net/2018/04/20/forbidden-knowledge-measuring-academic-freedom.

In an article for the Global University Network for Innovation (GUNI), higher education professional Guanzi Shen shared concerns about stratification, writing that "the over-emphasis on the development of the elite sector will undermine the quality of higher education because most of the universities and colleges cannot receive adequate benefits and support from the government." [33]

Relatedly, there may exist a geographic inequity dimension meriting deeper study. Under the Double World-Class University Project, for example, more than half of the academic disciplines (departments) selected for development are found in key urban areas in eastern China, with 162 in Beijing, 57 in Shanghai, and 43 in Jiangsu.[34]

Finally, there are also concerns that China is fixated on international university rankings and that this forces higher education institutions to overly focus on quantity rather than quality-based outputs.[35]

Current Political Climate

Since it came to power, the CCP has sought to control the ideological loyalty of China's students, from primary school to university. In recent years, the Party has doubled down on its belief that Western-style democracy, values, and pedagogical approaches are not appropriate for China. The Party has in turn taken actions to increase restrictions on the university space and make Party ideology a more present and required element in teaching and research.[36]

In 2013, an anonymous source leaked "Document Number Nine," an alleged internal directive issued by the General Office of the CCP's Central Committee and confidentially circulated to CCP cadres throughout China, including at universities.[37] Document Number Nine warns of seven topics that the CCP has allegedly banned within universities, among other sectors, including the promotion of Western constitutional democracy, universal values, civil society, neoliberalism, a free press, "historical nihilism," and questioning China's reforms and approach to socialism.[38]

There is little public information indicating how exactly the CCP has implemented the directive at higher education institutions, but reports indicate that many lecturers were briefed on the directive and that there is a common understanding that the "seven taboos" cross a line.[39] In addition to these seven taboos, the government has long held the autonomy of Tibet, Taiwan's status, and the Tiananmen Square protests—"the three Ts"—as off-limits.

The leaking of Document Number Nine came the same year current president Xi Jinping took power. Since rising to the presidency, Xi has proposed and enacted significant controls over universities to increase the Party's ideological influence within China's higher education system.

In 2014, Xi called for better "ideological guidance" in Chinese higher education institutes, and said that universities should "shoulder the burden of learning and researching the dissemination of Marxism."[40]

In the next year, China's education minister Yuan Guiren promised to ban textbooks that contained "Western values," and ordered universities to add classes on Marxism and socialism. "Never let textbooks promoting western values appear in our classes," the minister said.[41]

President Xi announced in a December 2016 speech that universities should become strongholds of the Party, and that teachers should be propagators of "advanced ideology" and "staunch supporters" of the CCP.[42]

In June 2017, a CCP corruption watchdog carried out an inspection of elite universities, accusing fourteen of them of "ideological weakness for not making enough effort to teach and defend Communist Party rule."[43] According to the *South China Morning Post (SCMP)*, seven of the eight top universities reviewed by the Central Commission for Discipline Inspection have set up a "teachers' affairs department" under their Party committees, with the aim of improving "ideological and political work among teaching staff."[44]

On October 24, 2017, at the Nineteenth Party Congress, "Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era," also known as "Xi Jinping Thought," was formally added into the Party Constitution.[45] China specialist James Dorn describes Xi Jinping Thought as:

> *"...a 14-point manifesto to ensure CCP 'leadership over all forms of work.' It promises 'continuation of 'comprehensive deepening of reforms;'' propagates the long-held myth that under 'socialism with Chinese characteristics,' the 'people' are 'the masters of the country;' asserts that China should be governed by 'the rule of law;' reinforces the post-Maoist idea that 'the primary goal of development' is to improve*

'people's livelihood and well-being;' and advocates creating 'a peaceful international environment.'"[46]

A day after CCP delegates adopted the amendment, Renmin University, one of the country's leading universities with strong historical ties to the CCP, announced the opening of a research center dedicated to Xi Jinping Thought.[47] Some forty universities followed suit, racing to establish their own centers for Xi Jinping Thought.[48] The centers appear to be a way for universities to seek favor with the government and obtain more state funding, which would be used for ideological purposes.[49]

Critics fear that the centers will siphon state funding from more traditional academic programs and activities, and that they will pull scholars away from their core academic work.

According to Qiao Mu, a former professor at the Beijing Foreign Studies University, faculty at Chinese universities have to go to regular meetings to discuss Xi Jinping Thought and ideology.[50] Qiao, who moved to the US after being prohibited from teaching at his university, further said that scholars who apply to do research related to Xi Jinping Thought find it easier to obtain state funding. Many of his former colleagues, Qiao said, are manipulated by this and other government "perks," including high incomes and housing.[51] "The government buys scholars and intellectuals," he said. "If you have different ideals, you become the enemy. You're the boy who says the emperor is naked."[52]

Teng Biao, a legal scholar, reported seeing a list of research projects proposed by China's MoE, with the first ten all related to Xi Jinping Thought. He says many scholars are now writing papers on this topic, while neglecting or declining to take on other important research projects.[53] "Scholars know there are taboos that should not be touched," Teng said, "and this is why academic quality [of research] is so low."[54]

CCP funding for research that promotes the Party's priorities is not a recent development,[55] but the pressure to support ideologically focused work has grown under Xi, setting up a potential conflict with the simultaneous effort to increase the quality and international recognition of Chinese higher education. The National Planning Office for Philosophy and Social Sciences (NPOPSS), situated underneath the CCP's Central Propaganda Department, issues annual calls for research proposals that speak directly to the Party's vision and needs.[56] NPOPSS' 2019 call for proposals, for example, sought research that heavily focused on Xi Jinping Thought and the "spirit of the 19th National Congress of the Communist Party of China."[57]

In March 2019, Xi announced at a convening of teachers in Beijing that the education sector must "spread mainstream ideology and directly confront all kinds of wrong viewpoints and ideologies."[58] According to the *SCMP*, Xi's wide-ranging instructions extended from lectures and classroom discussions to online expression.[59]

Within two months of Xi's comments, China's MoE issued a five-year training plan, which, according to *Radio Free Asia (RFA)*, seeks to "instill the ideology of President Xi Jinping and late supreme leader Mao Zedong in staff and students."[60] The plan calls for all higher education institutions in China to send at least two faculty to participate in the training program, which requires participants to study the thought of Xi Jinping, Mao Zedong, Deng Xiaoping, and the classics of Marxism, with a view to incorporating their research into their teaching materials.

The MoE's plan came against a backdrop of investigations into and disciplinary actions against allegedly outspoken university lecturers and just weeks away from the thirtieth anniversary of the June Fourth protests.[61]

Foundations of Protections for Academic Freedom*

Underneath China's rapidly growing higher education sector and a tense political environment are legal foundations that could, in theory, be used to protect academic freedom. These include protections derived from both national and international legal instruments. In practice, however, these are constrained by limitations in rule of law and independence of the judiciary, and countervailing provisions giving legal priority to the CCP.

The Constitution of China contains provisions from which protections for academic freedom may be independently and interdependently derived.[62]

* This section describes foundations for legal protections for academic freedom under international law and under the People's Republic of China's constitution, in the mainland. For more information on territorial protections for academic freedom in Hong Kong and Macau, *see* p. 55 and p. 63, respectively.

Article 35 provides that Chinese citizens "enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration." Article 46 provides citizens' "duty as well as the right to receive education," and recognizes that the "State promotes the all-round development of children and young people, morally, intellectually and physically." Article 47 provides that citizens "have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits." Also according to Article 47, "[t]he State encourages and assists creative endeavors conducive to the interests of the people that are made by citizens engaged in education, science, technology, literature, art and other cultural work."

In 1998, the PRC enacted the Higher Education Law, which contains provisions that support academic freedom and institutional autonomy.[63] Article 9 provides that "Citizens shall, in accordance with law, enjoy the right to receive higher education." According to Article 10, "The State, in accordance with law, ensures the freedoms of scientific research, literary and artistic creation and other cultural activities conducted in higher education institutions. Research, literary and artistic creation and other cultural activities in higher education institutions shall be conducted in compliance with law." And several other articles support higher education institutions' independence in organizing academic offerings,[64] managing curriculum and course materials,[65] and conducting research.[66]

It bears mentioning that the Higher Education Law's provisions supporting academic freedom and institutional autonomy are in tension with other provisions in the same law that require higher education institutions' adherence to CCP ideology[67] and that give sweeping control over universities to the CCP,[68] as well as the country's penal code,* which has often been used to punish legitimate academic conduct and content, and China's Constitution, of which some articles may constrain expression and inquiry.†

Additionally, while university governance has seen some decentralization in China in recent decades, the CCP still maintains considerable influence over key university decision-making through governance structures and policies (e.g. presidents serving under the direction of the Party Committee, CCP membership as a leadership appointment criterion) and reports of informal pressures applied by Party officials within universities (e.g. Party "loyalty checks", leadership holding back from reforms out of fear of career retaliation), thus significantly limiting the autonomy of Chinese universities.[69]

The PRC is also bound by international human rights instruments that protect the rights of all persons in China, including scholars and students. China is a signatory to, but has yet to ratify, 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." China is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), of which Article 13 requires that states "recognize the right of everyone to education," "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 state parties "undertake to respect the freedom indispensable for scientific research and creative activity." And the United Nations Committee on Economic, Social, and Cultural Rights, the official interpretative body for the ICESCR, has stated that "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."[70]

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Over the past three decades, China has taken great strides in developing its higher education sector. These efforts have made higher education accessible to more students across the country, brought about dramatic improvements in resources

* *See*, for example, Article 105 ("Whoever incites others by spreading rumors or slanders or any other means to subvert the State power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years..."), available at https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%20Eng3.pdf.

† *See*, for example, Article 1, which stipulates that "*Disruption* of the socialist system by any organization or individual is prohibited" (emphasis added) and Article 51, under which citizens, "in exercising their freedoms and rights, may not infringe upon the *interests* of the State [...]" (emphasis added). Both articles offer a level of ambiguity that leaves scholars, students, and other members of Chinese society to determine for themselves what expression and inquiry is permissible under Chinese law.

and infrastructure, and have helped a growing number of universities climb global rankings, making China an increasingly important actor on the global academic stage.

As discussed in the succeeding chapters, however, this progress is undermined by recently heightened threats to Chinese institutions, scholars, and students seeking to exercise basic academic freedoms; freedoms that are recognized by China itself under existing national and international legal obligations. These chapters will explore threats in mainland China, Hong Kong and Macau, and outside of China entirely, and will include guidance to higher education leaders, states, and civil society on protecting academic freedom while advancing quality universities.

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Threats to Scholars and Students in Mainland China

In mainland China, scholars and students face a variety of obstacles and punishments in exercising their right to academic freedom. They range from limits on access to information that impede research, to harassment and other coercive actions that punish expression and inquiry. These pressures discourage academics, students, and their institutions across China from freely researching and discussing a full range of ideas and concepts, limiting their potential to compete and engage with their peers around the world. Moreover, these tactics send a message to society in general that certain topics and questions are off-limits.

Access to Information

Limited access to information—including filtering of online content, scholars being denied access to literature and archival materials, and challenges in accessing human research subjects—deprives scholars and students in China of access to quality research, teaching, and learning.

China maintains tight regulations on the internet, apparently to monitor and control the flow of information to and from users in the country, including the academic community. The system of internet controls is popularly known as the "Great Firewall of China." Developed out of the so-called Golden Shield project by

China's Ministry of Public Security, China's Great Firewall restricts, among other things, access to websites around the world, including major social media platforms, popular Western news websites, and Google Scholar, among others.[1] While a comprehensive accounting is unavailable, the co-founder of internet activism group GreatFire.org, who uses the pseudonym Charlie Smith, believes that ten percent of websites and domains are likely blocked in China.[2]

Many internet users in China have adopted the use of virtual private networks (VPNs)* to circumvent the Great Firewall.[3] For the higher education community in China—and in other countries with considerable internet censorship—VPNs connect scholars and students with news sources, open-access data resources, platforms to share and discuss research, and opportunities for more global academic collaboration. One Western academic working in China, who declined to be named, said that "Huge numbers of people use VPNs to jump over the firewall," and that "there's a lot of work that could not be done without them."[4] While little information is available about regulations governing their provision or administration by Chinese universities, faculty and students commonly use unofficial and official VPNs for study and research.[5] One scholar from China, who also requested anonymity, described VPN usage as "an open secret" among academic users.[6]

In recent years, PRC authorities have attempted to restrict the use of VPNs. In January 2017, the government announced a fourteen-month campaign aimed at tightening regulations on the internet, including VPNs.[7] According to the announcement, the government would effectively ban unauthorized VPN providers from operating within China, and would require internet service providers to limit their users to state-approved VPNs.[8] Six months later, Apple removed dozens of VPN applications from its app store, reportedly in response to the PRC's change in regulations.[9]

These internet access developments have raised serious concerns among scholars in China. A Beijing-based astronomer quoted in *Science* said that this "makes international collaboration difficult and damages the reputation and competitiveness of Chinese science institutes."[10]

According to the 2018 annual report by Chinese Human Rights Defenders (CHRD), the ban does not appear to have been widely enforced, but select individuals have been targeted with punishment "to frighten others."[11]

Many scholars and students at Chinese universities continue to use unofficial VPNs to circumvent the Great Firewall;[12] however, connections to such VPNs are unreliable, sometimes temporarily disrupting users' access to web-based resources and information-sharing platforms.[13]

Offline, too, the higher education community faces challenges in accessing information, including in libraries, archives, and from human sources. A study by professors Sheena Chestnut Greitens, of the University of Missouri, and Rory Truex, of Princeton University, which surveyed over five hundred China scholars, pointed to a number of such problems facing domestic and foreign scholars, including increasing difficulties in accessing archives.[14]

According to their survey results, scholars cited more than one hundred fifty separate instances of being denied access to archival materials in the past ten years; these included twenty-six percent of foreign academics who reported using archives for their research.[15] Respondents reported being denied access to particular materials and sections of archives, and having access permissions revoked.[16]

Edwin Schmitt, now a postdoctoral research fellow at the University of Oslo, described to SAR some problems he experienced that are typical to those conducting research in China.[17] While browsing through old newspapers and government materials at the Tangshan City Library in February 2018, the head librarian suddenly asked him to stop taking photographs of the materials, which were open to the public, despite other staff telling him it was acceptable. The librarian informed Schmitt that he could make photocopies and take notes but could not take photographs; however, the one photocopier he was allowed to use was out of service. He said the newspapers the librarian was particularly concerned about were published before the establishment of the

* A VPN connects a user's computer to the internet via a remote server, often in a different country, enabling the user to, among other things, mask their computer's IP address and access websites and other networks to which they might otherwise be restricted access. For an introductory text on VPNs, *see* Joseph Jerome, "Techsplanations: Part 5, Virtual Private Networks," Center for Democracy & Technology, October 16, 2018, https://cdt.org/blog/techsplanations-part-5-virtual-private-networks/.

PRC in 1949. One of Schmitt's friends in the security sector commented that the problem was an example of a bureaucrat taking recent directives and policies a bit too far. "It felt like I was the first foreigner to visit the new library in Tangshan," Schmitt said, "leading to some nervous and extreme decision-making."[18]

Political developments may also have an impact on access to certain materials. According to a report by *University World News* (*UWN*), in 2014, officials at the Nanjing archives pulled large volumes of materials related to Japan's occupation of the city during the 1930s and 1940s for a ten-year "digitization" process, raising concerns that the officials were trying to limit scholars' access to politically sensitive information amidst tensions between China and Japan.[19] Scholars also reported to *UWN* that they faced similar challenges accessing the Foreign Ministry's archives.[20]

A working paper by historian Charles Kraus, of the Wilson Center, describes a number of challenges that affect accessing official archival materials in China. According to Kraus, the Archives Law of the People's Republic of China, enacted in

CASE STUDY: Access to Information

EDWIN SCHMITT, then a PhD candidate at the Chinese University of Hong Kong, had spent more than two years surveying historical agricultural and ritual changes in the villages of China's rural Sichuan province. The area included a mixed ethnic population of Nuosu, Ersu, other minority groups, and Han Chinese. Schmitt was working closely with officials of the local Cultural Bureau, who he says had been quite supportive of his work.

Then, in December 2013, while still doing his research in the province, Schmitt received an unexpected telephone call informing him that his application to do research in the province had been revoked. His application had earlier been approved following a complicated round of paperwork and approvals.

He was not given a reason, and even Sichuan University, with which he had an academic relationship, was not told why. He says his connection to the university always had its ups and downs, but that over the previous ten years he had become accustomed to the various protocols foreign scholars have to maneuver in order to do research in rural areas of China.

Schmitt contacted a Chinese friend who worked for the government. His friend pored over his application and suggested that if he decided to re-apply, there were two things he should avoid.

First, he should refrain from using sensitive words such as the names of minority groups living in the region, given the government's sensitivity regarding minority communities. Instead, he advised using administrative names of the geographic areas where he wished to conduct research.

Second, Schmitt's friend advised that he avoid using terms such as "ecology" and "environmental protection" in his application, a reference to the government's apparent concern about growing environmental protests. "What you actually plan to research doesn't really matter," his friend concluded.

Schmitt thought of discreetly returning to the villages to finish his research, but gave up the idea for fear of implicating friends there.

"I had an ethical dilemma," he said. "I thought they could use it against my informants. They could go to them and say, 'You helped this foreign guy.'"

Schmitt soon found himself persona non grata. His research advisor backed away from him and friends he had known for ten years began to distance themselves. "No one wanted to talk to me anymore," he said.

This case study is based on an interview with Ewin Schmitt on January 29, 2018, in Hong Kong.

1988, gives state authorities an ambiguous and broad level of control over the declassification and accessibility of state records.[21]

Under Article 19 of the law, state records "shall *in general*" (emphasis added) be made available to the public after thirty years and those records "involving the security or vital interests of the State" may remain classified even longer.[22] Once declassified and available, those materials may later be reclassified or subject to other forms of removal, including digitization and "appraisal" processes.[23] Scholars surveyed by Greitens and Truex had also noted digitization as a purported reason for denying access to certain materials.[24]

According to Kraus, foreign researchers hoping to gain access to archives "must have a letter of introduction [...] from a Chinese university (or other 'work unit') and a passport."[25] This presents potential obstacles to foreign scholars who may have trouble making the necessary personal relationships (*guanxi*)—a core part of Chinese bureaucratic culture—to obtain such references, or whose research, while academically interesting, may be deemed politically controversial or dangerous by those gatekeepers. Some archives may also require an application requesting permission.[26] These and other obstacles require scholars to be creative in sourcing materials, including by reviewing multiple Chinese archives and exploring materials offered by international historical and government archives that may have content related to China.[27]

As discussed in a subsequent section on censorship, pressures from state authorities to limit imports of foreign publications and online access to those same materials limit the enjoyment of academic freedom in China. These restrictions compound the impact of existing pressures on domestic publishing houses, writers, journalists, and television stations, whose works are closely vetted by state authorities.[28] With the exception of some university libraries jointly managed with foreign higher education institutions, that reportedly offer wider content,[29] state censorship and other restrictions on domestic and imported content undercut the potential for Chinese universities to support world-class research on a range of subjects, including those the government finds controversial, like the autonomy of Tibet, Taiwan's status, or the Tiananmen Square protests.

Scholars working in China also face difficulties in securing interviews with human subjects, likely due to sources' fear of retribution. Some respondents to Greitens and Truex's survey reported that subjects would back out of interviews without reason.[30] This was most commonly the case for scholars in political science and anthropology, according to the authors.[31]

Limited access to information from within China strains scholars' ability to work in the country. Scholars have commented on the desire to continue their work in environments that have free, open internet access.[32] Academics who have long depended on archival materials and human subjects found in China may reorient their research to questions and topics that may be explored from outside China.

Limited access to information from within China strains scholars' ability to work in the country.

Surveillance and Monitoring

Students and scholars face both high and low-tech methods of surveillance and monitoring in China. These include, but are not limited to, closed-circuit television (CCTV), facial recognition technology, internet surveillance, and student informants. Scholars and students have raised concerns about the chilling effect these methods may have on academic expression.

Hi-Tech Surveillance

As in many public spaces across China, CCTV can be found on university campuses, including lecture halls and other facilities. Some universities have described CCTV as a tool to improve teaching, learning, and student behavior—more than just a safety measure.[33] Scholars and students, however, express concern about the technology being used to restrict their lectures and classroom discussions.[34]

One Chinese graduate student at Tsinghua University said she believed there were CCTV cameras in at least the larger classrooms and main teaching buildings on campus. She described classmates as being less fazed by the cameras, suggesting that they have more of an impact on faculty. "Students around me seem to always know what they can talk about and what they cannot," she said. The student said

that one professor stopped short of making a sensitive comment in class one day, pointing to the CCTV and saying: "I have to be careful because I don't want to cause trouble."[35]

Ai Xiaoming, a retired literature professor at Sun Yat-sen University, and one of China's leading documentary film-makers, said that academics face a number of intimidations while in the classroom that limit their effectiveness. According to Ai, "if there are many limits on ideology, and there are student informants reporting on their professors, and CCTV cameras aimed at teachers, then that teacher when speaking must first do a self-introspection."[36] Based on these conditions, Ai asked, "how do you evaluate the quality of their teaching?"[37]

A small but growing number of universities in China, including Peking University,[38] are also now employing facial and voice recognition technologies that attempt to scan, identify, and track individuals. Similar to CCTV, officials claim the technology will help address security and student attendance issues, and deter so-called "ghostwriters," who are paid by students to take their exams.[39] Use of the technology, however, could further chill expression on campus, as students and faculty may fear retribution for their alleged expression or mere presence in and around certain activities.

As previously discussed, authorities heavily restrict and monitor internet activity. Authorities have employed both people, including staff at Chinese social media and internet companies, and smart technologies to systematically monitor popular social media platforms and blogging sites and review content across China's webspace.[40] This would extend to online spaces where scholars and students share and discuss their academic work. Content considered sensitive or controversial by authorities may result in legal action. In January 2019, China's Cyberspace Administration announced a six-month "clean-up" campaign to review and remove online content considered vulgar or "not in line with the laws and regulations."[41] The administration threatened to "hold whoever is responsible [for the content] accountable."[42] Within weeks, authorities had reportedly deleted millions of pieces of online content, shut down over seven hundred websites, and closed more than nine thousand mobile phone applications.[43]

Student Informants

Since well before the use of CCTV and internet surveillance technology, authorities have relied on low-tech, people-focused efforts to monitor scholar and student behavior, especially political or other expression deemed sensitive. Notably, CCP officials on university campuses as well as state security bureaus have used student informants to monitor and report scholars and students who cross the line. These students include both official "student information officers," whose identity and function are sometimes known to classmates, as well as apparently overzealous students who voluntarily report classmates' and professors' comments and activities.[44]

At Shandong Normal University (SNU), for example, officials announced that each major should have one student serve as a student information officer, who would regularly "report students' opinions on the school's teaching plans, content of teaching, teaching methods and infrastructure, as well as teachers' attitude and quality."[45] SNU's website reportedly indicated that successful information officers would be given "material and spiritual encouragement."[46]

Officials at the Wuhan University of Science and Technology reportedly recruit student informants based on their academic performance and ideology.[47] According to a document obtained by *RFA*, the student informants are responsible for "Collecting and collating a wide variety of information on teaching and teaching management activities, promptly reflecting students' opinions and suggestions on teachers' attitudes, as well as class content, teaching methods, marking ... and extracurricular tutoring."[48]

And at Dezhou University, in Shandong province, officials worked with the Domestic Security Department to recruit and train student informants.[49] According to a directive issued by the university, officials sought to establish a "Student Security Informants Corps" intended to "destroy the seeds of discord that may affect security and stability before they sprout."[50]

Such measures in these particular contexts may constitute infringements of academic freedom, especially where such informants operate surreptitiously or if their reporting goes beyond assessment of pedagogy to include ideological or political oversight of faculty and students. While it is difficult to tell in every case, a growing number

of academics have reportedly faced disciplinary actions based on students' allegations in recent years, raising significant concerns.*

University and state authorities have a legitimate and important responsibility to ensure the security and safety of higher education communities. However, the extensive use of monitoring and surveillance methods, including especially those designed to track scholars' and students' activities, risks constraining the equally legitimate and important function of promoting unfettered inquiry and expression within the higher education community.

Censorship

Government and higher education authorities have censored academic expression in China, including publications, lectures, and events. Many scholars and students also self-censor, fearing retribution suffered by their peers or in attempting to navigate an unclear and evolving line that delimits what authorities consider permissible expression and inquiry.

Scholars have described classroom censorship and self-censorship as widespread in China. Faculty can avoid trouble if they "never touch sensitive issues," said legal scholar Teng Biao.[51] While Teng described some universities as being relatively more open than others, most lecturers at Chinese universities would self-censor.[52]

An anonymous scholar of journalism reported that "in social sciences, college professors are strictly restrained from criticizing the ruling Party and the mainstream ideology both in classrooms and in publications."[53] "Everybody knows the Big Brother is up there watching, so better not be too 'vocal' sometimes," he said.[54]

He Weifang, a law professor at Peking University, shared that lecture plans, along with presentations for international conferences, must be submitted to the Party committee's propaganda office at the university for approval.[55] Lecture censorship may also be connected with apparent speech prohibitions drawn from the so-called "seven taboos," described in the previous chapter, and a common implicit understanding to avoid the "three Ts" (the autonomy of Tibet, Taiwan's status, and the Tiananmen Square protests).

Outspoken scholars face publication censorship. Zhang Qianfan, a law professor and proponent of constitutionalism at Peking University, was the apparent target of state censors when a textbook he authored suddenly disappeared from Chinese bookstores in January 2019.[56] The government has not commented on the book; however, its disappearance from shelves shortly followed an order by the Ministry of Education to review teaching materials.[57] In response to the incident, Zhang has said that "the constitution is now a 'sensitive' topic, I don't think there is open academic discussion. This is quite scary."[58]

Teng Biao said that he was banned from publishing his books in China, and, after 2009, his name could not even appear in the domestic Chinese media. As a result, he was only able to publish in foreign academic journals, websites, and overseas media.[59]

The anonymous journalism scholar described having to cut over twenty thousand Chinese characters of text in order to get his book approved for publication.[60] The text in question was regarding the Cultural Revolution. He also commented that, for Chinese scholars, publishing books and papers on sensitive topics in the mainland is not possible, and that he and others are publishing their "most serious works" in English in order to skirt the censors.[61]

Publication censorship has extended to international academic journals that are imported to China. Starting in 2017, several leading academic publishers reportedly blocked access to certain articles within China, apparently at the behest of Chinese authorities.†

In August 2017, Cambridge University Press (CUP) reportedly agreed to restrict access to hundreds of articles published in the *China Quarterly* at the request of Beijing.[62] After widespread international outrage, CUP reversed course and lifted the restrictions.[63]

In November 2017, Springer Nature complied with similar Chinese government pressure, barring access to hundreds of articles that explored "topics the ruling Communist Party considers sensitive, including Taiwan, Tibet, human rights and elite politics."[64]

In December 2018, British academic publisher Taylor and Francis reportedly canceled more than eighty journals from its publications offered to China,

* *See* p. 32 for discussion of retaliation based on student informants.

† This subsection is limited to attempts to restrict access to international academic literature in China. For additional discussion of the PRC government's influence on foreign publishers, *see* p. 81.

also at the request of state authorities. The company said that the Chinese authorities felt that some of the content was "inappropriate."[65]

Government officials also censor scholars' online expression over social media and personal websites, restricting their ability to share their work and ideas with a wider public audience.

Shortly following his arrest in January 2014, state authorities took down the website of prominent economist and Uyghur rights-advocate Ilham Tohti.[66] For years, his Chinese-language website uighurbiz.net* featured news and discussion of human rights and political developments affecting China's Uyghur minority community.

In 2017, law professor He Weifang was forced to retreat from social media when authorities shut down his social media and blogging accounts.[67] The shutdown was apparently in response to He's comments regarding changes to China's civil code to protect the image of "martyrs and heroes." He further reported that he is no longer invited to speak by other universities, newspapers that once welcomed his commentaries are now not even allowed to use his name, and that he has been blocked by major publishing houses and journals from publishing his work.[68]

Academic freedom requires that scholars and students are free to express themselves without undue restrictions or fear of reprisals.

Authorities also shut down the blog and social media accounts of economics professor Yang Shaozheng, a retaliatory order that stemmed from an article he wrote that questioned the economic costs of the CCP.[69] Yang, who had just recently been suspended by Guizhou University, was ultimately expelled in August 2018.[70]

And in December 2018, PRC authorities ordered online media outlets to remove video and other media or comments connected to a lecture given by Renmin University economics professor Xiang Songzuo.[71] In his lecture, titled "A Great Shift Unseen Over the Last Forty Years," Xiang raised questions over whether PRC officials had inflated economic growth statistics.[72]

Scholars are also experiencing a shrinking space for dialogue with the press, a critical outlet for academic expression. In March 2019, Hu Xingdou, a prominent professor of economics at the Beijing Institute of Technology, announced that he would no longer participate in interviews with the international media due to growing constraints on freedom of expression in China.[73] The anonymous scholar of journalism highlighted that well-known scholars are "restrained from taking interviews [with the] foreign press."[74]

Government offices and higher education institutions themselves have taken steps to restrict conferences, film showings, lectures, and other events on campuses.

For example, in May 2018, the Zhihe Society, a student organization at Fudan University focusing on gender issues, was told to cancel an annual performance of *The Vagina Monologues*.[75] Society members issued a statement in Chinese apologizing for the change and attributing it to "uncontrollable external forces." The Zhihe Society said that the show was called off at the last minute "due to unclear reasons," making it the first time it was not performed at Fudan in fourteen years.

In August 2018, China's Ministry of Foreign Affairs reportedly ordered Shanghai Normal University to postpone an international seminar on comfort women. "Comfort women" is a term used by historians to describe women from China, the Korean peninsula, and other regions under Japanese military occupation who were forced into sexual slavery during World War II. The seminar was scheduled to take place on August 10, with some sixty experts from several Asian countries invited to take part.[76] According to media sources, China's Ministry of Foreign Affairs allegedly sought the postponement of the conference without explanation. August 12 marked the anniversary of the signing of the Treaty of Peace and Friendship between Japan and the People's Republic of China. Some reports speculated that this could have been the reason behind the postponement.

And in December 2018, the Modern College of Northwest University, in the city of Xi'an, ordered

* An archived version of the website is available at https://web.archive.org/web/20130715000000*/uighurbiz.net.

students not to take part in any Christmas festivities, a holiday that has become increasingly popular with young people in China.[77] According to media reports, the students were instructed to "resist the expansion of Western culture" or else face punishment. Students were also compelled to view CCP propaganda films. Posters put up around the campus admonished the students to "strive to be outstanding sons and daughters of China, oppose kitsch Western holidays," while an official CCP committee microblog advised students not to "fawn on foreigners."[78]

Academic freedom requires that scholars and students are free to express themselves without undue restrictions or fear of reprisals. This includes both speaking and publishing in academic journals and classrooms, as much as raising difficult questions within their area of expertise in the press, online, and through other venues and forums that allow for public engagement. State authorities and higher education leaders committed to open and strong universities have a responsibility to promote peaceful expression—scholarly or otherwise—and refrain from censorship efforts that limit the flow of ideas.

Travel Restrictions

Chinese authorities have restricted Chinese and international scholars' and students' travel in, out, and within the country in connection with their academic activity, including by denying entry and exit, refusing visas, and confiscating passports.

While governments have a right to manage their borders, restrictions on travel intended to impede or disrupt academic activity may be in violation of international human rights law. Indeed, Article 19 of the International Covenant on Civil and Political Rights, to which China is a signatory, guarantees the "...freedom to seek, receive and impart information and ideas of all kinds, *regardless of frontiers*" (emphasis added).

Chinese scholars face challenges in getting permission from authorities to leave the country for academic purposes.

According to a scholar of journalism, prominent academics and institutional leaders may be required to hand over their passports to officials so that they do not travel abroad without permission.[79] Another Chinese scholar who requested anonymity reported that academics often ask Party officials for permission to participate in overseas academic activities, including conferences, and that approval may depend on one's seniority and relationship with the Party.[80]

Fei-ling Wang, a professor of political science at Georgia Tech's Sam Nunn School of International Affairs, in the US, described how scholars may need to coordinate with their overseas hosts to obtain permission for overseas travel, including by "re-wording" invitation letters and "hiding topics or themes or participants."[81]

Universities have confiscated scholars' passports and have reportedly required academics wishing to leave the country to "sign a declaration agreeing not to say anything that might 'damage the interests and reputation of the country while not revealing any Party or country secrets.'"[82]

State authorities have denied Chinese scholars passports* and may bar them from leaving the country on security grounds, including based on allegations that they "may know important secrets of politics, military, technology and economy of the CPC and the governments."†

In recent years, there have been several prominent cases of Chinese scholars denied exit from the country in connection with academic activities.

In March 2017, Chinese authorities barred Feng Chongyi, a scholar of China studies at the University of Technology, Sydney, from leaving China and returning to Australia after weeks researching pressures on human rights defenders in China. Sources suggest that Feng, a Chinese citizen with Australian permanent resident status, was prohibited from leaving the country based on alleged national security concerns. Authorities allowed him to leave in April, following international advocacy efforts.[83]

In November 2018, authorities prevented professor Sheng Hong and researcher Jiang Hao from traveling to the US to attend a conference at Harvard University.[84] Sheng and Jiang are both scholars at the Unirule Institute of Economics, which has come under

* *See* example of economist Sun Wenguang in Andrew Jacobs, "No Exit: China Uses Passports as Political Cudgel," *The New York Times*, February 23, 2013, https://www.nytimes.com/2013/02/23/world/asia/chinese-passports-seen-as-political-statement.html.

† According to Article 8 of the Law on the Control of Exit and Entry of Citizens 1985 (PRC), approval to exit the country shall not be granted to persons "whose exit from the country will, in the opinion of the responsible department of the State Council, be harmful to State security or cause a major loss to national interests." This reportedly may include persons "who may know important secrets of politics, military, technology and economy of the CPC and the governments." *See* Guofu Liu, *The Right to Leave and Return and Chinese Migration Law*, (Brill 2007), pp. 185-186, https://doi.org/10.1163/ej.9789004156142.i-428.

pressure from authorities in recent years.* Authorities reportedly claimed that their attendance at the conference—set to mark the fortieth anniversary of the economic reforms introduced by China's former leader, Deng Xiaoping—presented a threat to national security.

And on April 1, 2019, authorities barred prominent human rights lawyer Chen Jiangang from traveling to the US, where he was to take part in the Hubert H. Humphrey Fellowship Program to study law and human rights.[85] When he arrived at the Beijing Capital Airport's customs checkpoint, an official pulled him aside and told him, "Per instructions from the Beijing Public Security Bureau, Chen Jiangang will not be allowed to pass through customs because his exit will endanger national security."[86] After insisting on an explanation, the official told him, "The reasons cannot be explicitly stated; we just can't let you leave the country."[87] Chen criticized the government for preventing him from taking part in the academic program, which is sponsored by the US State Department. "This persecution of lawyers and disregard for the rule of law once again shows to the world that the Chinese government is openly and unceasingly depriving people of their human rights," he wrote in a statement.[88] Chen and his family have been prevented from leaving China since 2017.[89]

Governments and higher education leaders should promote cross-border academic travel and ensure that freedom of movement is not curtailed in connection to research activity.

International scholars also experience difficulties entering the country for academic work. As part of the visa application process, foreign scholars are required to obtain a formal invitation from a Chinese host university.† Chinese universities can be hesitant to issue letters to scholars looking to research questions or topics the government considers sensitive.‡ Scholars working on topics the PRC government finds sensitive may end up self-censoring to preserve their access to the country.§

One think-tank researcher told SAR that, "naturally it's pretty much an all downsides, no upside proposition," referring to the formal invitation requirement.[90] Universities, he said, are "inclined to decline [sensitive] requests," and so scholars are being more careful about their research proposals, avoiding topics considered controversial in China.[91]

Foreign academics and students have also suffered deportations and have been barred and blacklisted from returning to the country in connection with their academic activities. James Millward, an expert on Xinjiang at Georgetown University, has experienced frequent visa denials since he contributed to a book on the Xinjiang Uyghur Autonomous Region in 2004. He says that he has been unable to visit the region since then (2004) and has chosen to work on topics other than Xinjiang. While Professor Millward is tenured and has managed to continue his career, he says that for younger scholars, "these kinds of things can be much more devastating."[92]

A number of other leading China scholars have been barred from China in apparent retaliation for their academic work, with some bans dating back decades. A few of these include Perry Link, of the University of California, Riverside[93] and Andrew Nathan, of Columbia University, who together with Orville Schell co-edited *The Tiananmen Papers*;[94] Edward Friedman, formerly of the University of Wisconsin, who co-edited Yang Jisheng's *TOMBSTONE: The Great Chinese Famine, 1958-1962*;[95] and Marie Holzman, formerly of the Université Paris 7, who has written extensively on corruption and democracy in China.[96] Often, scholars are denied travel without a specific reason.

Higher education communities around the world are increasingly international and interconnected, making cross-border travel ever more vital to their

* Unirule's website was taken down in January 2016. In July 2018, Unirule was evicted from its offices by its leasing company, apparently at the behest of state authorities. *See* SAR, AFMP, https://www.scholarsatrisk.org/report/2018-07-10-unirule-institute-of-economics/.

† For more information regarding China's visa application requirements, *see* http://www.china-embassy.org/eng/hzqz/zgqz/. Note: this content is hosted by the PRC's Embassy in the US and as such is intended for a US audience.

‡ *See* case study on p. 24.

§ *See also* Isaac Stone Fish, "The Other Political Correctness," *The New Republic*, September 4, 2018, https://newrepublic.com/article/150476/american-elite-universities-selfcensorship-china.

CASE STUDY: Loss of Profession

A FORMER PROFESSOR at the Beijing Foreign Studies University and a vocal proponent of freedom of expression, Qiao Mu was committed to speaking out and fighting the system of censorship. Despite the many risks he would face, Qiao was determined to remain in China to strive for improvements.

Prior to Xi Jinping's rise to power in 2012, Qiao and his colleagues would frequently organize conferences to discuss issues such as freedom of the media, the internet, and social media, but this later became increasingly difficult. Qiao, however, continued to speak out in his writings about freedom of expression and human rights.

While other scholars shied away from the press, Qiao accepted interviews with the international media, angering university leadership and Party officials. "I wanted my voice to be heard and I wanted more freedom of expression and academic freedom," he said.

In 2014, university officials suspended Qiao from teaching activities on the vague charge of "violating discipline at work." Officials assigned him to the library. Qiao retained his title of associate professor but saw his benefits sharply reduced and his income cut by a third.

While working in the library, Qiao continued to speak out about freedom of expression and human rights. In response, the university piled more and more work on him each year, apparently to limit his time for his own scholarly work.

At times, university officials took harsher approaches. When he was invited to take part in certain academic conferences, university officials threatened him with disciplinary actions, arguing that his activities were a violation of university regulations.

Qiao says the government blocked him from writing for academic journals and that his blog posts and all other social media posts were deleted, even though his comments did not refer to the Communist Party, but rather social problems and media issues.

"I couldn't stand it anymore," he said. "Even in the social media, there could only be one voice—one could only talk about the good side of China, and not the bad side."

His career seemingly at an end, and with no hope in sight, Qiao joined fellow Chinese scholars leaving academia to pursue careers in business or going into exile abroad, rather than fight an unforgiving system. In 2017, after fifteen years of teaching, Qiao resigned from the university and moved to the United States.

This case study is based on a telephone interview with Qiao Mu on March 24, 2018, as well as subsequent email exchanges with Qiao.

success. Efforts to restrict academic travel, as described above, may not only violate international human rights law, but also impede research, collaboration, and the free flow of ideas needed for universities to thrive. Instead of cutting off the flow of ideas through retaliatory travel bans and burdensome requirements, governments and higher education leaders should promote cross-border academic travel and ensure that freedom of movement is not curtailed in connection to research activity.

Investigations, Suspensions, and Loss of Profession

Scholars in China can face a range of consequences for their academic expression and views. From investigations and suspensions to termination and credential revocation, retaliation by university authorities disrupts studies and irreparably harms careers. Moreover, these consequences warn other members of the campus community and beyond to avoid certain questions or ideas.

University authorities have taken retaliatory actions against scholars based on allegations by

student informants described earlier. This issue has apparently spiked since 2018.

In April 2018, assistant professor Xu Chuanqing was suspended from teaching at Beijing University of Civil Engineering and Architecture after students reported comments she made comparing the studying habits of Japanese and Chinese students. She claimed her comments were taken out of context.[97]

In May 2018, Zhai Juhong was suspended from teaching at Zhongnan University of Economics and Law in Hubei after she allegedly commented in class about a constitutional amendment abolishing China's presidential term limits.[98] According to the university's Party committee, Zhai "breach[ed] guidelines for conduct issued by the Ministry of Education."

In June 2018, You Shengdong, an economics professor at Xiamen University, was fired after his students reported to university officials that he made "politically inappropriate" comments.[99] Some faculty and students at Xiamen University reportedly campaigned to preserve You's position.[100]

And on March 20, 2019, Chongqing Normal University (CNU) reportedly demoted associate professor Tang Yun and revoked his teaching credentials for comments he allegedly made during a lecture.[101] According to CNU officials, Tang's comments, which were allegedly made during a course on revolutionary writer Lu Xun, were "injurious to the country's reputation." CNU further described Tang as "a bad influence." Sources indicate that students had reported Tang's comments to CNU officials.[102]

For many years, university officials have taken retaliatory actions based on scholars' expression outside lecture halls. Legal scholar Teng Biao faced teaching bans and suspensions on four occasions: first in 2008, for having signed Charter 08, a manifesto demanding human rights and democratic reforms in China, and then several more times, in 2009, 2011 and 2012, due to his academic and human rights work.[103]

In October 2013, Peking University dismissed renowned economics professor Xia Yeliang in apparent retaliation for his political and human rights activism, including his role in drafting and endorsing Charter 08.[104] Since endorsing Charter 08, Xia's phone was reportedly monitored and he reported being followed by plainclothes police. A faculty panel assembled in October 2013 voted 30-3 in favor of his dismissal. The university reportedly said his dismissal was based on a poor teaching record; Xia, however, had passed a faculty review one year prior.

In August 2018, Yang Shaozheng was dismissed from his position at Guizhou University for an article he published online that was critical of the CCP.[105] The next month, Zhou Yunzhong, a history professor at Xiamen University, was fired after allegedly posting "inflammatory" comments regarding Chinese society to his social media account.[106]

In October 2018, it was reported that Zhao Si-yun, the Deputy Head of the School of Literature at Zhejiang University of Media and Communication, was disciplined by the university for making remarks critical of China at a welcoming ceremony for freshmen.[107] In his remarks, which he later posted to social media, Zhao lamented that China's education system had failed to nurture students' creativity, innovation, and concern for society, and called for students to have independent thought, and to embrace the concept of "the public intellectual."[108] The university's Party committee reportedly issued a "severe internal Party warning" to Zhao for his "inappropriate choice of words" in the speech.[109]

On March 25, 2019, Tsinghua University suspended constitutional law scholar Xu Zhangrun in retaliation for a series of essays he published that were critical of CCP leadership.[110] Hundreds of scholars from Tsinghua and other universities have voiced their support for Xu, who was also placed under investigation following his suspension and remains under a travel ban.[111]

Scholars under sustained pressure from university leadership have also been forced to leave their institutions or the Chinese higher education sector entirely. Christopher Balding, an American academic who taught at Peking University's HSBC School of Business for nine years, alleges that he was forced out of his position in July 2018 for being publicly critical of state censorship and China's economic policies.[112] In March 2018, university officials allegedly told Balding they wanted to sever all ties with him by the end of the month.[113] Balding said that he "accepted" the risks of working for a leading university run by the CCP. "You do not work under the Communist Party without knowing the risks," he wrote.[114] Balding said that he first tried to find a new position with another university in China but later felt that he would not be allowed to stay in the country. "China has reached a point where I do not feel safe being a professor and

discussing even the economy, business and financial markets," he wrote in his blog.[115]

The above examples are likely only a fraction of incidents of retaliatory actions against scholars in China. State and university leaders developing and promoting Chinese academic institutions will be hamstrung in their efforts should such retaliatory actions continue. Fear of career-ending retribution for crossing an unclear limit of permissible expression and inquiry may force scholars—junior and senior, Chinese and foreign—to reconsider their engagement with these institutions.

Intimidation, Prosecution, Imprisonment, and Custodial Abuse

State authorities in China have intimidated, taken coercive legal action against, and imprisoned scholars and students to restrict and retaliate against academic work and other nonviolent expressive activities. In some of the most egregious cases, victims have been denied due process, subjected to torture, and suffered other mistreatment by authorities.*

State and university leaders developing and promoting Chinese academic institutions will be hamstrung in their efforts should such retaliatory actions continue.

Scholars report being "invited" or "taken for tea," a euphemism for authorities meeting with and interrogating subjects of interest in both private and public settings.[116] More than demanding information, state authorities have used this tactic with scholars, journalists, and members of the human rights community, among others, in an effort to intimidate and deter them from continuing their work.

One Tibetan scholar from China, who declined to be named, told SAR that, between 2006 and 2017, he had been "taken for tea" on roughly twenty occasions during visits to his hometown in the Tibet Autonomous Region (TAR). According to the scholar, state security officers would ask him about his overseas studies, activities, and connections, as well as the research he conducted in the TAR.[117]

Academics have been detained, arrested, and wrongfully prosecuted, often on security-related charges. In some disturbing cases, authorities have targeted family members as well.

In December 2008, authorities detained prominent scholar and human rights defender Liu Xiaobo, just days prior to the release of Charter 08, of which Liu was one of the lead authors and signatories.[118] Authorities held Liu without charge until December 2009, when he was indicted. Liu was soon after sentenced to eleven years imprisonment and two years of deprivation of political rights for "inciting subversion of state power," in connection with Charter 08. In 2010, Liu was awarded the Nobel Peace Prize, while in prison, "for his long and non-violent struggle for fundamental human rights in China."[119] On July 13, 2017, after serving eight years of his sentence, Liu died of late-stage liver cancer.[120] Liu's death came less than two months after authorities publicly disclosed his diagnosis, during which time they denied requests to allow Liu travel to receive potentially life-saving treatment outside the country.[121] Liu Xia, a poet, activist, and Liu Xiaobo's spouse, was kept under house arrest following his death.[122] She was allowed to leave the country and travel to Germany one year later, in July 2018.

In 2011, plainclothes officers detained publicly critical legal scholar Teng Biao near his home, threw a cloth hood over his head, took him into custody in an unmarked car, and held him incommunicado for seventy days, during which he was beaten and tortured.† Teng said that he was released "without being given any reason or documents, just as when I was disappeared."[123] After several more years of harassment, Teng came to the US to accept a fellowship at Harvard University. While Teng and one of his daughters were able to leave, Chinese authorities barred his wife and his other daughter

* While these pressures are found across the mainland, it bears mentioning here that a subsequent chapter will explore these pressures as they relate to scholars and students in and from China's minority communities. *See* p. 40.

† For a more extended personal account by Teng, *see* Teng Biao, "Promoting Human Rights and Democracy in China," *Institute for Advanced Study*, 2017, https://www.ias.edu/ideas/2017/biao-human-rights-china.

from following him. They were eventually smuggled out of China and made their way to the US.[124]

In September 2014, a court convicted and sentenced economist Ilham Tohti to life imprisonment on separatism-related charges that stemmed from his research and activism regarding the Uyghur minority community.* Seven of Tohti's students were also convicted on separatism-related charges and were issued prison sentences ranging from three to eight years.[125] Rights groups have raised serious concerns over his right to due process during his court proceedings and over his treatment while in prison, including his access to food and family, solitary confinement, and his family and colleagues being subjected to harassment.[126]

Similar high-profile incidents have continued into recent years. In April 2017, police detained political scientist Zi Su for a letter he published online in which he described president Xi Jinping's time in office as a dictatorship.[127] He was later charged with "subversion of state power."[128] At the time of his trial, officials forced Zi to fire his own attorney and accept state-appointed counsel.[129] On April 15, 2019, Zi was convicted on a charge of "subversion of state power" and sentenced to four years imprisonment.[130]

In August 2018, police raided the home of prominent economist Sun Wenguang during a live telephone interview with a *Voice of America* radio program.[131] Police insisted that he end the interview, but Sun refused and protested the officers' presence in his home. Reports indicate that authorities detained Professor Sun at several different locations until August 12, when he was returned home and placed under close state surveillance.

The use of such punishment apparently seeks to inject caution, if not fear, into the university space, impairing scholars' and students' ability to explore difficult and sensitive ideas and questions.

And in January 2019, authorities detained Yang Hengjun, a visiting scholar at Columbia University, in retaliation for writings criticizing the Chinese government.[132] Yang was an employee of the Chinese foreign ministry until 2000, when he emigrated to Australia and became a writer and citizen-journalist. While flying from the US to Guangzhou, Yang was prevented from boarding his connecting flight in Shanghai. After it was suspected Yang had disappeared, Chinese authorities informed the Australian Embassy in Beijing that Yang was in their custody and later announced that he had been detained for "engaging in criminal activities that endanger China's national security."

Wrongful imprisonment and the use of other coercive legal actions against scholars have a clearly negative impact on victims and their families, and may also violate Chinese constitutional law as well as international human rights law. The use of such punishment apparently seeks to inject caution, if not fear, into the university space, impairing scholars' and students' ability to explore difficult and sensitive ideas and questions.

Pressures on Student Expression

Organized student expression in China has been less visible since the government's crackdown on the 1989 student movement. But recently there has been an apparent surge in reports of students facing repression on the mainland. Most recently these reports have centered on students involved in labor activism and Marxist student groups.

On August 24, 2018, Chinese authorities detained scores of student-activists from various universities after they called for the establishment of an independent trade union for Jasic Technology factory workers, who reportedly faced abuse and arrests in retaliation for their calls for better wages and working conditions.[133] The students had arrived in Shenzhen earlier that month and over the course of several weeks they protested in front of the factory and published letters and photos, which they circulated on social media. Police confiscated the detained students' computers, telephones, and other electronic devices.

On November 1, 2018, police officers and other unidentified individuals assaulted students Yang

* For a more detailed summary of Professor Tohti's arrest and imprisonment, *see* p. 47.

Kai and Zhu Shunqing, who were participating in a nonviolent protest organized by a Marxist student group at Nanjing University.[134] The next day, Zhu's relatives reportedly forcibly removed him from Nanjing's campus against his will.[135]

A week after the incident at Nanjing, police detained two students in Beijing, who were taking part in a peaceful protest outside an Apple store.[136] The students were protesting Apple's alleged use of student interns as factory workers.

On December 28, 2018, authorities used violent force against a group of students at Peking University peacefully protesting the university's decision to replace the leadership of an on-campus Marxist society.[137] Nearly one month later on January 21, 2019, authorities detained seven student-activists from Peking University and Renmin University.[138] The students had allegedly commented publicly on videos of forced confessions by detained members of the Jasic Workers Solidarity Group. The videos had reportedly been shown to supporters of the detained students in an apparent effort to deter them from protesting.[139]

And on April 30, 2019, six students from Peking University were reported missing.[140] Qiu Zhanxuan, president of the university's Marxist Society and one of the detained students, had reportedly planned to participate in worker solidarity activities the week he was detained, which also coincided with International Labor Day. The detention of the six students also came days before the centenary of the May Fourth movement, an important historical event in the development of the CCP, when on May 4, 1919, thousands of students in Beijing protested the outcome of the Treaty of Versailles at the end of the first World War, and the Chinese government's response, which they claim did not protect the country's interests. In a speech commemorating the May Fourth Movement, president Xi Jinping reportedly commented "We need to clarify the relationship between the party and Chinese youth movements, strengthen political guidance for young people, guide them to voluntarily insist on the party's leadership, to listen to the party and follow the party."[141]

Student expression is central to quality universities and a critical aspect of public discourse within democratically legitimate societies. Students naturally and necessarily debate ideas, new and old, and raise questions to higher education leaders, state authorities, and civil society. Attacks and other restrictions on student expression, however, shrink the space students and quality universities need for discussing and sharing a wide range of ideas.

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The catalog of pressures and attacks above provides a glimpse of the range of restrictions on academic freedom, institutional autonomy, and related human rights and university values in mainland China. While additional research is required to more fully document the types, frequency, and sources of these attacks, the common refrain of many scholars and students in the mainland is that they must walk a line of permissible inquiry and expression; a line which authorities make purposely vague. This undermines scholars' and students' ability to pursue the merits of their respective research, teaching, and study interests relative to peers in states which more fully respect academic freedom and human rights, which in turn undermines China universities.

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Academic Freedom in China's Minority Regions

Scholars and students in and from the Inner Mongolia, Tibet, and Xinjiang Uyghur Autonomous Regions*—set up by the PRC government with varying levels of autonomy over their internal affairs, including education—face intensive obstacles in exercising their right to academic freedom. These include policies that undermine equitable access to higher education, censorship of academic activity, coercive legal actions that punish expression and inquiry, and disturbing reports of so-called "re-education camps," where countless academics and students have been detained alongside other members of China's minority communities.

The government has described state policies as efforts to promote economic development and enhance security and national harmony. However, these restrictive policies and actions have beleaguered many scholars and students in China's semi-autonomous minority regions, and risk inhibiting the quality of academic work in these higher education communities, to the detriment of the whole country. They have also undermined the ability of universities to foster the very dialogue and understanding needed to achieve the government's stated goals.

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* China has five "autonomous" regions, which also include the Guangxi Zhuang and the Ningxia Hui Autonomous Regions. SAR focused on Inner Mongolia, Tibet, and Xinjiang due to the amount of information publicly available. More research is needed into particular academic freedom threats facing the two other minority regions, as well as minority communities throughout China.

Language Policies and Equitable Access to Higher Education

Language or other barriers to accessing higher education can impede meaningful exercise of academic freedom for many would-be scholars and students, if only indirectly. All states should take language, culture, and other characteristics of minority communities into account when establishing higher education systems, policies, and practices, with a goal toward making higher education "equally accessible to all, on the basis of capacity, by every appropriate means."[1]

States have wide latitude in meeting this standard, but should refrain from systems, policies, and practices that fail to take minority languages and other considerations into account, or which intentionally penalize minority communities, undermining equitable access to higher education,* and ultimately reducing academic freedom for those communities.

While a full examination of these questions is beyond the scope of this report, concerning reports from within China's minority regions—despite existing national legal protections for minority languages in education settings†—signal challenges that deserve further study.

In the Xinjiang Uyghur Autonomous Region (XUAR), authorities have taken a number of actions that appear to squeeze out minority languages from higher education spaces, giving preference to Mandarin.[2]

Restrictive policies and actions have beleaguered many scholars and students in China's semi-autonomous minority regions, and risk inhibiting the quality of academic work in these higher education communities, to the detriment of the whole country.

For example, since 2002, Xinjiang University, one of the XUAR's most prestigious universities, has reportedly enforced restrictions making Mandarin the only permitted language of instruction, with the exception of Uyghur literature and language courses.[3] According to an article by the CCP-run *Global Times*, faculty and students at Kashgar University have been urged to learn and only communicate in Mandarin on campus, in order to "promote social stability" and to "[motivate] ethnic minority groups to participate in anti-terrorism work."[4]

Some scholars and students experienced abrupt shifts to Mandarin language instruction at their institutions. "No time was made to help students mainstream," said one American expert on the XUAR, who declined to be named.[5] "I have [Uyghur] students here in the United States who told me that one day they went to school and everything was in Uyghur, and then the next day everything was in Chinese. No one [could] take exams that year because no one could understand Chinese."[6] According to the expert, these changes also resulted in Uyghur academics who were unable to teach in Chinese being forced out of their profession.

In the Inner Mongolia Autonomous Region (IMAR), Enghebatu Togochog, executive director of the Southern Mongolian Human Rights Information Center (SMHRIC), said that access to the region's eighteen universities, colleges, and vocational schools is limited for minority students, with Han Chinese making up the majority of the student and teacher populations.[7] He said further that, with the exception of a few select colleges, universities, and professional schools, the majority of higher education institutions in the IMAR do not even have separate departments for Mongolian language, literature, or history.

According to a 2011 study by Enze Han, most students educated in Mongolian "can only apply to colleges and universities within the IMAR as other universities within China generally do not accept students that do not have a good command of the Chinese language."[8] Further,

* SAR's *Promoting Higher Education Values* guidebook offers the following definition of equitable access: "Entry to and successful participation in higher education and the higher education profession is based on merit and without discrimination on grounds of race, gender, language or religion, or economic, cultural or social distinctions or physical disabilities, and includes active facilitation of access for members of traditionally underrepresented groups, including indigenous peoples, cultural and linguistic minorities, economically or otherwise disadvantaged groups, and those with disabilities, whose participation may offer unique experience and talent that can be of great value to the higher education sector and society generally." *Read more at* https://www.scholarsatrisk.org/resources/promoting-higher-education-values-a-guide-for-discussion/.

† *See* Articles 36 and 37 of the "Law of the People's Republic of China on Regional National Autonomy," at https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/35194/124676/F2146249224/CHN35194%20ChnEng.pdf.

Mongolian-educated students who gain admission to university are more limited in their field of study, "being able to choose from education, Mongolian medicine, agriculture and husbandry and so forth," while "more popular disciplines, such as economics, law, and engineering are only available for those Chinese-educated students."[9] Such limitations, which are common to minority communities across China, may be due in part to a lack within minority languages of the necessary native terminology for some technical disciplines, putting minority-language students at a disadvantage.[10]

Mongolian students, as do other minority students, also face employment discrimination when they graduate, apparently due to their lack of social connection with Han Chinese and lack of Mandarin fluency. According to Togochog, many private and government employers publicly state in job postings on university campuses that "no student educated in Mongolian is considered."[11]

Tibetan students in and outside the Tibet Autonomous Region (TAR) have seen conflicting developments related to language access at the higher education level. According to the 2019 Freedom in the World report by the US-based NGO Freedom House, the use of Tibetan in TAR schools has fallen over the years.[12] Most recently, in January 2019, Xizang Minzu University (XMU), China's oldest university for Tibetan and other ethnic minority students, ended its use of Tibetan in lectures, according to *RFA*.[13] The university was reportedly offering little Tibetan-based instruction at the time of the decision; however this has had a serious impact for some students. One source at XMU told *RFA* that "Tibetan students specializing in Tibetan medicine [at XMU] are facing a lot of challenges and problems of comprehension because their subjects are now taught in Chinese."

According to research by scholar Adrian Zenz, while Tibetan-medium education in the TAR has fallen, universities in other provinces with considerable Tibetan populations have expanded these offerings in recent decades.[14] According to Zenz, there are still significant challenges, such as "inadequate textbook provisions and an uneven usage of Tibetan-medium instruction" across institutions.[15]

Efforts to advocate for the Tibetan language in education settings can result in legal action. Indeed, in May 2018, activist Tashi Wangchuk was sentenced to five years in prison for "inciting separatism," in retaliation for his advocacy for the use of Tibetan in education institutions.[16]

Addressing minority language concerns is a complex challenge for governments and higher education leaders alike. States, including China, may develop policies and programs that seek to encourage fluency in national languages as a way of improving economic and social mobility. However, states should also take steps to ensure that such efforts strengthen—rather than undermine—equitable access to higher education for *everyone* and safeguard academic freedom. At the moment, China's efforts appear to frustrate rather than strengthen access to higher education for all, thus limiting the meaningful exercise of academic freedom for many minority students and scholars.

Pressures on Academic Expression

In China's minority regions, scholars and students face heightened limits on their ability to exercise academic freedom, including censorship, surveillance, and restrictions on travel into and out of these regions. Pressures that constrain academic expression and inquiry hamstring universities' aspirations to offer quality research and teaching, and limit understanding of issues confronting China's minority regions.

Censorship and self-censorship of lectures, research, and publications of minority academics and students is limiting the scope of academic voices in China. Although specific examples of censorship are difficult to identify, according to Warren Smith, a broadcaster with *RFA's* Tibetan Service, this may be an indication of the larger problem. "By looking for individuals whose academic endeavors have been repressed you are missing the real issue, which is that all such activities are repressed to the extent that there are none," Smith said.[17]

Another expert on Tibet, who declined to be named, claimed to not know anyone in Tibet who writes on sensitive or "dangerous" topics. "This is the result of censorship and self-censorship," she said. "As far as Tibetan studies are concerned, people choose subjects [that don't pose] risk."[18]

Scholar Adrian Zenz offered as an example the apparent decline in Tibetan scholarship on minority education in Tibetan regions, which has long been a sensitive topic. He said that studies on this are rare and primarily conducted by Han scholars, though,

in recent years, they, too, have avoided this research topic.[19]

Tibetan academics are reportedly prohibited from speaking about certain topics in lectures[20] and using course materials that offer "unofficial versions of Tibetan history," according to the 2019 report by Freedom House.[21] And the US State Department has reported that Tibetan academics are also pressured by state authorities to publicly promote government policies under the threat of "diminished prospects for promotion and research grants."[22]

Inner Mongolian historian Lhamjab A. Borjigin was turned away by Chinese publishing houses when he pitched his book *China's Cultural Revolution*, which explored the oral histories of Mongolians who survived the Cultural Revolution.[23] The author had to resort to publishing it through underground publishers at his own expense. The book reportedly circulated rapidly on the Internet,* but Borjigin would later face arrest and prosecution for it.† Additional concrete examples of censorship in the IMAR have been difficult to obtain due to limited information leaving the region.

Pressures that constrain academic expression and inquiry hamstring universities' aspirations to offer quality research and teaching, and limit understanding of issues confronting China's minority regions.

As in the IMAR, specific examples of censorship in the XUAR are difficult to identify due to tightly limited access in recent years to news from the region. However, reports of pervasive surveillance systems and mass detentions strongly suggest that self-censorship is common.

In December 2017, the *Associated Press* (*AP*) reported, "cutting-edge digital surveillance systems track where Uighurs go, what they read, who they talk to and what they say."[24] Surveillance software is reportedly installed on mobile phones of residents of the XUAR, ostensibly to scan for Islamic keywords and photographs for all citizens, and landline phones are also closely monitored.[25] Such heightened mobile phone surveillance inhibits scholars' contact with colleagues and universities in China and abroad, limiting their ability to do academic work.

According to James Millward and others,[26] surveillance tactics in the XUAR have included facial-recognition cameras, DNA scans, and other technology that keeps close track of personal information and communications. Millward has written that the government "has recruited tens of thousands of security personnel, making the region likely more highly policed, per capita, than East Germany was before its collapse in 1989."[27]

University administrators in Xinjiang have also engaged in surveillance of scholars and students over the years. In 2014, Xinjiang Normal University's College of Physics and Electronics inspected electronic devices in all of its dormitories. The university reportedly stated on its website that, "Through investigating violent and terroristic videos, religious extremism on campus has been weakened."[28] According to the same source, certain departments at the University of Petroleum branch campus in Karamay were told in 2017 to "assign inspectors to examine the computers of all teachers."[29]

An American expert on the XUAR reported that recent widespread passport seizures‡ targeting Uyghurs and other minority groups have left academics unable to attend international conferences or engage in research outside of China.[30] The same expert reported that she was invited to attend a conference at Xinjiang Normal University in 2017; however, the conference was canceled without reason three weeks before it was to be held. Travel restrictions, she said, limit important interactions between Uyghur scholars and the international academic community.

According to the US State Department's 2018 human rights report on China, Tibetan scholars

* Although Borjigin's book focused on Mongolian experiences, his case may not be unique to minority scholars and regions in that the Cultural Revolution remains a highly sensitive issue for the CCP throughout China.

† *See* p. 45 for a summary of Borjigin's arrest.

‡ According to a BBC report from November 2016, state authorities have required residents of Xinjiang to turn their travel documents over for "'safekeeping.'" *See* "China confiscates passports of Xinjiang people," *BBC*, November 24, 2016, https://www.bbc.com/news/world-asia-china-38093370.

Chinese authorities should reconsider intrusive policies and refrain from actions that either directly or indirectly limit academic activity.

were frequently denied "permission to travel overseas for conferences and academic or cultural exchanges the Party had not organized or approved."[31]

One Tibet scholar based in Canada said that little information has come out of Tibet for the past several years, due in part to travel restrictions and Tibetan academics' apparent hesitation to openly speak and write about their situation. "In the past, we were able to meet Tibetan scholars attending international conferences, but today it has become virtually impossible for Tibetans to travel abroad. So, our access to information about the situation of Tibetan scholars is nonexistent," he said.[32]

Another Tibetan scholar, who is now based in the US, reported that, due to a notice issued by the CCP's United Front Work Department, he and a colleague were unable to accept an invitation to attend a conference on Tibet in Washington, D.C.[33] The same scholar also reportedly had his passport confiscated in 2013 just weeks prior to the International Association for Tibetan Studies (IATS) Conference.

A number of Tibetan academics were barred from traveling to Norway in 2016 for the IATS Conference, hosted at the University of Bergen, according to one scholar from Europe.[34] She said that Chinese authorities blocked the participants, including some of her friends, "at the last moment, just before going to the airport."[35] She added that "The next conference will be held in Paris in July [2019], and it will be surprising if all the Tibetans who were invited will be able to come. It's impossible to know at the present time."

Foreign scholars also have heightened difficulty entering China's minority regions. According to several scholars who declined to be named, authorities commonly decline to issue academic visas to foreign scholars seeking to study these regions;[36] and those who are granted visas may find themselves being surveilled by the authorities following their arrival.[37]

Restrictions on travel to the minority regions may be especially difficult around sensitive dates and anniversaries. In Tibet, for example, Chinese authorities bar foreigners from entering Tibet around the anniversaries of the 1959 uprising that led to the Dalai Lama leaving the country and going into exile.[38] According to an *AP* report, authorities ramped up security in February 2019 in advance of the sixtieth anniversary of the uprising.[39]

Restrictions on travel, surveillance, and other active and passive methods of censorship severely curtail academic activity in China's minority regions. In order for scholars and students to make quality contributions to their campus communities and the higher education sector more broadly, Chinese authorities should reconsider intrusive policies and refrain from actions that either directly or indirectly limit academic activity.

Intimidation and Punishment

Scholars and students from China's minority regions who openly engage in academic activity or expression disfavored by the state suffer retaliation including loss of position, prosecution, and imprisonment. In a growing number of cases, as in the XUAR, being a minority scholar or student—even without writing or discussing sensitive topics—is enough to face punishment. While additional research and accounting are needed, available reports suggest that students and academics in and from China's minority regions face some of the gravest and most frequent threats in China.

Tibetan Autonomous Region (TAR)

Tibetan students and academics in the TAR, as well as in Tibetan areas outside the TAR, have been expelled, threatened, and arrested in retaliation for their critical expression and dissent regarding the central government's relationship to the region.

In December 2012, authorities sentenced eight students from Tsolho Medical Institute to five years in prison for their alleged participation in a peaceful protest in November of that year. The students had reportedly marched with some one thousand classmates to a government building shouting slogans calling for "freedom" and "Tibetan language rights."[40]

In April 2013, students at the Northwest University of Nationalities were interrogated and

allegedly threatened if they refused to cooperate with authorities investigating a student commemoration of the March 14, 2008, protests by Tibetan Buddhist monks in Lhasa.* The Tibetan students who participated in the commemoration were reportedly interrogated and pressured to reveal the names of student organizers.[41]

One month later, the Northwest University for Nationalities reportedly expelled Tsultrim Gyaltsen, a former monk and a prominent young Tibetan writer. Gyaltsen is known for his intricate essays and poetry. He was studying Chinese language and writing at the university.[42] In 2012, he had begun editing a literary journal called *The New Generation*. He also launched a blog that was eventually blocked by the government, and organized debates, including some that the authorities reportedly "deemed 'illegal.'"[43] Tibetan sources indicate that he was expelled just a few months before his graduation in May 2013.

Months after his expulsion, in October 2013, Gyaltsen was convicted and sentenced to thirteen years' imprisonment "for expressing 'illegal words to the government officials' and creating 'social turmoil,'" in connection with his participation in a protest that called for the release of what he said were wrongfully imprisoned Tibetans.[44]

On May 25, 2018, authorities detained Pema Gyatso, a Tibetan student at the Northwest Minzu University (NMU), in China's Gansu province, in apparent retaliation for his online expression.[45] Gyatso caught the attention of authorities by organizing and writing for the WeChat group Tibetan Literary Forum under the pen name Sota.[46] One of his most prominent contributions was a February 8, 2016 article titled "Tibet under a Burning Flame," which reflected on the sacrifice of the many Tibetans who died as a result of self-immolation protests.[47] Authorities released Gyatso on June 5, 2018.[48]

Nearly eleven months after Gyatso's detention, *RFA* reported that authorities had detained another Tibetan student at NMU.[49] An anonymous source told *RFA* that officials from the Tibet Education Bureau (TEB) pulled Sonam Lhundrub from classes in early April 2019 and took him into custody. Sources indicate that TEB officials targeted Sonam for a civil service exam essay he wrote "lamenting a decline in job openings for Tibetans in Tibetan regions of China."[50] As of this report, there is no public information available regarding Sonam's exact whereabouts or whether he faces any criminal charges.

Inner Mongolia Autonomous Region (IMAR)

Scholars and students in Inner Mongolia have similarly faced repression for academic and other expressive activity, especially related to regional human rights issues.

According to SMHRIC director Enghebatu Togochog, Mongolian students are constantly in fear of being accused of "national separatism or advocating national sentiment."[51] Their fear may stem from reports of classmates and professors that have experienced harassment by state officials, loss of position, and arrest.

Togochog gave the example of Tugusbayar, a professor at Inner Mongolia University, who he says has been frequently harassed by state security for his participation in international human rights conferences, including the United Nations Permanent Forum on Indigenous Issues. Tugusbayar has allegedly been denied promotion at his university and remains under intense surveillance.[52]

While difficulties in accessing news from the IMAR have limited the ability to monitor pressures on higher education communities in the region, two incidents reported by SMHRIC and others over the past decade stand out.

On May 30, 2011, students and professors led protests on campuses across Inner Mongolia, demanding justice for Mongolian herders whose grazing lands had been taken by the government and extractive industries. Students and professors were detained in connection to the protests and some allegedly remain missing since that time.[53] Thousands of students were reportedly locked in their campuses in the regional capital of Hohhot following demonstrations by hundreds of ethnic minority Mongolians.[54]

On July 11, 2018, historian and writer Lhamjab A. Borjigin was placed under house arrest by the

* The largest anti-China protests in some two decades erupted on March 10, 2008, when an estimated five hundred monks from the Drepung Monastery defied the government and marched into Lhasa, Tibet's capital, to mark the forty-ninth anniversary of a failed uprising against Chinese rule. Over the next three days, Tibetan monks from monasteries throughout the capital organized a series of small protests that culminated in the collapse of order in the capital on March 14 and other outbreaks in neighboring Tibetan areas. *See* Gillian Murdoch, "TIMELINE: Day-by-day record of Tibet protests," *Reuters*, March 25, 2008, https://www.reuters.com/article/us-china-tibet-protests/timeline-day-by-day-record-of-tibet-protests-idUSSP15193420080321.

Shiliin-hot Public Security Bureau.[55] For months Borjigin was kept under residential surveillance, a form of house arrest under Chinese law.[56] On April 4, 2019, Borjigin appeared in court in a closed-door hearing to face "charges of 'national separatism,' 'sabotaging national unity' and engaging in 'illegal publication and illegal distribution,'" which apparently stem from his aforementioned book, *China's Cultural Revolution*.[57] In an audio recording obtained by SMHRIC, Borjigin stated "none of my family members were allowed to attend [the hearing]. I was denied the right to bring my lawyer to defend myself."[58]

Xinjiang Uyghur Autonomous Region (XUAR)

In the XUAR, authorities have taken a range of actions under the guise of anti-terrorism and national unity policies that have resulted in the deprivation of the rights and liberties of various ethnic minority communities in the region, including the Uyghur, Kazakh, and Kyrgyz ethnic groups. For years, minority scholars, like prominent economics professor and Uyghur-rights activist Ilham Tohti,[59] and students in the region have suffered particularly severe repression by authorities.

Starting in 2017, Chinese authorities launched an unprecedented pressure campaign in the XUAR that has had a destructive impact on students, academics, and public intellectuals. The government, while initially reluctant to speak on this, has described their actions as efforts to enhance security and improve economic conditions for those in the XUAR.[60] State actions and policies, however, appear to be intended to ramp up efforts to *sinicize* China's Muslim minority communities and strengthen the government's grip on the region.[61]

Starting in January 2017, Chinese authorities began forcing minority students from the XUAR who were studying abroad to return to China.[62] Reports indicate that the government detained, and threatened to detain, China-based family members of students who refused to return voluntarily. The orders targeted students studying in Egypt, Turkey, France, Australia, and the United States. Chinese authorities apparently attempted to apply pressures on foreign governments to repatriate them.[63]

In July 2017, for example, Egyptian authorities detained and deported dozens of students studying at Al-Azhar University at the behest of Chinese authorities.[64] Sources suspected that the students would likely face "re-education" and imprisonment upon their return.

In September 2017, *RFA* reported that six students who were forcibly returned to China from Turkey, where they were studying, were convicted on undisclosed charges and sentenced to five to twelve years imprisonment.[65] Two Uyghur students, Abdusalam Mamat and Yasinjan (last name unavailable), who returned voluntarily from their studies in Egypt, reportedly died in 2017. No cause was given for their deaths.[66]

Following news of the forced returns to China, rights groups began issuing alarming reports of staggering numbers of members of minority communities in the region who the Chinese government detained, most without charge, in so-called "re-education" camps and other detention facilities.

While an official number is not available, dozens of camps have been reported to exist, scattered throughout the XUAR, and reportedly in nearby provinces,[67] often on the grounds of former medical centers, schools, and other facilities.[*] According to scholar Adrian Zenz, based on past "re-education" efforts in China, there may be as many as 1,200 re-education facilities in the XUAR.[68]

Additional research by Adrian Zenz offers some astounding findings about the development of these facilities, including that the PRC increased spending on security-related facility construction in the XUAR by more than two hundred percent in 2017, while "vocational training" actually decreased; prison spending "doubled between 2016 and 2017, while spending on the formal prosecution of criminal suspects stagnated;" and "expenditures on detention centers in counties with large concentrations of ethnic minorities quadrupled, indicating that re-education is not the only form of mass detainment in the XUAR."[69]

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* Shawn Zhang, a law student at the University of British Columbia, in Canada, has reported on many of the alleged camps based on satellite imagery and government documents. A list of alleged camps he has identified can be found at https://medium.com/@shawnwzhang/list-of-re-education-camps-in-xinjiang-新疆再教育集中营列表-99720372419c. *See also* Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag," *Reuters*, November 29, 2018, https://www.reuters.com/investigates/special-report/muslims-camps-china/.

CASE STUDY: Prolonged Imprisonment

IN SEPTEMBER 2014, Ilham Tohti, a prominent academic and human rights advocate, was sentenced to life in prison on separatism-related charges following a trial that many Chinese and international lawyers have called grossly unfair. The harsh sentencing of a scholar known for his moderate views shocked local and international academic circles.

Tohti, who taught economics at China's Central Nationalities University in Beijing, had worked for more than two decades to promote dialogue between the country's Han majority and the minority Uyghur communities. Tohti firmly rejected separatism and worked towards reconciliation by introducing to Chinese the problems faced by the Uyghurs as a result of China's harsh policies, and promoting peaceful debate among his students and fellow scholars. His efforts resulted in official surveillance and harassment that dated back to 1994. For periods, he was barred from teaching and after 1999 he was unable to publish in mainstream media and journals.

In 2006, Tohti rose to prominence when he established uighurbiz.net, a Chinese-language website to introduce the economic, social, and developmental conditions in Xinjiang to a Chinese audience in hopes of building "mutual understanding and dialogue among ethnic communities." The website had a rocky existence; it was occasionally shut down and its contributors were subjected to pressure from the government.

On July 7, 2009, two days after violent riots broke out in Ürümqi, Tohti went missing. State authorities had arrested him for allegedly posting content on his website that they claim "stirred up" clashes.[70]

In the years that followed, Tohti was frequently put under house arrest and was barred from leaving China. In September 2011, his university canceled his class on economic development, immigration, and discrimination in Xinjiang.[71]

In February 2013, Chinese authorities detained Tohti and his then-teenage daughter Jewher Ilham at the Beijing Capital International Airport.[72] Tohti and Jewher were to board a plane for Indiana, where he was to take up a fellowship at the University of Indiana. After questioning, authorities barred Tohti from leaving Beijing but would allow his daughter to travel out of the country. At her father's urging, Jewher boarded the US-bound flight.[73]

On January 15, 2014, police raided Tohti's home and took him away on the vague charges of "committing crimes and violating the law."[74] They also seized computers, cellphones, and other items, from his home. Seven of Tohti's students were also arrested around the same time.

The Ürümqi Public Security Bureau later accused Tohti of using his microblog to incite violence against the Chinese authorities and to recruit Uyghurs to participate in separatist activities.[75] Shortly after his arrest, state authorities took down uighurbiz.net.

For five months, Tohti was detained incommunicado, without access to family, friends, or legal counsel. During that time, he was not given any food for ten days and his feet were shackled for twenty consecutive days.[76]

On November 21, 2014, the Xinjiang High People's Court upheld Tohti's conviction and life sentence; his students were convicted and sentenced to up to eight years' imprisonment in December 2014. Tohti's appeal was marked by a number of repeated procedural violations, including the authorities' refusal to make the appeal open to the public and to give sufficient notice to Tohti's lawyers prior to the hearing.[77]

Tohti's family has had limited contact with him since his imprisonment, and his wife and two young sons, who continue to live in Beijing, remain under police surveillance and are not allowed to leave China.

His daughter, still studying in the United States, could face detainment or arrest should she return home. She told SAR that she had no news about her father's situation because no one had been allowed to visit him. "Unfortunately, I have neither good news nor bad news about my father," she said.[78]

Rights groups have reported that detainees at the camps have been subjected to physical and psychological abuse, including being forced to eat pork and drink alcohol, in contravention of their Muslim beliefs, recite CCP anthems, and attend indoctrination classes.[79] Reports indicate that detainees have not been provided access to legal counsel or family.[80]

In October 2018, authorities enacted a legislative amendment to "legalize" the camps, giving local government the authority to "set up education and transformation organizations and supervising departments such as vocational training centers, to educate and transform people who have been influenced by extremism."[81] The camps, according to the law, are required to "organize 'ideological education to eliminate extremism,' carry out psychological treatment and behavior correction, to 'help trainees to transform their thoughts and return to society and their families.'" [82]

Quoted in the *SCMP*, China expert James Leibold described the amendment as a "retrospective fix and attempt to justify 'legally' the mass detention of Uygurs and other Muslim minorities in Xinjiang and elsewhere, for the purpose of political and cultural remolding without due process."[83]

Estimates of those detained at re-education camps and other facilities range from several hundred thousand to over one million.[84] In addition, an unknown number have also been reportedly forced to attend daily indoctrination sessions at various locations within the community, but are permitted to return to their homes.[85]

Despite the lack of transparency around detentions in the region, rights groups, including the Uyghur Human Rights Project (UHRP) and the Xinjiang Victims Database,* have confirmed a growing number of students and prominent scholars and public intellectuals have been detained in re-education camps and other facilities. According to a March 2019 report by UHRP, 386 intellectuals are confirmed to have been detained or disappeared since early 2017, including 101 students and 285 scholars, artists, and journalists.[86] Furthermore, at least five scholars and intellectuals have died while in custody; however, UHRP adds that "the true number of intellectuals who have died in the camps, or died immediately after release, is unknown, given the veil of secrecy and fear."[87]

Authorities have not disclosed the evidentiary basis of the scholar detentions, but sources indicate that many of them have been accused of being "two-faced," a term ascribed to CCP members suspected of being critical of the state.[88] The following summary of select case examples provides a sobering glimpse of the scholars and students targeted by the ongoing crackdown in the XUAR.

In November 2017, Halmurat Ghopur, a scholar of medicine and a former president of Xinjiang Medical University (XMU) Hospital, was detained "for exhibiting 'separatist tendencies.'" Reports suggest that, despite a successful career at XMU, his disagreements with a fellow administrator over religious and cultural matters, among other things, may have resulted in him being labeled a "two-faced official" and later targeted for legal action. After roughly ten months being held in an undisclosed location, without apparent access to family or legal counsel, it was reported that Ghopur was issued a two-year suspended death sentence. It is unclear whether Ghopur has filed an appeal.[89]

In December 2017, Rahile Dawut, a renowned ethnographer and an expert on Uyghur culture and religion at Xinjiang University, went missing and is suspected of being held in a re-education camp or prison. Dawut, who has received awards and grants from China's Ministry of Culture, reportedly told a relative of her plans to travel from Ürümqi to Beijing not long before her apparent disappearance. Her family, fearing retaliation, waited close to eight months before making news of Dawut's disappearance public.[90] As of the publication of this report, there is no news regarding Dawut's situation.[91]

Also in December 2017, prominent Islamic scholar Muhammad Salih Hajim, along with his daughter and other family members, were detained without charge at an undisclosed location in Ürümqi.[92] On January 29, 2018, some forty days after being taken into custody, it was reported that Hajim, a renowned religious scholar and considered the first to translate the Quran into the Uyghur language, died under unknown circumstances. The World Uyghur Congress (WUC) reported receiving word that Hajim "was subjected to torture and other forms of ill-treatment, which may have contributed to his death."[93]

* The Xinjiang Victims Database, a project led by scholar Gene A. Bunin, has made available an open-access database of reports on individuals who have reportedly been detained or disappeared in the XUAR. For more information, visit https://shahit.biz/eng/.

On the day news of Hajim's death broke, Abdulqadir Jalaleddin, a professor of literature at Xinjiang Pedagogical University (XPU) and a well-known poet, was arrested.[94] An official at a branch office of XPU's security department stated that Jalaleddin had not been seen since classes broke for winter vacation.[95] According to the WUC, police raided the scholar's home on January 29, threw a black hood over his head and detained him.[96] WUC further reported that authorities have "provided no justification for his arrest and he has not been publicly charged with any crime."

In May 2018, it was reported that Guligeina Tashimaimaiti, a Uyghur PhD student at the University of Technology in Malaysia, had gone missing in the XUAR months earlier. She is believed to be held in a re-education camp.[97] Tashimaimaiti had been interrogated by Chinese officials during an earlier trip back to China in 2017. Authorities had reportedly forced her to provide a DNA sample, a copy of her passport, and to pledge to return to China after completing her studies in Malaysia. At the time of her disappearance in 2018, Tashimaimaiti had returned to the XUAR to search for family members she feared were detained.

In September 2018, Kashgar University reportedly expelled four professors for undisclosed "two-faced" activities.[98] At least one of the professors, Gulnar Obul, was reportedly detained in connection to an article she wrote about Uyghur culture and history. The status of her three colleagues is unknown as of this report.

In late November 2018, Askar Yunus, a prominent historian at the Academy of Social Sciences of Xinjiang, was arrested on undisclosed charges.[99] A member of the Kyrgyz ethnic community, Yunus focuses on the ethnic history of the region. There are few details available on the arrest of Yunus. His university has confirmed his arrest but has not provided further details.

In March 2019, *Foreign Policy* reported on the disappearance of at least forty-five ethnic Kyrgyz students from the XUAR who were pursuing their studies in neighboring Kyrgyzstan.[100] According to researcher Gene Bunin, at least twenty Kyrgyz students from the Kyrgyz National University (KNU) suspiciously failed to return to the university following spring and summer breaks spent in China, while Han Chinese students reportedly returned to campus.[101] One KNU official reported that some of the students' parents, in China, were threatened if the students remained abroad.[102]

The current crackdown on academics, students, and other members of minority communities in the XUAR is unprecedented in recent Chinese history. There are concerns that the tactics described here may be extended to other minority regions, including Tibet and Inner Mongolia, as well as other provinces;[103] that groups outside the mainland, including Hong Kong's anti-terrorism police, are studying the PRC's tactics in the region;[104] and that the state's crackdown is making study of the region impossible. Darren Byler, a lecturer in the department of anthropology at the University of Washington, told SAR that, "Understandably this has had a chilling effect on all research related to Uyghur language, history, society and culture. As a social scientist it has redirected my research to counter-genocide advocacy."[105]

Minority scholars and students—like their peers across China—seek the right to engage in these efforts freely, without fearing career-, liberty-, or life-ending retribution.

While state authorities have a responsibility to maintain security and order, they must also uphold national and international human rights obligations, including standards related to personal liberty and nondiscrimination, freedoms of movement, belief, association, and expression, and academic freedom. The international community, including the higher education sector, also has a responsibility here, to assist scholars fleeing persecution, including by offering to host scholars at their institutions, and to urge Chinese authorities to reverse course and uphold the human rights obligations mentioned above.

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Higher education communities throughout China, including in Tibet, Inner Mongolia, and Xinjiang, are vehicles for potential discovery, innovation, skills development, cultural preservation, and national progress. Minority scholars and students—like their peers across China—seek the right to engage in these

efforts freely, without fearing career-, liberty-, or life-ending retribution.

Policies that undermine equitable access and university autonomy, and violate other basic human rights, have put academic freedom out of reach for many in these regions. At their current pace, these state efforts run the risk of leaving behind a lost generation of academics and students, crippling the potential for higher education institutions in China's minority regions to rise to world-class status, and preventing universities throughout China from expanding their regional expertise and academic offerings.

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Pressures on Hong Kong and Macau

Scholars and students in China's two Special Administrative Regions (SARs), Hong Kong and Macau, have enjoyed greater degrees of academic freedom and institutional autonomy than their counterparts on the mainland. Indeed, these values are expressly enshrined in their legal systems put into force when the UK and Portugal transferred sovereignty of the two regions to the PRC in the late 1990s. Past recognition and protection of such values have made it possible for Hong Kong and Macau to build quality universities that offer the international community an important connection to academic and scientific collaboration in the region.

Progressively after the transfer of sovereignty, however, higher education communities in Hong Kong and Macau have faced targeted pressures intended to restrain academic activity and expression, including reports of wrongful disciplinary measures by university administrations, harassment and intimidation, coercive legal actions, and travel restrictions. Meanwhile, scholars are raising concerns that institutional autonomy is threatened by China's central government, pointing to unusual interference in university governance by pro-Beijing individuals and institutions. These challenges threaten quality higher education institutions nurtured in Hong Kong and Macau over the years, and suggest an increasingly fragile environment for free inquiry and expression in the SARs.

Moreover, although restrictive measures are more pervasive on the mainland, where publicly available information is limited, pre-transition higher education practices, legal structures put in place during the transition, and to some degree limited deference from Beijing—at least initially—combined to allow scholars in the SARs some wider measure of procedural security and access to media. These conditions have resulted in more publicly available information about incidents. Without suggesting fewer problems on the mainland or otherwise inviting direct comparison, close examination of incidents in the SARs offers a window into the types of pressure tactics and dynamics facing scholars and institutions under Chinese rule wherever they are located.

These challenges threaten quality higher education institutions nurtured in Hong Kong and Macau over the years, and suggest an increasingly fragile environment for free inquiry and expression.

Hong Kong

In 1997, under the Sino-British Joint Declaration, the UK transferred Hong Kong to Chinese sovereignty. Under the declaration, the Hong Kong Special Administrative Region (HKSAR) was guaranteed autonomy in nearly all areas of government, including higher education, while leaving the armed forces and foreign affairs to mainland China.[1] This "one country, two systems" policy was laid out in Hong Kong's Basic Law, popularly referred to as a "mini-constitution,"[2] which was drafted to preserve a prosperous and autonomous Hong Kong while at the same time protecting the mainland's national interests regarding territorial sovereignty.

The Basic Law included specific protections for key rights and liberties enjoyed by the higher education sector. These include guarantees that higher education institutions in the region may "retain their autonomy and enjoy academic freedom,"[3] that "Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities,"[4] and that the HKSAR "shall, on its own, formulate policies on the development and improvement of education, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of educational qualifications."[5]

The Basic Law also provides for other rights essential to academic freedom, including freedoms of expression, association, assembly, and movement.[6]

And while China is only a signatory to the International Covenant on Civil and Political Rights (ICCPR), following the transition, Hong Kong remains party to the Covenant, binding the government to uphold freedoms of expression, assembly, association, and movement.*

In the years immediately following the transition, scholars and students in the region generally continued to benefit from the traditions of academic freedom and institutional autonomy left in place, although at least two major incidents in the early years raised significant concerns.†

In 2000, Robert Ting-yiu Chung, director of the University of Hong Kong's Public Opinion Programme, reported being the subject of politically motivated pressures from then-Hong Kong chief executive Tung Chee-hwa to end his polling activities.[7] The pressures, which had been relayed via HKU's vice-chancellor and then through the pro-vice-chancellor (also Chung's PhD supervisor), were in response to Chung's polling results that revealed public dissatisfaction with the chief executive.[8] News of the pressures led to the formation of an independent investigation panel,

* *See* Articles 19, 21, 22, and 12, respectively, in United Nations Office of the High Commissioner on Human Rights, "International Covenant on Civil and Political Rights," https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx. Note: As a signatory, China is not yet bound to the specific provisions of the ICCPR, outside of Hong Kong and Macau, but still is obligated to act in good faith and not to defeat the purposes of the treaty.

† For additional discussion of pressures on academic freedom and institutional autonomy in Hong Kong, *see* Carole J. Petersen and Alvin Y. Cheung, "Academic Freedom and Critical Speech in Hong Kong: China's Response to Occupy Central and the Future of 'one Country, Two Systems'," *North Carolina Journal of International Law*, vol. 42 (2017), https://doi:10.31228/osf.io/h9wgx; Kevin Carrico, "Academic Freedom in Hong Kong since 2015: Between Two Systems," *Hong Kong Watch*, January 2018, https://static1.squarespace.com/static/58ecfa82e3df284d3a13dd41/t/5a65b8ece4966ba24236ddd4/1516615925139/Academic+Freedom+report+%281%29.pdf; Johannes M.M. Chan and Douglas Kerr, "Academic Freedom, Political Interference, and Public Accountability: The Hong Kong Experience," *AAUP Journal of Academic Freedom*, vol. 7 (2016), https://www.aaup.org/JAF7/academic-freedom-political-interference-and-public-accountability-hong-kong-experience#.XJKVkCJKiUk; Progressive Lawyers Group, *Hong Kong Rule of Law Report*, March 2019, pp. 86-93, goo.gl/LCN2rP.

which later confirmed Chung's account that the chief executive and HKU leadership sought to restrict his academic freedom.[9] HKU's vice-chancellor and pro-vice-chancellor resigned in the wake of the panel's report.[10] To this day, Chung continues his polling activities.

In 2007, the HKSAR government established a commission to investigate allegations that a state education official had inappropriately interfered in the academic freedom and autonomy of the Hong Kong Institute of Education (HKIE). These included allegations that Arthur Li Kwok-cheung, then Secretary for Education and Manpower, put pressure on HKIE's president Paul Morris to put forward a merger of the Institute with the Chinese University of Hong Kong; that government officials pressured Morris to dismiss members of the Institute who had publicly criticized government education reforms; and that Secretary Li suggested possible retaliation against an HKIE professor who refused to publicly condemn teachers involved in a protest.[11] The allegations and the commission's investigation raised serious concerns about government overreach among members of Hong Kong's higher education community.

In subsequent years, more pressures on the region's higher education sector have been reported, especially after the launch of the Occupy Central with Love and Peace movement (OCLP or "Occupy Central") on September 28, 2014. OCLP was a widespread civil disobedience protest movement that called on the PRC and HKSAR governments to introduce democratic reforms, including providing universal suffrage for the 2017 chief executive election and the 2020 legislative council elections.[12]

While the movement had no official leader, it was initially advised by University of Hong Kong (HKU) legal scholar Benny Tai Yiu-ting, Chinese University of Hong Kong (CUHK) sociology professor Chan Kin-man, and Reverend Chu Yiu-ming (all three popularly referred to as the "Occupy trio"). An alliance of student unions and other activist groups also propelled the 2014 pro-democracy movement.

For seventy-nine days, thousands of protesters took to the streets of Hong Kong, bringing some areas to a halt. Some key organizers and members of the movement, including the Occupy trio, would later be convicted and sentenced to prison for their alleged roles.[*]

University Governance

After the OCLP protests subsided in December 2014, scholars and students began expressing concerns over Beijing's influence on university governance. According to Benny Tai, the Hong Kong government noticed how academics could engage in the region's political developments, and so authorities began to make changes to the university councils.[13]

Previously, under British colonial rule, the governor of Hong Kong was named the chancellor of all public universities, while the heads of those universities served as vice-chancellors. While the governor technically had significant powers in this role, in practice the title was primarily ceremonial, with governors declining to play an active role in university governance.[14]

Following the 1997 transition, and especially since OCLP, the territory's chief executive (the equivalent of a colonial-era governor) has adopted a more active role in university affairs, including exercising varying degrees of power to appoint council members at Hong Kong's universities.[15] This has been described as an unusual development in Hong Kong and has furthered debate over the role of government in university administration.[16]

According to Johannes Chan, a professor of law at HKU, and Douglas Kerr, a professor in the School of English at HKU, Hong Kong's chief executive has taken advantage of this authority to appoint pro-Beijing individuals as chair and members of the university councils.[17†] This is apparently similar to practices in mainland China, where state authorities appoint top university officials and where CCP secretaries assigned to each university directly control staffing and financial resources.[18]

Tai believes Beijing has played a role in choosing new members of the university councils. "We can tell because of the kind of people who are being appointed and the timing of the changes," he said.[19]

Kevin Carrico, a lecturer in Chinese Studies at Monash University, in Australia, has written that some of Hong Kong's university councils have become

* *See* p. 61.

† The pro-Beijing camp in Hong Kong refers to a political grouping in Hong Kong that for the most part supports mainland China's policies towards Hong Kong.

"politicized and seemingly accountable primarily to Hong Kong's chief executive."[20] Hong Kong's chief executives are primarily accountable to Beijing, which Carrico describes as "far from a neutral party on matters of academic freedom."[21]

At HKU, for example, the chief executive alone appoints seven out of twenty-four members of the university council, including the chair.[22] Only nine council members are drawn from HKU faculty, students, and staff, leaving more than half its composition to individuals outside the university community, including members with close ties to the PRC.[23]

Carole J. Petersen, a professor of law at the University of Hawai'i at Manoa, and Alvin Y.H. Cheung, a JSD candidate and an affiliated scholar at the US-Asia Law Institute at New York University School of Law, have urged universities to "regain control over the appointment of the external members of their councils."[24] This, they wrote, is needed to ensure that "universities are governed by individuals with genuine experience and expertise in the field, rather than by appointees of the chief executive who are primarily chosen for their loyalty to him."[25]

Concerns about the independence of university councils came to a head in September 2015, when the HKU council voted to reject the appointment of Johannes Chan as the university's new pro-vice-chancellor.

Chan, then dean of HKU's Faculty of Law and a constitutional law expert known for his liberal views on human rights and democracy, had been recommended for the position in December 2014 following a global search by a selection committee led by Vice-Chancellor Peter Mathieson.[26] Shortly thereafter, a pro-Beijing newspaper leaked confidential news of Chan's

CASE STUDY: Eroding Institutional Autonomy

CONCERNS ABOUT eroding institutional autonomy were given a face on September 29, 2015, when the council of Hong Kong University (HKU) voted to reject a search committee's recommendation to appoint Johannes Chan, then dean of the faculty of law, as the university's pro-vice chancellor.

The 12-to-8 vote represented a split between pro-Beijing council members and HKU's faculty and students, and an unprecedented decision by HKU's council not to accept the search committee's recommendation. A faculty and student poll at the time showed broad support for Chan's appointment by a margin of 7,821 to 371. The council's rejection was seen by many as an ominous sign of Beijing's growing influence over Hong Kong's universities, and by academics in particular, as part of a broad move to limit academic freedom at a university whose students played a leading role in the 2014 pro-democracy protests.

Over half of HKU's council members were either appointed by Hong Kong's then chief executive C.Y. Leung, were directly accountable to Beijing as delegates to China's National People's Congress, or had substantial business ties with the mainland.

Beijing had not openly opposed Chan's appointment, but CCP-backed media outlets, including *Wen Wei Po* and *Ta Kung Pao*, published more than 350 articles attacking him based on accusations that he did not prevent his colleague Benny Tai from engaging in the Occupy Central movement and that his academic record on research was not up to international standards when he served as dean of the law faculty. *Wen Wei Po* and *Ta Kung Pao* have also run campaigns against other leading Hong Kong academics, which some have likened to "Cultural Revolution-style" tactics.

The rejection of Chan's appointment was seen as Beijing's first major victory in reining in Hong Kong's universities and set a precedent that senior appointees of universities will need to pass Beijing's test.

recommendation and attacked Chan for allegedly failing to prevent Benny Tai, a member of HKU's law faculty, from launching the OCLP movement.[27*]

As an unusual wave of personal attacks by pro-Beijing media mounted, the HKU council repeatedly postponed a vote on Chan's appointment, first in December 2014 and again in June and July 2015.[28] The Convocation, an official body composed of HKU alumni and academic personnel, urged HKU's council to either approve Chan's appointment or to disapprove it with clear reasons.[29]

Ultimately, on September 29, 2015, the council voted to reject the recommendation without publicly providing specific reasons.[30] The episode sparked boycotting of classes, physical disputes, and the conviction of two students on criminal charges for allegedly damaging school property.[31]

On November 29, 2015, the Convocation held an emergency meeting at which it overwhelming voted in favor of a motion condemning the council's rejection of Chan (96% out of 4,454 votes).[32] At the same meeting, the Convocation also passed with 97% of the votes a motion declaring newly-appointed council chair Arthur Li Kwok-cheung as "not suitable" for his position on the council, saying that "he does not have the trust, confidence and respect of the academic and non-academic staff, students and alumni of [HKU]."[33]

Li was appointed to the HKU council in March 2015 and was shortly thereafter appointed as chairman. Li's appointment was considered controversial due to his close ties to the government, his confrontational management style when he served as Hong Kong's education chief, and his public criticism of student activists, including those who participated in the 2014 pro-democracy movements.[34] According to a poll by the HKU Academic Staff Association, eighty-five percent of respondents expressed "no confidence" in Li.[35]

That scholars and students in Hong Kong have publicly and vigorously raised their concerns related to university governance, among other issues, is a positive indication of how members of the local higher education community value academic freedom and institutional autonomy and can still express dissent. However, the apparent politicization of university councils in Hong Kong and Beijing's growing influence raise serious concerns over the ability of Hong Kong's universities to operate autonomously, including by carrying out appointment processes without political considerations.

Funding Restrictions

Concerns that Beijing was vying for even more influence over and allegiance from Hong Kong's higher education sector arose in May 2018, when Chinese president Xi Jinping suggested allowing Hong Kong academics to apply for Chinese state grants for the first time since the 1997 transition.[36]

The applicants, however, would have to show "love for the country," and "love Hong Kong," leading to concerns that scholars would be required to pass a test of patriotism that would interfere with their academic work and adversely impact their academic freedom.[37]

Twenty-three prominent scholars and groups wrote in a petition that, "...if the highly ambiguous and fickle term of 'love the country and Hong Kong' will become a prerequisite for local scientists to apply for the proposed grant, it can establish a very dangerous precedent highly detrimental to our freedom in general and academic freedom."[†]

As of this report, it does not appear that mainland authorities have advanced Xi's proposal.[‡]

Retaliatory Measures by Universities

University officials in the HKSAR use disciplinary measures in apparent efforts to silence scholars and students, including the use of investigations, refusals to confer degrees, demotions, suspensions, and dismissals.

In March 2015, the City University of Hong Kong investigated and later demoted political scientist Joseph Cheng Yu-shek from chair of his department to a regular professorship, in apparent connection with his political activism. The investigation followed plagiarism and disloyalty accusations in pro-Beijing newspapers in 2014, including *Ta Kung Pao* and *Wen Wei Po*.[38] Cheng, who denied the charges, was called

* Professor Johannes Chan is one of the authors of the article cited here regarding events surrounding his case.

† For the English and Chinese versions of the petition, *see* "'Love the country and Hong Kong' Should not Become the Standard for Screening Applications for Academic funds," https://docs.google.com/forms/d/1hUBF8H2HW3xh7_4KtPXUH1f7GRpRyNFXOjRR47vMf88/

‡ Scholars and journalists might also research the question of increased scrutiny of scholars or projects receiving grants or other research funding from foreign sources, for example, Hong Kong scholars concerned about reprisals for accepting funding from foreign sources in the post-Occupy political climate.

a "traitor," a "running dog," and a lackey of "hostile foreign forces."[39] "I was on the front pages […] six or seven times," he said, "so it was obviously a political campaign."[40] While the university's investigation found Cheng innocent of plagiarism, they demoted him just three months before his official retirement on the grounds that he had not met higher standards in his work.[41] Commenting on academic freedom in Hong Kong today, Cheng said "The idea is that you know you have to be politically correct to survive in a university."[42]

In April 2016, Lingnan University declined to renew the tenure of Horace Chin Wan-kan, an assistant professor in the Department of Chinese, in apparent retaliation for his writings, public expression, and activism.[43] Chin was informally named the "godfather of localism"* following his publication of *On the Hong Kong City-State*, which advocated for greater Hong Kong autonomy.[44] The book and Chin's talks on Hong Kong-mainland relations would go on to inspire student-led localism movements.[45] Chin was also an active participant in the OCLP movement. In March 2016, a Lingnan University official warned Chin that his speeches were too political and allegedly told him to "mind [his] words" or "suffer the consequences."[46] The next month, Chin was informed that his tenure had not been renewed. Chin described himself as "the first academic casualty" after Occupy.[47]

In June 2016, Hong Kong Polytechnic University (PolyU) initiated disciplinary proceedings against Lau Siu-lai, a communications and social sciences scholar, for holding a solidarity protest supporting street vendors.[48] Lau was arrested months earlier at a public market where she served food in a food stall to express solidarity with vendors facing eviction. PolyU's deputy dean announced disciplinary proceedings against her for "moonlighting." Lau, whose academic position was part-time, contended that the moonlighting prohibition only applied to full-time staff, and that the proceedings were the result of political pressure from PolyU's council.

In December 2017, administrators at the Hong Kong College of Technology (HKCT) refused to confer degrees to at least twelve students who peacefully protested at their graduation ceremony.[49] Sources indicate that two HKCT social work students refused to stand during the playing of "March of the Volunteers" (the PRC's national anthem) as a way of protesting the mainland government. College officials promptly ordered the students to leave the ceremony, and another ten students followed them out in a show of support. All twelve students were reportedly refused degree certificates for allegedly violating the college's policy related to the national anthem. The college's principal commented on the incident, saying that "[HKCT] is an institution which loves the country and Hong Kong. It has been upholding the patriotic flag and this is uncompromising."[50]

That same month, Hong Kong Baptist University (HKBU) declined to renew the contract of professor Roger Wong Hoi-fung following his candidacy as a pan-democrat in China's National People's Congress election.[51] Prior to the election, Wong had been approved HK $1.26 million to fund a research project and had allegedly been given assurances of his contract renewal by a department head. An HKBU spokesperson stated the university "does not consider any political factors, nor does it meet with any external intervention" in these decisions.[52] The administration, has not publicly disclosed the basis of its decision; however an HKBU spokesperson told *SCMP* that "'political factors' were not considered when it came to contract renewal for research assistant professors."[53]

In January 2018, HKBU also took apparently retaliatory actions against members of its community when it suspended students Lau Tsz-kei and Andrew Chan Lok-hang for their participation in a demonstration protesting a new requirement that students pass a Mandarin proficiency exam in order to graduate.[54] The students protested that the Mandarin requirement was too demanding of them, given that Hong Kong's official languages are Cantonese and English.[55†] Chan received an eight-day suspension while Lau was suspended for one term, on the grounds that they engaged in "threatening" conduct during the course of the protest. One of the students reportedly used an expletive when arguing with a teacher, and the university alleged that the conduct made staff feel "threatened and insulted." No publicly available information suggests that Lau or Chan threatened or

* Proponents of localism in Hong Kong seek to promote the cultural and political interests and identity of Hong Kongers. For further discussion of localism, *see* Malte Philipp Kaeding, "The Rise of 'Localism' in Hong Kong," *Journal of Democracy*, vol. 28 no. 1 (2017), pp. 157-171, doi:10.1353/jod.2017.0013; and *see* Sebastian Veg, "The Rise of "Localism" and Civic Identity in Post-handover Hong Kong: Questioning the Chinese Nation-state," *The China Quarterly*, vol. 230 (June 2017), pp. 323-347, https://doi.org/10.1017/S0305741017000571.

† The university ran the first series of Mandarin language exams from October to November 2017, with seventy percent of those taking the exam failing.

attempted to use violence against any of the staff they engaged with during the protest.

The next month at HKBU, Benson Wong Wai-kwok, assistant professor in the department of government and international studies and the chair of HKBU's Faculty and Staff Union, learned that the university declined to renew his contract, apparently in connection to his support for the students protesting the Mandarin requirement and other expression critical of HKBU.[56] Wong, who was hired at HKBU in 2010, had been looking to transition from a research position into a senior lecturer role. A notice from HKBU indicated that the university declined his request to transition and confirmed that there would be "no recommendation on further appointment upon expiry of [Wong's researcher] contract."[57] HKBU has reportedly declined to comment further on the decision.

And in March 2019, PolyU officials handed down disciplinary orders to four students in connection with their commemoration of a 2014 pro-democracy movement.[58] The students reportedly posted pro-independence content to a free speech "Lennon Wall" on campus, including a banner supporting the Hong Kong National Party, a pro-independence party which had recently been banned in the HKSAR.[59] When PolyU's administration covered up the Lennon Wall, students demanded an explanation, ultimately leading to a confrontation on October 4 with administrators outside their offices.[60] The administration launched an internal investigation following the incident and, on March 1, 2019, expelled graduate student Gerald Ho, suspended third-year student Lam Wing-hang for one year, and ordered two others to complete 60-120 hours of community service.[61] Lawmakers, students, and educators protested PolyU's disciplinary actions, which were described as disproportionate and intended to discourage student expression.[62] In a statement, the Hong Kong Professional Teachers' Union commented that "[A university] should tolerate diversified views with an open attitude, to cultivate students' independent thinking skills."[63]

Impact on Student Expression

Retaliation against and rhetoric condemning student expression, whether by state or university authorities, may already be having an adverse impact on student activism and student politics in Hong Kong.

In April 2018, the *SCMP* reported that, for the first time in recent memory, four of the eight publicly-funded universities had no elected students leader for that year.[64] The newspaper cited disillusionment because student activism had failed to achieve any significant gains. But it said that more important was a growing fear of the risks of addressing political issues, as many students who had been outspoken were publicly denounced by Beijing-controlled media outlets that have been harshly critical of pro-democracy student unions and academics.

Timothy O'Leary, a professor at HKU, said that "universities have been having trouble getting students interested in taking a role in student unions."[65] "A lot of students don't want to be involved in student union politics because it's so political," O'Leary said. "Every time you say something you will be there in the newspapers. The [pro-Beijing] media will be critical of you, while more radical students will want you to have a more radical stance."[66]

Hong Kong universities and government officials have sought to impose limits on nonviolent student expression in response to some of the incidents described here.

In September 2017, students and academics expressed outrage when the heads of Hong Kong's ten universities denounced in a public statement "recent abuses" of speech, referring to pro-Hong Kong independence banners that were hung on some campuses.[67] The joint statement went on to say that "all universities undersigned agree that we do not support Hong Kong independence, which contravenes the Basic Law."[68] The university leaders also asserted that "freedom of expression is not absolute, and like all freedoms it comes with responsibilities."[69]

Hong Kong chief executive Carrie Lam, known for running a staunch pro-Beijing agenda, had weighed in on the matter before the universities' joint statement. Lam had reportedly called on university leaders "'to take appropriate action as soon as possible' and for society to 'join forces to rectify such abuse of the freedom of speech.'"[70]

Months later, when HKCT refused to confer degrees to students who protested the PRC national anthem at commencement ceremonies, Lam again opined on student expression and disciplinary matters.[71] Any expression disrespecting the national anthem, Lam said, "should not be tolerated."[72]

She went on to say, "I fully affirm the involvement of principal Chan Cheuk-hay and his way of handling the issue."[73]

Targeted Attacks on Scholars and Students

Government authorities and other pro-Beijing actors in the HKSAR have taken actions to silence scholars and students, and constrain the flow of ideas in the region. These have included harassment and intimidation tactics by the media, imprisonment and prosecution, and travel restrictions targeting individual scholars and students for their academic activities and pro-democracy activism.

In July 2016, prominent student activists Joshua Wong,* Nathan Law Kwun-chung, and Alex Chow Yong-kang were convicted on "unlawful" assembly-related charges stemming from their actions in the 2014 pro-democracy movement.[74] The three were arrested on September 26, 2014, for attempting to occupy a protest site known as "Civic Square," which stands in front of the government headquarters. The incident was a run-up to the Occupy Central protests that kicked off two days later. In August 2016 the court sentenced Wong and Law to conduct community service and handed a three-week suspended jail sentence to Chow.[75] The government, however, appealed the sentencing on grounds that it was too lenient, and a year later, in August 2017, a court sentenced the three students to six to eight months jail time.[76] Wong and Law were released on bail in October 2017, while Chow remained in jail.[77] In February 2018, the Court of Final Appeal dropped the sentences issued in August 2017.[78] Over the course of this and other legal battles, which continue as of this report, the three students have garnered international attention and support for student activism in Hong Kong, which continues to face scrutiny from pro-Beijing political figures.

In December 2017, it was reported that Hong Kong authorities had rejected visa applications of two Taiwanese scholars, Wu Rwei-ren and Wu Jieh-min, who had been invited to participate in an academic conference.[79] Wu Rwei-ren and Wu Jieh-min, both associate research fellows at Academia Sinica in Taipei, are participants in peaceful social reform movements and have publicly expressed criticism of Beijing and Hong Kong authorities. Their scheduled lecture for the conference was on the theme, "Colonial Hong Kong: from British colonial to Chinese rule." The two scholars had previously been granted visas and traveled to Hong Kong without incident. This time, however, their online visa applications were rejected without explanation.

In March 2018, HKU legal scholar Benny Tai became the subject of harassment and threats following his remarks at a conference in Taiwan. Tai reportedly contemplated in his remarks that self-determination may one day be a possibility for Hong Kong and other territories Beijing considers under its sovereignty.[80] In a joint statement, the vast majority of Hong Kong's pro-Beijing lawmakers denounced Tai on April 1, 2018, for suggesting that Hong Kong might "consider becoming an independent state."[81] According to the *SCMP*, the statement came shortly after China's *Xinhua News Agency* attacked Tai "for 'purposefully and knowingly' challenging the nation's constitution and the 'constitutional order' of the 'one country, two systems' policy."[82] China's CCP-run *People's Daily* responded with an editorial in its overseas edition arguing that Tai should be held accountable by the law and suggesting that HKU take action.[83] "As for whether Tai should be removed from his teaching position at Hong Kong University, surely Hong Kong University would not go against mainstream public opinion in its decision," the newspaper wrote.[84]

On an academic visit to Hong Kong in December 2018, Australian-based scholar Kevin Carrico became the apparent target of a harassment campaign. Carrico has written extensively about academic freedom in the HKSAR,[85] tensions between the PRC and the HKSAR, and crackdowns on minority regions in the mainland, among other controversial issues. He grew suspicious during his visit when a woman who had been following him almost pursued him into a men's restroom.[86] The next day, photographs of Carrico were splashed across the front page of *Wen Wei Po*, a newspaper owned by the Central Government's Liaison Office in Hong Kong, with an article accusing him of making a "secret" visit to instigate political unrest and listing people who he allegedly met with during the trip.[87]

* At the time of the 2014 pro-democracy movement, Joshua Wong was in secondary school, co-leading the work of Scholarism, a student-activist group in Hong Kong. Law and Chow were both attending and leading activist activities at Lingnan University and HKU, respectively.

And in April 2019, Hong Kong's West Kowloon Court convicted Tai, Chan Kin-man, reverend Chu Yiu-ming, and six others for their participation in the OCLP movement.[88] Tai and Chan were both convicted on charges of "conspiracy to cause public nuisance" and "incitement to commit public nuisance," and sentenced to sixteen months' imprisonment while Chu was convicted on one count of "conspiracy to cause public nuisance," and issued a jail sentence suspended for two years.[89] There are reports that Tai, who is still on faculty at HKU, may be at risk of dismissal following the conviction.[90] Five other co-defendants, including student-activists Tommy Cheung Sau-yin and Eason Chung Yiu-wa, were convicted on charges of "incitement to commit public nuisance" and "incitement to incite public nuisance," and a sixth was convicted for "incitement to commit public nuisance."[91] Eason Chung Yiu-wa was handed an eight-month prison sentence, suspended for two years, while Tommy Cheung Sau-yin was sentenced to two hundred hours of community service.[92]

Targeted attacks on scholars and students, along with widespread concerns that Beijing has stepped up efforts to rein in Hong Kong's universities, suggest that academic freedom and institutional autonomy are increasingly vulnerable in the region and that critical inquiry and discourse can come at a high cost. In February 2018, Chan Kin-man told SAR that the fallout of Occupy Central had left junior scholars facing an already precarious academic job market especially hesitant to speak out. "When I speak to younger people they say 'We have to be careful—we support your movement [Occupy Central], but we have to be careful.'"[93]

These pressures, if left unaddressed, will shrink the space for Hong Kong's academic community to freely pursue research, share ideas, and engage with the public on important societal issues.

These pressures, if left unaddressed, will shrink the space for Hong Kong's academic community to freely pursue research, share ideas, and engage with the public on important societal issues.

Hong Kong's Proposed Extradition Bill

Starting in February 2019, academics, students, human rights activists, journalists and other civil society groups in Hong Kong began raising concerns over the introduction of a bill that would allow the HKSAR government to arrange extraditions of criminal suspects to countries or territories with which Hong Kong does not have an existing agreement, including mainland China.[94]

Opponents of the bill are concerned that it would have a chilling effect on academic freedom and freedom of expression if Hong Kong-based scholars have to evaluate their scholarly inquiry or expression against the possibility of offending mainland authorities. Critics worry that mainland authorities could charge a Hong Kong-based scholar for an offense, then use their influence over the HKSAR government to secure their extradition. Once extradited, the scholar would be subject to the mainland's criminal justice system which is frequently cited for serious due process concerns and lack of judicial independence.

By June, opponents of the legislation led protest marches and demonstrations that drew as many as one million people to the streets of Hong Kong.[95] Solidarity events were organized in other cities around the world. As with the 2014 pro-democracy protests, university and high school students were at the forefront of organizing these efforts. Meanwhile eleven hundred academics from around the world signed an online petition calling on the HKSAR government to withdraw the bill and to "conduct proper consultation with local and international academics to ensure academic freedom will not be undermined [...]."[96] While protest activities in Hong Kong were generally peaceful, police on the scene were reported to have exercised excessive force against demonstrators, including by firing tear gas, pepper spray, and rubber bullets.[97]

On June 15, HKSAR chief executive Carrie Lam announced that the government indefinitely suspended the extradition bill, saying that her administration had not adequately explained its intent to the people of Hong Kong.[98] Opponents of the bill continued to demand the government withdraw the bill completely, and called on Lam to step down as chief executive in response to her handling of the legislative process and the police response.

Macau

In 1999, Portugal transferred sovereignty of Macau* to the PRC as part of the Joint Declaration on the Question of Macau. As in Hong Kong, the Macau Special Administrative Region (MSAR) began governing most areas of life, including higher education. Macau, similar to Hong Kong, has a Basic Law that provides for the fundamental rights of residents in the region, including freedoms of expression, association, assembly,† and movement,‡ as well as protections for academic freedom and institutional autonomy.§ Macau further remains party to relevant rights protections under the ICCPR.¶

As with Hong Kong, these express legal protections do not guarantee that academic freedom and institutional autonomy are fully respected in Macau. Rather, sources suggest similar pressures on academic inquiry and expression. Although with a much smaller and younger higher education community, with less deeply developed traditions of academic freedom and autonomy, and fewer academic career options than in Hong Kong, the number of reported incidents and visible public responses is predictably lower.

Hao Zhidong, a former professor at the University of Macau, has written about the lack of professionalization in Macau's higher education institutions, citing that roughly half of the faculty teaching at Macau's universities do not have PhDs and more than a third work on a part-time basis, leaving them with "little job security."[99]

A dearth of tenure opportunities also hamstrings the region's scholars, forcing them to carefully consider the ramifications of expressing viewpoints that run counter to university officials or state authorities.[100]

"Who dares to speak?" Hao asks. "Younger faculty feel that they are too junior to speak out. Senior faculty want to protect the benefits they have already obtained. But of course, not speaking out is against everyone's interest."[101]

Bill Chou Kwok-ping, also a former professor at the University of Macau, said that Macau should have a tenure system, adding that the lack of this system "makes you very weak and doesn't encourage you to speak up. Without tenure, academic freedom can't be protected."[102]

Two high-profile cases illuminated the consequences scholars in Macau can face for exercising academic freedom.

In June 2014, the University of St. Joseph (USJ), a Catholic institution, dismissed Eric Sautedé, a political science professor and a French citizen. According to Sautedé, his academic activities and regular political comments in the media, including in relation to Macau chief executive Fernando Chui Sai On, led to his firing.

In April of that year, Sautedé had been under pressure from USJ officials to cancel a talk that featured Frank Dikötter, a renowned University of Hong Kong professor and author of *The Tragedy of Liberation: A History of the Chinese Revolution, 1945-1957* (banned in mainland China). Sautedé argued in favor of still holding the talk but was subsequently removed from his position as USJ's academic events coordinator.[103]

USJ rector Peter Stilwell commented on Sautedé's dismissal, saying "There is a principle in the church, which is of non-intervention in local political debates."[104]

Shortly after Sautedé's dismissal from USJ, the University of Macau refused to renew the contract of Bill Chou Kwok-ping, a Hong Kong professor of political science, allegedly in retaliation for his political remarks.[105]

Chou had long been an outspoken advocate of democratic reforms in the region, having publicly criticized government policies toward the media. He had also participated in protests in support of greater press freedom and universal suffrage.

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* Also written as "Macao."

† According to Article 27 of the Basic Law, "Macao residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike." *See* "The Basic Law of the Macao Special Administrative Region of the People's Republic of China," March 31, 1993, https://www.wipo.int/edocs/lexdocs/laws/en/mo/mo019en.pdf.

‡ Ibid, Article 33 provides that "Macao residents shall have freedom of movement within the Macao Special Administrative Region and freedom of emigration to other countries and regions. They shall have freedom to travel and to enter or leave the Region and shall have the right to obtain travel documents in accordance with law. Unless restrained by law, holders of valid travel documents shall be free to leave the Region without special authorization."

§ Ibid, Article 37 provides that "Macao residents shall have freedom to engage in education, academic research, literary and artistic creation, and other cultural activities," and Article 122 provides that "The existing educational institutions of all kinds in Macao may continue to operate. All educational institutions in the Macao Special Administrative Region shall enjoy their autonomy and teaching and academic freedom in accordance with law."

¶ The PRC has reaffirmed that the ICCPR remains applicable to Macau even after Portugal transferred sovereignty of the region to China in 1999.

The university launched an investigation into Chou's activities in November 2013, and in June 2014, suspended him for twenty-four days without pay on grounds of "imposing his political beliefs" on students, failing to provide different perspectives in class, and discriminating against students.[106] On August 13, university officials informed Chou, without explanation, that his contract would not be renewed.

According to Chou, the non-renewal was a result of his political activism and not his job performance, noting that a strong teaching record earned him a promotion to associate professor in 2011. Chou said that he was not aware of any university policies prohibiting the actions that got him into trouble.[107]

Hao Zhidong, a former colleague of Chou's at UM and the president of the Faculty Association, an independent organization, at the time defended him: "He was being provocative, but being provocative and engaged in politics was his right."[108]

UM officials denied that their decision was motivated by Chou's activism and said that his termination was consistent with relevant regulations and procedures.

Safeguarding the academic freedom and autonomy of these universities should therefore be a priority not only for the Hong Kong and Macau Special Administrative Regions, but also for Beijing.

Several years later, in January 2018, reporters asked UM's new rector, Yonghua Song, about scholars' freedom to express themselves. Song responded by pledging to uphold academic freedom. "Academic freedom is part of the charter of the UM," Song said.[109] "In any faculty, we need to abide by the charter [and] that is law of the university."

Given the limited reporting of attacks on academic freedom in Macau, it is worth highlighting available reports of efforts by government authorities to constrain the work of writers, journalists, and activists—who all carry out activities analogous to scholars and students—as these incidents further support concerns about an erosion of academic freedom conditions in the region.

In August 2017, following a major typhoon that devastated the region, Macau authorities reportedly denied entry to journalists from Hong Kong on grounds that they "posed a threat to the stability of the territory's internal security."[110] Reporters were allegedly told to produce more positive coverage and to avoid "holding the government, especially the highest officials, accountable."[111] Two individuals were reportedly arrested for "spreading false information" after expressing concerns on social media that authorities were covering up the deaths of typhoon victims.[112]

The next month, in September 2017, Macau authorities again denied entry to Hong Kong journalists seeking to cover the MSAR's legislative assembly elections.[113] Macau's chief executive apparently denied any wrongdoing by immigration officials.

In March 2018, organizers of the Macau Literary Festival, the biggest international literary event in the city, were informed that China's Liaison Office in Macau could not guarantee three authors entry for the festival.[114] They included Jung Chang, a scholar and author of *Wild Swans: Three Daughters of China* and *Mao: The Unknown Story* (both banned in mainland China), Suki Kim, and James Church (two authors who have written about North Korea with a critical eye). According to the festival's program director Hélder Beja, a mainland official said that the writers' presence in Macau was "ill-timed." As a result, festival organizers canceled their presence at the festival. Shortly after this news broke, Beja stepped down as director, telling the *Hong Kong Free Press* (*HKFP*) that he is "certainly not available to collaborate with any situation where freedom of expression is disregarded."[115]

And in January 2019, Macau authorities barred entry to Yvonne Leung, a former president of the HKU student union and a leader during the 2014 Umbrella movement.* According to *HKFP*, officials denied Leung entry on suspicion that she might "participate in events

* "Umbrella Movement" has been used to describe much of the student organizing within the 2014 pro-democracy protests. Hong Kong student protesters used umbrellas to defend themselves against police pepper spray and so umbrellas became a symbol of the movement.

CASE STUDY: Professional Retaliation and Pressures on University Autonomy

IN JUNE 2014, Eric Sautedé, a French citizen and professor of politics at the University of St. Joseph (USJ) in Macau, was unexpectedly dismissed by the university, where he had taught for the past seven years.

The dismissal was seen as a further indication of the tightening of controls on academic freedom on the small territory of 650,000, just a one-hour ferry ride from Hong Kong. Emilie Tran, Sautedé's wife, then dean at the university, was demoted at roughly the same time, but has not commented on the university's decision.

Father Peter Stilwell, rector of USJ, which is under the control of the Catholic University of Portugal, publicly stated that the decision was in line with the Catholic Church's principle of non-involvement in local political debates.

In a letter to university staff, Stilwell commented further: "Ultimately, the fundamental point that has focused my attention is this: how a Catholic university is positioned in Macau to be faithful to the humanist values promoted by it for four hundred years, and that the local community perceives as such, so they are neither a mark of foreign interests nor of political infighting."[116]

Not long after Sautedé's dismissal, USJ issued staff a document titled "USJ policy on political activities."[117]

The guidelines reportedly put limits on political discussion at the Catholic university.

Sautedé reported that he was dismissed for inviting Frank Dikötter, a prominent Dutch scholar and the author of several books critical of the CCP, to give a talk at USJ. He was asked repeatedly to cancel the latest visit by Dikötter, saying the rector of the university said he had received a call from the PRC's Liaison Office in Macau, asking about the purpose of Dikötter's visit.

Dikötter was invited to speak about his latest book, *The Tragedy of Liberation: A History of the Chinese Revolution 1945-1957*. Dikötter had already given two talks at USJ under the previous rector, also at the invitation of Sautedé. The French scholar thus argued in favor of holding the talk, insisting that the audience was already in the conference room and that Dikötter had already talked to Macau public radio in Portuguese earlier in the day.

"As usual, when you start self-censorship yourself, it's never enough," says Sautedé. "First you give your arm, and then they want your whole body. I would have regretted doing that."

Sautedé said that the Liaison Office later told him that it had not asked the university to cancel the talk by Dikötter—the enquiry was routine—and that he believes the university authorities were just being proactive, fearing the institution would get into trouble. "People at the Liaison Office said they didn't have anything to do with that," he said. "There was no need. Self-censorship is the main problem."

According to Sautedé, USJ's rector also pointed to his political commentaries for the *Macau Daily Times* in defense of democracy and universal suffrage and his public criticisms of Macau chief executive Fernando Chui Sai On as reasons for his dismissal. Sautedé says that he was the first and only one to organize a panel discussion in Macau on the controversial Article 23, which bans treason, theft of state secrets, and subversion of the state.

Sautedé said that he was later offered a position at another university and was awaiting the contract when the institution unexpectedly reneged. "I got a call saying the deal was off," he said. "They told me it came from above."

While teaching in Macau, Sautedé says he never feared getting into trouble for what he taught or said. After Sautedé left USJ, the bachelor program in government studies in which he taught was phased out.

This case study is based on an interview with Eric Sautedé on February 1, 2018.

harming Macau's public order."[118]

Although additional qualitative research is needed, the above evidence, from a region with less than one-tenth the population of Hong Kong, is striking. Further research, particularly into self-censorship, is needed to more fully understand constraints on academic freedom in the region.

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Violations of academic freedom in the Hong Kong and Macau SARs have not reached the level of severity seen in the mainland. Still, the overt threats targeting scholars and students who have crossed the line presented here, along with rising tensions over the PRC's interference in university governance, are an indication that the space for inquiry and expression in the two regions is increasingly vulnerable.

Without more public and meaningful efforts by regional authorities to protect and promote academic freedom and institutional autonomy, universities in Hong Kong and Macau may find it more difficult to attract top global talent and interest from international partners and may find their reputations and perceived advantages as bridges between China and the world tarnished.

Safeguarding the academic freedom and autonomy of these universities should therefore be a priority not only for the Hong Kong and Macau Special Administrative Regions, but also for Beijing, which stands to benefit from robust international research and exchanges between and among scholars and institutions in the two regions, the mainland, and the world.

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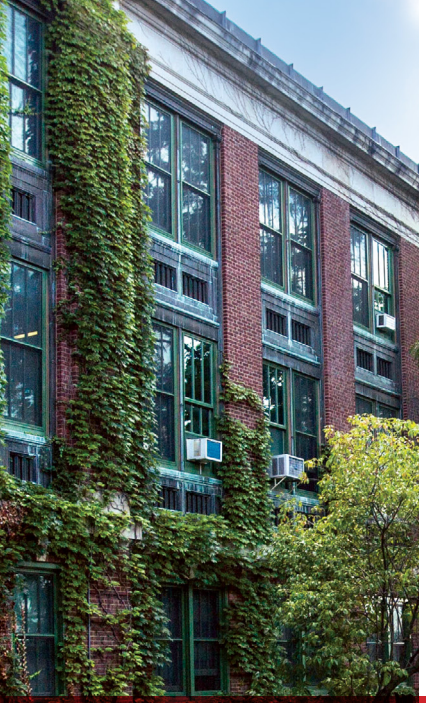

Foreign Higher Education in China

Around the world, higher education institutions seek opportunities to engage with academic communities across borders. Research and education-focused exchange programs, joint venture universities and institutes, and other transnational partnerships offering opportunities to enhance the flow of ideas have proliferated in recent decades, with China playing a prominent role.

An influx of foreign higher education institutions, students, and scholars through diverse partnerships with Chinese universities has the potential to bolster quality education efforts in the country and, moreover, to enhance academic pursuits and cross-cultural understanding.

However, regulations and other state efforts that limit the autonomy of these ventures, compounded by distressing pressures on academic freedom and other human rights across the country,* threaten to frustrate these partnerships and deny China and the rest of the world the full benefits they might otherwise offer.

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* For discussion of threats to higher education in China's mainland and in its minority regions, *see* p. 22 and p.40, respectively.

Building Foreign Higher Education Connections

Modern cooperation between Chinese and foreign universities on the mainland dates back to 1986, when the Hopkins-Nanjing Center for Chinese and American Studies (HNC), a joint venture between Johns Hopkins University and Nanjing University, opened in Nanjing, China. For more than three decades, Chinese and international students at HNC have lived and learned together under a dual-language program. While international students take the majority of their courses in Chinese taught by Chinese professors, the Chinese students are primarily taught by international faculty with courses taught in English.[1]

Entry of additional foreign higher education actors was at a standstill until 1995, when China's State Education Commission* issued the Interim Provisions on Chinese-Foreign Cooperation in Running Schools, which would both promote and regulate Chinese-foreign higher education partnerships.[2]

In 2003, the Ministry of Education (MoE) issued the Regulations on Chinese-Foreign Cooperation in Running Schools, an update to the Interim Provisions, which gave higher education players the ability to establish joint venture universities between Chinese and foreign universities.[3]

Both policies have progressively sought to make transnational education programs a core component of higher education development in China.[4]

In July 2010, the government revealed the National Plan for Medium and Long-term Education Reform and Development (2010-2020). The plan established a series of goals to be achieved by 2020, including increasing the higher education gross enrollment rate to forty percent and making significant improvements to the sector's global competitive edge.[5]

As of June 2018, more than one thousand Sino-foreign education ventures at the undergraduate level had been established in China since 2003.[6] Among these are nine joint venture universities (JVUs),† including the University of Nottingham Ningbo China (UNNC) (the first of such joint venture universities), New York University‡ Shanghai (the first Sino-US JVU, established in 2012 in partnership with East China Normal University, of Shanghai), and Duke Kunshan University (established in 2013 in partnership with Wuhan University), among others.

Through JVUs, the foreign university partner§ generally recruits faculty, often from their home campus, develops curricula, and provides material and financial support, while the Chinese partner procures government and private funding, leads the state approval process, manages university-government relations, and has some control over faculty hiring decisions.[7]

Chinese nationals often make up half or more of the student body at JVUs;[8] ¶ they also reportedly face a highly competitive admissions process in applying for a seat at joint venture universities.[9] One report suggests that Chinese graduates of Sino-foreign JVUs are more likely to continue on to advanced studies after graduation compared to their peers at other universities in China; however, it may be too early to determine whether this is an indication that these institutions inspire further study or a sign of the difficulty of graduates finding employment within China due to the newness of these institutions.[10]

Foreign higher education institutions also operate within Chinese universities through joint venture institutes (JVIs) and programs (JVPs), which, as of 2016, numbered roughly 66 and 894, respectively.[11] Foreign partners bring their faculty, curricula and courses, and international students to the partnership, while the Chinese partner offers access to their institution's infrastructure as well as their own faculty.

Sino-foreign JVIs and JVPs are diverse in their offerings, scale, and scope, and may be tailored around the strengths and needs of the partner institutions.

The University of Pittsburgh and Sichuan University in 2015 established the Sichuan University-Pittsburgh Institute in Chengdu (the first major joint venture in China's western provinces),[12] offering specialized undergraduate degree programs in mechanical, industrial, and materials science engineering, all taught in English.

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* The State Education Commission would later be retitled as the Ministry of Education.

† For a list of these universities as well as additional statistics, *see* Xiao Lu, "Transnational Education: Sino-Foreign Cooperative Universities in China," *World Education Services*, August 14, 2018, https://wenr.wes.org/2018/08/sino-foreign-cooperative-universities.

‡ NYU, among other institutions identified in this report, is a member of the SAR Network. NYU also hosts SAR's Secretariat at its New York City campus.

§ Universities from Hong Kong, Macau, and Taiwan may also enter into these cooperative institutional ventures.

¶ The source cited here—a 2016 study by the US Government Accountability Office (USGAO)—refers to Sino-US JVUs in China, which reported having ninety percent or more Chinese students enrolled.

The London School of Economics has developed separate partnerships with both Peking University, in Beijing, and Fudan University, in Shanghai.[13] The partnerships offer Mandarin-language immersion programs, PhD student exchange programs, as well as graduate degree programs in global media and communications, public administration and government, and international affairs that have students study in both China and the UK.

These diverse partnerships have the potential to offer students, scholars, and their institutions unique opportunities. For Chinese partner institutions, they can gain access to international faculty, expanded course and degree offerings; bolster research production; enhance their institution's quality of education; and may even improve their national and international rankings.[14] Students can have the opportunity to gain new perspectives on a range of issues and learn with peers from around the world, fostering cross-cultural skills and understanding. Foreign faculty employed through joint cooperative agreements, whether temporarily or long-term, similarly have an opportunity to develop collaborative research and teaching relationships with their Chinese counterparts. And Chinese students and faculty may also benefit from a greater scope of academic freedom within JV program activities than what is otherwise enjoyed outside these programs and institutions.

Institutional Autonomy and Academic Freedom

As of this report, limited research is available on restrictions on academic freedom and institutional autonomy at Sino-foreign JVs. Nevertheless, as the international higher education community expanded its presence in China, concerns and speculation have surfaced about the ability of institutional leaders to operate these programs without the undue restrictions or pressures that have beleaguered academics and students at national institutions throughout the country.

The process of initiating JVs in China may pose challenges at the outset. All JVs require approval from relevant local and/or provincial authorities as well as China's MoE.[15] According to one study, Chinese authorities were more likely to approve JVs that involved more highly-ranked European higher education partners, ostensibly to help raise the host university's quality and rankings.[16] JVs that were affiliated with a Chinese university and not holding legal-person status have a greater chance of being approved,[17] possibly due to the perceived drawbacks of greater autonomy. The study also found that JV applicants offering programs in STEM fields had a greater chance at approval,[18] which may suggest that the perceived promises of economic development outweigh the perceived challenges of Western partners teaching the humanities and social sciences. Once approved, the MoE issues the joint venture a "Chinese-Foreign Cooperative Education License."[19]

Established Sino-foreign joint ventures face regulations that may have a negative bearing on university autonomy and academic freedom.

JVIs and JVPs, for example, do not have independent legal status, as they are housed within a host Chinese university. Only the Chinese university partner may sign legally binding agreements related to the institute or program.[20]

JVUs have independent legal status, allowing the two partners to jointly enter into legally binding agreements and, in theory, providing more balanced control over management decisions and academic programming. However, for the foreign partner in a JVU, there are some potential disadvantages. Government regulations stipulate that the JVU must be headed by a Chinese "president or principal administrator" who "love[s] the motherland," and "possess[es] moral integrity."[21] This requirement can expose the venture to political considerations as the responsible Chinese person would be expected to place political loyalties above academic principles. A JVU must also reserve no fewer than half of the seats on its board of trustees for Chinese university partners.[22*] Boards of trustees are further subject to the approval of state authorities.[23]

State legislative efforts in recent years have also raised concerns about tightening controls over Sino-foreign joint higher education ventures, among other international collaborative arrangements in China.

In April 2016, the government passed the Law of the People's Republic of China on Administration of

* Joint venture institutes, which do not have an independent legal status, are similarly required to establish joint managerial committees. At least half of the committee must be composed of Chinese nationals.

Activities of Overseas Nongovernmental Organizations in the Mainland of China, also known as the "Overseas NGO Law." Under the law, foreign NGOs, which appear to include Sino-foreign higher education ventures,* must register with and regularly report to China's Ministry of Public Security (MPS) and local public security organs on ongoing and proposed activities, and be sponsored by a Chinese organization.[24] The law outlines broad limits on the activities of foreign NGOs, specifying that their activities "…shall not threaten China's national reunification and security or ethnic unity, nor harm China's national and social interests or the legitimate rights and interests of citizens, legal persons and other organizations."[25] Violation of the law could result in a range of legal consequences, including suspension or cancellation of the NGO's registration certificate, fines, and detention of personnel.[26]

Earlier drafts of the law raised concerns within the international higher education community about how it might apply to foreign universities, moving some university leaders to comment to the Chinese government that the law may have a "dampening effect on both existing and future [joint education] initiatives."[27]

In an interview with *Inside Higher Ed* (*IHE*), Elizabeth Lynch, a US-based attorney and expert on Chinese law, described the potentially restrictive impact of the law (then in its draft form), providing an example of a Chinese university and a foreign university conducting joint work on mental health issues in China. "Maybe the public security bureau feels that's a safe issue now and will give the OK—but next year if your group has been successful in advocating for more rights for people with mental illness, that might be more politically sensitive and the public security bureau might shut it down," Lynch told *IHE*.[28]

While its impact on Sino-foreign higher education ventures remains to be seen, the law could have serious future implications for education, scientific, and human rights NGOs that are currently registered† or are considering registering with the MPS.

In November 2017, the *Financial Times* reported that a directive issued by the CCP would require JVUs to reserve CCP secretaries the vice-chancellor position and a seat on the board of trustees.[29] According to the same report, those appointed CCP representatives would effectively gain veto power at institutions where unanimous consent is required for management decisions.[30]

Ultimately, the directive was never implemented, apparently due in part to public concerns by the international higher education community.[31] It is unclear what potential impact the directive would have had on joint venture operations, as CCP secretaries already serve on these boards and in top positions.

While there is little recent evidence of restrictions on or concrete violations of academic freedom at Sino-foreign joint higher education ventures, several common issues of concern have been raised over the years.‡ These include some of the same limits found at Chinese universities.

An August 2016 study by the US Government Accountability Office (USGAO) found that at least seven Sino-American joint higher education ventures (of twelve surveyed) lacked uncensored access to the internet.[32] Some students and scholars from these institutions described internet censorship as being an obstacle to their academic activities, forcing them to find workarounds to conduct research and other academic activity.[33] One of the surveyed universities reported that state authorities required them "to track and maintain records for several months of faculty, student, and staff internet usage;" the same source reported that they had not yet been asked to hand over these records, as of 2016.[34]

Despite some constraints on internet freedom, libraries at JVUs and JVIs appear to offer scholars and students a wider selection of physical materials, including books that might be banned outside a joint venture's walls.[35] It bears mentioning here that libraries at JVUs may also have a role to play in promoting academic freedom in the country, including through increasing interactions between domestic and foreign

* Article 53 of the Law of the People's Republic of China on Administration of Activities of Overseas Nongovernmental Organizations in the Mainland of China stipulates that "Overseas schools, hospitals, natural sciences and engineering technology research institutes, or academic organizations wishing to engage in exchanges and cooperation with schools, hospitals, natural science and engineering technology research institutes, or academic organizations in the mainland of China shall do so in accordance with relevant regulations of the State."

† For a list of registered NGOs in China, *see* The China NGO Project, "Registered Foreign NGO Representative Offices Interactive Map and Filterable Table," http://www.chinafile.com/ngo/registered-foreign-ngo-offices-map-full-screen.

‡ Older examples include a 2011 *Bloomberg* report on restrictions on a student-produced journal at the Hopkins-Nanjing Center for Chinese and American Studies. *See* Oliver Staley and Daniel Golden, "China Halts U.S. Academic Freedom at Classroom Door for Colleges," November 28, 2011, https://www.bloomberg.com/news/articles/2011-11-28/china-halts-u-s-college-freedom-at-class-door.

librarians and encouraging discussions on international library standards.[36]

Travel restrictions, which can be a hindrance to all foreign academics and students seeking entry to China, may present obstacles to JVUs. In 2015, for example, Chinese authorities reportedly declined to issue a visa to Kwame Anthony Appiah, a professor of philosophy and law at New York University, who had been invited to teach at NYU-Shanghai.[37] There is no public information concerning the official grounds on which his visa was denied in 2015; he had been denied a Chinese visa once before in 2011, which Appiah suspects was in connection to the "ongoing closing down of debate in China."[38] According to *On Century Avenue*, NYU-Shanghai's student newspaper, Appiah was required to call in via Skype in order to conduct his first lecture of the 2015 academic year.

More research is needed to understand any restrictions on curricula, classroom discussions, research, and student expression at Sino-foreign joint higher education ventures. The USGAO reported that most universities they surveyed provided in their agreements and policies language that indicates protections for academic freedom, and freedom of expression, assembly, and religion.[39] But the report also provided two examples of official language that suggests restrictions on academic expression: one advised faculty to "proceed carefully when broaching topics on religion or politics in the classroom," and another "reminded" faculty that "...Western ideals of freedom of expression are not protected in China."[40] Such language is concerning and additional research is needed to survey policies and agreements at other Sino-foreign joint higher education ventures to more accurately determine the scale of this issue.

While difficult to study and detect, the USGAO reported some signs of self-censorship at JVs. The report's findings suggested that self-censorship may in part be a result of suspicions that some students and faculty report controversial remarks to CCP officials.[41] While not reported by the USGAO, self-censorship may be more prevalent among Chinese students at JVs, due in part to a potentially deeper awareness of surveillance tactics in education settings or an understanding of the implicit sensitivity of certain topics, such as the Tiananmen Square protests or the so-called "re-education" camps in Xinjiang. In an interview with *National Public Radio*, Duke Kunshan's vice-chancellor stated that his campus has adopted a rule of "no cellphone recording or video recording in classrooms," apparently to counter surveillance and reporting of classroom expression.[42] Here, too, scholars and human rights experts have an opportunity to conduct additional research into self-censorship in these settings and how JVU faculty and administrators address this issue.

There are few documented examples of targeted restrictions on or retaliation against academic activity or expression by scholar or student members of joint ventures in recent years. In April 2018, the University of Nottingham Ningbo China (UNNC) removed from its management board Stephen Morgan, a professor of Chinese economic history.[43] Morgan's removal came roughly six months after he published an essay[44] critical of the 19th CCP Congress in *Asia Dialogue*, an online magazine by the University of Nottingham's Asia Research Institute (not connected with UNNC). CCP officials at UNNC reportedly said the blog post "embarrassed the university." The *Financial Times* reported that Morgan had also been critical of state censorship policies.[45]

Reports of problematic power dynamics, efforts to infuse Party politics in university governance, and restrictions on academic freedom at Sino-foreign higher education ventures, while limited, are concerning. Stakeholders should recognize the potential negative impact of these issues, coupled with the existing restrictions on and consequences for critical inquiry and expression outside the walls of Sino-foreign JVs, where foreign scholars and students may not benefit from the protections offered within. Deeper qualitative research and analysis will be crucial to providing a more comprehensive and accurate understanding of these complex relationships and higher education environments. And such an improved understanding should play a key role in how global higher education leaders engage with China.

Responding to Concerns

Concerns about the independence, accountability, and transparency of Sino-foreign higher education ventures, coupled with widely reported threats to academic freedom and human rights found throughout China, have elicited strong reactions from members of universities engaged in such partnerships. In several cases, foreign universities have decided to reconsider

their plans in China or terminate existing programs and partnerships.

In April 2016, Notre Dame University, in the US, announced that it had abandoned its plans to open a "joint liberal arts college" with Zhejiang University.[46]

Over the course of two years of planning and preparation, members of the Notre Dame community expressed concerns over transparency and China's human rights record.[47] Notre Dame's Student Union Senate had passed two resolutions demanding increased accountability and transparency from the administration, including regular status updates to the student union and the formation of a standing committee, composed of faculty, staff, and students, within the provost's office to discuss the potential joint venture institute.[48]

In an email to the Notre Dame community, J. Nicholas Entrikin, vice president and associate provost for internationalization, reportedly stated that "some areas remained challenging for both universities, and we decided that broader cooperation would be a more effective means for achieving our common interests."[49] The university reportedly continues to engage with Zhejiang University through other partnerships.[50]

In November 2017, the University of Groningen, in the Netherlands, announced plans to launch a joint venture university in China. But just two months later, the plan came to an unexpected end due to protests by faculty and students over concerns about restrictions on academic freedom in China.* According to international higher education scholars Philip Altbach and Hans de Wit, the University of Groningen incident could impact other joint ventures in China, "as both sides look more critically at the structural, academic and political implications of branch campus development and other initiatives."[51]

In October 2018, Cornell University's School of Industrial and Labor Relations announced that it canceled two exchange programs with Renmin University based on concerns about restrictions on academic freedom.[52] The decision followed reports that Renmin University had retaliated against student labor activists.

Eli Friedman, Cornell University's director of international programs, who helped to set up the two programs in 2013, commented in *Foreign Policy* that Renmin University is widely regarded as China's premier institution for the study of labor issues. However, he wrote that, after investigating Renmin University's treatment of the students, Cornell decided that the partnership "was no longer sustainable."[53]

"While our final decision rested on specific violations of academic freedom, it is critically important to view this event in the context of worsening political trends in China," wrote Friedman. "The erosion of academic freedom on campuses is directly linked with the increasingly repressive political environment outside universities."[54]

In an interview with the *Washington Post*, Friedman called on other foreign universities to be more publicly concerned about academic freedom in China. "Suspending programs with Chinese universities is by no means the only response, but we might need to become louder about our defense of academic freedom," he said. [55] "The actions we took at Cornell ILR may or may not turn out to be effective, but doing nothing was not an option."[56]

Concerns over university responsibilities stem also from human rights issues across the country. Commenting in *Inside Higher Ed* about the crackdown in China's Xinjiang Uyghur Autonomous Region, Magnus Fiskesjö, another Cornell University scholar, stated that "If our colleges and universities are really bulwarks defending human dignity—not just corporations in search of profit-generating, apolitical 'excellence'—they cannot be silent and pretend as if we can have business as usual in the third year of this horrific Chinese genocide."[57]

Universities around the world are also urging members of their communities in China to take extra caution due to widespread concerns that international political tensions—particularly with the US and Canada—along with strict state security policies are increasingly compromising the liberty of Chinese citizens and foreigners in the country.

In January 2019, the US State Department issued a travel advisory warning travelers to the country about the "arbitrary enforcement of local laws as well as special restrictions on dual U.S.-Chinese nationals."[58] The advisory specifically cited the country's alleged use of exit bans to hold foreigners in the country.[59]

That same month, the University of California Davis advised its students to avoid messaging and social media applications, such as WhatsApp and

* *See* case study on p. 76.

CASE STUDY: Reconsidering Joint Ventures

IN 2015, the University of Groningen, in the Netherlands, announced the signing of an agreement to establish the University of Groningen Yantai (UGY). The joint-venture university was to be formed by the Dutch university and China Agricultural University (CAU), with support from the Yantai city government in Shandong province.[60]

Under the arrangement, UGY was to offer four bachelor degree programs and two master degree programs to students, beginning in September 2018. The University of Groningen hoped to be the first Dutch university to open a branch campus in China. Furthermore, it wanted to provide an opportunity for its students and faculty to gain international experience and for researchers to carry out unprecedented research in China.

However, the program ran into trouble in November 2017, when Sibrand Poppema, president of Groningen's board, was questioned by the university council about plans for a CCP representative who was to be on the board of the Yantai program. Groningen's board was concerned about the possible impact that such a government official would have on academic freedom and institutional autonomy.

On January 29, 2018, the university announced that it had decided not to seek approval from the Dutch minister of education, culture, and science due to "insufficient support" from the council.

"In the near future, we will investigate, together with the faculties and degree programs, which other forms of collaboration are possible in Yantai," Poppema said in a statement.[61] Significant construction of the Yantai campus was reportedly under way by the time the decision was announced.[62]

According to a Dutch scholar familiar with the program, the decision followed student and faculty opposition, negative media attention, and political tensions between parliament and the minister of education.[63] "The main argument was concern about academic freedom and the presence of a Party secretary on the board," he said, "a requirement in all branch campuses and Chinese universities."

The scholar added that, in addition to the above factors, there were other concerns about academic quality, faculty engagement, funding, and other issues. "The issue of academic freedom, of course, is not new but this got more prominent given the recent limitations on academic freedom [in China]," he said. "And in the end, it became the deciding argument to cancel the plan, after years of preparation, formal agreements and internal discussions and even a change in law by the previous government to allow Dutch universities to open branch campuses."

WeChat, while traveling in China to prevent Chinese authorities from using such information against them. "While the use of [these] apps are legal in China, we have seen in the latest espionage charge of a US citizen in Russia where the use of WhatsApp has been cited in his espionage charges," one UC-Davis official said in an email to students.[64]

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Transnational education efforts have the potential to accelerate China's higher education ambitions and enhance international cooperation. This latter goal was affirmed in October 2018 by over two dozen Chinese and international higher education leaders* who endorsed a statement underscoring the role of quality international education in the face of global challenges:

* A list of signatories to the statement can be found at http://www.chisa.edu.cn/rmtnews1/ssyl/201811/t20181106_118830.html.

> *"Humankind faces daunting global challenges on economic development, education, energy, environment, food, climate change, and healthcare. As an indispensable pillar of any modern society, universities transform the world through education and research. Education and research transcend national borders and benefit greatly from international collaboration and cooperation."*[65]

The statement, issued at the Westlake Forum on Higher Education, in Hangzhou, China, laid out several "guiding principles" to improve these collaborations including the need to "protect academic freedom within the legal framework of each nation." However, by couching this recognition "within the legal framework of each nation,"[66] the statement fails to address the contradictory legal provisions within the PRC, discussed earlier in this report, which severely impact exercise of academic freedom that in any way contravenes prevailing Party orthodoxies.* Clarifying the status of academic freedom protection, not only in theory but in practice, should be a priority for foreign higher education institutions engaged with or contemplating further collaborations and cooperation in or with Chinese institutions.

Chinese state authorities for their part should review relevant regulations and policies with a view to ensuring the administrative autonomy and academic freedom needed to encourage new partnerships and maintain existing collaborative arrangements.

State authorities should also take all necessary steps to safeguard human rights—including especially freedoms of expression, assembly, association, and movement—in order to foster an environment where domestic and international scholars and students can freely and safely pursue academic activities on- and off-campus.

Higher education leaders around the world should venture responsibly and with care for academic freedom and human rights in their partnerships in China, as in other countries. This starts with ensuring transparency and accountability in their international partnerships, including by consulting with faculty, staff, and students before and throughout these processes; making publicly available institutional agreements and policies, as appropriate; and providing meaningful mechanisms for students, faculty, and staff participating in joint venture offerings to safely report and seek assistance in response to violations of academic freedom and other core university values.

Higher education leaders around the world should venture responsibly and with care for academic freedom and human rights in their partnerships in China, as in other countries.

When incidents occur and tensions over these partnerships rise, universities must take equal care in evaluating the types of harm experienced, if any, by various stakeholders; the impact of these incidents and issues on the campus and off-campus communities; and the university's agency related to the particular concern. Universities should then carefully assess potential responses, according to their benefits, risks, and costs to all stakeholders.†

* As noted earlier, on p. 17, although China has obligations under domestic and international law to protect academic freedom, these provisions are in practice routinely sublimated to state policy and the will of the CCP.

† SAR's *Promoting Higher Education Values* guide offers higher education leaders further guidance on navigating challenges to academic freedom, institutional autonomy, and other core university values on their own campuses and in international partnerships. *Visit* https://www.scholarsatrisk.org/resources/promoting-higher-education-values-a-guide-for-discussion/.

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The Long Arm of the Chinese Party-State

The number of overseas Chinese* students around the world has grown dramatically in recent decades. As of 2017, the latest year for which there are official statistics, there were a record 608,400 Chinese students on campuses overseas, enrolled as fully-matriculated students,[1] a nearly twelve percent increase over the previous year.[2] And while numbers are not readily available, there are likely thousands of Chinese scholars abroad, conducting research and teaching at universities, often in countries where they may enjoy greater protections for academic freedom and other rights. Meanwhile, China's Confucius Institutes have joined other, long-standing national efforts—including by the US, France, Germany, and others—aimed at enhancing international understanding of the sponsoring country's language, culture, and history.

Efforts that bring more Chinese scholars and students into contact with the global higher education community and that expose more non-Chinese scholars and students to the Chinese language and culture should be encouraged. These efforts have the potential to bolster cross-cultural research into some of today's most complex and urgent issues, improve higher education quality, and enhance international understanding and cooperation.

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* Hereafter, "Chinese" is to refer to citizens of the PRC.

This potential, however, is threatened by growing concerns that the PRC government is interfering with the academic freedom of higher education communities around the world. These concerns include disturbing reports that Chinese and non-Chinese students and academics abroad, along with the universities they attend, have been subjected to restrictions on teaching and discussion, retaliation for events or other activities examining disfavored ideas, surveillance and reporting of on-campus activities, and allegations of theft of research findings and intellectual property.

These concerns are forcing higher education and state authorities to consider closely China's influence over higher education abroad,* resulting in some universities cutting ties with Chinese partners, overseas government officials proposing policies that question partnerships with Chinese institutions and visas for Chinese students and academics, and a growing stigmatization of Chinese scholars and students. Should evidence of China's extraterritorial interference continue to develop, and with it increasingly rash reactions by the international community, more doors for academic and cultural exchange may close rather than open, damaging the higher education space generally.

Targeted Pressures on Academic Freedom Abroad

Outside China, scholars, students, and their institutions have suffered attacks on academic freedom and institutional autonomy as an apparent result of the PRC's directives or influence. These have included efforts to shut down publications and campus discussions; harassment campaigns; and the use of interrogations, travel restrictions, detentions, and other coercive actions to manipulate and intimidate both Chinese and non-Chinese students and scholars outside the territory of the PRC. Many of these cases are marked by a combination of efforts, which have the effect of inhibiting expression and inquiry on a range of issues the PRC finds sensitive.

International Publications

As discussed in an earlier chapter,† Chinese authorities have succeeded in pressuring international publishing houses to censor their offerings to academics and students on the mainland. This includes allegations that academic publishing houses decline to publish content on specific issues that might draw criticism from Beijing.

In November 2017, for example, Australian scholar Clive Hamilton reported that he was told by Australian publishing house Allen & Unwin that it would not publish his new book, *Silent Invasion: China's Influence in Australia*.[3] In an email, the publisher allegedly cited concerns about a possible "vexatious defamation action" on the part of Beijing supporters.[4] Hamilton's book was ultimately picked up by Hardie Grant Books, another Australian publisher, in February 2018.[5]

In April 2018, a special issue of *The China Quarterly* ran into difficulties after two European academics got cold feet about publishing their own papers alongside one by scholar James Leibold, whose paper examined state surveillance in Xinjiang. The two were apparently worried about retaliation from Beijing.[6] "We had a long conversation. They were concerned they wouldn't be granted visas to China. It was self-censorship," Leibold, a professor at Australia's La Trobe University, told the *SCMP*. The authors reportedly pulled their papers and the special issue "fell apart."[7]

China scholar Kevin Carrico criticized in a *Made in China* opinion piece the willingness of foreign publishers and scholars to silence themselves in exchange for sales and visas, writing that it "remains unclear whether the primary issue is in fact censorship, or self-censorship."[8]

"Rather than worrying about our next ten-year visa," he wrote, "we all need to be more critically reflective on the ways in which our behavior and collaboration contributes to the perpetuation of a system that does great injustices on a massive scale."[9]

At least one major international publisher has responded directly to China's attempts to influence foreign publications.

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* While an important issue that requires further research, this report does not examine China's influence on the development of higher education systems around the world, including through the One Belt One Road Initiative, bilateral agreements, and other projects. *See* Yojana Sharma, "Can Silk Road HE partnerships fill 'vacuum' left by the US?," *UWN*, October 4, 2018, https://www.universityworldnews.com/post.php?story=20181004184538317; *and* William Kirby and Marijk Van der Wende, "The New Silk Road: implications for higher education in China and the West?," *Cambridge Journal of Regions, Economy and Society*, vol 12, no 1 (March 2019), pp. 127–144, https://doi.org/10.1093/cjres/rsy034.

† *See* p. 27.

In April 2019, Dutch publishing house Brill announced that it would cut ties with Higher Education Press, a Chinese publisher affiliated with the MoE. The announcement followed reports that Chinese state censors had interfered in the publication of a special issue of the journal *Frontiers of Literary Studies in China* (*FLSC*), titled "The Chinese Script and Its Global Imaginary."[10]

According to Jacob Edmond, one of two guest editors for the special issue, *FLSC*'s editor in Beijing removed one of the special issue's essays, titled "Subversive Writing."[11] Edmond contends that the article had previously been approved by *FLSC*; however, the journal allegedly told Edmond and his co-editor "that the removal of [the] essay should come as no surprise, since *FLSC* has its editorial office in Beijing and so must abide by normal Chinese censorship."[12]

In response, the guest editors decided to pull the special issue entirely and published the articles in the journal *Chinese Literature: Essays, Articles, Reviews*.[13]

Academic Events and Programming

Events on campus, including commencement ceremonies, cultural exchanges, and lectures, apparently have caught the attention of the PRC government and affiliated bodies, resulting in efforts to silence disfavored views.* These efforts have challenged universities with some administrations demonstrating a resolve to maintain their programming and others succumbing to pressures.

In 2017 the University of California, San Diego (UCSD), announced that the Dalai Lama would be that year's commencement speaker. The announcement was met with criticism from the university's Chinese Scholars and Students Association (CSSA), which threatened "tough measures to resolutely resist the school's unreasonable behavior."[14]

CSSAs,† found on university campuses around the world and often sponsored by Chinese embassies and consulates, claim to operate to provide support to Chinese members of the campus community and to facilitate cultural exchanges.‡

According to the *New York Times*, UCSD's CSSA reportedly said it had consulted with the Chinese Consulate in Los Angeles.[15] The university refused to rescind the invitation and the visit by the Dalai Lama went ahead.

Shortly thereafter, however, the Chinese government announced it would cancel state-funded academic exchanges with UCSD.[16] According to a source at the university, China ended the UCSD component of an executive MBA program and cut off funding to visiting Chinese scholars who planned to study at UCSD.[17]

In October 2017, Spain's University of Salamanca (USAL) canceled a series of Taiwan-themed events under apparent pressure from Chinese authorities.[18] USAL's Taiwan Studies Program had billed "Taiwan Cultural Days" as a series of diverse educational and cultural activities, with Ko Shen-Yeaw, Taiwan's representative to Spain and former deputy foreign minister, giving opening remarks.

Four days into the event, however, the Chinese embassy in Spain reportedly wrote to USAL leadership, demanding they cancel Taiwan Cultural Days and accusing the university of violating the "one China principle," apparently for referring to mentions of the "Republic of China (Taiwan)" and the "Taiwanese Ambassador" in the program and promotional materials.[19]

Embassy officials reportedly suggested that USAL's refusal to comply would damage the university's relationship with China. The next day, USAL leadership canceled the remaining scheduled activities, citing "circumstances not related to the School of Social Sciences."[20]

In Canada, news of a February 11, 2019, lecture at McMaster University was reported to Chinese foreign officials in Toronto. The lecture featured Rukiye Turdush, a Uyghur rights activist, who spoke on the theme "The Genocide of Uyghur Muslims."[21] Turdush, whose brother was killed in a protest in Xinjiang in 1992, left China for Canada in 1998 in search of peace and freedom for her family.

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* Additional research might examine the question of possible influence of funding from the Chinese Party-State, Chinese university partners, or related entities, for example, the China Scholarship Council, on academic events and programming at universities outside China. The examples described in this chapter reflect only a small sample of incidents suggesting Party-State's influence in recent years.

† More research is needed to understand concerns raised by journalists and scholars about CSSAs, their impact on academic freedom and discourse on campuses, and their relationship with overseas Chinese government officials.

‡ Similar wording can be found on the web pages of CSSA organizations in leading universities. *See* the website of Rensselaer Polytechnic Institute for one such example: https://union.rpi.edu/clubs/multicultural/162-chinese-students-and-scholars-association.

According to the *Washington Post*, students in a WeChat group reported contacting the Chinese embassy in Canada about the upcoming event.[22] The students allegedly were told to look out for McMaster administrators at the event. During the lecture, at least one Chinese student in the audience disrupted Turdush and shouted vulgarities, while another student filmed.*

Following the event, some students in the abovementioned WeChat group allegedly sent photos of the event to the Chinese consulate in Toronto, while several student groups at McMaster, including a CSSA chapter, co-published a report on the event.[23] Their report lashed out at the university for allowing Turdush to speak and accused her of advocating separatism and promoting ethnic hatred. The report also confirmed that the students had been in contact with Chinese government officials, claiming that, "On the morning of [February] 12, we made a report to the Chinese consulate in Toronto."† According to Turdush, a member of a WeChat group also referred to her son, a 21-year-old student at McMaster University, writing "Find out about him."[24]

Turdush expressed dismay at what happened, saying, "I wasn't expecting them [the Chinese protesters] to do this in Canada. This is my soil and you cannot do this."[25]

Gord Arbeau, McMaster's director of communications, issued the following statement in response to the incident: "We are concerned if anyone felt they would be under surveillance while attending an event on campus," he said. "This would not be in keeping with our principles of free speech and respectful dialogue that we uphold at McMaster."[26]

Also in Canada, Chinese consular officials in Montreal reportedly put pressure on Concordia University to cancel a March 2019 event that featured Dolkun Isa, a prominent Uyghur rights activist and the president of the World Uyghur Congress.[27]

Reports indicate that the local Chinese consulate contacted the Montreal Institute for Genocide and Human Rights Studies (MIGS) at Concordia, requesting an "urgent meeting" to discuss the event.[28] The consulate also reportedly contacted city officials regarding the event.[29] Concordia went forward with the event despite the consulate's efforts.

In an interview with the *National Post*, MIGS executive director Kyle Matthews said the incident is "something we should be worried about, that some authoritarian governments are not just trying to oppress freedom of thought and freedom of speech and academic inquiry in their own countries, but they're now doing it in Western countries, which I think is a dangerous sign."[30]

In early April 2019, the London School of Economics (LSE), in the UK, began considering changes to a prominent sculpture on campus after mainland Chinese students complained the artwork was offensive.[31]

"The World Turned Upside Down", by British artist Mark Wallinger, is a roughly fourteen-foot-diameter globe that sits on its north pole, "with the countries and cities re-labelled," and the "proper scale of Africa in comparison with the other continents." According to Wallinger, "The UN is the authority as to the names and borders. This is the world, as we know it from a different viewpoint. Familiar, strange, and subject to change."[32]

Mainland Chinese students at LSE reportedly complained that the sculpture showed Taiwan as a sovereign country, with Taipei as its national capital and the island filled in with a color different from what was used for mainland China.[33] The Chinese students also complained that Lhasa, the most important city of Tibet, was marked as a capital, suggesting independence from Beijing.[34]

Following the complaints, LSE arranged a meeting between mainland Chinese and Tibetan students,[35] after which university officials reportedly began discussing amendments to the sculpture.[36] As of this report, it does not appear that the artist or LSE's administration have made any alterations to the sculpture.

And in Hungary, on May 4, 2019, it was reported that the Chinese embassy in Budapest allegedly interfered in an "International Food Day" held at the University of Debrecen.[37] According to Taiwanese foreign officials in Hungary, Taiwanese students alleged that the university barred them from presenting food at the event under a banner that read "Taiwan." The students were ultimately allowed to use a banner

* A complete video of the talk can be found on the Facebook page of Rukiye Turdush, at https://www.facebook.com/rukiye.turdush/posts/10161422702240182.

† *See* the original Chinese version of the joint statement by the Chinese student groups at McMaster in Omid Ghoreishi and Sihui Dai, "Beijing's Shadow Haunts Overseas Chinese Students in Canada," *The Epoch Times*, February 14, 2019, https://www.theepochtimes.com/beijings-shadow-haunts-overseas-chinese-students-in-canada_2800393.html.

that read "Taiwanese Food" following outreach to the university by Hungarian lawmakers contacted by the Taipei Representative Office in Budapest.

Coordinated Harassment and Intimidation

Scholars and students have reported being the subject of disturbing harassment and intimidation efforts in apparent connection with their academic activities and views. These tactics damage trust within the academic community and, at their worst, put targeted scholars, students, and their families in danger.

One Chinese scholar at a North American university, who taught a course on a topic considered politically sensitive in China, described being the subject of intense pressures for her lectures.[38] The scholar, who asked to remain anonymous out of fear of retaliation and for the safety of her students, said that she was not surprised when colleagues expressed concern that the topic of one of her courses might upset Beijing.

She reported that some Chinese students denounced what she taught, bitterly attacked her in public and on social media, and even reported on her to security officials back in China. Other, more sympathetic students, she recalls, admitted to her that they had been questioned by the police upon returning to China, where they were asked about her lectures and her private life and were asked to spy on her.

"You have to assume everything you say will be reported," she said. Some Chinese students told her that they were afraid to take her course for fear of getting into trouble back home. Meanwhile, others asked to remain anonymous in the class to avoid the police back home intimidating their families.

The scholar said that the CCP is good at demonizing people who fail to toe the political line. "You choose to work for a good cause, and then you become an enemy of the state and the people, and, I know for some, even in the eyes of their loved ones," the scholar commented. These pressures, she said, have forced her to reduce her contact with her family for fear of getting them into trouble. She said that Chinese academics abroad have to choose between their hope for their country and their love for their families. "The price of preserving history is too high," she said.

In May 2017, Shuping Yang, an undergraduate student at the University of Maryland (UMD), became the subject of an intense media harassment campaign after delivering a commencement speech in which Yang spoke out about environmental problems in China and the importance of democratic values.[39] The speech reportedly went viral in China.[40]

Current and former members of UMD's CSSA put out a video titled "Proud of China UMD" with images of blue skies in the country.[41] The CCP-run *Global Times* quoted Zhu Lihan, a former CSSA president as saying, "Insulting the motherland to grab attention is intolerable. The university's support for such slandering speech is not only ill-considered, but also raises suspicion about other motives."[42]

In an official statement, UMD's administration commented that "it is critical to hear different viewpoints, to embrace diversity, and demonstrate tolerance when faced with views with which we may disagree. [...] The University proudly supports Shuping's right to share her views and her unique perspectives and we commend her on lending her voice on this joyous occasion."[43]

Online harassment continued to mount, marked by a disturbing report that the address of Yang's parents' residence in China was circulated online.[44] Under intense pressure, Yang posted a public apology online.[45]

In December 2017, Anne-Marie Brady, a China specialist at the University of Canterbury in Christchurch, New Zealand, started experiencing disturbing events in connection with her research.

That month, someone broke into her office at the university, just three months after the release of her paper "Magic Weapons: China's political influence activities under Xi Jinping," which may have attracted the attention of Beijing.[46] Professor Brady told the *New Zealand Herald*, "It was a psychological operation, it was intended to intimidate."[47]

Other mysterious events followed. In February 2018, an unidentified individual broke into her home when she was not there and took only two things: a laptop, which contained recent research, and a low-priced mobile phone that she had used in China. Then in November 2018, her car mechanic, who reportedly knew nothing about the problems she had been having, asked after a routine inspection, "Has someone been tampering with your car?" According to the mechanic, someone had reduced the pressure in her front tires, ostensibly to "destabilize the steering and render the brakes unreliable."[48] The mechanic said he believed it to be sabotage.

CASE STUDY: Online Harassment

IN EARLY FEBRUARY 2019, more than 11,000 Chinese signed an online petition to turn over the recent election victory of Chemi Lhamo, a naturalized Canadian citizen of Tibetan origin, as president-elect of the Campus Students' Union at the University of Toronto Scarborough.[49]

The petition cited her pro-Tibetan social media advocacy and called on Lhamo to forfeit her election victory: "We Chinese students feel deeply offended and hurt by Lhamo's disrespectful social media posts on China and her campaigning strategy targeting Chinese international students," it read.[50]

The petition continued, "We strongly disagree with Lhamo's political statements and her participation in political campaigns that were clearly against Chinese history, Chinese laws and Chinese students' rights."[51] The now-closed petition, which had garnered 11,156 supporters, urged for greater "awareness and protection of Chinese students' own rights."

Lhamo says that she has since received harassing emails and seen thousands of social media posts filled with anti-Tibetan sentiment both before and after her election campaign for president of the student body. One message posted on WeChat urged students to vote against her, adding that: "The U of T student union is about to be controlled by Tibetan separatists." "China is your daddy — you better know this," said one comment on her Instagram account. "Ur not gonna be the president of UTSC," said another. "Even if you do, we will make sure things get done so u won't survive a day. Peace RIP."[52]

Lhamo says she reached out to the university after coming under attack. "The university provided me a walkie talkie for safety and have now connected me to the Toronto Police," she said. Lhamo has since reported that the harassment has decreased since telling the media about the police involvement.[53]

Although Lhamo said she had no concrete evidence of direct Chinese involvement in the attacks, she said she believes the pressure may have been partly instigated by overseas Chinese officials.[54] The spokesman for the Chinese Embassy in Canada issued a statement denying any involvement in this and a similar recent incident at McMaster University: "We resolutely oppose any country or anyone [who] provide[s] support and convenience of any kind to the Xinjiang separatists forces and 'Tibet-independence' activities."[55]

Lhamo said she believes that the university's CSSA was also involved in the campaign against her, saying that the president and other members of the association have visited the student union office to express their concerns and to ask questions about her.[56]

The incident is just the latest in a series of events in recent years where overseas Chinese students, apparently at the direction or under the influence of the Chinese Party-state, have mobilized to silence different voices on a foreign university campus. These incidents have raised concerns of what some fear is an effort by the Chinese government to interfere in academic freedom beyond the PRC's borders.

Brady says these incidents are just recent examples of China's attempt to intimidate her. "I have experienced efforts to alternatively intimidate and woo me from CCP Party-State figures and organizations from 1990 to the present," she said in an email. "I did not make a song and dance about them as they come with the territory if one wishes to research the CCP Party-State."[57] Despite these disturbing events, Brady refuses to be intimidated: "As you can see, nonetheless, I continue to do what I have been doing for the last thirty years: study the CCP."[58]

In February 2019, Chemi Lhamo, a student of Tibetan descent at the University of Toronto Scarborough (UT-Scarborough), in Canada, became the subject of an online harassment campaign after being elected president of the Scarborough Campus Students' Union (SCSU).[59] Lhamo, who has publicly advocated for human rights in Tibet, became the subject of thousands of hateful and violent comments over social media. An online petition protesting her election was also published and garnered more than 11,000 signatures, likely including many outside the UT-Scarborough community.[60] The harassment campaign that targeted Chemi occurred just two days before another incident at McMaster University, in Canada, described earlier in this chapter.

China's embassy in Canada issued a statement denying involvement in either of the incidents at McMaster and UTS, while also backing the actions of students who applied pressure: "We strongly support the just and patriotic actions of Chinese students."[61] The statement added, 'We resolutely oppose any country or anyone [who] provide[s] support and convenience of any kind to the Xinjiang separatists forces and Tibet-independence activities."[62]

Scholars, students, and their institutions must be able to exercise their right to academic freedom without the risk of harassment and intimidation. The apparent role of students in these incidents, whether at the behest of or to curry favor with PRC authorities, is especially concerning and suggests that surveillance and intimidation tactics found on the mainland are making their way to other corners of the world. These efforts not only harm the scholars and students immediately targeted, but put the wider academic community on notice that disfavored ideas will be punished. If not resisted, such intimidation will ultimately limit the space for free inquiry and free expression generally.

Coercive Legal and Administrative Pressures

Travel restrictions, detentions, threats, and administrative orders by PRC authorities and apparently by other ally governments have been used to silence and punish academic activities outside China, underscoring Beijing's international influence and the lengths it will go to restrict inquiry and expression.

One Chinese student from a university in the US, who requested anonymity, reported that in 2012, state security authorities at a Chinese airport held her in custody for hours upon returning to China after graduation.[63]

The student said officials at the airport interrogated her, asking her questions about her friends in the US, including who they worked for and what activities they were engaged in. The officials were apparently aware of a Gmail address she had used anonymously, as well as her social media handles. She said she often discussed sensitive issues with Chinese friends over social media, but that she used an alias and refrained from using social media on her personal computer. She suspects friends who knew her may have been secretly working for the Chinese government as informants.

The student now reports being afraid to return to China and that she is also worried about her parents being put under pressure by Chinese authorities. While she was still in the US studying, her parents called several times asking her not to participate in any political activities. "The most evil part is that they try to get you through your family," she said. "You have to be cold-hearted to your family, because in most situations your family doesn't want you to be involved. It's a struggle."

In October 2016, Thai authorities denied entry to Joshua Wong, a prominent Hong Kong student leader, apparently at the request of Chinese authorities.[64] Wong had arrived at Suvarnabhumi Airport, in Bangkok, while en route to deliver speeches at two universities, including at an event marking the 1976 massacre of pro-democracy students in Thailand. Police and immigration officers stopped Wong upon arrival, confiscated his passport, and held him for twelve hours before deporting him back to Hong Kong. A Thai immigration official later stated that Chinese authorities requested that Wong be put on a "blacklist."

In July 2017, Egyptian authorities, apparently under pressure from the PRC, began detaining and deporting scores of Uyghur students enrolled in academic

programs in Egypt.[65] Since at least January of that year, Chinese authorities had been forcing Uyghur students, among other minority students, studying abroad to return to China, as part of a massive crackdown on minority communities in the Xinjiang Uyghur Autonomous Region.[66]

Sources indicate that Egyptian authorities detained students on the campus of Al-Azhar University and at restaurants and other locations popular with members of the Uyghur community in Egypt.* Detained students were subsequently deported to China.[67] Many of the students who have since returned to China have reportedly gone missing or are suspected of being held in "re-education" camps;[68] some have reportedly died following their return.[69]

In February 2019, a mainland Chinese student studying at Fu Jen Catholic University (FJCU), in Taiwan, filed a complaint with mainland authorities, alleging that professors at the university shared unspecified personal political thoughts during lectures.[70] The complaint was received by Beijing's Taiwan Affairs Office (TAO), which then filed a complaint with Taiwan's University Entrance Committee, demanding that it reduce FJCU's quota for enrolling mainland Chinese students.[71]

Following the mainland's complaint, FJCU asked its lecturers "not to overly speak about topics not related to the academic course."[72] Shortly after this news broke, Taiwan's Ministry of Education described both TAO and FJCU's responses as inappropriate and asked both institutions to "respect the professionalism of university teachers."

The intimidation of Chinese students and others on campuses outside of China is forcing Chinese students abroad to exercise heightened caution in carrying out expressive activities.

At the University of California, San Diego, a Chinese graduate student writing under the pseudonym Qiu Zhongsun described in *Foreign Policy* the precautions he and classmates took in organizing the #NotMyPresident social media campaign in response to legislation removing China's presidential term limits.[73]

Qiu described avoiding WeChat due to intense government surveillance that hovers over its more than one billion users, opting for encrypted communications platforms and, later, burner phones in their efforts to coordinate students putting up #NotMyPresident posters on campus. Qiu also advised students to wear masks and carry out these activities only under the cover of darkness in order to conceal their identities. "I had to take these measures to protect my identity because for mainland Chinese like myself, the oppression we face at home follows us abroad," Qiu wrote.[74]

According to Qiu, if uncovered, Chinese authorities would likely find the student campaigners guilty of "inciting subversion of state power,"† which carries a minimum prison sentence of five years.

In March 2019, Li Jiabao, a mainland Chinese student studying at Taiwan's Chia Nan University of Pharmacy and Science, came under an intense wave of pressure in response to his public criticism of Xi Jinping and the PRC government.[75] In a self-recorded online video, Li denounced a constitutional amendment in 2018 that ended presidential term limits in China and described president Xi as an "emperor."

Sources indicate that Chinese authorities took down Li's social media accounts almost immediately after he posted the video. Authorities later detained Li's parents and opened an investigation into him.[76] Li has reported receiving death threats over social media since posting the video.[77]

As of this report, Li remains in Taiwan on a "special student visa" that has extended his stay in the country, and continues to seek political asylum, fearing prosecution for "inciting subversion of state power" should he return to the mainland.[78]

While direct evidence of intent to restrict and retaliate against the exercise of academic freedom is limited, most likely due to the fear of retaliation for speaking up, the examples cited provide cause for deep concern, as they suggest an apparent willingness to violate the institutional autonomy of higher education communities abroad and to implicate other states in violations of international human rights standards in order to silence disfavored inquiry and expression.

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* *See* earlier discussion on p. 46.

† According to Article 105, paragraph 2 of China's Criminal Code, "Whoever instigates the subversion of the political power of the state and overthrow the socialist system through spreading rumors, slandering, or other ways are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; the ringleaders and those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment." *See* Permanent Mission of the People's Republic of China to the United Nations and Other International Organizations in Vienna, "Criminal Law of the People's Republic of China," July 1, 1979, https://www.fmprc.gov.cn/ce/cgvienna/eng/dbtyw/jdwt/crimelaw/t209043.htm.

Confucius Institutes

Government and higher education stakeholders have raised concerns about Confucius Institutes (CIs) jeopardizing academic freedom and institutional autonomy on campuses around the world.

CIs are non-profit, public educational entities initiated in 2004 and run by Hanban, a Chinese language and cultural education organization affiliated with China's MoE.* Hanban's website states that CIs "enhance understanding of Chinese language and culture among foreigners, develop friendly relations between China and other countries, foster the development of multiculturalism and contribute to the building of a harmonious world."[79] As of April 2019, there were reportedly 548 institutes around the world.[80] In the United States alone, there are approximately 105 CIs.[81]

According to John Fitzgerald, a China scholar at Swinburne University of Technology and former president of the Australian Academy of the Humanities, while Hanban is a part of the MoE, it is also closely linked to the strategy of the United Front Work Department (UFWD) of the Communist Party Central Committee.[82] Both the UFWD, which reportedly "plans the bulk of China's influence operations overseas," and CIs were overseen by Liu Yandong at the time the latter was initiated.

CIs are generally established through partnerships between a Chinese university and a foreign host university. In these arrangements, Hanban and the Chinese partner university generally provide often considerable startup and possibly annual funding; recruit and employ teaching staff from China; and provide teaching materials and curricula.[83] The host institution typically provides in-kind and matching funding,[84] and facilitates immigration and other relocation procedures for Chinese staff.[85]

The structural positioning of CIs within universities varies, with some being placed under academic departments and administrative offices and others operating under the office of university leadership.[86] Generally, CIs are headed by a director, who is typically a faculty or staff member from the host university, and a Chinese co-director, who works closely with Hanban and oversees teaching staff.[87]

Higher education institutions that host CIs have described a range of benefits to the campus and local community. These include enhancing a university's international exchange opportunities for students and faculty,[88] opening possibilities for partnerships with Chinese universities,[89] and providing campuses with engaging language and cultural programming.[90] These benefits are perhaps most valuable for universities that are geographically isolated or less well-off financially, as they might not otherwise be able to provide Chinese language and cultural education programming.[91]

These benefits notwithstanding, reports from the higher education sector, media, government, and members of civil society point to a number of concerns that CIs may compromise academic freedom, institutional autonomy, and other core university values. They describe concerns that CI agreements are made without consulting a full range of campus stakeholders;[92] are not transparent or available to the campus and wider public;[93] and lack clarity regarding the preeminence of the host university's policies and local laws.[94] Stakeholders worry that reports of Hanban requiring CI instructors to abide by Chinese law may restrict discussion of a full range of topics,[95] and that CI curricula and materials may be biased.[96] Some of the most disturbing reports allege that CIs have exerted pressure intended to censor academic activity;[97] that members of host universities self-censor based on actual and perceived limits on academic expression imposed by CIs;[98] and that CIs have been used to monitor and report on campus activity, especially that of Chinese students and scholars.[99]

Although these reports have not arisen at all or even most CIs, they nevertheless raise serious concerns. More expansive and qualitative research is indeed needed to understand how CIs impact academic freedom and institutional autonomy on campuses. Until then, and in light of the ongoing public debate over CIs, universities around the world have taken a range of actions, including closing down and reconsidering plans to open these entities.

In February 2013, Canada's McMaster University announced that it would close down its CI, reportedly due to concerns over Hanban's hiring practices.[100]

A CI instructor at McMaster had reportedly filed a complaint with the Ontario Human Rights Tribunal,

* For the English-language website for CIs and the Hanban, *see* Confucius Institute Headquarters (Hanban), http://english.hanban.org/.

stating that, under her employment contract, she had to hide her identity as a member of the Falun Gong spiritual movement, which is banned in China.[101] At the time, Hanban expressly barred followers of Falun Gong, who are widely persecuted in China, from employment opportunities at CIs.[102]

A McMaster official commented on the university's decision: "We were uncomfortable, and felt that it didn't reflect the way the university would do hiring."[103]

In September 2013, the Confucius Institute of Lyon (ICL), in France, closed its doors after a year of struggle between French and Chinese institutional partners.[104]

ICL was established as a partnership between Universities of Lyon 2 and 3 and China's Sun Yat-sen University. Unlike other CIs described in this report, the ICL was set up as an independent association outside the French universities' legal structures.

According to a statement issued by Gregory Lee and Florent Villard, both former heads of the ICL, this arrangement was sought by the French university partners for unspecified "ethical" and "legal" reasons and in order to keep the ICL separate from the French universities' research and teaching activities.[105]

In 2012, however, a new Chinese co-director of the ICL allegedly "questioned [ICL's] pedagogical contents" and insisted on the integration of the ICL within University of Lyon-3. The Chinese co-director allegedly expressed a desire to establish China studies research partnerships at Lyon-3 and to have ICL staff participate in teaching degree-granting courses.[106] The French partners declined, apparently concerned that involving ICL staff subject to Hanban oversight could undermine the academic freedom of students and others in those courses.

In the coming months, Hanban director-general Xu Lin reportedly ordered the resignation of ICL's board chair and the suspension of Hanban's annual funding contribution.[107] After continued attempts to negotiate a solution with Hanban, the French partners decided to close the ICL.[108]

In September 2014, the University of Chicago, in the US, declined to renew an agreement with its CI following a faculty petition signed by more than one hundred academic personnel in April of that year.[109]

The petition raised concerns over the ability of the university to maintain control of academic offerings as well as the hiring of faculty—referring to McMaster's decision in 2013—and called on the university's council to terminate the contract with the CI.[110]

Hanban director-general Xu Lin reportedly criticized the petition in a press interview with Shanghai's *Jiefang Daily*, which quoted Xu as telling the University of Chicago's president in response to the petition: "Should your college decide to withdraw, I'll agree."[111] The *Jiefang Daily* article went on to say that, "Many people have felt Xu Lin's toughness."[112]

Following the comments from the head of Hanban, Chicago decided to call off negotiations to renew the agreement, stating that Xu's comments "are incompatible with a continued equal partnership."[113]

In April 2018, Texas A&M University announced plans to close its CI not long after two Texas congressmen denounced the institutes.* The elected officials, one a Republican and the other a Democrat, urged universities across Texas to "consider terminating your Confucius Institute and other agreements with Chinese government supported organizations."[114]

In June 2018, Tufts University, in the US, announced that it had formed a committee to review the status of its CI one year before its agreement was set to expire.[115]

Established in June 2015 in partnership with Beijing Normal University, Tufts' CI offers non-credit language courses and cultural programming on campus.[116]

The announcement to form a review committee, while part of its normal renewal process, came just three months after a local member of Congress issued a letter calling on universities in the region—explicitly citing Tufts—to "resist Chinese government efforts to establish a [CI] [...] or seriously reconsider any such existing agreement."[117]

Tufts' review committee set out to assess the benefits and concerns related to its own CI as well as a "review of the external data, including other universities' experience, raising concerns about Confucius Institutes and their potential relevance to Tufts."[118] The review committee would then make a recommendation to renew, expire, or amend its agreement by November 2018.

By spring 2019, Tufts had not publicly announced the results of the CI review or a decision related to the status of the agreement. As of this report, it does not appear that the CI has been shut down.

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* *See* case study sidebar on p. 90.

As universities have taken steps to reconsider their CIs, public officials in North America and the UK have ratcheted up criticism of CIs.

In February 2019, the UK's Conservative Party's Human Rights Commission issued a report stating that CIs "threaten academic freedom and freedom of expression in universities around the world and represent an endeavor by the Chinese Communist Party to spread its propaganda and suppress its critics beyond its borders."[119]

That same month, a report issued by the US Senate's Permanent Subcommittee on Investigations slammed CIs, citing concerns over transparency and censorship, and stating that CI

CASE STUDY: Reconsidering Overseas Partnerships

IN APRIL 2018, Texas A&M University announced that it was shutting down its Confucius Institute following the release of a joint public statement by two Texas congressmen, who said the Chinese-funded program could be a threat to America's national security. Republican Michael McCaul of Austin and Democrat Henry Cuellar of Laredo urged Texas universities to end their partnerships with Confucius Institutes throughout the state.

"We strongly urge these universities to consider terminating their partnerships with Confucius Institutes and other Chinese government-supported organizations," the two said in the joint statement.[120] "These organizations are a threat to our nation's security by serving as a platform for China's intelligence collection and political agenda. We have a responsibility to uphold our American values of free expression, and to do whatever is necessary to counter any behavior that poses a threat to our democracy."[121]

The university on the surface seemed to accept the concerns of the two legislators. "We have great respect for Congressmen McCaul and Cuellar," said Texas A&M chancellor John Sharp.[122] "I don't question their judgment, nor their patriotism. In addition, they have access to classified information we do not have. We are terminating the contract as they suggested."

However, a statement posted to the CI's Facebook page by a university official expressed a hint of remorse, saying the program enjoyed "10 immensely productive and event-filled years."[123]

"We take with us many fond memories as well as countless friendships from across campus, the community and most importantly from our partner institution, Ocean University of China. Thank you for joining us on this wonderful ride and until we meet again, zàijiàn [goodbye]…"[124]

Randy Kluver, the founding director of the CI at Texas A&M in College Station, and now dean of the School of Global Studies and Partnerships at Oklahoma State University, told SAR that lunch talks on a range of topics considered controversial by the CCP—from China's displacement of farmers to Tiananmen Square—were held at the CI without interference. "Nobody ever, ever, objected from Hanban, from the Chinese government, from our partner institution, from our visiting professors," Kluver wrote.[125]

Commenting on the CI's closure in *Inside Higher Ed*, Kluver said "I have been active for years countering these accusations that the Confucius Institutes are a vehicle for propaganda. Nothing could be further from the truth."[126]

Kluver went on to say: "It's disappointing to me that, No. 1, the accusations continue to be floated even though there's no evidence of propaganda. Secondly, I personally wish that the chancellor had talked to me or some of those involved with the Confucius Institute before he made this decision."[127]

funding "comes with strings that can compromise academic freedom."[128]

Also in the US, the director of the Federal Bureau of Investigation (FBI) noted in a February 2018 Senate hearing that the Bureau has been monitoring CIs.[129] That same year, US Congress passed a spending bill that would preclude universities with CIs from receiving Department of Defense (DoD) funding for Chinese Language Flagship Programs.[130] While it was initially possible for such universities to apply for waivers, a Pentagon spokesperson has since stated that "it is not in the national interest to grant waivers to this provision."[131]

In May 2019, it was reported that fifteen universities in the US had closed or announced plans to cut ties with their CIs over the past fifteen months.[132] If current trends and discourse continue, many more universities may similarly follow through with decisions to close or reject CIs on campus.

Universities have a responsibility to consider the legitimate concerns surrounding CIs—especially as they relate to academic freedom and institutional autonomy—in deciding whether to open or maintain CIs on campus. When doing so, higher education leaders should consider input from the full range of stakeholders on campus, provide transparency on any terms or agreements, and ensure that such terms or agreements fully uphold the rights and freedoms of faculty, staff, and students, including those outside of the CI and those employed by or otherwise participating in CI activities.

Academic Freedom and the Risks of Overbroad Actions

Government officials, particularly in the US, have made sweeping allegations that overseas Chinese scholars and students engage in scientific espionage and intellectual property theft at universities and research institutions. In response to these allegations, government officials have proposed or taken actions that threaten the ability of overseas Chinese scholars and students to study, engage in academic work, and feel welcomed in their host countries and institutions.

In a February 2018 Senate Intelligence Committee hearing, FBI Director Christopher Wray described intellectual property theft by overseas Chinese students and academics as a widespread issue around the country. "The use of non-traditional collectors, especially in the academic setting—whether it's professors, scientists, students—we see in almost every field office that the FBI has around the country," said Wray.[133]

In the following months, the US government began to look at measures to counter alleged theft of US intellectual property by the PRC and other countries.

In August 2018 the US government enacted the National Defense Authorization Act, which called for capacity building that enables the US government and higher education institutions to determine whether individuals associated with DoD programs have current or past connections to foreign talent recruitment programs.[134] Such recruitment programs, like China's Thousand Talents Program, bring scholars from around the world to conduct short and long-term research at universities and laboratories in the sponsoring country. An earlier version of the bill had explicitly mentioned talent recruitment programs in China, among several other countries, and would have barred DoD funding to individuals connected with such programs.[135]

And in June 2018, the US State Department adopted new restrictions on overseas Chinese students and researchers in the US. The restrictions called for the shortening of student visas in certain high-tech areas from five years to one and requiring of new clearances from multiple agencies for Chinese citizens wishing to receive visas to work for certain companies deemed to warrant "higher scrutiny."[136]

According to reporting by the *New York Times*, such policies have raised concerns among academics that "additional scrutiny could hinder scientific innovation, alienate talented applicants or intensify aggressions toward overseas Chinese scientists already in the country."[137]

Yangyang Cheng, a Chinese postdoctoral research associate at Cornell University's Cornell Laboratory for Accelerator-based Sciences and Education, wrote in *Foreign Policy* that the new restrictions were counterproductive. "Restricting Chinese scientists' work at U.S. institutions based on nothing more than one's citizenship or country of origin will be a self-inflicted wound," she wrote, "hurting not only the country's values but also the pool of talent it can draw on."[138]

Chinese scholars in the US have been wrongfully accused of espionage and stealing intellectual property in the past.

In May 2015, Temple University physicist Xiaoxing Xi was arrested in an early-morning raid based on espionage allegations.[139] A dozen armed FBI agents had swarmed Xi's home while his wife and daughters looked on.[140]

Authorities charged Xi, by then a naturalized US citizen, with four counts of wire fraud, in connection with emails he had sent to scientists in China regarding academic collaborations.[141] Authorities accused Xi of exploiting sensitive technology for personal gain.

After being released on bail, Xi was subject to a travel ban and the university put him on administrative leave and suspended him from his post as interim chair of the physics department.[142] By September 2015, however, the charges were dropped after authorities determined that the technologies Xi had discussed with colleagues in the mainland were not sensitive.[143]

Commenting on the ordeal's impact on fellow scientists in an interview with *Voice of America*, Xi said "Now they are scared when they collaborate with people from China. Should they do that? Should they not to do that? There is no guideline. It is very difficult for the science community."[144]

In April 2019, the *New York Times* reported on an increase in efforts by the US government to restrict travel of Chinese scientists and academics based on espionage concerns.[145] According to Chinese and American academics consulted by the *Times*, "as many as 30 Chinese professors in the social sciences, heads of academic institutes, and experts who help explain government policies have had their visas to the United States canceled in the past year, or put on administrative review."[146]

Such travel restrictions are not limited to scholars in the STEM fields, but also include academics working in politics, international relations, and the social sciences. FBI officers in Atlanta, Georgia, reportedly interviewed Wu Baiyi, director of the Institute of American Studies of the Chinese Academy of Social Sciences, while he was in the country for a conference at the Carter Center. Wu reported that his visa was later canceled.[147]

By late April, China and the US were reported to be in a "race to the bottom," with an apparent spike in visa denials for academics from both countries and in fields ranging from the social sciences to STEM.[148]

While states have a responsibility to protect against legitimate security and intellectual property threats from foreign and domestic actors, they must do so in a manner that safeguards academic freedom and avoids unnecessary burdens on scholars, students, or higher education institutions. This means avoiding inflammatory rhetoric and overbroad restrictions based on biases and mere allegations, in favor of measured responses based on verifiable evidence of past misconduct or bad intent.

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Extraterritorial pressures on academic freedom from PRC-related sources mirror what can be found on the mainland, including tactics that are at times stark and unapologetic, and other times subtle. The costs of these overseas pressures are substantial.

Overseas Chinese scholars and students are put in a precarious situation: unsure whether their ideas or actions will set off alarms back in China, they may opt to self-censor in order to avoid legal or professional consequences.

Overseas Chinese scholars and students are put in a precarious situation: unsure whether their ideas or actions will set off alarms back in China, they may opt to self-censor in order to avoid legal or professional consequences. Stigmatization of Chinese scholars and students, as a result of broad espionage-related allegations, may even force innocent members of this community to rethink their plans to study and work abroad. Meanwhile, higher education communities around the world that welcome Chinese scholars, students, and institutional partners, including CIs, may find academic exploration limited by politically-motivated efforts to constrain disfavored expression, teaching, and debate.

These concerns require a global response. Chinese state and higher education authorities should publicly reaffirm their commitment to academic freedom and institutional autonomy, inside and outside of China. They should refrain from any intimidation or retaliatory actions against members of the global higher education community, including for events, activities, or

expression undertaken outside of the PRC.

State authorities and higher education communities outside China should work together and with Chinese counterparts to safeguard academic freedom and institutional autonomy in all their activities together, including by protecting scholars and students, including Chinese nationals, from threats and efforts to constrain their academic or expressive activities. These efforts should include language and procedures in their existing and future partnerships—including, but not limited to, CIs—that uphold and implement academic freedom, institutional autonomy, and other core higher education values, including regular, transparent procedures for raising and resolving academic freedom-related concerns with their respective stakeholders.

Finally, higher education communities around the world should also ensure that Chinese and other international students feel welcomed on their campuses, including by establishing and reinforcing policies and mechanisms that build trust with those communities and promote inclusivity and cultural sensitivity among all members of their institutions.

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ANALYSIS AND RECOMMENDATIONS

China's higher education sector has made significant strides in the past forty years, with a record number of Chinese students enrolled in higher education programs, record numbers of these studying overseas, a proliferation of international higher education partnerships, and increasing international visibility for China's top university programs and researchers. The Chinese government has made investment in higher education and the incubation of "world-class" universities both a point of national pride and an essential element of China's continuing development and international competitiveness.

These gains and objectives, however, coincide with competing state policies aimed at maintaining strict control over inquiry and expression. From the northern stretches of Inner Mongolia and Xinjiang, to the territories of Hong Kong and Macau, scholars and students face intimidation, surveillance, harassment, and in more severe instances loss of position, prosecution, imprisonment, and other career- and even life-threatening consequences merely for asking questions and exchanging ideas.

In service of this control agenda, Chinese officials have called on universities to reject "foreign ideologies" and have reasserted party loyalty as a dominant consideration in university affairs, undermining institutional autonomy and chilling academic activity.

As this report also discusses, the government's efforts to constrain and otherwise influence academic and expressive activity are not limited to Chinese territories or to citizens of the PRC. Around the world, higher education communities that have engaged in academic activities in China or in programs at home with Chinese counterparts have reported similar pressures that shrink the university space and undermine opportunities for cross-national research, teaching, and dialogue.

Such pressures on academic freedom, whether at home or abroad, especially when directed by or at the behest of the Party-state, undermine China's quest for world-class universities. Both Chinese and foreign scholars interviewed for this report offered a common refrain: without academic freedom, research suffers, teaching suffers, quality suffers. Without academic freedom, there can be no world-class universities.

And it is not just scholars. China's top universities have publicly recognized the importance of the free flow of questions and ideas to quality universities.

In October 2013, China's C9 universities* joined the Association of American Universities (AAU), Australia's Group of Eight (GO8), and the League of European Research Universities (LERU) in signing the Hefei Statement, which recognized key characteristics of quality research universities.† Signatories to the Hefei Statement call on their governments and their institutions to commit to upholding:

> *"The responsible **exercise of academic freedom** by faculty to produce and disseminate knowledge through research, teaching and service **without undue constraint** within a **research culture based on open inquiry and the continued testing of current understanding**, and which extends beyond the vocational or instrumental[...]"‡*
>
> *"**The right to set [the university's] own priorities**, on academic grounds, **for what and how it will teach and research** based on its mission, its strategic development plans, and its assessment of society's current and future needs; and the **right to determine who it will hire and admit**, including an ability to recruit internationally to attract the best people to achieve these priorities."§*
>
> *"A **tolerance, recognition and welcoming of competing views, perspectives, frameworks and positions** as being necessary to support progress, along with a **commitment to civil debate and discussion** to advance understanding and produce new knowledge and technologies."¶*

While it has not ended abuses of academic freedom, even at institutions represented among its endorsers—indeed, some incidents referenced in this report involve institutions in the C9 group—the Hefei Statement is an important recognition of academic freedom as an essential characteristic of world-class, research universities.

It also acknowledges academic freedom as an appropriate concern for higher education leaders and institutions to raise with their international partners, providing an opportunity for dialogue.

It is up to leaders committed to academic freedom to take up this opportunity, for the sake of their own institutions, and in support of the efforts of their partners in China working to build up China's world-class universities. Toward this goal, SAR offers the following recommendations.

SAR urges government authorities, higher education leaders, and civil society in mainland China, Hong Kong, and Macau to:

- **Uphold academic freedom and institutional autonomy in a manner** consistent with China's obligations under international law, as articulated in Article 19 "freedom of opinion and expression" of the International Covenant on Civil and Political Rights, Article 13 (right to education) and Article 15 (freedom indispensable for scientific research) of the International Covenant on Economic, Social and Cultural Rights, and UNESCO's Recommendation Concerning the Status of Higher Education Teaching Personnel (1997);
- **Abstain from direct or indirect involvement in pressures and attacks** on academic freedom within or outside China, including by external interference or compulsion; criminal, legislative, or administrative actions; or travel restrictions that punish or deter nonviolent academic conduct or expression; lift or reverse restrictions on the travel, movement, or residence of scholars, students, and higher education personnel based on academic conduct or expression;
- **Release unconditionally,** or demand the release of, scholars, students, and higher education personnel wrongfully imprisoned, including those detained at so-called "re-education"

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* The C9 include Fudan University, Harbin Institute of Technology, Nanjing University, Peking University, Shanghai Jiao Tong University, Tsinghua University, University of Science and Technology of China, Xian Jiaotong University, and Zhejiang University. *See* "China's Ivy League: C9 League," http://en.people.cn/203691/7822275.html.

† AAU, "Hefei Statement on the Ten Characteristics of Contemporary Research Universities Announced by AAU, LERU, GO8 and C9," October 10, 2013, https://www.aau.edu/sites/default/files/AAU%20Files/Education%20and%20Service/Hefei_statement.pdf. Note: The original signatories were later joined by the Russell Group, U15 Canada, AEARU (Association of East Asian Research Universities), RU11 Japan, and the Hong Kong 3.

‡ Ibid, p. 4 (bold added for emphasis).

§ Ibid, p. 4 (bold added for emphasis).

¶ Ibid, p. 4 (bold added for emphasis).

camps, in connection to academic activity, expression, associations, or religious or ethnic identity; and, pending their release, ensure due process, humane treatment, and access to family and counsel, in accordance with national and international legal obligations;
- **Remove ideology-based restrictions** on access to information, including library and archival materials as well as restrictions on internet access; **suspend and rollback ideological education and research funding schemes** that limit students and scholars from exploring and considering viewpoints that run counter to or in tension with the CCP;
- **Refrain from surveillance** mechanisms that constrain scholars' and students' full enjoyment of academic freedom, including the use of student informants and the monitoring of nonviolent online expression, domestically and internationally;
- **Ensure that students and scholars in minority regions have equitable access** to quality higher education, including consideration of policies that support speakers of minority languages;
- **Uphold academic freedom and institutional autonomy in extraterritorial partnerships,** including in joint ventures and Confucius Institutes, by abiding by relevant national and international standards, including statements of academic freedom and other university values in all international higher education partnerships, and making these available for public review;
- **Encourage Chinese scholars' and students' free engagement** with the international community, including through collaboration with peers and foreign higher education institutions as well as through academic journals and publishing houses; and
- **Encourage dialogue among institutions, scholars, and students** about academic freedom and its importance to China's ambitions for world-class universities, including by placing academic freedom concerns on the program of conferences, workshops, leadership meetings, and associations, developing proactive cultures and practices of respect for higher education values, and taking advantage of resources in support of dialogue, including *SAR's Promoting Higher Education Values Guide for Discussion* and *Workshop Supplement*.

SAR urges state authorities, higher education communities, and civil society outside of China to:

- **Support Chinese scholars and students** who have been threatened or punished by state and higher education authorities, including by hosting those in danger and providing other direct assistance; **advocate, with their consent, on behalf of wrongfully imprisoned scholars and students** in China, including by issuing public and private letters of appeal to relevant authorities, expressing concern to institutional partners in China, as appropriate, publishing individual and joint statements of concern, and organizing public campaigns;
- **Monitor and investigate allegations of pressures and attacks on academic freedom** on their campuses and in their partnerships, including those suffered by Chinese scholars and students abroad, by documenting incidents and making reports available for public review;
- **Ensure the academic freedom of Chinese scholars and students abroad**, including by informing them of legal and institutional protections, providing secure and welcoming spaces and channels to discuss and respond to related concerns, and taking other public and private actions that demonstrate a commitment to the inclusion and safety of Chinese scholars and students on campus;
- **Ensure that international higher education partnerships, including with Chinese institutions, uphold and promote academic freedom**, institutional autonomy, and other core higher education values, including by consulting with a wide range of stakeholders when considering entering or renewing partnerships, including statements of academic freedom and values in all international higher education partnerships and making these available for public review, ensuring that relevant national and local laws governing the location of partner programming respect academic freedom and institutional autonomy, and implementing mechanisms that review and

respond to pressures and attacks on academic freedom as necessary;

- **Demand consideration of academic freedom and institutional autonomy concerns in international higher education rankings and evaluations** by higher education institutions, associations, and media; and
- **Encourage dialogue among institutions, scholars, and students** about academic freedom and its importance to world-class universities, including by placing academic freedom concerns on the program of conferences, workshops, leadership meetings, developing proactive cultures and practices of respect for higher education values, and taking advantage of resources in support of dialogue, including *SAR's Promoting Higher Education Values Guide for Discussion* and *Workshop Supplement*.

APPENDIX
TABLE OF INCIDENTS

The table below includes 109 attacks arising from 80 verified incidents, as reported by Scholars at Risk's Academic Freedom Monitoring Project from December 2012, to July 1, 2019.

For the purposes of this report, note that the below includes reported attacks that occurred in mainland China, Hong Kong, and Macau, as well as attacks that occurred outside these territories at the apparent behest of or to curry favor with PRC authorities. This is only a small sample of incidents that have occurred in recent years and should not be interpreted as a comprehensive accounting of all qualifying incidents that are suspected to have occurred. Note also that the total number of attacks exceeds the total number of incidents reported because a single incident may involve more than one type of conduct.

Figures cited only include independently verified incidents. They do not include all events described in this report, due to challenges in verification or their falling outside the six types of attacks reported by the monitoring project. Incidents are listed below in reverse chronological order and are described by date, the location where the incident took place, the institutions implicated in the incident, and the type(s) of attack associated with the incident. For more detailed information on the incidents below, including links to sources cited in incident reports, please visit the Academic Freedom Monitoring Project website at www.scholarsatrisk.org/monitoringproject.

DATE	LOCATION	AFFILIATION(S)	ATTACK TYPE(S)	VICTIM(S)	PERPETRATOR(S)
06/12/19	Mainland China	Hotan Teachers College	Killings/Violence/ Disappearances, Imprisonment	Scholar	State Authorities
06/04/19	Mainland China	Unaffiliated	Imprisonment	Scholar	State Authorities
04/30/19	Mainland China	Peking University	Killings/Violence/ Disappearances, Imprisonment	Students	State Authorities
04/29/19	Mainland China	Peking University	Imprisonment	Student	State Authorities
04/18/19	Mainland China	Unaffiliated	Imprisonment	Scholar	State Authorities
04/01/19	Mainland China	Northwest Minzu University	Imprisonment	Student	State Authorities
04/01/19	Mainland China	Unknown	Travel Restrictions	Other	State Authorities
03/25/19	Mainland China	Tsinghua University	Loss of Position	Scholar	University Administration
03/20/19	Mainland China	Chongqing Normal University	Loss of Position	Scholar	University Administration

DATE	LOCATION	AFFILIATION(S)	ATTACK TYPE(S)	VICTIM(S)	PERPETRATOR(S)
03/01/19	Hong Kong	Hong Kong Polytechnic University	Loss of Position, Other	Students	University Administration
01/23/19	Mainland China	Columbia University	Imprisonment, Travel Restrictions	Scholar	State Authorities
01/21/19	Mainland China	Peking University, Renmin University	Imprisonment	Students	State Authorities
12/28/18	Mainland China	Peking University	Killings/Violence/ Disappearances, Imprisonment	Students	State Authorities
12/27/18	Mainland China	Peking University	Other	Students	University Administration
12/26/18	Mainland China	Peking University	Imprisonment	Student	State Authorities
11/30/18	Mainland China	Academy of Social Sciences of Xinjiang	Imprisonment	Scholar	State Authorities
11/20/18	New Zealand	University of Canterbury	Killings/Violence/ Disappearances, Other	Scholar	Unknown
11/09/18	Mainland China	Nanjing University, Peking University, Renmin University	Killings/Violence/ Disappearances, Imprisonment	Students	State Authorities
11/09/18	Mainland China	Peking University, Renmin University	Imprisonment	Students	State Authorities
11/01/18	Mainland China	Unirule Institute of Economics	Travel Restrictions	Scholars	State Authorities
11/01/18	Mainland China	Nanjing University	Killings/Violence/ Disappearances, Imprisonment, Other	Students	State Authorities
10/12/18	Mainland China	Zhejiang University of Media and Communication	Loss of Position	Scholar	University Administration
10/08/18	Mainland China	Shanghai Normal University	Other	Higher Education Institution	State Authorities
10/04/18	Mainland China	Unaffiliated	Imprisonment, Prosecution	Scholar	State Authorities
09/28/18	Mainland China	Unaffiliated	Imprisonment, Prosecution	Scholar	State Authorities
09/22/18	Mainland China	Hunan City University	Loss of Position	Student	University Administration
09/19/18	Mainland China	Kashgar University	Imprisonment, Loss of Position	Scholars	State Authorities
09/01/18	Mainland China	Xiamen University	Loss of Position	Scholar	University Administration
08/27/18	Mainland China	Peking University	Other	Scholars	University Administration

DATE	LOCATION	AFFILIATION(S)	ATTACK TYPE(S)	VICTIM(S)	PERPETRATOR(S)
08/24/18	Mainland China	Various Institutions	Imprisonment, Other	Students	State Authorities
08/15/18	Mainland China	Guizhou University	Loss of Position	Scholar	University Administration
08/03/18	Mainland China	Tsinghua University	Travel Restrictions	Student	State Authorities
08/01/18	Mainland China	Unaffiliated	Imprisonment	Scholar	State Authorities
07/18/18	Mainland China	Peking University	Loss of Position	Scholar	University Administration
07/10/18	Mainland China	Unirule Institute of Economics	Other	Higher Education Institution	State Authorities, Other
06/14/18	Mainland China	Xiamen University	Loss of Position	Scholar	University Administration
05/29/18	Mainland China	Malaysia University of Technology	Imprisonment	Student	State Authorities
05/21/18	Mainland China	Zhongnan University of Economics and Law	Loss of Position	Scholar	University Administration
05/02/18	Mainland China	Tsinghua University	Imprisonment	Student	State Authorities
04/28/18	Mainland China	Unaffiliated	Imprisonment, Prosecution	Scholar	State Authorities
04/22/18	Mainland China	Peking University	Loss of Position, Other	Student	State Authorities, University Administration
04/01/18	Mainland China	Beijing University of Civil Engineering and Architecture	Loss of Position	Scholar	State Authorities
02/14/18	New Zealand	University of Canterbury	Other	Scholar	Unknown
02/01/18	Mainland China	Xinjiang University	Imprisonment	Scholar	State Authorities
01/29/18	Mainland China	Xinjiang Pedagogical University	Imprisonment	Scholar	State Authorities
01/26/18	Hong Kong	Hong Kong Baptist University	Loss of Position	Students	University Administration
01/11/18	Hong Kong	Hong Kong Polytechnic University	Loss of Position	Scholar	University Administration
01/01/18	Mainland China	Xinjiang University	Imprisonment	Scholars	State Authorities
12/27/17	Hong Kong	Hong Kong Baptist University	Loss of Position	Scholar	University Administration
12/16/17	Hong Kong	Academia Sinica	Travel Restrictions	Scholars	State Authorities
12/16/17	Hong Kong	Hong Kong College of Technology	Loss of Position	Students	University Administration
12/01/17	Mainland China	Xinjiang University	Imprisonment	Scholar	State Authorities
12/01/17	Mainland China	Unaffiliated	Killings/Violence/ Disappearances, Imprisonment	Scholar	State Authorities

DATE	LOCATION	AFFILIATION(S)	ATTACK TYPE(S)	VICTIM(S)	PERPETRATOR(S)
10/25/17	Spain	University of Salamanca	Other	Higher Education Institution	State Authorities
07/25/17	Mainland China	Beijing Normal University	Loss of Position	Scholar	University Administration
07/02/17	Egypt	Al-Azhar University	Imprisonment, Travel Restrictions, Other	Students	State Authorities
05/01/17	Mainland China	Xinjiang Islamic University	Imprisonment, Prosecution	Scholar	State Authorities
03/27/17	Hong Kong	University of Hong Kong	Imprisonment, Prosecution	Scholars, Students	State Authorities
03/24/17	Mainland China	University of Technology Sydney	Travel Restrictions	Scholar	State Authorities
01/07/17	Taiwan	Open University of Hong Kong	Killings/Violence/ Disappearances	Student	Other
01/05/17	Mainland China	Shandong Jianzhu University	Loss of Position	Scholar	University Administration
10/04/16	Thailand	Open University of Hong Kong	Imprisonment, Travel Restrictions	Student	State Authorities
07/31/16	Mainland China	Al-Azhar University	Imprisonment	Scholar	State Authorities
06/28/16	Hong Kong	Hong Kong Polytechnic University	Loss of Position	Scholar	University Administration
04/12/16	Hong Kong	Lingnan University	Loss of Position	Scholar	University Administration
12/08/14	Mainland China	Central Nationalities University	Imprisonment, Prosecution	Students	State Authorities
08/13/14	Macau	University of Macau	Loss of Position	Scholar	University Administration
07/05/14	Mainland China	Indiana University	Imprisonment, Travel Restrictions	Scholar	State Authorities
06/24/14	Taiwan	National Tsing Hua University	Travel Restrictions	Students	State Authorities
03/07/14	Mainland China	University of Kobe	Imprisonment	Scholar	State Authorities
01/15/14	Mainland China	Central Minzu University	Imprisonment, Prosecution	Scholar, Students	State Authorities
12/09/13	Mainland China	East China University of Political Science and Law	Loss of Position	Scholar	University Administration
11/04/13	Mainland China	Toyo Gakuen University	Imprisonment	Scholar	University Administration
10/15/13	Mainland China	Peking University	Loss of Position	Scholar	University Administration
04/10/13	Mainland China	Tsolho Technical School	Imprisonment, Prosecution	Students	State Authorities

DATE	LOCATION	AFFILIATION(S)	ATTACK TYPE(S)	VICTIM(S)	PERPETRATOR(S)
04/04/13	Mainland China	Northwest University of Nationalities	Other	Students	State Authorities
02/02/13	Mainland China	Central Nationalities University	Travel Restrictions, Other	Scholar	State Authorities
12/08/12	Mainland China	China Jiliang University	Imprisonment, Other	Scholar	State Authorities
12/05/12	Mainland China	Tsolho Technical School	Killings/Violence/ Disappearances, Imprisonment, Prosecution	Students	State Authorities
12/04/12	Mainland China	Central Nationalities University	Imprisonment, Travel Restrictions	Scholar	State Authorities

APPENDIX
ADDITIONAL RESOURCES

Readers may find the following publications and resources useful for understanding academic freedom and higher education in China and around the world.

Promoting Higher Education Values: A Guide for Discussion

Scholars at Risk, June 2018

Promoting Higher Education: A Guide for Discussion is intended to frame and facilitate discussion about higher education values and their implementation in a wide range of settings. It starts from the view that healthy higher education communities matter enormously. But to be healthy, higher education communities must be grounded in core values: equitable access, accountability, academic freedom, institutional autonomy, and social responsibility.

scholarsatrisk.org/resources/promoting-higher-education-values-a-guide-for-discussion

Resisting Chinese Government Efforts to Undermine Academic Freedom Abroad: A Code of Conduct for Colleges, Universities, and Academic Institutions Worldwide

Human Rights Watch, March 2019

Human Rights Watch published a twelve-point Code of Conduct for colleges and universities to adopt to respond to Chinese government threats to academic freedom. The Code of Conduct is based on more than one hundred interviews between 2015 and 2018 in Australia, Canada, France, the United Kingdom, and the United States with academics, students, and administrators, including some from China.

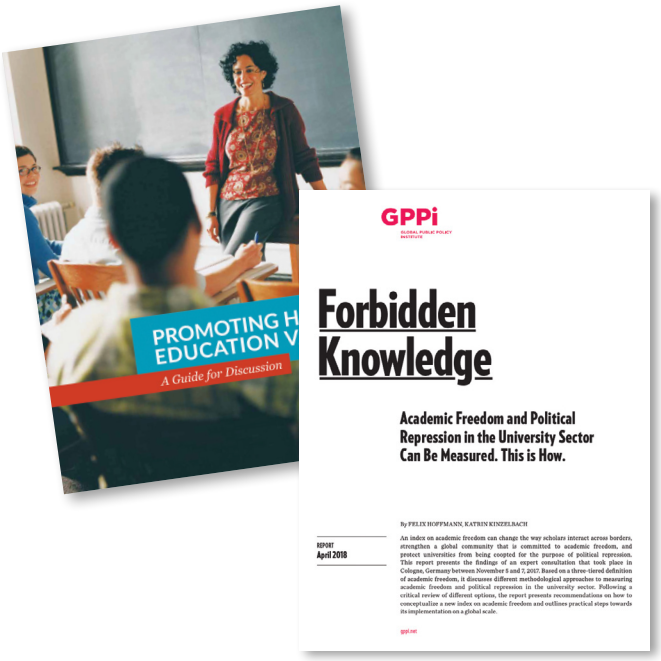
hrw.org/sites/default/files/supporting_resources/190321_china_academic_freedom_coc.pdf

Forbidden Knowledge: Measuring Academic Freedom

Katrin Kinzelbach, Global Public Policy Institute, April 2018

Forbidden Knowledge presents the findings of an expert consultation that took place in Cologne, Germany, in November 2017. Based on a three-tiered definition, it discusses different methodological approaches to measuring academic freedom and political repression in the university sector. Following a critical review of different options, the report presents recommendations for conceptualizing a new index and outlines practical steps toward its implementation.

gppi.net/media/Kinzelbach_Hoffmann_2018_Forbidden_Knowledge.pdf



Free to Think [Report Series]

Scholars at Risk, Released Annually

Free to Think is Scholars at Risk's annual report documenting attacks on higher education communities around the world. A publication by SAR's Academic Freedom Monitoring Project, the report series explores regional and thematic trends derived from the data collected and offers recommendations for government, higher education, and civil society actors to protect higher education from attack and to promote academic freedom.

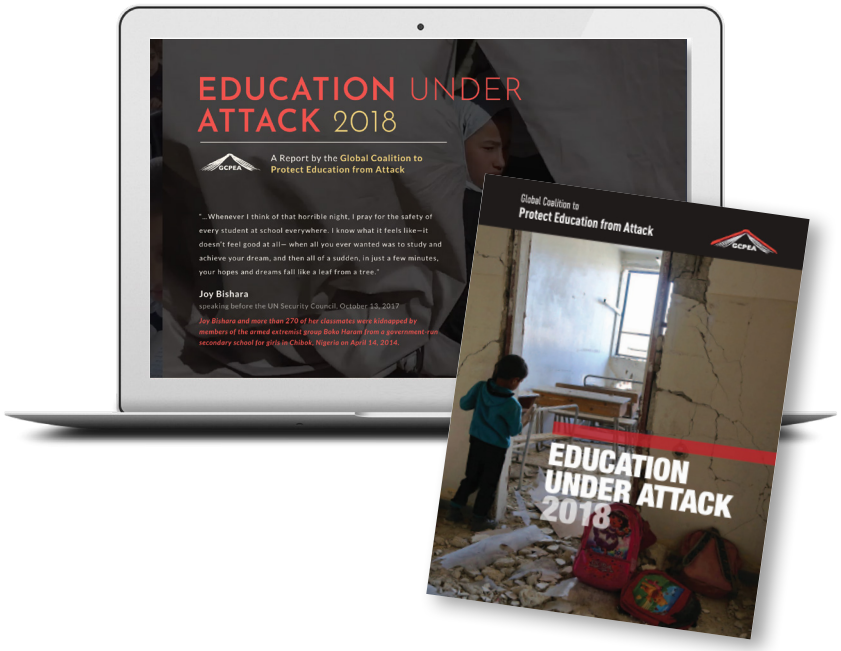
scholarsatrisk.org/bytype/free-to-think

Education Under Attack [Report Series]

Global Coalition to Protect Education from Attack (GCPEA), Released Quadrennially

The Education Under Attack (EUA) report series seeks to raise awareness of attacks on education communities around the world, including at the tertiary and higher education levels, and urges diverse stakeholders to take actions that deter such attacks. *EUA 2018* reported more than 12,700 attacks on education communities between 2013 and 2017, harming more than 21,000 students and educators in at least 70 countries.

eua2018.protectingeducation.org



Freedom in the World [Report Series]

Freedom House, Released Annually

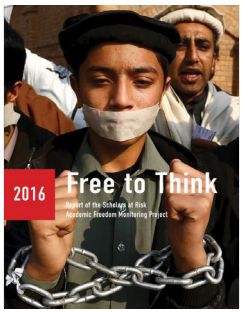
The *Freedom in the World* report series assesses the condition of political rights and civil liberties around the world. Composed of numerical ratings and supporting descriptive texts for 195 countries and 14 territories, the reports provide insights into conditions and pressures that impact higher education communities, including threats to academic freedom, press freedom, freedom of expression, rule of law, and more.

freedomhouse.org/report-types/freedom-world

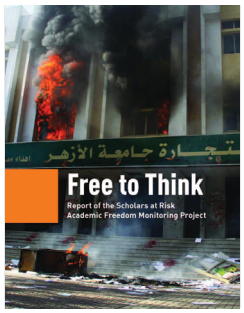
SAR PUBLICATIONS & MATERIALS

Free to Think 2018

Free to Think 2017

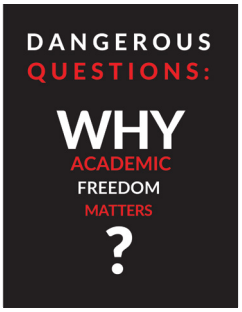


Free to Think 2016

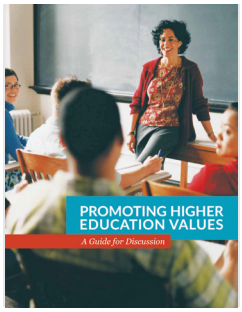


Free to Think 2015

Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law



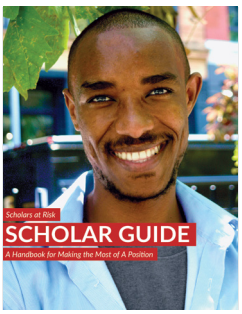
Dangerous Questions: Why Academic Freedom Matters



Promoting Higher Education Values: A Guide for Discussion

2018 Global Congress Report

How to Host Handbook



Scholar Guide

Speaker Series Handbook

Getting Involved: Guide to SAR Membership & Activities

SCHOLARS AT RISK
NETWORK
protection advocacy learning

Thousands of educators and academics are killed, imprisoned, attacked, or threatened around the world each year because of what they teach, write, or say. This is dangerous for all of us. It not only destroys lives, but it also denies everyone the benefit of expert knowledge, destabilizes vulnerable societies, and cripples the healthy public discourse that sustains democracy.

Scholars at Risk is an international network of over 500 higher education institutions and thousands of individuals in 39 countries that is leading the charge in protecting and offering sanctuary to threatened scholars and students. Our mission is to protect higher education communities and their members from violent and coercive attacks, and by doing so to expand the space in society for reason and evidence-based approaches to resolving conflicts and solving problems. We meet this mission through direct protection of individuals, advocacy aimed at preventing attacks and increasing accountability, and research and learning initiatives that promote academic freedom and related values.

Institutions and individuals are invited to take part in this important work by joining the network, offering to host at-risk scholars, organizing campus events, advocating on behalf of imprisoned academics and students, conducting research through SAR's Academic Freedom Monitoring Project and working groups, proposing your own projects, and donating to SAR to sustain these activities. To learn more about SAR activities, network membership, or how you or your institution might benefit, please visit:

www.scholarsatrisk.org

Scholars at Risk is an independent not-for-profit corporation hosted at New York University

SCHOLARS AT RISK
NETWORK
protection advocacy learning

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