

Academic Freedom

There were no recommendations made on the Hong Kong Special Administrative Region, China (HKSAR) in the Second UPR Cycle.

Framework in HKSAR

HKSAR has long been a bastion of academic freedom in the Greater China region. Since the handover to the People's Republic of China in 1997, these freedoms have been maintained under the framework of "one country, two systems," and legally protected by the Basic Law of HKSAR. The law on these matters is clear and firm: HKSAR shall maintain its own system of free speech, free publication, and free academic research distinct from the restrictive academic environment that is found elsewhere in China.

However, HKSAR's students and scholars played a central role in the 2014 Umbrella Movement protests for political reform. As a result, since early 2015, a growing top-down backlash has attempted to bring academia under the authorities' control.

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have been extended to HKSAR. Their implementation are covered under Article 39 of the Basic Law.

Challenges

Cases, facts and comments

<ul style="list-style-type: none"> Controversial academic figures have been removed from their posts, seen promotions blocked, or faced extra-legal campaigns to pressure their removal. These were all driven by political motivations. Such actions have limited the freedom of expression of academics and constrained their right to hold opinions guaranteed under Article 19 of ICCPR. 	<ul style="list-style-type: none"> Dr Chin Wan-kan, a former assistant professor of Chinese at Lingnan University, and Cheng Chung-tai of Hong Kong Polytechnic University both had their contracts terminated due to associations with the controversial localist movement. Pro-democracy academic Professor Johannes Chan was denied promotion to the position of pro-vice-chancellor of Hong Kong University following agitation against his appointment by pro-establishment media, despite being recommended for the role by an independent search committee.
<ul style="list-style-type: none"> State-appointed and politically connected figures have limited the right to education, especially the autonomy of higher education to serve as a forum to freely exchange ideas under Article 13 of ICESCR and expanded on in the ICESCR Committee's General Comment Number 13. 	<ul style="list-style-type: none"> The Chief Executive of HKSAR is currently the Chancellor of all the Universities, with the power to make key University Council appointments. The two most recent Chief Executives, Leung Chun-ying and Carrie Lam, have made comments that demonstrate insufficient dedication and even hostility to the freedoms essential to academic inquiry in Hong Kong. For example, Chief Executive Lam said that university debates on independence were "not a matter of free speech". Their appointees have in turn undermined freedom of speech in universities.

<ul style="list-style-type: none"> There is a growing push to place limits on freedom of speech, which are neither provided by law nor necessary under Article 19 of ICCPR. 	<ul style="list-style-type: none"> Hong Kong University Law Professor Benny Tai was denounced by Mainland authorities and the HKSAR Government in March and April 2018 for discussing hypothetical scenarios for HKSAR's political future. His critics claim that his words make him unfit to teach and have called for him to be removed from his position. This criticism is part of a wider pattern which aims to limit freedom of speech. However, there are no limits on HKSAR's legally protected freedom of speech, and such state-sanctioned intimidation violates freedom of speech and leads to self-censorship.
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Recommendations

- HKSAR should remove the Chief Executive as ex officio chancellor of tertiary institutions.
- HKSAR should immediately grant universities the right to elect and appoint their own council members, removing the politicized influence of unelected figures.
- Within one year, HKSAR should develop an action plan to uphold academic freedom and autonomy drawing upon rights protected in ICESCR and ICCPR, and guaranteed in the Basic Law.

Questions to ask in advance

- In January 2018, civil society organisation, Hong Kong Watch, released a report identifying substantial concerns with academic freedom in HKSAR. The response from the HKSAR Education Bureau did not address the concerns raised in the report nor respond to the policy recommendations. Could officials clarify which points in the report are, as the Bureau claimed, 'unfounded'? Over the next five years, what measures will HKSAR take to improve academic freedom and institutional autonomy?*
- Over the past year, a number of HKSAR Government officials, from Chief Executive Carrie Lam to Secretary of Education Kevin Yeung, have suggested that academic freedom has "its limits", without referencing what those limits are or their legal basis. How are these limits determined? Who determines them and according to what standards?*

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