

ACADEMIC FREEDOM

Extrémism thrived in countries where assaults on academic freedom fostered a climate of ignorance and intolerance. In Afghanistan, the ruling Taliban's first actions were to shut down most higher education and ban women and girls from attending school. But in less extreme forms, governments around the world justified violations of human rights by casting all critical thought as an attack on public morality, national security, or cultural purity. In the wake of the attacks on New York City and Washington, several academics in the United States and Canada came under official or public pressure for questioning various aspects of their governments' past or projected policies. With another international conflict simmering, violations of academic freedom were likely to increase around the globe.

Even before September 11, 2001, academic groups were growing increasingly aware of the importance of international cooperation and coordination in support of their colleagues' freedom. The international Network on Education and Academic Rights (NEAR) was created in June 2001 to serve as a repository and clearinghouse for information about academic freedom cases. With initial funding from UNESCO, the network promised to expand on the existing contact and cooperation between academics and academic groups. As the network's name indicated, NEAR's understanding of academic freedom embraced not just the civil and political rights of scholars and their students, but also the social, economic, and cultural rights associated with the fundamental human right to education.

The right to education and academic freedom suffered numerous violations around the globe. Oppressive governments punished academics for exercising their right and responsibility to question and criticize their societies. In a troubling development, several armed opposition groups also resorted to this method of silencing their critics. Ideological controls over the nature and content of academic material were apparent around the world, and students who in many countries served as leaders in social development were targeted and persecuted. Many governments also blocked the access of vulnerable and disenfranchised segments of their population to education through their acts or omissions.

REPRESSION OF ACADEMICS

The Chinese government's detention of several academics was the year's most publicized example of an assault on academic freedom and the subject of an international campaign by Human Rights Watch. The arrest, conviction, and eventual release of several of the detained scholars, and the broad international support on

their behalf, demonstrated both the importance of concerted action in defending academic freedom and the fragility of this right. An undetermined number of scholars were detained during this crackdown; while some were released after a few days, others remained in detention for over a year. Those released all said that they had been warned by the Chinese government against publicizing the details of their incarceration.

Xu Zerong, a political scientist at the Guangdong Academy of Social Sciences as well as at Zhongshan University, was detained on June 24, 2000, and formally arrested a month later. Others seized were Li Shaomin, a business professor at the City University of Hong Kong detained on February 11, 2001, and Gao Zhan, a sociologist pursuing her research at the American University in Washington, D.C., detained on February 11, 2001. Several of the detainees studied at universities in the United States or the United Kingdom and resided outside China for significant lengths of time. Li, a naturalized U.S. citizen, studied at Harvard and Princeton Universities, in the U.S.; Gao, a resident of the U.S., studied at Syracuse University and worked at American University, both also in the U.S., and Xu studied at Oxford University in the U.K.

The detention of these scholars prompted a worldwide campaign on their behalf by Human Rights Watch and academic groups in the U.S. and abroad. Because of their personal links to the United States, Gao and Li's cases received significant international attention. Some of the greatest media scrutiny focused on an unprecedented petition signed by over four hundred China scholars from some fifteen countries asking the Chinese government either to release the detained scholars or to immediately address the charges against them in a court in accord with international standards of due process. Partly in response to this pressure, and partly in an effort to improve its relations with the United States, China eventually expelled these scholars from the country after summarily convicting them of "espionage." The trials were widely criticized for falling short of international and domestic standards; each lasted only a few hours, and the defendants did not have any meaningful time to prepare for their defense.

While the release of some of the detained scholars showed the effectiveness of a well-coordinated international response from the academic community, Xu, along with an unknown number of other scholars, remained in detention. Furthermore, many China scholars publicly stated that they curtailed their research activity to avoid subjects potentially offensive to the Chinese government.

The same pattern of persecuting academics in order to curb their intellectual activity recurred around the world. In Iran, a number of prominent academics were arrested in March and April as part of a broader campaign of stifling dissent apparently aimed at countering the widespread support for reform of Iran's political system. In the weeks immediately preceding Iran's presidential elections, authorities arrested at least ten scholars among a group of forty-two figures associated with the liberal Iran Freedom Movement, a banned but previously tolerated political party. Among the scholars arrested were Gholam-Abbas Tavassoli, a sociologist at Tehran University and formerly chancellor of Isfahan University, Hadi Hadizadeh, a prominent physicist, Ghaffar Farzadi, Mohammad Mehdi-Jafari, Habibollah Peyman, Reza Raisdoosti, and Mohammad Maleki. Tavassoli was released two days after his arrest, but several other academics remained in jail.

In response, more than one hundred faculty members from Iran's universities signed an appeal to the government requesting the release of their colleagues. Widespread student protests in support of the detained academics also occurred at universities in Tehran and other cities, and were met by heavy handed police reaction.

These attacks on academic freedom formed the backdrop to a critical rise in the "brain drain" phenomenon among Iran's academics and university graduates. According to a report issued by the Iranian government in May 2001, tens of thousands of academics and professionals left Iran for Western countries in the preceding twelve months. Commenting on this report, chancellors from several Iranian universities blamed the mass exodus of educated Iranians on the "continual psychological insecurity on the campuses."

In Egypt, Saad Eddin Ibrahim, a prominent sociologist and a critic of the government, went on trial on charges of impugning Egypt's international reputation (having reported on Egypt's flawed October 2000 parliamentary elections), accepting foreign funds without authorization (based on a grant from the European Union), and "embezzlement." On May 21, 2001, Ibrahim and twenty-seven colleagues from his think tank, the Ibn Khaldun Center for Development Studies, were convicted in a trial criticized by observers from Human Rights Watch as having predetermined its ruling. Twenty-one defendants (nine of whom were tried in absentia) received one-year suspended sentences and six others (one tried in absentia) received sentences ranging between two and five years' imprisonment with labor. The six serving custodial sentences at the time of writing were: Saadeddin Ibrahim, Khaled Ahmed Mohamed al-Fayyad, Usama Hashem Mohamed 'Ali and Mohamed Hassanein 'Amara (held at Tora Mazra'at Prison), and Nadia Mohamed Abdel Nour and Magda Ibrahim al-Bey (held at the Women's Prison in Qanater. Ibrahim was sentenced to seven years in prison.

A flawed trial surrounded the death sentence handed down in the case of Dr. Yunas Shaikh, a physiologist who taught at Nishtar Medical College in Pakistan. Dr. Shaikh was accused of "blasphemy" by students affiliated with the Majlis Tahaffuz Khatm-i-Nabuwat (The Committee for the Protection of the Finality of Prophethood), a fundamentalist religious organization, based on his remarks during class that the Prophet Mohammad may not have followed Islamic hygienic precepts before he received the revelation that called him to prophethood. According to eyewitnesses, dozens of members of the Majlis Tahaffuz appeared at his trial in an effort to intimidate the court during the proceedings. Dr. Shaikh's conviction came under a law that allows any citizen to initiate a prosecution for blasphemy, although this law has been widely criticized by political and religious leaders. Dr. Shaikh appealed the verdict.

In Tunisia, Human Rights Watch issued a joint statement with several academic groups to protest the escalating attacks on academics advocating democratic reforms and the rule of law. The statement of March 2001 noted two attacks against Khedija Cherif, a sociologist at the University of Tunis and a prominent advocate of women's right. On March 1, Cherif was beaten, sexually harassed, and verbally abused as she was attempting to attend a meeting of the National Council on Liberties in Tunisia (Conseil National des Libertes en Tunisie, CNLT). In the same incident, the unidentified assailants also attacked Abdel Kader Ben Khemis, a professor

at the University of Sousse. The Tunisian government also continued its harassment of Dr. Moncef Marzouki, the CNLT's former spokesperson. In December 2000, he received a one-year sentence, later suspended on appeal, on trumped-up charges of "belonging to an illegal organization" and "disseminating false information," stemming from his former activity with the CNLT. Marzouki had already been improperly dismissed from his position teaching public health at the University of Sousse and barred from any other type of employment, which resulted in extreme economic hardship. He is under constant surveillance and is only allowed intermittent telephone contact. At this writing it is unclear whether he will be allowed to leave the country to assume a teaching position abroad; an attempt in March 2001 to leave for a two-year faculty post in France was thwarted at the airport despite assurances from judicial authorities that he could leave.

Dayan Dawood, rector of Syiah Kuala University in Banda Aceh, capital of the restive Aceh province of Indonesia, was killed on September 5 by unidentified men. He was the second Acehnese rector to be killed in as many years. Aceh has witnessed increased violence in recent years as pro-independence guerrillas battle counterinsurgency forces of the Indonesian military and police. Both groups have been responsible for political assassinations and both sides have accused the other in Dawood's murder. Dawood met with Human Rights Watch in December 2000 and discussed his hope that the university could play a role in forming a nonviolent resolution to the conflict in Aceh.

Attacks by army-linked paramilitaries on academics were rampant in Colombia, where over two dozen scholars and students were killed over the last eighteen months. Most of the attacks were carried out by paramilitary groups contesting what critics described as the left-wing academic environment of Colombia's thirty-two public universities. As set out in a 2001 report by Human Rights Watch, these groups enjoyed tacit, and at times explicit, support from certain Colombian military units. In May, Miguel Angel Vargas, the president of a regional university teachers union, was assassinated by gunmen in the northeastern Colombian city of Valledupar, the home of the Universidad Popular de Valledupar. His brother Lisandro Vargas, also a professor, was gunned down two months ago in Barranquilla, the capital of Atlantico province. The University of Atlántico witnessed the greatest number of attacks: In October 2000, forty-six-year-old Alfredo Castro, a critic of corruption at the university, was shot by unidentified assassins in front of his family. On August 26, 2000, Luis Meza, also from the university, was killed by gunmen.

Similar tactics were used by the militant Basque separatist movement, Euzkadi Ta Askatasuna (ETA). The group took taken credit for several attacks on universities and academics in the Basque region of Spain after the beginning of the 2000 academic year. ETA admitted that it had left a parcel bomb in an elevator in Lejona Campus of the University of the Basque Country on December 18, 2000. The bomb misfired, narrowly missing Edurne Uriarte, an outspoken critic of ETA's tactics. She subsequently stopped teaching out of fear of further assassination attempts. Mikel María Azurmendi and José María Portillo also stopped teaching at universities in the Basque region and moved abroad after attempts on their lives.

CENSORSHIP AND IDEOLOGICAL CONTROLS

In many countries where academics were not physically assaulted or barred from carrying out their responsibilities, governments attempted to muzzle scholars through restrictive regulations on the substance of their work. Censorship and pre-publication previews of scholarly work is still the norm in China, North Korea, Iran, and, to varying degrees, in much of the Arab world from Iraq to Morocco.

In May and June, a Human Rights Watch investigation in Turkey found that universities there were subject to a strict system of centralized control established by the military after the 1980 coup d'état. This system was administered by a central body known by its Turkish acronym, YOK, which controlled every aspect of higher education in Turkey, including budgets and academic placement at every level. The organization had fostered a climate of fear and self-censorship in Turkey's universities by accusing any critical academics of harboring leftist, religious, or separatist tendencies—and sometimes all at the same time.

Human Rights Watch interviewed some forty academics from more than a dozen universities around Turkey who had been punished under YOK's ideological controls. Aside from being subject to criminal sanctions, academics could be banned from teaching for life, or internally exiled to any academic institution in the country. While it was academics with religious tendencies who at this time faced the brunt of the repression, YOK targeted any academic work that contained "leftist" ideas or that acknowledged the existence of problems for ethnic minorities in Turkey. In one particularly egregious example last year, YOK attempted to shut down a private university, Fatih University, because of allegations that it was sympathetic to religious political groups. This claim was rejected by the judicial system, but YOK continued to harass Fatih University.

Ideological controls returned, or increased, in several states of the former Soviet Union. In Belarus, Yuri Bandazhevsky was convicted in June 2001 of "accepting bribes" from students and was sentenced to eight years of imprisonment. He was a leading researcher into the health effects of radiation fallout from the Chernobyl disaster, a subject that was highly politicized in Belarus. Amnesty International named Bandazhevsky a prisoner of conscience in August 2001.

In Central Asia, the government of Turkmenistan continued its campaign against academic freedom and intellectual activity. In January, the country's largest library shut its doors; the library had served as a haven for academics and was the country's last window to foreign scholarship. By June, the last operating Islamic school was also closed.

Russian scholars and their colleagues elsewhere expressed alarm about a new set of regulations issued by the Russian Academy of Sciences governing all contact and cooperation between the country's 53,000 scientific researchers and outside institutions. These regulations required greater monitoring, and possible restriction of, such contact. While some academics feared that this signaled a return to Soviet-era policies, it was not clear how broadly these regulations would be implemented. Anecdotal reports suggested that scientists working in areas of "hard" science—physics, biotechnology, chemistry—had decreased cooperation with foreign counterparts due to the new requirements that they inform their superiors of any

contact with foreign scholars or institutions and that all research proposals must be vetted by the Russian Academy of Sciences.

India also instituted regulations governing attendance of foreigners at international academic meetings held in India. The Indian Home Ministry issued a circular ordering security clearance before holding such gatherings, singling out participants from Afghanistan, Bangladesh, China, Pakistan, and Sri Lanka. Similarly, the ministry issued an edict requiring prior approval for all international academic meetings.

India's governing Hindu nationalist Bharatiya Janata Party continued its policy of "Hinduizing" education at all levels. India's University Grants Commission earmarked funds for university courses in astrology, a move that sparked strong opposition from India's academic community. A lawsuit brought by a group of academics contesting the new university program was before the Supreme Court of India.

SUPPRESSION OF STUDENT ACTIVISM

University students, typically among the most politically active groups of civil society, were frequent targets of government repression. Some of the worst abuses occurred in the Horn of Africa, where the governments of Ethiopia and Eritrea both cracked down on student. With the end of the ruinous border war between these two countries, students were among the first groups to register public dissatisfaction with their governments' conduct.

Ethiopian security forces used excessive force in dealing with student protests in April 2001, and used the protests as an excuse for attacking civil society. Students at the university were at the forefront of a nation-wide movement for greater political freedom. Students at Addis Ababa University were engaged in ongoing negotiations with Minister of Education Genet Zewde over their request to resume publication of a banned campus magazine and the removal of security troops currently stationed on campuses. A number of attacks by security forces culminated in an effort on April 17 to force the students to end their protests.

Heavily armed members of the Special Forces branch of the security forces raided the Addis Ababa University campus, confronting students and civilians as protesters disaffected with government policies joined the clashes in support of the students. At least forty people were killed by security forces in the ensuing disturbances, and eyewitnesses testified that security forces fired live ammunition at protesters and beat unresisting bystanders, including children. More than two thousand students were detained during the raids; while most were released within a few days, an undetermined remained in jail. Some one hundred students escaped the government crackdown by going to Kenya, and seventy escaped to neighboring Djibouti. These students were being held at internment camps under harsh conditions.

Across the border, in Eritrea, students also expressed their disillusionment with government policies after the war with Ethiopia. A broad clampdown on civil society and critical political voices was apparently triggered by an increasingly tense standoff between the government and university students demanding greater aca-

demic freedom and social liberties. The focus of student protest at the University of Asmara, the country's only university, was a mandatory summer work program during which students performed public service around the country during their holidays. In 2001, the students protested the appalling conditions of previous camps. On July 31, the police arrested the president of the Asmara University student council, Semere Kesete, and he remained in jail without charge.

On August 10, four hundred students protesting Kesete's arrest were rounded up and sent to a work camp in Wia, a desert site near the Red Sea where daytime temperatures hovered at about 38 degrees Celsius (100 degrees Fahrenheit). Eventually some 1,700 other students were taken to the camps. The government acknowledged that at least two students died of heatstroke. Parents of students who were protesting the treatment of their children were also arrested. The students were ultimately allowed to return to the university, but at this writing at least twenty members of the student union remained in detention.

In Papua, Indonesia's easternmost province, students played an important part in the broad civilian independence movement that emerged alongside a decades-old armed insurgency. In a spiraling cycle of violence, police killed three students and beat up and tortured dozens of others following a December 2000 rebel attack on a police post in Abepura, near the provincial capital Jayapura.

ACCESS TO EDUCATION

As pointed out by the U.N. Committee on Economic, Social and Cultural Rights, academic freedom was rooted in the fundamental human right to education. Another key component of this right was that governments must educate their citizens without discrimination through their acts or their omissions.

A groundbreaking report by Human Rights Watch based on its research in South Africa demonstrated that the high incidence of rape and sexual assault against girls in schools constituted a serious obstacle to the education of girls in that country. Irrespective of their race or social class, thousands of girls suffered gender-based violence at the hands of their teachers and classmates. The report found that the government of South Africa, which had one of the highest rates of rape in the world, has been remiss in addressing this violence: school officials were often unaware of or unwilling to enforce disciplinary procedures against violators, and many girls were discouraged by their schools or families from pursuing criminal sanctions.

The release of Human Rights Watch's report, *Scared at School*, in March 2001 prompted a widespread and heated national debate. South African authorities pledged to take concrete steps to coordinate appropriate responses between educational and judicial authorities and to develop a national plan to protect South African girls and provide them with an adequate education.

In a letter to Iran's Guardian Council, the body dominated by religious clergy that must approve all new laws, Human Rights Watch denounced the decision to block a parliamentary bill that would have extended to Iranian women the same rights as men to study at universities abroad. Women could study abroad—but only with permission from a male guardian, and only men could receive financial assistance for studying overseas. In January 2001, the Guardian Council over-

turned the decision of Iran's parliament, which voted by a two-to-one margin to amend a law that prohibited women from studying abroad without the permission of a male guardian. While the percentage of girls and women participating at all levels of education rose over the past two decades since Islamic rule began in Iran, women still faced significant legal discrimination in personal status matters, in the ability to travel freely, and in choosing freely how to pursue higher education. As a result of the massive public outcry, the law eventually passed with some slight amendments.

Discrimination based on race, ethnicity, and sexual orientation too often kept students from receiving an adequate education. A 2001 Human Rights Watch investigation found that Israel provided its Palestinian Arab citizens with a markedly inferior education when compared with their Jewish peers. Discrimination based on caste status was also a concern, as evident in the widespread cases of discrimination against members of India's Dalit community, which belong to the lowest rung of the traditional caste hierarchy. (See Children's Rights.)

Human Rights Watch also criticized Israel for interfering with the ability of university students in the Palestinian-governed areas of the West Bank to pursue their education. Since September 2000, Bir Zeit University, located outside Ramallah, has faced a military blockade that often prevented students from attending classes and at times shut down the university completely. On March 7, 2001, a few hours after Prime Minister Ariel Sharon took office, the Israeli Defense Forces cut the only road connecting Bir Zeit University to Ramallah, located about five miles away. An IDF checkpoint, frequently supported by an armored personnel carrier, had since then stopped traffic on the road, obstructing access to the university.

Relevant Human Rights Watch Reports:

Israel: Second Class: Discrimination Against Palestinian Arab Children in Israel's Schools, 12/01

Indonesia: Violence and Political Impasse in Papua, 7/01

Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools, 5/01

Scared at School: Sexual Violence Against Girls in South African Schools, 3/01

BUSINESS AND HUMAN RIGHTS

INTRODUCTION

Voluntary standard-setting, enforcement, legal actions, and other efforts characterized efforts to ensure corporate responsibility in relation to human rights in 2001. In previous years, the debate focused on whether corporations and business generally should have any responsibility for human rights. In 2001, significant