



October 31, 2024

To University and College Presidents and Administrations:

The American Civil Liberties Union, Amnesty International USA, and Human Rights Watch write to you regarding the importance of respecting and protecting the right to protest under the First Amendment and other international human rights law, including the right to freedom of peaceful assembly. Our organizations previously issued separate statements and guidance on how best to protect these rights.¹ We come together today because we have been particularly concerned about the potential use of unlawful force when university administrators call in law enforcement officers to break up demonstrations on campus.

We are exploring claims of heavy-handed and excessive responses by some university and college administrators and police following campus protests in support of Palestinian rights. In many cases, peaceful protests were met with use of force by campus police or local law enforcement summoned by university officials.²

As part of our efforts to advance freedom of expression and peaceful assembly, we have been documenting and researching the policies and practices of dozens of US universities and colleges and the impact of those responses on protesters and the broader community. We write now to share with all university and college presidents and administrators the steps you should undertake to ensure that your policy and actions accord with international human rights law and standards.

We have serious concerns about the violent consequences when university officials call in police to quell protests, and the impact on freedoms of expression and peaceful assembly. Based on news reports, student protesters were often met with police in full body armor who used physical force, including batons, kinetic impact projectiles such as rubber bullets and foam tipped rounds, and chemical irritants such as pepper spray and, in at least three instances, tear gas.³

Amnesty International USA conducted preliminary analysis of photos, videos, and social media posts collected by Amnesty International's Digital Verification Corps.⁴ The Digital Verification Corps identified at least 174 photos, videos, or social media posts, from 20 schools, raising concerns about the use of excessive force by law enforcement and meriting further investigation. This includes 17 schools where chemical irritants appear to have been used against student protesters and 11 schools where officers appear to have responded to protests armed with kinetic impact projectiles.

Media reported witness accounts of injuries such as bleeding puncture wounds, head injuries, broken teeth, and suspected broken bones, most notably at the University of California Los Angeles⁵, Columbia University⁶ and the City College of New York,⁷ among others.

Amnesty International's Digital Verification Corps further documented photos or videos, from at least 10 schools, showing injuries to students; about half appearing to be related to chemical irritants. According to news reports, several universities in California, including the University of California at Los Angeles, where the media reported a number of injuries, have restocked their crowd control weapons in preparation for the new academic year.⁸

Criticism of summoning law enforcement to disperse protests has been widespread, including from the Inter-American Commission on Human Rights⁹ and the United Nations high commissioner for human rights,¹⁰ and a number of UN human rights experts,¹¹ including the UN special rapporteur on the right to education, who said on an official visit to the USA in May:

I am deeply troubled by the violent crackdown on peaceful demonstrators, arrests, detentions, police violence, surveillance and disciplinary measures and sanctions against members of the educational community exercising their right to peaceful assembly and freedom of expression... These attacks signal a concerning erosion of intellectual freedom and democratic principles within educational settings.

The UN special rapporteur urged the US government to reaffirm its fundamental commitment to freedom of speech and ensure that every student has unfettered access to a wide range of ideas and perspectives.¹² On October 4, 2024, the UN special rapporteur on the rights of freedom of peaceful assembly and of association released her research findings and a set of concrete recommendations for universities worldwide on how to safeguard assembly and association rights on campus in the context of solidarity with the Palestinian people.¹³

All universities and colleges have human rights responsibilities to protect students' right to express themselves and peaceably protest on campus. The UN special rapporteur on freedom of expression has stressed that universities play a key role in protecting and promoting the human rights of members of their communities.¹⁴ To this end, both the

United Nations Educational, Scientific and Cultural Organization (UNESCO)¹⁵ and the UN special rapporteur on freedom of expression have outlined a range of human rights responsibilities that universities and higher education institutions should fulfill in accordance with international law and statements of intergovernmental bodies.¹⁶

While privately owned universities do not have the same obligations as state-owned universities, all universities have a responsibility to respect human rights.¹⁷ Though not bound by the First Amendment, private universities are bound by their policy commitments to freedom of expression and academic freedom. And they have a responsibility to respect human rights consistent with the UN Guiding Principles on Business and Human Rights.¹⁸ These emphasize that such entities should engage in ongoing due diligence efforts to “prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services ... even if they have not contributed to those impacts.”¹⁹ Within this context, universities should be periodically reviewing their policies and practices to ensure that these are in line with international human rights standards. This responsibility is independent of a state’s own human rights obligations and exists “over and above compliance with national laws and regulations protecting human rights.”²⁰

International law makes clear that “gatherings in private spaces fall within the scope of the right of peaceful assembly, [but] the interests of others with rights in the property must be given due weight.” The restrictions that may be imposed on gatherings on private property depend on various factors, including “whether the space is routinely publicly accessible, the nature and extent of the potential interference... with the interests of others..., and whether participants have other reasonable means to achieve the purpose of the assembly, in accordance with the sight and sound principle.”²¹ The right to freedom of peaceful assembly thus extends to protests in private universities.

Campus administrations should engage with protest leaders and open lines of communication to ensure that protests remain safe and peaceful. Such communication should also encourage protest organizers to ensure that protests do not lead to incitement of violence and to take de-escalating action against any individuals who engage in such conduct.

Universities have the responsibility to protect both physical safety and free expression on campus, and that responsibility may in very limited circumstances entail calling on police. University administrators and police officers must ensure that coercive police power is used only as a last resort, after all other efforts have been exhausted, or the perverse effect will be to suppress protest and exacerbate safety risks. And universities should be even-handed and viewpoint-neutral in all their actions regarding campus protests, including in the deployment of police. Police should not be summoned simply to disperse protesters whose presence has become undesirable to university administrators. Police presence may both increase tensions and seriously undermine the potential for any resolution grounded in respect for human rights.

We urge your administrations not to resort to police action to suppress student expression, especially through the use of force, including less-lethal weapons, which greatly heightens the risk of serious injuries. Instead, your universities and colleges should fulfill your human rights responsibilities by facilitating protests and protecting students exercising their freedom of expression and right of peaceful assembly from violence and intimidation, and take a more active role in ensuring that all students' rights to freedom of expression and peaceful assembly, regardless of viewpoint, are respected.

¹ American Civil Liberties Organization, *Open Letter to College and University Presidents on Student Protests*, April 26, 2024, <https://www.aclu.org/news/free-speech/open-letter-to-college-and-university-presidents-on-student-protests>; Amnesty International *Urges University Administrations to Respect and Protect Students' Rights to Protest*, Press Release, April 24, 2024, <https://www.amnestyusa.org/press-releases/amnesty-international-urges-university-administrations-to-respect-and-protect-students-rights-to-protest/>; Amnesty International USA *Condemns University Administrations' Responses to Campus Protests*, Press Release, May 3, 2024, <https://www.amnestyusa.org/press-releases/amnesty-international-usa-condemns-university-administrations-responses-to-campus-protests/>; US Universities Should Respect Rights to Protest, Dispatch, April 26, 2024, <https://www.hrw.org/news/2024/04/26/us-universities-should-respect-right-protest>; <https://www.hrw.org/news/2024/05/08/us-universities-respect-peaceful-protests-palestinians>

² L. Becket, *Nearly all Gaza campus protests in the US have been peaceful, study finds*, The Guardian, May 10, 2024, <https://www.theguardian.com/us-news/article/2024/may/10/peaceful-pro-palestinian-campus-protests>; ACLED, *US Student Pro-Palestine Demonstrations Remain Overwhelmingly Peaceful*, May 10, 2024, <https://acleddata.com/2024/05/10/us-student-pro-palestine-demonstrations-remain-overwhelmingly-peaceful-acled-brief/>

³ *Batons: Police storm SUNY New Paltz campus to disperse protest encampment*, Hudson Valley 1, May 5, 2024, <https://hudsonvalleyone.com/2024/05/02/new-paltz-vassar-college-students-join-nationwide-ceasefire-encampment-trend/>; S. Snyder, *Temple to seek meeting with Philadelphia police to discuss student concerns*, Philadelphia Inquirer, June 7, 2020, <https://www.inquirer.com/news/temple-student-police-university-beating-baton-20200607.html>; Pepper spray: L. Fisher, *Police Pepper Spray Protesters After Dispersing Impromptu Encampment for Palestine*, The Austin Chronicle, April 29, 2024, <https://www.austinchronicle.com/daily/news/2024-04-29/police-pepper-spray-protesters-after-dispersing-impromptu-encampment-for-palestine/>; K. Peifer, *Pro-Palestine campus protests come to Richmond; 13 arrested at VCU, including 6 students*, Axios Richmond, April 30, 2024, <https://www.axios.com/local/richmond/2024/04/30/campus-protests-palestine-richmond-vcu-13-arrests>; *Tear Gas: Police disperse protesters at several campuses, use tear gas in Tucson*, CBS News, May 10, 2024, <https://www.cbsnews.com/news/police-use-tear-gas-to-disperse-protesters-at-university-of-arizona-tucson-campus/>; D. Kumar, et al, *Police use tear gas on pro-Palestinian protesters at USF in Tampa*, Tampa Bay Times, April 30, 2024, <https://www.tampabay.com/news/breaking-news/2024/04/30/live-updates-student-protest-standoff-with-police-usf-tampa-campus/>; T. Pratt, *Police allegedly use rubber bullets and teargas at university protest in Georgia*, The Guardian, April 26, 2024, <https://www.theguardian.com/us-news/2024/apr/25/emory-university-protest-arrests>

⁴ Amnesty International's Digital Verification Corps consists of a global network of student volunteers trained in verifying digital evidence of human rights abuses.

⁵ M. Castle Work & B. Kelman, *Medics at UCLA Protest Say Police Weapons Drew Blood and Cracked Bones*, KFF Health News, May 16, 2024, <https://kffhealthnews.org/news/article/ucla-protest-gaza-israel-rubber-bullets-injuries-volunteer-medics/>

⁶ G. Rayman & C. Bamberger, *Despite claims, Columbia University protesters document injuries in NYPD raid of campus building*, New York Daily News, May 21, 2024, <https://www.nydailynews.com/2024/05/21/despite-claims-columbia-university-protesters-document-injuries-in-nypd-raid-of-campus-building/>; A. Essa, 'A

battle scene': The brutality of police raids at Columbia University and CCNY, Middle East Eye, May 6, 2024, <https://www.middleeasteye.net/news/police-brutality-columbia-university-ccny-arrests-nypd-spg>

⁷ CUNY GAZA Solidarity Encampment, *City College President unleashes police brutality on CUNY student encampment, Students remain undeterred, stand with Palestine*, Press Release, May 1, 2024, <https://twitter.com/cunygse/status/1785677626431934751/photo/1>; G. Hogan, et al, *CUNY City College President Laments Not Breaking Up Pro-Palestinian Encampment Sooner*, The City, May 13, 2024, <https://www.thecity.nyc/2024/05/13/city-college-palestine-encampment-nypd/>; S. Mohammed, *Disparity in Police Responses to Campus Protests Reflects Decades of Bias, Critics Say*, Documented, May 24, 2024, <https://documentedny.com/2024/05/24/campus-protests-police-columbia-cuny/>; A. Essa, *'A battle scene': The brutality of police raids at Columbia University and CCNY*, Middle East Eye, May 6, 2024, <https://www.middleeasteye.net/news/police-brutality-columbia-university-ccny-arrests-nypd-spg>; T. Alfred, et al, *NYPD arrests at least 173 protesters inside and outside City College, sweeps encampment*, Columbia Spectator, May 1, 2024, <https://www.columbiaspectator.com/city-news/2024/05/01/nypd-arrests-at-least-173-protesters-inside-and-outside-city-college-sweeps-encampment/>

⁸ R. Caoile, *Five University of California campuses to get more military equipment*, Fox 5 News, September 23, 2024, https://fox5sandiego.com/news/california-news/five-university-of-california-campuses-to-get-more-military-equipment/?utm_source=facebook.com&utm_medium=referral&utm_campaign=socialflow&fbclid=IwY2xjaWFKyudleHRuA2FlbQIxMQABHeyfOIBEbmlDhKTL_mjSVlaFU2VvBhp0AY4c60W1_dmzxTogRQuiyQr7jA_aem_f8nNzYfcZfjbIPLdzfSehQ

⁹ Inter-American Commission on Human Rights, *United States must respect peaceful protest and academic freedom on campuses*, Press Release, May 9, 2024,

https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/095.asp

¹⁰ Office of the High Commissioner for Human Rights, United States of America: *UN Human Rights Chief troubled by law enforcement actions against protesters at universities*, Press Release, April 30, 2024, <https://www.ohchr.org/en/press-releases/2024/04/united-states-america-un-human-rights-chief-troubled-law-enforcement-actions>

¹¹ The statement was issued on behalf of Farida Shaheed, Special Rapporteur on the right to education; Cecilia M. Bailliet, Independent Expert on human rights and international solidarity; Alexandra Xanthaki, Special Rapporteur in the field of cultural rights; Balakrishnan Rajagopal, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Michael Fakhri, Special Rapporteur on the right to food; 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; Reem Alsalem, Special Rapporteur on violence against women and girls, its causes and consequences; George Katrougalos, Independent Expert on the promotion of a democratic and equitable international order, Dorothy Estrada Tanck (Chair), Laura Nyirinkindi (Vice-Chair), Claudia Flores, Ivana Krstić and Haina Lu, Working group on discrimination against women and girls; Fernanda Hopenhagen (Chair), Elżbieta Karska, Pichamon Yeophantong, Damilola Olawuyi and Robert McCorquodale, Working Group on the issue of human rights and transnational corporations and other business enterprises; Ben Saul, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. Office of the High Commissioner for Human Rights, *USA: Free speech on campus needs to be protected, not attacked, say experts*, Press Release, July 25, 2024, <https://www.ohchr.org/en/press-releases/2024/07/usa-free-speech-campus-needs-be-protected-not-attacked-say-experts>; See also, Special Procedures communication to the US administration, May 10, 2024, Ref: AL USA 12/2024,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29009>

¹² Office of the High Commissioner for Human Rights, *UN expert alarmed by violent crackdown on peaceful student protests across US campuses*, Press Release, May 10, 2024, <https://www.ohchr.org/en/press-releases/2024/05/un-expert-alarmed-violent-crackdown-peaceful-student-protests-across-us>

¹³ Office of the High Commissioner for Human Rights, *Universities must respect peaceful activism and revise repressive policies targeting pro-Palestine solidarity movement: UN expert*, Press Release, October 4, 2024, <https://www.ohchr.org/en/statements/2024/10/universities-must-respect-peaceful-activism-and-reverse-repressive-policies>

¹⁴ Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, UN Doc. A/75/261, July 28, 2020, para. 12. Also, UN Human Rights Committee, *General Comment No. 37 (2020) on the Right of Peaceful Assembly (Article 21)*, UN Doc. CCPR/C/GC/37, 17 September 2020, para. 31.

¹⁵ UNESCO, Draft revised 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, 2023, <https://unesdoc.unesco.org/ark:/48223/pf0000386924?posInSet=1&queryId=88262d97-74b6-4100-bd33-8cc96a779989>

¹⁶ United Nations, Global threats to freedom of expression arising from the conflict in Gaza, Note by the Secretary-General, A/79/319, 23 August 2024, <https://documents.un.org/doc/undoc/gen/n24/247/88/pdf/n2424788.pdf>

¹⁷ [CCPR/C/GC/37 \(un.org\)](https://www.un.org/ruhr/CCPR/C/GC/37)

¹⁸ There is a growing understanding that the UN Guiding Principles are an appropriate standard for assessing the human rights responsibilities of organizations that are not “businesses”. For example, see Domenico Carolei, Nadia Bernaz, *Accountability for Human Rights: Applying Business and Human Rights Instruments to Non-Governmental Organizations*, November 2021, *Journal of Human Rights Practice*, Volume 13, Issue 3, <https://doi.org/10.1093/jhuman/huab042>, pp. 507–528.

¹⁹ UN Guiding Principles on Business and Human Rights, Implementing the United Nations “Protect, Respect and Remedy” Framework (UN Guiding Principles), 21 March 2011, A/HRC/17/31, Principle 13(b).

²⁰ UN Guiding Principles, Principle 11 including Commentary.

²¹ Human Rights Committee, General Comment 37, para 57.