

# Pending Security Clearance Travel Restrictions on Faculty Members



# Pending Security Clearance Travel Restrictions on Faculty Members

Prepared by: Mahmoud Nagy, Researcher at the Association for Freedom of  
Thought and Expression (AFTE)

Edited by: Mohamed Abdel Salam, Head of AFTE Research Unit

**Publisher:**  
Association of Freedom of  
Thought and Expression

info@afteegypt.org  
www.afteegypt.org

Cover Design: Amal Hamed  
Internal Design:

هذا المُصنَّف مرخص بموجب  
رخصة المشاع الإبداعي:  
النسبة، الإصدارة ٤.٠.



**afte**  
مؤسسة حرية الفكر والتعبير  
Association for Freedom of Thought and Expression

# Contents

---

Methodology	4
Introduction	4
First: The imposed restrictions on Faculty Members travel	5
• The administrative acts restricting the Faculty Members travel	5
• Cases of travel reject	6
Second: The impacts of Travel Rejection	10
• The impacts on Academic Competence	10
• Security Clearance as a surveillance mechanism	12
Third: Freedom of Movement guarantees for the faculty members	13
• The references of Faculty members' Freedom of Movement in the Constitution and International Conventions	13
• A review of the Law on The Regulation of Universities	16
Conclusion and Recommendations	17

## Methodology

---

The paper at hand is an analysis of the administrative decisions issued by the Ministry of Higher Education and Scientific Research (MHESR) that impose restrictive measures on the faculty members' academic missions. This paper is based on interviewing three professors who affiliated with different Egyptian public universities and highlighting two lawsuits' facts that have been filed to appeal the illegal security-minded travel regulations of two faculty members. In addition to secondary resources of newspaper articles that address the ramifications of such measures.

## Introduction

---

Over the past few years, the Egyptian government has sought to impose its hegemony on the universities by issuing flawed decisions and laws. Starting from amending the Law No. 49/1972 on the regulation of the universities since the abolition of electing the universities leaderships. Such an amendment has been a regressive strike against the universities autonomy. Ending with requiring the security approval of faculty members travel. The academic missions were just a matter of coordination between faculty councils and university administration and independent from security apparatus' interception.

Through this paper, AFTE sheds light on the intrusive restrictions on thousands of faculty members right to travel. These restrictions have become a daily routine which negatively affects competence and improvement of the academic community. However, AFTE has provided advocacy and legal support for who subjected to security prevention from travel. The aggrieved majority of professors tend to remain silent in order to secure their positions and to avoid any arbitrary measures resulting from their confronting actions.

It is worth mentioning that, these restrictions are not only limited to the travel of Egyptian faculty members but also the foreign professors' visits to the Egyptian universities.

This paper attempts to monitor and document the security-minded travel measures imposed on the faculty members in the public Egyptian universities. Also, it elaborates the implications of such measures regarding academic freedom and university autonomy values which extend to hinder the future of scientific research in Egypt. Moreover, concerning the legality of these measures, the paper states their inconsistency along with the Egyptian constitution, the Law on The Regulation of Universities and the International Conventions related to academic freedom.

## **First: The imposed restrictions on Faculty Members travel**

---

This section is dedicated to review the administrative decisions that restrict the travels and visits of university professors. The decrees issued either by the universities administrations or MHESR. Then, a presentation of specific cases and lawsuits of faculty members who approached AFTE for advocacy and legal aid.

### **The administrative acts restricting the Faculty Members travel**

The Egyptian universities' administrations have keened on a systematic violation of the academic freedom through issuing a bunch of administrative decisions to control the faculty members freedoms of research, teaching, study, discussion, and travel. These decisions have provided a legally fabricated justification for lawful practices that violate academic freedoms. This transformed the violating practices to formal regulations that faculty members have to comply to avoid administrative sanctions or disruption of their academic work.

The first measure was on April 17, 2014, when a classified circular letter issued by the Minister of High Education, Wael El-Degwy, to the presidents of universities. The letter conveyed a directive from the Cabinet that it is not permissible to hold or host any international conferences in Egypt until after obtaining the approval of the Ministry of Foreign Affairs and coordinating with it in all matters related to administrative and organizational aspects. It is interestingly to mention that, these instructions were based on the Prime Minister decision No. 220/1986, which is limited to government bodies and ministries, and not meant for the universities as the Egyptian constitution guarantees its independence from the government.

Consequently, on June 30, 2015, the Damanhour University's president, Hatem Salah Al-Din, stated that signing of any protocols or agreements with any foreign university is strictly prohibited unless obtaining approval from the Ministry of Foreign Affairs and security authorities. This statement aroused a heated controversy among the academic community, especially after he attributed this decision to the fear of «penetrating the country through foreign missions, and most of the activities that provided by foreign parties have hidden and harmful agenda to the country» as he put it.

Then, at Tanta University, some faculty members circulated, via their social media accounts, a similar decision issued by the deputy director for Graduate Studies and Research on July 27, 2015. The decision obligates faculty members to obtain the approval of the Ministry of Foreign Affairs through the Ministry of Higher Education before participating in seminars, conferences or international workshops or submitting scholarly papers to foreign parties.

On July 29, 2015, Cairo University has introduced a financial requirement from faculty members to obtain travel approval. Any faculty member; teaching assistant, lecturer, professor or non-educational member is obliged to pay certain amounts as a contribution to the university. A ten thousand EGP per year from each member whether a sabbatical, assignment or secondment for the first ten years. And it raises to twenty thousand EGP per year by the eleventh year.

At the end of May 2016, professors of Medicine faculty at Ain Shams University posted on their social media accounts a directive from Cultural Relation Office in the university administration and headed to the Dean of Medicine Faculty. The letter states that “On April 9, 2016, the university administration has received a Circular letter N. 4416 from the Department of Inquiry and Information at MHESR, requiring that every faculty member, who is applying for travel, has to submit a four complete inquiry forms attached with recent photographs under A.R.E seal in order to get travel approval”.

The aforementioned decisions have restricted the faculty members freedom of research and participation in academic conferences, and have legalized such intrusive practices. These decisions have to be regarded as a violation of the Law on The Regulation of Universities, which gives only the universities’ and faculties’ administrations the right to determine their academic events, including international conferences, workshops, and seminars outside Egypt. The illegality of these decisions is detailed in the third section.

### **Cases of travel reject**

AFTE has provided advocacy and legal aid for three faculty members faced travel rejection, however, thorough monitoring of reject cases is not available due to confidentiality condition by the aggrieved professors.

Since 2014, universities’ administrations have required security clearance as traveling approval condition from faculty members. In 2015, Prof. Nabil Yosuf, a full-time professor in the Faculty of Science at Cairo University, revealed such requirement and approved to publish a testimony under his name via AFTE’s platform. In his testimony, Yosuf said that “during the completion of his

travel papers to Hungary from 6-30 June 2015, He headed to the Joint Supervision Department of MHESR to hand over the Cairo University's approval of his travel for an academic mission. As he is supervising a Ph.D. thesis conducted by Egyptian scholarship recipient by the MHESR's funding”.

Then, on May 14, 2015, MHESR officials informed Prof. Yosuf that, according to an oral directive from the minister, the ministry could not approve or afford his travel without obtaining a security clearance. Accordingly, AFTE has filed lawsuit number 64608/69JY before the Administrative Court in Cairo. In order to appeal the security clearance measure and still pending the verdict until the issuance date of this paper.

The second case was a teacher in the faculty of engineering at Ain Shams University, Mohamad Hasan Soliman, Who has received a rejection for his travel to the USA, although he has met all requirements. On November 2015, Soliman has received a traineeship program in the USA from Fulbright Egypt, and the Council of the Electrical Power and Machines Engineering Department has approved his sabbatical on June 30, 2016.

On April 11, 2016, Soliman received the faculty of Engineering Council's approval. Then, the university's acting president confirmed the travel grant on a condition that “travel proceedings may not be initiated except after receiving security clearance obtaining a security clearance” according to the official approval letter handed to Soliman.

By the travel date, on July 6, 2016, Soliman failed to get the security clearance. Thus the university has retracted its approval. And since Fulbright requires the home university approval, it had to withdraw the traineeship. Although he had gone a long way in travel and visa procedures.

In an interview with Soliman, he said “this situation had led to losing a great opportunity to participate in the biggest conference on the electric power in North America (IEEE General meeting) and to visit the largest stations of renewable energy in the USA (Denver City). Such an opportunity which is impossible to afford it by my personal resources”.

Kholoud Saber, the assistant professor at the Faculty of Arts at Cairo University, is the third case that AFTE has worked on. Kholod has got a sabbatical for the first year of a doctorate program at the Catholic University of Leuven in Belgium. The sabbatical was from October 2015 till September 30, 2016, and Cairo University would pay Saber's salary and contribute to the travel expenses.

On August 2, 2015, the Psychology Department Council has approved Saber's sabbatical. Then it was the approval of the deputy president of the Graduate Studies on August 12, 2015. And finally, the approval of the Department of Cultural Relations at Cairo University on August 16, 2015.

After she has begun studying in Belgium, Saber received an email from the administration of the Arts Faculty on December 11, 2015 terminating her doctoral research sabbatical, in response to a notice from the Department of Inquiry and Information at the Ministry of Higher Education in November 2015 that the department had denied approval for Saber's doctoral scholarship at the Catholic University of Leuven. On December 6, 2015, the dean of the Arts Faculty received a letter from the university's Cultural Relations Office on the recommendation of the Ministry of Higher Education ordering Saber to return to Egypt and take up a position in the university's psychology department.

on February 4, 2016, AFTE appealed the decision before the Egyptian administrative court, under lawsuit number 3163/ Judicial year 63. Consequently, Cairo University retracted its decision and allowed Saber to resume her sabbatical period and her doctoral research. However, Saber insisted on moving ahead with the lawsuit in anticipation of any new violation may be exercised by the university and to instate her legal right to continue with her scholarship for doctoral research.

Indeed, Cairo University administration repeated the same actions on August 17, 2017, when Saber had requested a sabbatical renewal, since her sabbatical for the second year of her Doctoral degree ends by the end of October 2017. However, Saber did not get final approval for her request. Subsequently, Saber inquired about the status of her request. She was then informed by Faculty employees that Faculty of Arts has approved her request for renewal and that her papers are awaiting the endorsement of the University administration. Meanwhile, Saber informally received news that the approval of her request was pending authorization by state security services. Moreover, the university administration ceased the payment of Saber's Salary since September 2017.

Saber tried to inquire about the University's stance from her request, and appealed to the university's vice-president of graduate studies, informing him of the urgency of making a decision in regards to her request – to which she was notified that it was awaiting his endorsement and approval. However, her appeal was not met with a response.

Correspondingly, on the 19th of December 2017, AFTE's attorney amended the appeal's petition based on the recent intransigence of the university in renewing Saber's sabbatical for the year 2017-2018. On February 20, 2018, the competent education circuit, at the Administrative Court,

ordered an adjournment of the hearing and the immediate suspension of the University's 'passive decision': abstaining from the renewal of assistant professor Kholoud Saber sabbatical, in order to complete her doctoral research in Belgium, and annulment of all that follows such decision: most importantly the payment of her suspended due salary since October 2017.

In his newspaper article, Prof. Mostafa Kamel Al-Sayed mentioned that the security clearance was not required until the last few years. He wrote " The universities were not only approving the academic missions but also was willing to finance part of the travel expenses if it was for submitting a scholarly paper. This is an established procedure in all universities of the world. In my personal experience with travel application, I have always stated that the travel shall not entail any derelictions of my teaching responsibilities, and I exempt the university from contributing to the travel expenses. Such travel approvals were simple and easy but in the last few months, it has been required to submit five copies of security inquiry forms attached with photographs, pending the security clearance to travel. Since the completion of my doctorate study in the last year of Sadat's era, I have become an extensive traveler to attend a lot of academic events, and I have never been required to apply for security clearance before".

Prof. Nabil Yosuf's lawsuit in 2015 was the first challenging the requirement of security clearance for the faculty members travel. Nevertheless, the practice of such requirement predates this case. According to an interview prof. Rasha, the security clearance has existed before but the universities administrations' approval was not restricted to obtaining a security clearance.

Prof.Rash stated that " the security clearance has been, already, required since 2007, when I did read a copy of an official letter issued by the deputy president of Graduate Studies Affairs. The letter stated that Faculty Members travel is not allowed until obtaining security approval. Only back then this approval was not bluntly named as 'Security Clearance' but just as 'Security Queries'. This measure has continued till 2011, then it was held because of its illegality." According to Rasha, the universities have resumed the security clearance requirement in 2014 even if it is a sabbatical or a personal leave of absence.

## Second: The impacts of Travel Rejection

Following the review of the administrative decisions that restrict the travels and visits of university professors, and a presentation of specific cases and lawsuits of faculty members who approached AFTE for advocacy and legal aid. This section deals with the impacts of these decisions, based on three interviews with faculty members affiliated with public universities.

### The impacts on Academic Competence

The security clearance requirement is breaching the academic freedom for the faculty members. Since it hinders faculty members from researching and teaching in universities abroad. And it prevents them from communicating with their international peers to exchange knowledge and involve in academic debates. In many cases, the security authorities either give an unexplained reject or even refrain from response which also means a rejection.

*“Scientific Research is surviving in Egypt because of international relations and cooperation. As the Egyptian government does not fund it. So, without our international cooperation and academic exchanges between Egyptian universities and universities abroad, we have nothing. We are not self-sufficient to work on our own”*

*Excerpt from Prof. Laila Souif's interview*

These measures are restricting faculty members from communicating with international universities and scientific research centers. Moreover, it drastically has affected the academic competence of the Egyptian universities and on the faculty members' and students' potential for research, creation, and learning.

In Prof. Rasha's interview, she stated that in addition to the negative impact of the security clearance restrictions on faculty members' academic improvement which is reflected on the students, there is another security clearance for hosting international faculty members to participate in academic activities organized by Egyptian universities. For instance, there was a research group from an American university who planned to participate in a workshop organized by the Egyptian university that Prof. Rasha works for. And the delay of issuing the security clearance for their participation has led to cancel the workshop. “The workshop was on the creative writing which is,

supposedly, not a sensitive field for the university's administration" Rasha commented.

On the other hand, Rasha added that some international professors decline to participate in any academic events by Egyptian universities because they refuse to comply with the security clearance procedures. As these procedures require sending a photocopy of their passport no less than two months prior to the event's date. In another incident that Rash mentioned, "we couldn't hold a seminar on the environment preservation that hosts international speakers because it was only a month ahead, which is contrary to the two-months period imposed by the authorities to apply for security approval"

Prof. Souif also brought up another example, a group of Cairo University professors was attending an academic conference in Berlin after obtaining the university approval. Oddly, the faculty administration ordered them to come back because it received a letter from the university administration stating that the security authorities rejected the travel. Indeed, these professors cut off their travel returning to Egypt.

Prof. Souif considers such practices as a tremendous bad reputation of Egyptian universities. The returning professors were supposed to participate in a particular program for three months. And such non-compliance with these programs abroad may lead to the suspension of any upcoming similar invitations from international universities for the Egyptian universities.

In this context, Prof. Al-Sayed has raised the following questions in his article;

***"In that given situation of security restrictions on the academic missions and intercepting the cooperative relations with the international universities, How can we expect an improving international ranking of the Egyptian universities? Since these missions and cooperation are among the global ranking criteria. And how can we achieve the President's invitation to bring branches of well-known international universities in Egypt?"***

Such questions raise concerns about the continual decline of the Egyptian universities' academic competence as they are suffering from lack of communication and openness to their international counterparts because of ongoing security interference in the academic work.

### **Security Clearance as a surveillance mechanism**

These security measures can not be seen in isolation of the Egyptian government's wider attitude to have control over the academic community. The security authorities have the upper hand in determining the faculty members travel through irrelative criteria to the academic work. Moreover, security clearance can be a sufficient mechanism of surveillance.

Since the security clearance is an illegal measure, which is imposed on the public universities in order to make the security authorities informed by all the movements of the faculty members. As obtaining the security clearance requires a faculty member to provide detailed information on the travel period, the hosting entity and the event's subject. And this is considered as a censorship of the research work in the universities.

Prof.Rasha believes that the security clearance measure has been initiated in order to prevent the travel of Muslim Brotherhood professors abroad. However, Rasha adds, this is not a valid claim because the university administration, only, is responsible for holding the faculty members accountable, in case of any irregularities while their academic missions. But the security authorities still agitated that the faculty members can have available opportunities to make conversations about the political situation in Egypt while they are abroad, Rasha said.

## **Third: Freedom of Movement guarantees for the faculty members**

---

This section is a review of the Egyptian constitution, the Law on The Regulation of Universities and the International Conventions regarding academic freedom, and university autonomy values, and the faculty members right to movement.

### **The references of Faculty members' Freedom of Movement in the Constitution and International Conventions**

This will be addressed at three components: freedom of movement, the university autonomy, and academic freedom, which they are protected by several articles, whether in the Egyptian Constitution or International Conventions, as follows;

#### **The right to liberty of movement**

“Freedom of movement, residence, and emigration is guaranteed. No citizen may be expelled from state territory or banned from returning thereto. No citizen may be banned from leaving state territory placed under house arrest or banned from residing in a certain area except by a causal judicial order for a specified period of time, and in cases specified by the law.”

#### **Article (62) of the Egyptian Constitution**

Article 62 of the recent Egyptian constitution guarantees freedom of movement. And it affirms that no citizen may be deported from the territory of the State, nor shall he be prevented from returning to the territory of the State, nor shall he be prevented from leaving the territory of the State, except by a judicial injunction for a specified period of time. The constitution gives the Law authority of determining the conditions under which this constitutionally protected right may be restricted, but on the condition that it shall be by a judicial warrant and for a specified period. Which is not the case regarding the faculty members travel.

The International Covenant on Civil and Political Rights (ICCPR) gives considerable attention to ensuring freedom of movement..The Covenant states in Article (12) “...Everyone shall be free to leave any country, including his own”, and in another position of the same article “The above-mentioned rights shall not be subject to any restrictions except those which are provided by law,

are necessary to protect national security, public order (order public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant”.

The ICCPR gives the national laws of states parties the authority of determining the conditions under which this protected right may be restricted, provided that such restrictions shall not contradict with the other protected rights by the Covenant. In addition to that, the Human Rights Committee (CCPR) interpreted article 12 in its General Comment as follows, “Freedom to leave the territory of a State may not be made dependent on any specific purpose or on the period of time the individual chooses to stay outside the country. Thus traveling abroad is covered as well as departure for permanent emigration.” Also, the CCPR expressed its concern with “the manifold legal and bureaucratic barriers unnecessarily affecting the full enjoyment of the rights of the individuals to move freely” these barriers include, for instance, the “unreasonable delays in the issuance of travel documents...because the applicant is said to harm the good name of the country” or to require the “exact description of the travel route”, etc.

### **The University Autonomy**

The security clearance is a blunt breach of the academic independence and the freedom of scientific research which they are protected by the Constitution, national laws, and the related international conventions. The Egyptian Constitution states in its Article (21) that “ The state guarantees the independence of universities...”. This is supposed to provide the university its independence as an educational institution responsible for determining its internal affairs and academic work, apart from any interference by either the government or the security authorities. Therefore, it is a violation of the University Autonomy to share the faculty members’ travel application documents with the security authorities for obtaining their approval.

Furthermore, the Article (23) of the Constitution asserts that “The state grants the freedom of scientific research and encourages its institutions” which requires the government abstention from interfering in the academic work of faculty members whether inside Egypt or in academic missions abroad.

### **Right to academic freedom**

The international Conventions gives prestigious care of academic freedom protection, and to provide all possible means achieving the cooperation among the international academic community members. As it leads to the scientific development and knowledge exchange. This makes the faculty members' right of liberty to movement a crucial necessity. It keeps them updated with international academic developments. Also, provides them with scientific and technological capacities may not be available in Egyptian universities due to the poor government spending on scientific research.

This would enrich the faculty members' experiences, and beneficial to the development of scientific research and teaching methodologies in Egyptian universities.

It worth mentioning Egypt's commitment to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which acknowledges in its Article (13) the right to education. And Committee on Economic, Social and Cultural Rights (CESCR) stated in its interpretation of Article (13) that "...the right to education can only be enjoyed if accompanied by the academic freedom of staff and students." and "Members of the academic community, individually or collectively, are free to pursue,

develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing."

Additionally, in its General Conference, UNESCO recommended that "The interplay of ideas and information among higher-education teaching personnel throughout the world is vital to the healthy development of higher education and research and should be actively promoted. To this end higher-education teaching personnel should be enabled throughout their careers to participate in international gatherings on higher education or research, to travel abroad without political restrictions and to use the Internet or video-conferencing for these purposes." and it urged the Member States and higher education institutions to "...take all feasible steps to apply the provisions spelled out above to give effect, within their respective territories, to the principles set forth in this Recommendation."

## **A review of the Law on The Regulation of Universities**

The security clearance measures of the faculty members' travel are a blatant violation of Law No. 49/1972 on the regulation of the universities. This law gives the universities' and faculties' administrations the only authority to determine their affairs. And this includes the faculties' councils only responsibility of coordinating the academic missions procedures among the faculty members.

The law sets out the required procedures to the travel of faculty members according to the Article 146 which states that “ It is permitted to send demonstrators and assistant teachers on missions overseas or under strength of foreign grants or to allow them paid or unpaid sabbaticals, all of which shall be by resolution from the Head or Chancellor of the university on the basis of a proposal from part of the council of the faculty or institute after consultation of the competent departmental council, and the approval of the council of post-graduate studies and research in the university...”. Nevertheless, the universities administrations' refuse to issue final travel approval unless obtaining the security clearance from the Department of Inquiry and Information at the Ministry of Higher Education, which is the body that sends traveling university staff papers to the state security authorities.

Accordingly, this is considered as an infringement of Article (35) that articulates the competence of the council of post-graduate studies and research at the university in matters of “the preparation of a general plan for the university missions, sabbaticals and missions on foreign grants.” Since the Department of Inquiry and Information is affiliated with the Ministry of Higher Education and has no mention in the related law, meaning that it does not have the competence to grant approval or to express an opinion on the faculty members sabbaticals.

Regarding the aforementioned decision that requires collecting contributions from any faculty member who is traveling for either a sabbatical, assignment or secondment, such decision is a breach of Article (38) of the Constitution, which asserts that “ ...It is prohibited to require anyone to pay additional taxes or fees except within the limits of the law...”. In accordance with that, faculty members shall not be required to make any payments to universities outside the law. Since the law articles regulating the transfer, secondment, delegations, and leaves of faculty members and non-teaching staff do not allow the payment of such fees. Moreover, this decision is also violating Article(40) of the Constitution which states that “...Private confiscation is prohibited except based on a court judgment.” In this case, there is no court order to require such payments, and Cairo University is the only university that issued such a decision. Therefore, this administrative decision of Cairo University clearly contravenes the constitution.

Also, Article (7) of the Law on the Organization of Universities addressed the issue of the contributions. It states that “Universities are public authorities of a scientific and cultural nature. Each of them stands as a corporate person. They are entitled to accept those donations granted them which wouldn’t conflict with the original object for which university has been established.” And the only allowed situation of allowing conditioned donation is when the condition is imposed by the donor and vice versa is strictly not allowed. Interestingly, the exact vice versa situation has been committed by Cairo University in its decision. Moreover, the donation is a contract in which the donor acts in his own money without expecting compensation. So, actually, the required payment by Cairo University is in exchange for travel approval. Accordingly, the definition of “donation” cannot be applied. It is a fee rather than a donation.

## **Conclusion and Recommendations**

---

Through this paper, AFTE seeks to advocate for the faculty members who are imposed either to submit security or to pay involuntary donations for travel.

This paper has revealed few cases compared to the prolonged actual application of such practices in public universities. AFTE believes that it is crucial to confront such unconstitutional and illegal measures, and urges the faculty members, who have been subjected to this systematic intransigence by the universities’ administrations, which allows blunt interference of the security authorities in the academic work, to publicly stand against these restrictions and defend the values of academic freedom and university autonomy.

**Hence, AFTE puts forward the following recommendations demanding for an immediate response;**

- The universities’ administrations must terminate the security clearance requirement for faculty members’ academic missions,
- The administration of Cairo University must stop collecting illegal fees from faculty members applying for travel,
- The Ministry of Higher Education must refrain from sharing information on the academic missions of faculty members with the state security authorities.