

Excerpt from 'Protecting Education from Attack: A State-of-the-Art Review', UNESCO (2010) (aimed at primarily primary and secondary level education advocates, to encourage inclusion of higher ed in protection activities; sections on scope, motives and impacts may be of interest)

# Chapter 6.

## Attacks on higher education communities: A holistic, human rights approach to protection

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**A** holistic, human rights-based approach to protecting education from attack offers the most opportunities for effective action. Such an approach recognizes both the interdependence of all levels of education – from pre-formal through higher education and vocational training – and the inherent dignity-promoting function of education. Recognizing both these features anchors protection work within established legal, human rights and moral frameworks, and reduces potentially negative fragmenting of the education-protection community.

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- 1 This essay is based on remarks delivered at the Protecting Education from Attack, International Expert Seminar held 28 September to 1 October 2009 in Paris, France. Many thanks to everyone at UNESCO involved in organizing the event, including Mark Richmond, Christopher Talbot, Jane Kalista, Pam Vimommas Vachatimanont and Samba Yaya Wane. Very special thanks to Her Highness Sheikha Mozah Bint Nasser Al-Missned of Qatar and to her representatives at the event Abdullatif Ali Al-Shayef, Abduljalil Lahmanate, and John Gregg, for so generously supporting this important work of protecting education communities under attack.
  - 2 Scholars at Risk is a network of universities, scholars and individuals in 28 countries working to promote university values and to protect the human rights of scholars and their communities. Scholars at Risk is privileged to partner with a number of other organizations including the Institute of International Education's Scholar Rescue Fund, the Council for Assisting Refugee Academics, the Network for Education and Academic Rights, the Arab Society for Academic Freedom and the African Academic Freedom Network. Together these and other partners have worked with thousands of threatened scholars from higher education communities in over 115 countries. This essay reflects perspective gained through these partnerships, although any opinions, conclusions or errors are the author's alone.

## ■ Introduction

This essay recognizes that the UNESCO expert seminar grew out of the work of the Inter-Agency Network for Education in Emergencies (INEE), the Office of the Special Representative of the Secretary-General on Children and Armed Conflict (CAAC), several particularly supportive governments and a number of key organizations, all sharing a special interest in children and in primary and secondary levels of education. Broadening the discussion to include higher education is not intended to distract from this important work; the numbers of children suffering grave violations is appalling and there is much still to do. Rather, this essay argues that adopting a holistic approach to education – including not only primary and secondary education but tertiary or higher education, vocational and technical education – increases opportunities for and effectiveness of protection work.

This is in part a matter of practicality. The interdependence within the education sector is undeniable. In the most immediate sense, primary and secondary schools depend on qualified teachers prepared in tertiary institutions. Modes of teaching and curriculum are, in the best situations at least, informed by the findings of scholars at the university level. When higher education professionals are intimidated and targeted for violence or elimination, it has ripple effects through the whole sector and society. Teachers, content and modes of learning are lost. Quality, effectiveness and availability of education at all levels diminish. Interdependence impacts higher education institutions also. They depend on the adequate preparation of students graduating from lower levels, both as students and as future academic staff who will in time replenish the academic community.

Recognizing interdependence is also a matter of essential principle. In their essence, all levels of education depend to greater or lesser degree on building up the popular belief that investment in education leads to something 'better' – to better material prospects, certainly; better social standing and personal fulfilment ideally. Indeed, this belief is behind the success that some education-protection advocates have had by enlisting local stakeholder support for education centres in their communities. It may also be behind some attacks on education communities, inasmuch as the attacks are intended to deny the provider of education the 'credit' for providing whatever 'better' would otherwise be obtained. Belief in education is strengthened when a fully functioning, holistic system of education is in place; when primary education holds some possibility of passage to secondary, vocational or technical levels, or even to university. The belief in education is strengthened when young people and adults alike have hopes of advancing their interests through learning, for themselves or for family or community members. It may be as much the existence of this pathway that matters as one's particular place on it, or even one's chance to ever be on the path. It is the existence of the path – a meaningful, holistic system of education and training – that recognizes the inherent dignity of each person. It recognizes the right and capacity of every human being, of whatever age or ability, to think and to contribute meaningfully to their society. In this it represents not only a holistic approach but a human rights approach.

## ■ Conflicting visions

When considering the challenge of protecting education from attack it is important to consider this dignity-promoting function of education. This is because if we are to reduce or mitigate attacks on education we must first understand them. How one understands them depends very much on one's vision of the purpose of education.

In my experience – here I am addressing primarily higher education, although the discussion applies to all education – there are two dominant visions of the purpose of education: *education-as-training* and *education-for-learning*. As I will describe these below, they may seem to some too starkly defined, especially the former. Admittedly actors at all levels and in all forms of education may be inspired by both visions, to greater or lesser degree, and may make every good effort to satisfy both. Indeed, *within* the education-protection community and *among* education providers, there may be few or none who would adopt the education-as-training view exclusively. Outside of these communities, however, there are most certainly those who would, if they subscribe to a vision of education at all. And to the extent that they have the capacity, they play a significant part in attacks on education professionals and institutions. Understanding their vision is therefore essential to both education provision and to education-protection strategies.<sup>3</sup>

The first vision is that of *education-as-training*. According to this vision education is primarily for training members of society to perform those skills and services which are necessary to the preservation of an existing status quo – social, political, or in some cases economic. In pure form, this is an explicitly elitist vision of education, as the determination of what skills and services are necessary, and who will have access to education, is left to the dominant elite. Again in pure form, this is also an implicitly minimalist view – where education should be provided for the minimum number of persons and with the minimum content necessary to maintain the status quo; providing anything more creates excess ability that may be destabilizing. This vision of education-as-training is one that aims – at best – at maintaining existing levels of human fulfilment and respect for human rights. It offers little promise of progressive realization of rights, let alone of tapping into the genuinely transformative promise of education as an engine for full enjoyment of rights by everyone.

To be very clear – one should not confuse this restrictive vision of education with a limited *provision* of basic levels of education and training that too often accompanies emergencies and conflict. The provision of education in a given time and place necessarily takes into account real

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3 This may be particularly true at the higher education level, where the tensions between these visions – and the consequences of favouring one or the other – may be more acutely felt than at lower levels or in other forms of education. This is because the providers (faculty) and learners (students) at the higher education level have presumably attained levels of ability and maturity that would warrant greater emphasis on the broader vision of *education-for-learning*, and because they are also presumably closer to having acquired the skills, knowledge and opportunities that would enable them to be fully engaged, contributing – and questioning – members of a rights-respecting society. Limits on the *education-for-learning* vision would inhibit their capacity to do so. With this in mind, although the discussion is intended to cover all forms of education, those readers uncomfortable with the labelling of two dominant visions of *education-as-training* and *education-for-learning*, especially those focused on basic, primary or vocational education, are invited to read into the discussion an emphasis on higher education – that is, two dominant visions of the purpose of *higher* education as *higher* education-as-training and *higher* education-for-learning.

limits on conditions and resources. Basic education and training might be the best that one is *able to* provide under a given set of conditions. But this is not the same as believing that this is all that *should be* provided.<sup>4</sup> In pure form, the education-as-training vision limits the understanding of what should be provided, even if the limiting conditions were not present. In doing so, it relieves any responsibility or pressure for changing limiting conditions. As discussed below, it also legitimizes – in the minds of some – actions, including violent actions, against those holding an alternate vision.

The second vision is *education-for-learning*. According to this vision education is not only for training members of society to perform necessary skills and services, but to maximize their capacity to think and to make informed, creative contributions. This is an explicitly popular vision of education, based on the inherent dignity and capacity of each person. This is also an explicitly maximalist view – education should be provided for the maximum number of persons and with the widest range of content available. Limits on the number of persons or content provided may result from genuine limits on time and resources, but these represent a failure to realize the full vision.

This vision of education-for-learning aims at increasing levels of respect for human rights and human fulfilment. It offers the greatest promise of progressive realization of rights and of tapping into the transformative promise of education. Within this expansive vision, a limited *provision* of basic levels of education and training might still be the best that one is *able to* provide under a given set of conditions. But in this case the limited provision is acknowledged as falling short of what *should be* provided if the limiting conditions were not present. Moreover, the education-for-learning vision encourages responsibility and increases pressure for removing limiting conditions. It delegitimizes an imperfect status quo as well as actions taken to maintain the status quo, especially violence.

These two visions of the purpose of education play a significant part in attacks on higher education professionals and institutions. This manifests in conflict over who should be teaching; who should be taught; what should be taught, and how, when and where it should be taught. This conflict is best understood as a competition over space in society: conceptual space in the minds of policy-makers, religious and social leaders, academics, parents and students, as manifested in physical spaces of the pages of textbooks, course offerings in the curriculum, conversations in classrooms, corridors and courtyards of the academic campus and, most acutely, in the physical bodies of scholars, students and other members of education communities. Seen in this way, attacks on education can be understood as attempts to shrink the space for *education-for-learning*, for development of personal capacity, and for full realization of human rights of everyone in society.

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4 This is also not to say that in practice *training* and *learning* do not occur together, or that one cannot emphasize training in a restrictive context with the hope that it will have spillover benefits in service of a wider learning vision. For example, in the implementation of literacy training one may be forced by context to accept a compromised text, while maintaining the hope that the skills obtained will open opportunities to a broader, learning vision.

## ■ Scope of the problem in higher education

How big is the problem of attacks on higher education? It is difficult to give a precise answer. The *Education under Attack* report provided an important introduction to the scope of the problem at all levels.<sup>5</sup> As the report recognized, despite a decade of increasing direct-action advocacy by Scholars at Risk and our partners, there remain critical gaps in information and research on attacks on higher education communities. Ten years ago we had to rely almost exclusively on irregular, anecdotal reports and a few brief mentions in international media. The latter consisted in most instances of a sentence at the end of a longer story on political or social unrest saying something like ‘...others were also detained, including X professors (or students).’ Today the situation is better. Scholars at Risk now has thousands of entries in our programme database and our partner organizations do as well. From these we can discern patterns and areas of concern. But we still lack a systematic means of capturing, monitoring and tracking attacks, let alone the full means to redress attacks and end impunity.

Reports like *Education under Attack* help. It should be annual. The education-protection community should develop, perhaps with UNESCO’s help, standardization for coding data about attacks on education communities, so that the information already gathered in our respective, independent work might be shared and compiled for more regular, comprehensive analysis.<sup>6</sup> Beyond simply capturing more data, we also lack good metrics for measuring both the problem and the effectiveness of responses. Incident-reporting only goes so far. At Scholars at Risk we have been working to address this problem by developing a set of indicators of the health of higher education systems. In this effort we have focused on measuring respect for university values – access, accountability, academic freedom, institutional autonomy and social responsibility – rather than on incidents, inputs and outputs. We hope to produce a survey/index of national level conditions worldwide. This will redress the current information gap, and help both to identify opportunities for intervention and to suggest specific strategies.

Of course recognizing the limits of what we know does not mean we know nothing. From our work already we know a lot. We know that the scope of attacks on higher education institutions and professionals is immense. In the last decade alone, thousands of scholars have been directly targeted. Tens of thousands have been secondary targets, intentionally intimidated by direct attacks on others. Hundreds of thousands – if not more – have been indirectly impacted, deterred or obstructed from pursuing their work. And there is every reason to believe we are still undercounting. Large sub-sectors remain under-recorded. At the global level, most information on attacks on higher education professionals is received and produced in English, Spanish and French. Broadening capacity to report, monitor and respond in other languages – Arabic, Chinese and Russian especially but others also – should be expected to expose problem areas that are currently omitted. Similarly, cultural and technological barriers may contribute to under-recording.

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5 Brendan O’Malley, *Education under Attack: A Global Study on Targeted Political and Military Violence against Education Staff, Students, Teachers, Union and Government Officials, and Institutions* (Paris: UNESCO, 2007).

6 Of course there would be certain difficulties, not least being how to secure the data and ensure confidentiality of individuals while preventing double-reporting of incidents, but the benefits of comprehensive reporting would make finding solutions worthwhile.

These may be intentional – such as censorship or surveillance of electronic communications – or systemic – such as low bandwidth and lack of secure access to internet or other communications. This is particularly true as to date most monitors are based in highly developed Western or Northern countries, while the worst of attacks are most often experienced in developing countries in the South and East. Cultural barriers may also make reporting outside of the country or region difficult or undesirable. Sub-cultures especially – who generally experience greater obstacles in entering higher education in the first place – may be especially unlikely to self-report or to be otherwise recorded.

## ■ Nature of attacks

Beyond the immense scope of the problem, we know from our experience that attacks can be divided into two broad classes, grossly labelled physical versus nonphysical or preferably attacks on *life or liberty*<sup>7</sup> versus attacks on the *provision or quality*<sup>8</sup> of education. Like most education-protection advocates, Scholars at Risk focuses on life/liberty attacks, not as a matter of principle, but of limited resources. A scholar whose life or liberty is at stake should take priority over one who is physically safe and working but experiencing non-immediate threats to his or her career.<sup>9</sup>

Still, attacks on quality are real and important. In terms of sheer numbers of persons harmed, attacks on quality are far more common and destructive to the health of higher education communities. We have long recognized the need to develop activities which address these threats, and any monitoring, measuring and reporting activities should take these into account.

Focusing on attacks on life/liberty, we have seen that they are experienced in two types of situations: emergencies and open conflict on the one hand, and pre-conflict and isolated, targeted attacks on the other. Emergencies and open conflict produce the largest *numbers* of attacks. In the last decade, countries experiencing these attacks would of course most especially include Iraq, where hundreds of scholars have been killed, thousands exiled or displaced and university infrastructures severely degraded.<sup>10</sup> In Iraq attacks have been aimed at narrowing the

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7 Life/liberty attacks against higher education professionals include harassment (including surveillance, denial of accesses or permissions, confiscation of notes and computers files, professional or personal slander or defamation, physical or sexual intimidation), arbitrary dismissal threatening economic survival, exile (internal and external), arrest on false charges, detention without trial, trial and imprisonment, torture, disappearance, and extra-judicial killing (murder). These may be enhanced during emergencies, wars and armed conflicts, when members of higher education communities not only suffer the risk and violations suffered by the population generally but may also be specifically targeted because of their status or role in the community.

8 Attacks on quality include, among many others, obstructions on hiring and promotion, interference with or undermining of teaching or research; restrictions on travel or collaborations; and limitations on access to information, materials, equipment or advanced training.

9 We also reason that, to the extent that providing help to an individual scholar has any symbolic power either as a deterrent or a catalyst for positive engagement with the source of the threat, the symbolic effect of a case involving life/liberty attacks would be greater and therefore would have a greater chance of impact on conditions generally.

10 Scholars at Risk Network confidential case files. For inquiries contact [scholarsatrisk@nyu.edu](mailto:scholarsatrisk@nyu.edu). See also Henry G. Jarecki and Daniela Zane Kaisth, *Scholar Rescue in the Modern World* (New York: Institute of International Education, 2009), 27, 63; O'Malley, *Education under Attack*, 15-16; and The Brussels Tribunal website, <http://www.brusselstribunal.org/> (accessed November 9, 2009).

space for education – that is, conscious efforts to control who would be teaching, who would be taught, what is taught, and how, when and where it is taught. At first these attacks seemed focused on scholars with Western affiliations – direct collaboration with Western military or political offices – but quickly devolved to attacks along sectarian divisions, on academic content, and ultimately for purely criminal objectives such as extortion for better grades or kidnapping for ransom. Similar conflict within and over the university space has been experienced recently in Afghanistan, although not as much as might be expected (perhaps because of attrition in the higher education community after decades of conflict and neglect), as well as Burma/Myanmar, Zimbabwe and the Democratic Republic of Congo, among others.

Beyond attacking the personnel or content of higher education, some attacks target the concept of the neutrality of the university space.<sup>11</sup> Some elements of such attacks were also experienced in Iraq, in particular when various political parties, particularly with opposing religious affiliations, competed to control the university space.<sup>12</sup> Attacks on neutrality have been experienced recently also in, for example, Sri Lanka, Colombia, and Indonesia (Aceh and West Papua). In these situations militants on competing sides of a conflict deny the neutral option to members of the university community, threatening or attacking those who refuse to adhere. Take for example the case of Professor Dayan Dawood, the former Rector of Syiah Kuala University of Banda Aceh, Indonesia. On September 10th, 2001, at a celebration marking the 40th anniversary of the university, Professor Dawood offered remarks in which he praised efforts to seek a peaceful dialogue in the regional conflict between the Indonesian government forces and the guerrilla Free Aceh Movement. He suggested that the university could provide a safe, neutral space for finding a new concept for peace in the region. Four days later, he was assassinated in broad daylight by two gunmen while on his way to campus; a clear message denying the neutral option.<sup>13</sup> Similar attacks were made on professors in Colombia after they urged respect for the neutrality of the campus, such as at the University of Antioquia and elsewhere.<sup>14</sup>

The recent conflicts in Georgia and Gaza resulted in serious damage to many education facilities.<sup>15</sup> These situations may be somewhat different, however, in their allegations of intentional targeting of facilities on the one hand and allegations of use of the facilities to shelter combatant activity

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11 By 'neutrality' I do not mean to suggest that higher education communities are or should be removed from active engagement with contemporary social, political or cultural issues. This 'ivory tower' approach is harmful to both the higher education sector and to society. The former because it marginalizes and therefore undermines public support for higher education, the latter because it denies society its return on investment in higher education in the form of qualified, expert contributors on important questions. Nor do I mean to suggest that higher education – or any education for that matter – is entirely 'neutral' in content or impact. This is clearly not the case, as there are value choices in the content and provision of education. As indicated previously, I would favour those choices consistent with a human rights-based vision of *education-for-learning*. By 'neutrality' I mean only the basic, core principle – too often neglected – that the university space is defined by an abandonment of violence as the basis for deliberation and decision-making. Conflict within the university space is, in principle at least, limited to competition of ideas, evidence and persuasion falling short of coercion or violence. Entry into and good standing within the university space is conditioned on the surrender of the resort to violence and in this sense acceptance of neutrality.

12 Zvika Krieger, "Iraqi Universities Near Collapse," *The Chronicle of Higher Education*, May 18, 2007, 1.

13 Burton Bollag, "Indonesian Rector Assassinated in Aceh," *The Chronicle of Higher Education*, September 21, 2001, A40.

14 Larry Rohter, "A Terrorized University Fights to Be True to Itself," *New York Times*, December 28, 1999, A4.

15 Human Rights Watch (HRW), *Up in Flames: Humanitarian Law Violations and Civilian Victims in the Conflict over South Ossetia* (New York: HRW, 2009), 41; and United Nations Human Rights Council (UNHRC), *Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact Finding Mission on the Gaza Conflict*, A/HRC/12/48 (2009), paras. 1268-1274.

on the other. Clearly both sets of allegations represent a serious violation of the neutrality of the university space. Similarly we see violations of the principles of university neutrality and autonomy in places where military, security or political personnel are temporarily or permanently stationed within the university campus, with recent examples in Bangladesh, Egypt, Venezuela and elsewhere.<sup>16</sup> In some cases it is difficult to determine whether attacks aim to harm the university in its education function, or merely to undermine the governing authority and control resources or territory. For example, raids by militants effecting members of the university community in Gulu in Northern Uganda could not be clearly said to be aimed at the education function. Nevertheless they impeded that function.<sup>17</sup>

In all of these situations, large numbers of persons inside and outside the higher education community are affected. Even if not directly targeted, the effects of attacks inside and outside the community impair the education function. Transit to or from campus becomes hazardous. Working or meeting with students or others alone raises risks. As a result, teaching and research capacity degrade, even more so when attacks trigger involuntary brain drain as higher education personnel seek greater security for themselves and their families elsewhere.

While these emergencies and open conflict situations impact larger numbers of *persons*, pre-conflict and isolated, targeted attacks occur in a larger number of countries; over 115 in our experience so far. Of these, perhaps one third involved isolated attacks against only one or two persons of particular note in a community. These are almost always content-driven, directly related to the actual or perceived content of a scholar's work. Examples include the Spanish historian who suffered an assassination attempt after his writing criticized ultra-nationalist terrorist organizations;<sup>18</sup> the Israeli historian who received threats after publishing articles charging Israeli troops with massacres of Palestinians;<sup>19</sup> the Thai political scientist threatened with imprisonment for his book examining a recent political uprising;<sup>20</sup> researchers into election irregularities in Egypt, Russia and elsewhere who have had their research centres closed, been detained and interrogated and in some cases imprisoned pending prosecution;<sup>21</sup> and more.

Although there is little risk that these targeted attacks will spread violence to the wider population, they are nevertheless serious in that they represent a conscious attempt to narrow the space for

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- 16 HRW, *Reading Between the 'Red Lines': The Repression of Academic Freedom in Egyptian Universities* (New York: HRW, 2005), 26-46; BBC News, "Bangladesh Moves to Quell Unrest," August 24, 2007, [http://news.bbc.co.uk/2/hi/south\\_asia/6961543.stm](http://news.bbc.co.uk/2/hi/south_asia/6961543.stm) (last accessed November 30, 2009); and Jeremy Morgan, "Chávez, Citing Revolting Students, Seen Taking Over Venezuela Universities," *Latin American Herald Tribune*, August 7, 2009, <http://www.laht.com/article.asp?CategoryId=10717&ArticleId=335659> (last accessed November 30, 2009).
- 17 Irin News, "Uganda: Concerns Over Renewed LRA Attacks on Civilians," October, 5, 2005, <http://www.irinnews.org/Report.aspx?ReportId=56599> (last accessed November 30, 2009).
- 18 Wendi A. Maloney, "Academic Rebels Far from Home," *AAUP Academe* (September-October 2004), <http://www.aaup.org/AAUP/pubsres/academe/2004/SO/Feat/malo.htm> (last accessed November 30, 2009).
- 19 Helena Flusfeder and David Jobbins, "Historian Fears for Academic Freedom in Israel," *Times Higher Education Supplement*, May 17, 2002, <http://www.timeshighereducation.co.uk/story.asp?sectioncode=26&storycode=169182> (last accessed November 30, 2009).
- 20 Duncan Campbell, "British Professor Flees Thailand after Charge of Insulting King," *The Guardian*, February 9, 2009, <http://www.guardian.co.uk/world/2009/feb/09/professor-thailand-charged-king> (last accessed November 30, 2009).
- 21 Susan Sachs, "Egypt Clears Rights Activist Whose Jailing Drew World Protest," *New York Times*, March 19, 2003, A8, <http://www.nytimes.com/2003/03/19/world/egypt-clears-rights-activist-whose-jailing-drew-world-protest.html> (last accessed November 30, 2009); and Kommersant, "St. Petersburg European University Closed for Training Observers," February 11, 2008, [http://www.kommersant.com/p851415/Vote\\_observer\\_university/](http://www.kommersant.com/p851415/Vote_observer_university/) (last accessed November 30, 2009).

education and thought; that is to define areas which are, to the attacker's view, 'off limits' from inquiry and discourse. As such these are among the clearest attempts to define education and knowledge by force, and are in clear conflict with a human-dignity promoting, human rights approach to education.

While many of these attacks ultimately are violent, in the initial stages targeted, content-based attacks more generally aim to *isolate* the target from colleagues, peers, family and other supporters. It is this isolation that makes higher education professionals – and likely all education professionals – more susceptible to later, more violent attacks. Efforts in protection and prevention work would do well therefore to focus on preventing isolation, including through registering threats against education professionals with local and international monitors, communicating wider awareness of the threats to suspected attackers to deter further aggression, and putting in place emergency action plans in case threats escalate suddenly, including plans for protective services in place or emergency relocation when necessary.

Unlike these isolated attacks, what may be called 'pre-conflict' situations are marked by widespread repression or polarization of the education community and perhaps society generally, where state or non-state actors regularly resort to intimidation, harassment and violence to maintain the status quo. Such situations are marked by restrictions on or loss of rights and the future possibility – although not certainty – of open armed conflict. In these situations, attacks on higher education sector should be seen as part of a complex orchestration – one that presents an appearance of openness for international and some domestic audiences, while tightly restricting discourse and dissent, particularly through targeted attacks on potentially troublesome groups, including not only higher education professionals, but teachers, defence lawyers, journalists, writers, artists and others engaged in knowledge production and expression. These attacks may sometimes be content-driven in that they may be in response to the specific content of the educator's teaching or research work. But more often they are conduct-driven, aimed at activities which are threatening to the established order including publishing (both in print and electronic formats), organizing discussions and meetings, and demonstrating, whether on campus or on the streets.<sup>22</sup>

Pre-conflict types of attacks are experienced widely. For example, in the aftermath of the recent Iranian elections reports emerged about attacks on student protests and dormitories, including several fatalities and multiple arrests.<sup>23</sup> In China, police used force to break up students

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22 Frequently student or teacher conduct triggering such attacks is labelled by authorities as 'political.' To this view, expressive activity outside of the exclusive training function is by definition outside of the educative function. It is therefore disruptive and subject to sanction, even by violence. But seen through the lens of education-as-learning, expressive activity outside of the classroom, or even outside the campus, is a natural extension of the development of human intellectual, social and political capacity and progress in the full expression of human rights, at least so long as the conduct remains non-violent and rights-respecting. This is not to say that *partisan* activities cannot be regulated through generally applicable legal guidelines that conform with rights standards, or that such activities might not be appropriately restricted or even banned within the educational space, only that such conduct is not entirely outside of the education function.

23 Tehran Times, "Iran Probes Tehran University Dorm Attacks," September 9, 2009, [http://www.tehrantimes.com/index\\_View.asp?code=202891](http://www.tehrantimes.com/index_View.asp?code=202891) (last accessed November 30, 2009).

demonstrating against the arrest of a lecturer<sup>24</sup> or changes in government education policies.<sup>25</sup> In Ethiopia ethnic-minority students were detained without charge following anti-government demonstrations.<sup>26</sup> In Venezuela, military personnel violated university autonomy to break up student and faculty protests in opposition to changes in governance and education budgets.<sup>27</sup> Many scholars and writers in Turkey face prosecution for publishing articles and essays which challenge status quo perceptions of the national history or identity.<sup>28</sup> The list could easily go on. In these situations harm to the higher education institutions may be manifested in a decrease in resources, degradation of facilities, restrictions on academic areas/departments, reductions in autonomy and the presence of military, security or political personnel on campus. More often, however, they are directed against individuals or groups of individuals, starting again with isolation, leading to loss of position, loss of liberty or exile, violence or death. Again, efforts in protection and prevention work would do well therefore to focus on preventing isolation.

Although these pre-conflict situations may not involve the same scope of violence or loss of individual life as in emergencies or open conflict, this is not to say that they warrant any lesser attention or resources. On the contrary, these situations may present better opportunities to intervene before the eruption of social disorder or open conflict. More effective use of traditional human rights and humanitarian law mechanisms may provide less costly opportunities to ease tensions and avoid wider violations of rights. In this sense, these pre-conflict attacks may be seen as a form of early warning system that the education-protection community would do well to heed.

## ■ Impact and possible responses

Before suggesting several responses aimed at deterring or mitigating attacks, it is worth detailing the impacts of attacks on higher education. Recognizing again the interdependence of all levels of education, it should first be noted that attacks on higher education impact all sectors. The killing of professors undermines the academic and teaching professions, contributing to shortages of qualified teachers at the primary and secondary levels. Restrictions on curriculum and closing of universities for extended periods undermine quality and general levels of respect for education which are built up slowly over many years.

Widespread attacks in emergency and open conflict situations degrade education facilities, slowing down and increasing the costs of recovery periods. They also trigger involuntary brain drain, as trained education professionals seek safety for themselves and their families outside

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- 24 Clifford Coonan, "Chinese Students Protest after Lecturer Arrested," *The Irish Times*, September 22, 2009, <http://www.irishtimes.com/newspaper/world/2009/0922/1224254988279.html> (last accessed November 30, 2009).
  - 25 BBC News, "Student 'Riot' at Chinese College," June 20, 2006, <http://news.bbc.co.uk/2/hi/5098204.stm> (last accessed November 30, 2009).
  - 26 HRW, *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia's Oromia Region* (New York: HRW, 2005), 22.
  - 27 BBC News, "New Education Clash in Venezuela," August 23, 2009, <http://news.bbc.co.uk/2/hi/8216588.stm> (last accessed November 30, 2009).
  - 28 Article 19 (Global Campaign for Free Expression), "ARTICLE 19 Concerned about Continuous Threats to Freedom of Expression in Turkey," October 16, 2009, <http://www.article19.org/pdfs/press/turkey-article-19-concerned-about-continuous-threats-to-freedom-of-expressio.pdf> (last accessed November 30, 2009).

of conflict zones. The good news is that among the exiled scholars we work with, all express a desire to return to their home countries. This means that greater attention to restoring facilities and resources for higher education, increasing protection and ending impunity during and after emergency and conflict periods has a good chance of reversing brain drain.

Pre-conflict and isolated attacks similarly contribute to involuntary brain drain, by driving away both those professionals who are the targets of intimidation or violence, as well as the much wider numbers of professionals who may not be direct targets but are secondary targets of restrictions on the space for inquiry, discourse and professional development. These professionals leave to pursue their work in more open, free environments. The clients of education lose out, current and future students and the society generally. Civil society is weakened, both by the loss of those silenced or exiled, and by the conscious and unconscious self-censoring of those who remain. The function of education as an engine of positive change is lost, not only for promoting human dignity and fundamental rights but even in the most practical terms of providing technological and industrial competencies. Society becomes risk-averse, creation-averse, discovery-averse. It atrophies, making future development and recovery much more difficult.

Recognizing these negative consequences both in near and long terms, we would do well to develop strategies for responding to attacks on higher education communities not only in emergencies and conflict situations but in pre-conflict conditions as well. In the latter especially, strategies for prevention of wider violations may be most helpful. In all cases, more work is needed to generate and standardize reliable data, especially from those areas traditionally isolated by language, culture and technology. Metrics for measuring and evaluating conditions across borders and across time should be developed – such as Scholars at Risk’s attempt to develop indicators of the health of the higher education sector,<sup>29</sup> or indicators of respect for the right to education more generally.

Legal standards on the right to education generally, and on university values in particular, are in place although to a lesser degree for university values. Both need to be better articulated, developed and implemented. Standards in the areas of institutional autonomy and individual academic freedom should be further developed and more widely incorporated into international and national law and practice. At the international level, the UNESCO Recommendation on the Status of Higher Education Teaching Personnel provides a starting point.<sup>30</sup> Respect for the autonomy of higher education institutions in particular, including limits on the stationing of military, security or political personnel on campus and in classrooms, should be more broadly recognized and adhered to. The same is true as to the freedoms of higher education personnel to produce content and engage in expressive conduct as part of the fullest articulation of an educational vision.

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29 Scholars at Risk’s World Academic Freedom Survey project seeks to develop a set of common indicators enabling researchers, advocates and policy-makers to develop a comprehensive, comparative understanding of the health of the higher education sector as regards core university values of access, autonomy, accountability, academic freedom and social responsibility. Scholars at Risk is currently seeking funding and research partners for the project and invites inquiries to [scholarsatrisk@nyu.edu](mailto:scholarsatrisk@nyu.edu).

30 United Nations Educational, Scientific and Cultural Organization (UNESCO), *Records of the 29th Session of the General Conference: Volume I (Recommendations)* (Paris: UNESCO, November 11, 1997), [http://portal.unesco.org/en/ev.php-URL\\_ID=13144&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html) (last accessed November 10, 2009).

All of these – data gathering, metrics and measurement, development and implementation of standards – need to be applied more effectively to protect higher education communities and prevent attacks. Monitoring, reporting and long-term tracking will all help with this, and Scholars at Risk is ready to cooperate on these. But credible deterrence must be established also. Efforts must be made to raise the political costs and to end impunity for attacks on education communities. Better means are needed for combating involuntary brain drain, including increasing protection services for higher education personnel (and all education personnel) before they are forced to flee their country, and better services are required to encourage reintegration of higher education professionals in exile, including security provisions after their return. Emergency and post-conflict responses should include higher education as an important component of recovery and in particular an important step in ending the cycle of violence. This will also help to reverse involuntary brain drain. Increased transparency and solidarity with institutions and individuals experiencing threats and attacks in pre-conflict situations, will help to combat isolation and decrease vulnerability to future attack.

Finally, further attention to attacks on education by the UN General Assembly and Security Council will help with all of these. Such action should recognize a holistic approach to education, including not only primary and secondary education but all levels, including higher education. Such action should also recognize a human rights approach, including the responsibility not only of states but of the education sector; the responsibility of higher education institutions and professionals themselves and the need for greater solidarity in protecting fellow institutions and professionals most at risk. Such action should be grounded in a vision of education-as-learning. With that vision we can imagine a future where attacks on education are reduced and perhaps eventually eliminated. With that vision, and continued cooperation like this expert seminar, we can not only imagine but achieve a future where education is practiced in its fullest, transformative, dignity-promoting, rights-respecting form, for the benefit of all.