

Mandates of the Independent Expert on human rights and international solidarity; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Working Group on discrimination against women and girls

Ref.: AL OTH 60/2025
(Please use this reference in your reply)

8 July 2025

Dear Mr. Frenk,

We have the honour to address you in our capacities as Independent Expert on human rights and international solidarity; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Independent expert on the promotion of a democratic and equitable international order; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 53/5, 53/3, 55/5, 53/7, 52/9, 50/17, 52/4, 57/7, 52/36 and 50/18.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

University of California

In light of recent events in the United States, we are very concerned about the level of polarization among the student body and staff within American universities and seek to ameliorate its impact on the enjoyment of human rights. We believe that the principle of academic freedom is fundamental for the maintenance of a university in which critical issues are subject to discussion without penalization. We are concerned that the division of opinion on the conflict in Gaza, the lack of capacity from universities to create safe spaces to all opinions to be expressed safely, and for reunions and assemblies, including protests, to develop without undue restrictions, has fragmented university students, staff, and administration to an extent that has been painful and has negatively impacted the learning environment. We have formally communicated our concerns to the Government of the United States on this issue. Previous communications have also been sent to the Government of the United States, including a joint communication in May 2024 (ref. [USA 12/2024](#)), along with various press releases, the latest of which was issued in March 2025.

We advise consideration of the fact that reconciliation of a divided student body and staff requires both commitment to bridge-building dialogues between groups in good faith to identify and terminate alienating narratives and responsive tactics that have affected everyone. We appreciate the Chancellor's pursuit of listening exercises on campus and would like to learn more about the forthcoming plan to move from polarization to pluralism.

Reconciliation requires a truthful account of the dispersal of the peaceful solidarity protests against the ongoing conflict in Gaza - protests that were pursued in accordance with freedom of expression and peaceful assembly. The imposition of disproportional measures, including summons and/or sanctions, disciplinary proceedings, suspension, denial of graduation/degrees, loss of university-based housing, detention and cancellation of visa or other immigration status due to participation in protests increases fear and distrust within the student body.

We strongly denounce anti-Semitism as a most serious form of racial hatred and intolerance, that should be denounced and addressed firmly in line with international standards for restricting harmful speech set out in article 19(3) of the International Covenant on Civil and Political Rights. When it takes the form of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence it must be prohibited by law in accordance with article 20(2) of the International Covenant.

We support the initiative that the university administration has taken to act firmly against all forms of racial and religious harassment, including antisemitism and Islamophobia. However, the right to criticize a State's laws, policies and practices are at the core of the right to freedom of opinion and expression, and therefore criticism of Israel, including protests against its policies and practices against Palestinians, should not be equated with anti-Semitism. We are disturbed by the vague and overly broad use of the term "antisemitism" to label, denounce and repress peaceful protests and other forms of expression of solidarity with Palestinian victims, calls for a ceasefire in Gaza or the legitimate criticism of the Government of Israel's policies and practices, including its conduct of the conflict in Gaza and allegations of genocide. We are further concerned by the use of time, place, and manner restrictions to disrupt peaceful

assemblies. As indicated by the Special Rapporteur on the rights of freedom of opinion and expression, antisemitism should be clearly distinguished from political expression. The “working definition” of antisemitism of the International Holocaust Remembrance Alliance contravenes this critical international standard of freedom of expression and does not meet the international legal standards for restriction or prohibition of speech laid out in the Covenant (A/79/31, pars. 78-82).

We stress that any restriction of freedom of expression must meet the conditions of legality, necessity and proportionality set out in article 19(3) of the International Covenant of Civil and Political Rights. Furthermore, all accusations and concerns of rising antisemitism on university campuses must be grounded in concrete, factual evidence and properly investigated with due process guarantees, with the objective of protecting all students from hate speech while upholding the right to freedom of expression in accordance with international human rights standards. We further stress that when limits are established on a university campus—particularly when justified on the basis of time, place and manner—they must be content-neutral, reasonable, necessary and proportionate, and dispersal actions should not be taken without compelling reasons.

We also recall that under the UN Guiding Principles on Business and Human Rights, the University administration has an independent responsibility to respect the human rights of students, including students human rights defenders exercising their rights to participate in peaceful protests and to freedom of expression, including calling for a ceasefire in Gaza and for accountability for gross human rights violations, and/or expressing support for Palestinian victims.

The learning environment within university campuses should be inviolable, while every effort should be made to protect students from further trauma and polarization. No student should be denied the right to complete their education and from pursuing their future academic or professional aspirations. Reconciliation and mutual respect are now more critical than ever to promote healing dialogue.

In connection with the above alleged facts and concerns, please refer to the Annex on Reference to international human rights law attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the justification for the dispersal of the protests, and how these measures comply with articles 9, 19 and 21 of the ICCPR.
3. Please also provide justification for the disciplinary action that has reportedly been taken against those students who participated in the protests.

4. Please provide information about the measures that the University has taken or intends to take to ensure that the rights of students, including student human rights defenders, to engage in peaceful protest and make public statements lawfully, is protected.

This communication and any response received from you will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

The Independent Expert on international solidarity offers her support, including through engagement with student, staff, and administration to promote the adoption of a human rights based solidarity approaches to pursue mutual respect and reconciliation.

Please be informed that a letter on this subject matter has been also sent to the Government of the United States of America.

Please accept, Mr. Frenk, the assurances of our highest consideration.

Cecilia M. Bailliet
Independent Expert on human rights and international solidarity

Lyra Jakulevičienė
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Farida Shaheed
Special Rapporteur on the right to education

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

George Katrougalos
Independent expert on the promotion of a democratic and equitable international order

K.P. Ashwini
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law as referenced in the letter that was sent to the Government of the United States of America on the afore-mentioned issue

In connection with above alleged facts and concerns, we would like to refer you to articles 9, 19, and 21 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the United States on 8 June 1992.

Article 19 of the ICCPR guarantees the right to freedom of opinion and expression. Articles 21 and 22 protect the rights to freedom of peaceful assembly and of association. Article 21 states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”

The Human Rights Committee previously affirmed that States “should effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that do not respond to the requirements under article 4 of the Covenant. In particular, it should refrain from imposing detention on individuals who are exercising their rights and who do not present a serious risk to national security or public safety” (CCPR/C/THA/CO/2, para. 40). In this regard, we would also like to refer to the recently adopted General Comment No. 37 of the Human Rights Committee on the right of peaceful assembly (CCPR/C/GC/37), which stressed that “the possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly. [...] States are obliged to take all reasonable measures that do not impose disproportionate burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner”.

Article 19 (3) of the ICCPR requires that any restriction on the right to freedom of expression (i) is provided by law; (ii) serves a legitimate purpose; and (iii) is necessary and proportional to meet the ends it seeks to serve. In this connection, we wish to recall that the arbitrary arrest or torture of individuals because of the exercise of their freedom of expression will under no circumstance be compatible with article 19 of the ICCPR, CCPR/C/GC/34 para. 23. In particular, Human Rights Council Resolution 12/16 calls on States to refrain from imposing restrictions which are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

We recall that the Human Rights Committee’s General comment no. 35 affirms that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21) and freedom of association (art. 22), freedom of religion (art. 18) and the right to privacy (art. 17). Arrest or detention on discriminatory

grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary.

Article 9 of the ICCPR, whereby everyone has the right to liberty and security of person, no one shall be subjected to arbitrary arrest or detention and no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. We recall that a deprivation of liberty is considered arbitrary when it constitutes a violation of international law on the grounds of discrimination, including discrimination based on the status of an individual as a journalist or a human rights defender.

Further, we would like to refer you to the report on academic freedom of the former Special Rapporteur on the right to freedom of opinion and expression. Mr. David Kaye. The Special Rapporteur stressed that although there are many ways in which the freedom of opinion and expression protects and promotes academic freedom, there is no single, exclusive international human rights framework for the subject. Within the corpus of civil and political rights, protected under the Universal Declaration of Human Rights and codified in the International Covenant on Civil and Political Rights, the rights to peaceful assembly and association, privacy, and thought, conscience and religious belief can promote and protect academic freedom. Articles 13 (right to education) and 15 (right to scientific advancements) of the International Covenant on Economic, Social and Cultural Rights, signed by the United States in 1977, expressly promote rights at the centre of academic freedom (A/75/261, para. 5). The Special Rapporteur also recommended that States recognize the vital importance of academic freedom by refraining from attacks on academic institutions and those who constitute academic communities, and by protecting them from attacks – insulating them from assault – by third parties. He stressed that States should at the minimum ensure “the institutional autonomy of universities, research institutes and other bodies that constitute the academic community. The recognition of such autonomy includes recognition of the special autonomous space of academic campuses and the importance of allowing that space to be a vibrant space for the exercise of the rights to expression, protest and other fundamental freedoms.” (A/75/261, para. 56).

We further wish to draw your attention to the right to adequate housing, enshrined in article 25.1 of UDHR and article 11.1 of the ICESCR. In its general comment No. 7, the Committee on Economic, Social and Cultural Rights stressed that evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Those who are unable to provide for themselves must be provided with adequate alternative housing, among others.

In addition, we refer you to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Article 5 (a) also provides for the right to meet or assemble peacefully.

Moreover, we would like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them.

We invite you to refer to the Human Rights Council resolution 31/32 as well, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights.

We would also like to recall that the Working Group on discrimination against women and girls, in its report on public and political life (A/HRC/23/50), stated that women human rights defenders are often the target of gender-specific violence, such as intimidation and attacks, which is sometimes condoned or perpetrated by State actors, including through police harassment of female demonstrators. The Working Group has called upon States to eliminate all forms of violence against women in order to fulfil women's human rights and to improve the enabling condition for women's participation in public and political life.

Moreover, the Working Group on discrimination against women and girls' report on girls' and young women's activism (A/HRC/50/25) expressed that girls and young women are mobilizing worldwide to demand and catalyse change on critical global issues. The realization of girls' and young women's human right to participate in public and political life is essential for the protection of their human rights. The Working Group called on States to take all appropriate measures to create safe and enabling spaces for girl and young women activists, where they can exercise their activism and express their views freely, equally, fully and meaningfully on all matters of relevance to them.

Furthermore, in its thematic report on women deprived of liberty (A/HRC/41/33), the Working Group on discrimination against women and girls underlined the increasing risk of criminalization and detention faced by women human rights defenders as a result of their legitimate public activism. The Working Group recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.

We also refer you to the thematic report of the Special Rapporteur on violence against women and girls, its causes and consequences on violence against women in politics, which emphasizes that in addition to the right to freedom of association and peaceful assembly, the right of women and girls to assemble, associate and express their political views and participate in political life must be upheld (A/73/301). Furthermore, the Declaration on the Elimination of Violence against Women defines the scope of violence against women to include the public and private sphere and refers to the equal protection of the right of women to enjoy all human rights and fundamental freedoms

in the political field, amongst others (article 3).

Finally, we wish to highlight the report of the Independent Expert on human rights and International Solidarity on civil society (A/HRC/56/57), which calls for support for students in their solidarity expressions in accordance with non-discrimination and equality norms, as well as to provide solidarity scholarships (domestic and international) for marginalized students (para. 53).