

ACADEMISCH DIRECTEUR INTERNATIONALISERING

ALG/3

Voorstel tot uitbouw van een universitair mensenrechtenbeleid
inzake internationalisering

1. Bespreking

De missieverklaring van de Universiteit Gent schrijft voor dat de instelling zich profileert als maatschappelijk geëngageerde en pluralistische universiteit in een breed internationaal perspectief. Het internationaliseringsbeleid vertaalt zich in de kwalitatieve en kwantitatieve groei van de samenwerkingsakkoorden met internationale instellingen. Met de toename van het aantal partnerschappen met instellingen van over de hele wereld neemt ook de kans toe op een betrokkenheid in samenwerkingsverbanden met instellingen waar inbreuken op de mensenrechten gepleegd worden.

1.1. Retroacta

De Expertengroep Internationalisering is het centraal adviesorgaan inzake academische en strategische internationaliseringsvraagstukken dat op 9 mei 2014 door de Raad van Bestuur werd ingericht binnen het kader van het Geïntegreerd Beleidsplan Internationalisering 2014-18. Binnen de schoot van dit gremium werd het onderwerp internationalisering en mensenrechten een eerste keer besproken op de vergadering van 25 juni 2015 onder het toenmalig voorzitterschap van Prof. Magda Vincx. De oproep tot een academische boycot jegens Israël en het verzoek om de uitwerking van een instellingsstandpunt ter zake, vormden toen de aanleiding voor de bespreking van de benadering van de mensenrechtenproblematiek in internationale samenwerking in een breder perspectief. De vergadering besloot om volgende mogelijkheden te onderzoeken: enerzijds om in de toekomst bij het afsluiten van uitwisselingsakkoorden voor studenten en personeel met buitenlandse partners een inschatting te maken van de lokale mensenrechtensituatie vanuit de Expertengroep, en anderzijds om toekomstige samenwerkingsakkoorden uit te breiden met een paragraaf die refereert aan de naleving van de mensenrechten als opschortende voorwaarde.

Een tweede bespreking vond plaats op 10 maart 2016. De vergadering besloot dat de loutere toevoeging van een paragraaf aan uitwisselingsakkoorden een te beperkte invulling zou geven aan een mensenrechtenbeleid. Het voorstel van Prof. Eva Brems (Vakgroep Europees, Publiek- en Internationaal Recht, RE), lid van de Expertencommissie Internationalisering, om een uitgebreid ontwerp voor een universitair mensenrechtenbeleid in internationalisering uit te werken en vervolgens voor te leggen aan de Expertengroep, werd aanvaard. Dit voorstel werd een eerste maal besproken op de vergadering van 22 september 2016, waarop door de vergadering een aantal voorstellen tot amendering werden gedaan. Ook de Interfacultaire Resonantiecommissie Internationalisering, de vergadering van de voorzitters van de Facultaire Commissies Internationalisering, werd op haar vergadering van 7 november 2016 in gelegenheid gebracht om feedback geven op het ontwerp. Bij een tweede lezing in de Expertengroep op 6 december 2016 werd de tekst aanvaard.

In de vergadering van 1 juli 2016 besprak de Raad van Bestuur de publieke oproep (in mei 2016) van een groep professoren tot het beëindigen van een aantal internationale onderzoeksprojecten binnen het kader van het Europese onderzoeksprogramma 'Horizon

2020'. Zij beriepen zich daarbij op de beslissing van de Raad van Bestuur van 10 november 1998 om niet mee te werken aan de ontwikkeling van technologie die uitsluitend op militaire gevechtsoperaties is gericht. De Raad van Bestuur had het in die bespreking o.a. over de eventuele rol van de Expertengroep Internationalisering in de omgang met vraagstukken van deze aard.

1.2. Voorstel voor een universitair beleid - de nota 'A Human Rights Policy for the international activities of Ghent University'

Het voorstel dat ter bespreking voorligt (zie bijlage 1) resulteert uit het initiatief dat genomen werd binnen de Expertengroep Internationalisering. De nota werd in het Engels opgesteld om er na goedkeuring rechtstreeks gebruik van te kunnen maken in de communicatie met (potentiële) buitenlandse partnerinstellingen over het instellingsbeleid. De tekst kan in een bredere context gebruikt worden als basis voor een proactieve externe communicatie over het standpunt van de Universiteit Gent, waardoor het instellingsbestuur in staat gesteld wordt om uit het defensief te treden mochten bepaalde samenwerkingen publiek in vraag gesteld worden.

Het uitgangspunt van het voorgesteld beleid wordt gevormd door enerzijds de opdrachtverklaring van de Universiteit, en anderzijds het concept 'public sector values' (vrij vertaald 'waardenkader voor de openbare sector'), wat de tegenhanger vormt van het breder gekende concept 'corporate social responsibility' uit het bedrijfsleven. Het is belangrijk om op te merken dat de mensenrechten slechts een basisstandaard vormen, - hogere standaarden zijn aan te bevelen op tal van domeinen -, maar zij zijn breed aanvaard en vormen daarom een gangbare standaard voor de toetsing van een groot aantal activiteiten.

Het voorgestelde beleid omvat twee pijlers: een positieve dimensie en een negatieve. De eerste dimensie is ingegeven vanuit de wens om een positieve impact te hebben op de kennis over en het genieten van de mensenrechten door middel van de (verdere) ontplooiing van bestaande en/of nieuwe initiatieven, zowel lokaal als internationaal. Van belang daarbij is dat de activiteiten die kaderen in de positieve dimensie voldoende lokale en internationale maatschappelijke zichtbaarheid genieten. Zowel de instelling als haar personeel en studenten afzonderlijk kunnen hiertoe bijdragen; de nota lijst voorbeelden van dergelijke activiteiten op.

Daarnaast bevat het beleidsvoorstel een negatieve dimensie, die op haar beurt twee luiken omvat, met name het onderzoek naar de opportuniteit van het aangaan van sommige samenwerkingsverbanden met verhoogd risico, en de opname van een clause in samenwerkingsakkoorden. Het onderzoek (zn. 'human rights impact assessment') gaat na of de activiteiten die het onderwerp uitmaken van het samenwerkingsverband een risico inhouden op rechtstreekse of onrechtstreekse schendingen van de mensenrechten, en of de kandidaat-partnerinstelling zich bezondigt aan grove of herhaalde schendingen van de mensenrechten. Dit onderzoek vindt plaats op vraag van de promotor van het samenwerkingsverband. De uitkomst van het assessment zal steeds genuanceerd zijn: bij het ontwaren van een potentieel risico wordt de samenwerking niet a priori uitgesloten.

Een tweede element in de negatieve dimensie is de opname van een clause in de samenwerkingsakkoorden (waarin de Universiteit Gent in de positie verkeert om over de voorwaarden te onderhandelen), om het akkoord te verbreken bij de vaststelling van ernstige

inbreuken op de mensenrechten. De clause is wederkerig, om duidelijk te maken dat ook Universiteit Gent zichzelf aan haar eigen standaard onderwerpt.

Er dient opgemerkt dat de negatieve dimensie niet voorschrijft dat er a priori positie ingenomen wordt op basis van het land waarin een instelling gelegen is. Van een partnerinstelling kan niet verwacht kan worden dat zij de lokale wetgeving overtreedt; de lokale context wordt steeds in ogenschouw genomen. Enkel ernstige acties vanuit de instelling zelf kunnen tot niet afsluiten / verbreking van het akkoord leiden, mits duidelijk bewijs. Eventuele persoonlijke stellingnames van individuele leden van de instelling vormen hier geen aanleiding toe. De effectieve inroeping van de clause zal zelden voorkomen, maar de clause zal in elk geval een gedegen basis vormen voor het aangaan van een dialoog met de kandidaat-partnerinstelling. Omgekeerd, eens een akkoord is afgesloten na uitvoering van het 'human rights impact assessment' en met opname van de clause, kan er van uitgegaan worden dat alle betrokken leden van de Universiteit Gent zich houden aan de bepalingen daarin.

Tot slot bevat het beleidsontwerp een aantal voorstellen voor de verankering van het beleid aan de instelling, meer bepaald in haar bestuur, administratie, communicatie en in de activiteiten aan de basis.

1.3. Voorstel voor de inrichting van een Commissie Mensenrechtenbeleid

Om het beleid vorm te geven wordt voorgesteld een commissie Mensenrechtenbeleid in te richten die op basis van gedegen expertise adviezen kan verlenen in het kader van de negatieve dimensie, maar ook initiatieven kan ontplooiën en ondersteunen in het kader van de positieve dimensie. Meer bepaald wordt voorgesteld om volgende bevoegdheden toe te kennen aan de commissie:

- De ontwikkeling en opvolging van de positieve dimensie in het internationaal mensenrechtenbeleid¹ van de Universiteit Gent;
- Het bieden van advies in de uitvoering van de negatieve dimensie in het internationale mensenrechtenbeleid van de Universiteit, in het bijzonder door middel van
 - o de uitvoering van het 'human rights impact assessment' voor internationale samenwerkingsverbanden,
 - o het eventuele inroepen van de mensenrechtenclause in internationale akkoorden, en
 - o het formuleren van voorstellen tot richtlijnen ter zake, in het bijzonder de bepaling in welke gevallen en op welk moment het aangewezen is het advies van de Commissie in te winnen;
- Het formuleren van adviezen over mogelijke formele publieke stellingnames van de Universiteit Gent over onderwerpen die de mensenrechten aanbelangen.

Voor de functionele samenstelling van de Commissie wordt onderstaand voorstel gedaan, dat enerzijds expertise bundelt inzake mensenrechten en ethiek, en anderzijds representatief

¹ Hiermee wordt bedoeld dat deze commissie enkel bevoegdheid heeft inzake mensenrechtenbeleid binnen het kader van het internationaliseringsbeleid (zie ook de ontstaanscontext van deze nota)

is voor de volledige universitaire gemeenschap. Op die manier kan de Commissie het vertrouwen genieten van zowel de leden van de universitaire gemeenschap die bezorgd zijn om mogelijke schendingen van de mensenrechten als gevolg van universitaire activiteiten, als van de leden die bezorgd zijn dat mensenrechtenstandaarden hun internationale onderwijs- en/of onderzoeksactiviteiten zouden belemmeren.

- Academisch Directeur Internationalisering, voorzitter
- Drie experts mensenrechten / ethiek
- Een afgevaardigde uit de Expertengroep Internationalisering
- Een afgevaardigde uit de Onderzoeksraad
- Een afgevaardigde uit de Onderwijsraad
- De Directeur Onderwijsaangelegenheden
- De Directeur Onderzoeksaangelegenheden

Bij de nominatieve samenstelling zal er rekening mee gehouden worden dat alle geledingen vertegenwoordigd worden middels de afgevaardigden uit respectievelijk Expertengroep, Onderzoeksraad en Onderwijsraad.

2. Gevraagd

Aan de Raad van Bestuur wordt gevraagd

- de wenselijkheid van de uitbouw van een universitair mensenrechtenbeleid, op basis van de in de voorliggende nota omschreven principes en volgens de daarin toegelichte modaliteiten te bespreken,
- alsook de wenselijkheid van de inrichting van een Commissie Mensenrechtenbeleid, met bepaling van haar opdracht en functionele samenstelling.

3. Bijlagen

Volgnr.	Titel	Datum	Blz.
1.	Nota: 'A Human Rights Policy for the international activities of Ghent University'	4/12/16	13
2.	Uittreksel verslag Expertengroep Internationalisering	22/9/16	4
3.	Uittreksel verslag Expertengroep Internationalisering	6/12/16	2

A Human Rights Policy for the international activities of Ghent University

1. Why a Human Rights Policy for Ghent University?

Our Mission

The first reason for Ghent University to adopt a human rights policy is based on its values and self-affirmed identity.

Ghent University identifies itself as a 'socially committed' university (first sentence of the Mission Statement). This implies that we reflect about the positive impact that our activities can have upon society, and that we attempt to optimize that impact. It also implies that we reflect about the negative impact that our activities can have upon society, and that we attempt to minimize such impact.

Since the international dimension is also part of Ghent University's self-affirmed identity (second bullet point of the mission statement), our reflection about societal impact cannot be limited to Flanders or Belgium, but should include our broader impact in the world at large. Indeed, in the context of its current internationalisation strategy, Ghent University has stated that 'internationalisation provides content to the social and global responsibility of Ghent University' (<http://www.ugent.be/en/ghentuniv/internationalisation/policy.htm>).

Social Responsibility

The need for Ghent University to engage in a human rights policy is based on its status as a public actor. By delivering higher education with a considerable public good component Ghent University is embedded in the wider public sector and is expected to engage in promoting public service values. Such values have ethical (integrity, fairness), democratic (impartiality, rule of law) and professional (effectiveness, service) dimensions. These dimensions touch upon human rights as well and, as such, a human rights policy constitutes a part of a broader social responsibility policy, which includes also other dimensions, such as a sustainability policy, a fair trade policy, a policy on equality and diversity, and a policy on development cooperation.

In addition, it could be argued that, under the UN Guiding Principles on Business and Human Rights, as a public actor, Ghent University is not only under a duty to respect human rights but also, within its powers, under a duty to protect human rights against violations committed by private actors, in particular in the context of international cooperation.¹

More generally, a commitment to respecting human rights is not only value-based. In practice, when organisations adopt a strong human rights based policy, they are in part motivated by other aspects, such as public image, stakeholder relations, and competitiveness.

¹ In this respect, the UN Guiding Principles hold that "States should promote respect for human rights by business enterprises with which they conduct commercial transactions."

Human Rights in this picture

Human rights standards are bottom-line standards. They are far from a programme for ‘a good life’ or ‘a good society’. Instead, they express the basic conditions of a life in dignity. Some may argue that human rights are therefore not sufficiently ambitious to guide the university’s policy on its humanitarian and social impact. Indeed, it may be desirable to set higher standards in some policy areas (e.g. human resources policy, policy on engagement with the local community, development cooperation policy). Yet it is submitted that human rights are very suitable minimal standards that should apply across-the-board in all areas of internal and external activities.

Ghent University self-identifies as a pluralistic university. Hence it has a strong interest to avoid perceptions of political partisanship. Human rights are universal standards, that are solidly established in international law. They are therefore eminently suitable as neutral minimal standards to guide university policy and activities.

2. Focus on the International Activities of Ghent University

A complete human rights policy for Ghent University would logically also include an ‘internal’ part, i.e. focused on the relations between the institution and its staff & students, as well as among and between the staff & students. This includes for example the diversity and non-discrimination policy, and the policy on academic freedom.

Moreover, a human rights policy for Ghent University would logically also include a domestic ‘external’ part, i.e. focused on societal impact in the immediate and broader environment of the university (Ghent, Flanders, Belgium).

However, the present memo is limited to the international activities of Ghent University. This is explained by its institutional history, i.e. the initiative for this memo arose in the course of the activities of the Expert Group on Internationalisation.

The proposed human rights policy includes a positive dimension (3), aimed at optimizing the positive impact that the activities of Ghent University and its members can have, and a negative dimension (4), aimed at minimizing any negative human rights impact from Ghent University activities. It is submitted that the two dimensions are interdependent. For example, in a case in which Ghent University is challenged by civil society actors for its collaboration with a particular partner, it could offer a robust reply by pointing out a) that the university applies human rights standards to its international cooperation, and that the cooperation in question is not in violation of these standards (as confirmed by the University’s human rights committee, *cf. infra*); and b) that several activities at the university are engaged in improving either the human rights situation in the relevant country, or the type of human rights issue concerned.

3. Positive Dimension: Realizing a Positive Impact on the Enjoyment of Human Rights

Goals

- In its communication and outreach activities, Ghent University is committed to promoting respect for human rights
- As part of its activities of services to society, Ghent University is committed to support and develop initiatives that advance the enjoyment of human rights
- Ghent University is committed to facilitating and supporting activities of its staff and students in the fields of education, research and services to society, that promote respect for human rights, or that advance the enjoyment of human rights

In this section, a distinction is made between activities that promote respect for human rights (the discourse) and activities that advance human rights on the ground (the action). Another distinction is that between institutional initiatives of Ghent University and initiatives of staff and students that are facilitated and supported by the University. In each category there are a number of ongoing activities. In addition, the launch of a human rights policy would be a good occasion to start up a number of new activities. Inventorying and publicizing the positive human rights activities of/at Ghent University may at the same time strengthen the University's public image as a socially committed institution, and contribute to the creation of the incorporation of human rights consciousness as part of Ghent University's identity and of the collective consciousness of its members.

The next section includes a number of examples of ongoing activities, as well as some ideas for new initiatives. New initiatives could be taken ad hoc, as has been the case in the past. They could also be part of a comprehensive policy co-ordinated by a designated body (cf. infra).

3.1. Institutional Promotion of International Human Rights

a) Some examples of existing activities

- The Amnesty International Chair at Ghent University: in cooperation with Amnesty Flanders: annual public lecture of a distinguished human rights defender, with additional guest lectures for students
- The Mandela Lecture at Ghent University, in cooperation with the embassy of South Africa, includes lectures on human rights topics (e.g. Albie Sachs in 2016)
- The participation in the Scholars At Risk project (cf. infra) has also led to a number of public events, specifically addressing academic freedom
- The institutional honorary doctorate has several times been awarded to personalities with a strong human rights profile (Kofi Anan in 2003, Desmond Tutu in 2005, Irene Khan in 2007, Graça Machel in 2008, Frank Mugisha in 2013, Breyten Breytenbach in 2014)

b) Potential new initiatives

- The University might organize an Annual Human Rights Week in the week of 10 December (International Human Rights Day)
- The University might hold an Annual event on international women's rights on 8 March
- The University could organize a public sector values and/or corporate social responsibility (CSR) stakeholder meeting with civil society representatives, asking them what they expect of the university (on different CSR topics, including a section on human rights)

- The University could occasionally take a public stance in defence of human rights. Arguably, this is desirable in particular with respect to human rights violations that take place at universities or that specifically/mainly affect students and/or academics. For example, the recent action of the Turkish government against the ‘Academics for Peace’, resulting in arrests and dismissal for many academics, has been publicly denounced by numerous universities, including ULB. A focus on universities/academics in this field would avoid pressure on the university to take a stance on an unmanageable number of human rights situations worldwide, and would be in line with the University’s partnership with Scholars at Risk.
- The University could include a multidisciplinary introduction to human rights among the ‘universiteitsbrede keuzevakken’²

3.2. Institutional Advancement of International Human Rights

a) Some examples of existing activities

- Ghent University’s initiatives in the context of the Scholars at Risk Network (<http://www.ugent.be/nl/onderzoek/ugent/internationaal/ontwikkelingssamenwerking/links-ontwikkelingssamenwerking/scholars.htm>)
- Ghent University’s work with/for refugee students (<https://www.ugent.be/en/ghentuniv/diversity-and-gender/refugeeswelcomeatugent>)
- (in the past): opening up university buildings for emergency shelter for refugees
- Ghent University is committed to Fair Trade (which has a human rights component, in the sense of respect for minimum labour standards): Ghent University organizes a yearly Fair Trade Week and is the first Fair Trade Campus in Flanders.

b) Potential new initiatives

- PhD or postdoc scholarships reserved for refugees (cf. 10 postdocs for 1 year at ULB: <http://www.ulb.be/solidaire/index.html>) or, alternatively, for human rights activists
- Targeted starting up of new cooperation projects in response to human rights crises
 - o In a conflict situation: e.g. project for the specific benefit of students from the Western Sahara; or co-operation with Palestinian universities (to restore neutrality in a context in which there is cooperation with Morocco/Israel respectively)
 - o To support members of persecuted/marginalized minority groups, e.g. Uighurs in China, Roma in Central/Eastern Europe (to restore neutrality in a context in which there is cooperation with the state that is persecuting these groups)
 - o To offer protection and assistance to academics who are under threat (but remain in their own country) or who are trying in difficult circumstances to improve the human rights situation in their country. E.g. in Burundi, Rwanda, DRC

3.3. Encouragement of International Human Rights Promotion and Advancement by Staff and Students

² The current list includes: ‘Bewegen en sport: nu en later’, ‘Academic English’, ‘Advanced Academic English’, ‘Leer ondernemen’, ‘Coaching en diversiteit’, ‘Duurzaamheidsdenken’ and ‘Cocreatie’.

a) Some examples of existing activities

- Some development cooperation projects, such as DESAFIO (VLIR-IUS project with Eduardo Mondlane University in Maputo; focused on sexual and reproductive health, with two project lines on rights). <http://www.vliruos.be/en/ongoing-projects/overview-of-ongoing-projects/iuc/institutional-cooperation-with-eduardo-mondlane-university-%28uem%29,-mozambique/>
- Several research projects incorporate a human rights approach in their research methodology, for example by giving voice to vulnerable people. An example in the international sphere is the work of prof. Ilse Derluyn on children in armed conflicts in Uganda and East Congo.³
- Several research projects include a component of practical application or a spin-off that attempts to meet concrete human rights needs. For example, in the context of research in East Congo and North Uganda, the research group of prof. Ilse Derluyn developed an offer of psychological support for former child soldiers.
- The practice of the Human Rights Centre (Law Faculty) of submitting third party applications before the European Court of Human Rights <http://www.hrc.ugent.be/third-party-interventions-before-ecthr/>
- Some of the files of the human rights law clinic are international or concern refugees: <http://www.hrc.ugent.be/human-rights-law-clinic/>

b) Supporting and facilitating existing and new activities

- The university could consider the launch of *prizes* or a *competition* for socially committed student initiatives. This would at the same time encourage such initiatives and show the institution's appreciation for socially committed students both to the students and to society at large. Such an initiative need not be focused on human rights only. It could for example include different categories of societal commitment, amongst which international commitment to human rights is one.
- The university could provide a budget line and launch a call for high social impact projects (across the categories of education/research/services), including international or transnational initiatives. This would at the same time encourage staff to initiate such projects and show the institution's appreciation for social commitment by its staff and for social value creation in the course of academic activities in a tangible manner. This would be a significant added value to the current policy plan on social value creation. This initiative need not be focused on international human rights impact only. It could define a broader concept of social impact that includes human rights impact.
- The university could provide a mechanism for logistic support for ad hoc events initiated by students/staff in response to international (human rights) crises (e.g. the refugee crisis)

4. Negative Dimension: Avoiding Complicity in Human Rights Violations

Goals

- Ghent University aims to avoid directly or indirectly contributing to or facilitating violations of human rights
- Ghent University aims to avoid benefiting or profiting from human rights violations
- Ghent University commits to denouncing any human rights violation encountered in the course of its international activities

In order to achieve these goals, the following measures could be adopted:

Internationalization strategy

One of the Strategic goals of the Ghent University Internationalisation Policy is that “Ghent University makes clear choices in terms of intensity and form of international cooperation with certain regions, countries and partner institutions”. The policy documents list a number of criteria to make such “clear choices”, in particular “Commitment to qualitative high level partnerships”, “Structuring preferential international cooperation in three forms: regional platforms, thematic networks & institutional partnerships”, “Creating a centralised database for all forms of international cooperation”, “Focus on regional international cooperation and North-South cooperation” and “Further development of the Ghent University Global Campus (Republic of Korea)”. An updated version of this Strategic Goal should explicitly mention “Avoiding any negative human rights impact” among the criteria to make such “clear choices”. However, it is submitted that the list of criteria to make “clear choices” is not necessarily a closed list and that consequently, even in the absence of such explicit reference, Ghent University should ideally make the “clear choice” to avoid any potentially negative human rights impact.

The notion of choices, and of a negative dimension in the human rights responsibility of Ghent University has already been acknowledged. In 1998 the University Board (on 10 November) ruled that Ghent University will not collaborate in the development of technology that is exclusively aimed at military combat operations.⁴ While this is a precedent for a policy of selectivity and exceptional exclusion, it is also widely considered inadequate today, amongst others because in reality most military technologies also have other applications than military combat (the issue of ‘dual use’).

In what follows, a university-wide approach to this issue is proposed that is based on the use of human rights impact assessments (A) and human rights clauses (B).

It is proposed that individual members and entities within Ghent University remain free to adopt a stricter human rights policy, that may preclude cooperation with a larger number of partners or in a broader range of contexts, as a matter of exercise of their freedom of conscience, freedom of expression and academic freedom.⁵ However, in case an institutional collaboration complies with the present human rights policy, it is to be avoided that Ghent University members or entities who do not wish to participate in this collaboration on account of their own stricter rules, (i) either give the

⁴ "De Universiteit Gent zal niet meewerken aan de ontwikkeling van technologie die uitsluitend op militaire gevechtsoperaties is gericht. In nieuwe overeenkomsten met derden die op de terreinen of in de gebouwen van de Universiteit Gent actief zijn, zal bepaald worden dat de Universiteit Gent niet toelaat dat zij op haar terreinen of in haar gebouwen dergelijke technologie ontwikkelen."

⁵ In this context, it is to be noted that the Faculty of Political and Social Sciences has adopted a more stringent policy.

impression to the partner or third parties that the stricter rule is a matter of institutional Ghent University policy, (ii) or act toward individuals from the partner institution in a manner that may in good faith be perceived as discriminatory. In cases of doubt, the proposed human rights committee (*cf. infra*) can mediate and advise.

A. Human Rights Impact Assessments

In order to enable Ghent University to make “clear choices” in order to avoid any potential negative human rights impact, a human rights impact assessment is proposed that could be incorporated in the process preceding the entering into an international cooperation. This should be understood in a broad sense, encompassing international cooperation entered into by the university, the faculties, research groups or individual researchers, and including bilateral as well as multilateral cooperation.

In the course of a human rights impact assessment, the project partner at Ghent University verifies the human rights impact of activities undertaken in the context of such cooperation. The human rights impact assessment could be incorporated as a mandatory field in the “Info Sheet Cooperation Agreement”, which currently already requires the partner at Ghent University to verify whether the partner institution is based in a safe and stable region. If necessary, in order to obtain the required information to undertake such assessment, the partner at Ghent University enters into dialogue with the envisaged partner institution. The University human rights committee (see *infra*) makes a list of ‘risk’ categories, for which it is either obligatory or recommended to refer to the committee for advice.⁶ Such ‘risk’ categories can be defined in terms of types of activities or types of partners.

Undertaking such human rights impact assessment as a standard good practice would be a way of implementing Principle 13 of the United Nations Guiding Principles on Business and Human Rights,⁷ which holds that the responsibility of business enterprises, arguably encompassing academic institutions as well, requires that such enterprises:

- (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur;
- (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.

A human rights impact assessment asks the following questions:

- 1) What is the risk that the activities undertaken in the context of the cooperation agreement could directly or indirectly contribute to the violation of one of the rights guaranteed in any of the Core International Human Rights Instruments?
- 2) Is the partner institution or organisation implicated in serious or systematic violations of human rights?

⁶ Thanks to the involvement of this committee, the administrative burden on researchers would be limited. There is an understandable resistance among many in the academic community against any potential additional administrative burden. However, it is submitted that in this case, the small extra effort serves a particularly important cause.

⁷ See <http://business-humanrights.org/en/un-guiding-principles-on-business-and-human-rights-1>.

The impact assessment thus concerns *any* human rights violation to which the cooperation agreement might contribute, in addition to *serious or systematic* human rights violations in which the partner institution is involved outside of the particular project. The reasoning underlying this distinction is that Ghent University should set the bar higher with respect to the activities in which it is itself involved than with respect to human rights violations committed by the partner institution outside the scope of the international cooperation.

A deliberate choice is made in this memo *not* to exclude cooperation based on criteria relating to the *country* in which a partner is based. However, this is not intended to preclude Ghent University from deciding at any point in the future to join an academic boycott against a particular country.

In some countries, certain human rights violations (e.g. discrimination) result directly from the legal framework. It is proposed that in such situations, Ghent University does not expect its partners to be dissidents or to defy the law. Hence, the current framework does not hold partners accountable for simply applying a problematic law. However, partners who strongly identify with a state policy that violates human rights and who promote and apply it beyond what the law requires, would be held accountable under this policy.⁸

1. What is the risk that the activities undertaken in the context of the cooperation agreement could directly or indirectly contribute to the violation of one of the rights guaranteed in any of the Core International Human Rights Instruments?

According to the Office of the High Commissioner for Human Rights, the following treaties are understood as “Core International Human Rights Instruments”: the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the International Covenant on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) and the Convention on the Rights of Persons with Disabilities (CRPD).⁹

“Activities undertaken in the context of the cooperation agreement” must be understood in the broad sense, encompassing educational, research and any other activities that are undertaken in the context of the cooperation agreement.

It is the purpose of the human rights assessment to verify whether human rights of any person risk being violated by any such activity, regardless of whether they are connected to Ghent University or the partner institution (e.g. staff members of students) or whether they are third parties.

⁸ For example, in a country in which sexual relations with a person of the same sex are a criminal offence, a university that, in conformity with such law, does not allow manifestations of homosexual identity on campus, would still be eligible as a partner. However a university that organizes a witch hunt for homosexual students or staff would be considered not eligible as a partner.

⁹ See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>.

- *Example involving human rights violations v`a`n students of the partner institutions: collaboration in the realisation of a Masters programme that discriminates in its admissibility criteria against women or against ethnic minorities.*
- *Examples involving human rights violations v`a`n third parties:*
 - *The activities undertaken in the course of the international cooperation result in severe environmental pollution that affects the right to health of persons living in the vicinity.*
 - *The activities undertaken in the course of the international cooperation result in the collection of data in the absence of safeguards that protect the right to privacy of the persons concerned.¹⁰*

Complicity

The human rights impact assessment could also be a means to implement Principle 2 of the United Nations Global Compact,¹¹ which holds that “Businesses should make sure that they are not complicit in human rights abuses.” The United Nations Global Compact is a UN initiative to encourage businesses worldwide to adopt sustainable and socially responsible policies. Principle 2 distinguishes between “direct complicity”, “beneficial complicity” and “silent complicity”:

- “Direct complicity” = when a company provides goods or services that it knows will be used to carry out the abuse
 - “Beneficial complicity” = when a company benefits from human rights abuses even if it did not positively assist or cause them
 - “Silent complicity” = when the company is silent or inactive in the face of systematic or continuous human rights abuse

It is submitted that the notion of “direct or indirect contribution” to a human rights violation, suggested above, is sufficiently broad to encompass any situation of “direct complicity”. In the context of international cooperation undertaken by Ghent University, this would imply that Ghent University must avoid providing goods or services to a partner institution when there are reasons to fear that these goods or services may be used by the partner institution in such a way that may contribute to human rights violations.

In order to avoid “beneficial” or “silent complicity”, it is submitted that a second question could systematically be asked in the context of the human rights impact assessment:

2) Is the partner institution implicated in gross or systematic violations of human rights?

The term “serious or systematic” suggests that not any small, isolated human rights concern should necessarily be evaluated in terms of a potentially negative human rights impact for the sake of the human rights impact assessment. Systematic or serious human rights violations may however give rise to “beneficial” or “silent complicity” on behalf of Ghent University and should therefore be considered in terms of a potentially negative human rights impact. An *example* could be a cooperation agreement with a partner institution that has a discriminatory or

¹⁰ It is submitted that there may be an overlap between human rights diligence and research ethics requirements. This means that a Human Rights Committee and the ethical committees will have to align their respective policies for those areas in which there is overlap.

¹¹ See <https://www.unglobalcompact.org/what-is-gc/mission/principles>

segregationist entrance or hiring policy, or a partner institution with exploitative labour conditions for some categories of staff.

The term 'implicated' suggests that a negative human rights impact can ensue in some situations in which the gross human rights violations are not committed by the partner itself. For example, an institution can be strongly intertwined with an actor such as a police service or army that commits human rights violations on a systematic basis. The proposed human rights committee gives advice in this respect,.

Implications of the human rights impact assessment:

It is submitted that, by way of principle, no cooperation should exist with any partner institution that is implicated in gross or systematic violations of human rights. Moreover, it is suggested that it would be appropriate for Ghent University to be transparent about the human rights-based reasons for the refusal to cooperate. Communicating these reasons (in the first place to the rejected partner, but potentially more broadly) is in itself a way of promoting respect for human rights.

Aside of that scenario, if the human rights impact assessment indicates that there may potentially be a negative human rights impact, steps are taken in order to avoid causing or contributing to a negative human rights impact, or in order to mitigate the risk of a negative human rights impact. If no such mitigation measures are possible, it is submitted that Ghent University should refrain from entering into such cooperation. In this scenario as well, it is suggested that it would be appropriate for Ghent University to be transparent about this in its communication.

Clearly, negotiations concerning a cooperation agreement provide a window of opportunity to enter into a dialogue with the partner institution in order to discuss its negative human rights impact and to agree upon preventive or mitigating measures in order to address the potentially negative human rights impact arising from the activities undertaken in the context of the cooperation agreement. In such case, the proposed human rights committee is ideally placed to provide advice on the proposed preventive or mitigating measures.

B. Human Rights Clauses

It is proposed that all cooperation agreements for which Ghent University is in a position to negotiate the terms of the agreement,¹² should contain a human rights clause, which would enable Ghent University to terminate the cooperation agreement in case of clear indications that the partner institution is involved in any serious violation of human rights. While the human rights impact assessment aims at excluding cooperation where there is a risk that cannot be sufficiently mitigated that the activities undertaken in the context of this cooperation may contribute to human rights violations, or where the partner institution is involved in serious or systematic violations of human rights, the human rights clause allows the University to respond to serious violations of human rights by the partner institution that it did not know of beforehand or that only arose after entering into the cooperation.

¹² This includes all bilateral agreements, as well as some multilateral agreements, e.g. strategic partnerships.

Clearly, such human rights clause would only be applied as a measure of last resort, after entering in a dialogue with the partner institution. However, the mere existence of such a human rights clause has the advantage of enabling Ghent University to put pressure on the partner institution in case of allegations of serious or systematic violations of human rights. In any case, Ghent University should express concerns in case of allegations of serious violations of human rights committed by its partner institutions.

It is proposed to include the following human rights clause by way of standard practice in the text of all cooperation agreements:

“This agreement may be terminated by any of the parties in case of clear and convincing evidence that the partner institution is involved in a serious violation of human rights. The party wishing to terminate the agreement will give notice of this intention to the partner institution, allowing the partner institution due time to respond to the allegations. In the absence of a satisfactory reply or in the absence of a reply in due time, the party seeking to terminate the agreement will reiterate its intention of doing so. The agreement will cease to have any effects between the parties from the moment that such second notice is given.”

- “A serious violation of human rights” is a category that can encompass many situations, including isolated but serious incidents. Examples:
 - o *law enforcement troops, using excessive force, to smack down a student protest, on request of the partner institution.*
 - o *A staff member of the university is dismissed on account of his/her criticism of government policy*
 - o *collaboration in a research projects including the building/installation of a new facility (lab, fields...); yet for the purpose of this new facility people have been forcibly evicted from their home in violation of international human rights (e.g. without compensation)*
- The proposed human rights clause contains the standard of proof of “clear and convincing evidence”. This standard is higher than the “more likely than not” preponderance of evidence standard, but lower than the “beyond reasonable doubt” standard applied in criminal law. The “clear and convincing evidence” standard is sufficiently high to avoid whimsical termination of the agreement, but not as high as to deter this standard from ever being invoked.
- The proposed human rights clause is framed in a reciprocal manner, in order to make clear that Ghent University is also willing to be held accountable.
- The proposed human rights clause contains some procedural safeguards in order to avoid whimsical termination of the agreement and to enable dialogue.
- It is suggested that the proposed University human rights committee should play a key role in advising on the application of the human rights clause.

5. Anchoring/Institutionalisation

- Increasing the *visibility* of ongoing activities that promote/advance human rights: In addition to the institutional activities, there are numerous activities of UGent staff and students that

promote or advance human rights abroad¹³. Inventorying and publicizing these activities will serve as a source of inspiration for other students and staff. It can also be an occasion to identify the needs in terms of central support, as well as the potential for generating stronger impact with some additional support. Finally, it will talk to society at large, and testify to the strength of Ghent University's commitment for human rights.

- Sensitizing the Ghent University community for human rights, including both the need to avoid negative human rights impact of university activities and suggestions for ways to generate positive human rights impact in the course of university activities.
 - o A public launch of the human rights policy would have a sensitizing effect for a broad UGent audience
 - o The faculty commissions for internationalisation and the International Relations Office have a central role to play
 - o The doctoral schools could sensitize about human rights in research (as a matter of research ethics)
- Creating an *institutional context* for human rights policy and activities at Ghent University: The institutional embedding of the human rights policy should serve several goals:
 - o It should show that the human rights policy has the strong support of the University leadership. From that perspective, an official launch moment of the human rights policy may be desirable, linked with the announcement of a number of new institutional initiatives.
 - o It should leave sufficient room for bottom-up initiatives from staff and students in support of human rights, and facilitate and support such initiatives. From that perspective a funding option would be desirable. It should be flexible enough to react to new human rights situations on the ground.
 - o It should be equipped to offer clear guidance on the implementation of the negative part of the human rights policy.

All of these factors point to the desirability of the creation of a committee that could either be a 'human rights committee' or a 'societal impact committee, whose responsibilities should include the following:

- Develop the human rights policy of the University
- Select staff/student projects for funding, prizes...
- Offer advice on the implementation of the negative human rights policy. In this respect, the committee could be made responsible for undertaking the human rights impact assessment, for giving an advice on the application of the human rights clause and for developing guidelines in this area, for example with respect to dual-use technology.
- Make suggestions for the adoption of public positions by Ghent University on human rights matters
- Organize a forum for researchers (and potentially also students and external stakeholders) who are interested in the human rights components of research

The composition of the committee should inspire trust both among the members of the Ghent University community who are concerned about potential human rights violations by Ghent University activities, and among the members of the Ghent University community who are concerned that human rights standards may interfere too much with their research or education agenda. . This is in particular the case for the 'negative' wing of the human rights

¹³ It may be interesting to extend this also to activities that do not necessarily have an international dimension, such as Ghent University's commitment to ethical criteria (including human rights) for its investment portfolio.

policy. At the same time, the committee should, with a view to the realisation of the positive human rights policy, include sufficient expertise in the field of positive human rights initiatives.

- Integration in broader platforms and networks.
 - o Some issues that touch upon, or partly overlap with the human rights policy, may be on the agenda in other contexts. Examples include current VLIR discussions on dual-use research, and discussions on Responsible Research and Innovation in the context of H2020. It will be important to co-ordinate Ghent University representation in these discussions with the human rights policy.
 - o It is submitted that the human rights policy of Ghent University can be a model that may be promoted in a broader context, in international networks in which Ghent University participates

Extract - Expert Group on Internationalisation – Meeting 22 September 2016

Report

Location: Salons van de Rector, Rectoraatsgebouw

Present: Guido Van Huylenbroeck, Kries Versluys (item 3 onwards, up to/including item 5), Ignace Lemahieu (item 3 onwards, up to/including item 5), Eva Brems, Lieve Gheysen, Jan Philippé, Annelies Verdoolaege, Evelyne Van Waes, Gilles Pourtois, Luc Taerwe (item 3 onwards), Annemie Decostere, Karen Büscher (item 3 onwards), Frederik De Decker, Andries Verspeeten (secretary), Frederik Dewulf (ADI staff)

To be excused: Hilde Van Peteghem, Dirk De Craemer

Agenda

1. Draft Meeting Report 23/06/16
 2. Feedback: meetings COS and IFRI
 3. Discussion: Internationalisation policy and the AP funding key
 4. Discussion: International crisis management (cf. decision on Turkey)
 5. Discussion: a Human Rights Policy for the International activities of Ghent University
 6. AOB
-

Guido Van Huylenbroeck, Chair, opens the meeting at 13:35.

[...]

5. Discussion: a Human Rights Policy for the International activities of Ghent University

- The Chair introduces the topic by referring to the origin of the issue within the context of the Expert Group, which dates back to the Summer 2015 under the previous Chair. He passes the word to Eva Brems, who proposed to develop a proposal for a University-wide policy during a previous Expert Group meeting.
- Eva Brems refers to the first discussion, which originated in the drafting of an Erasmus+ International Credit Mobility agreement with the Israeli University of Ben Gurion University of the Negev. At a later moment a dual use research project with Technion University also came under discussion in the Board of Governors. The Chair points out that this latter case was referred to a separate dedicated ad hoc committee for further uptake. Eva Brems is also prepared to present a text for the Board of Governors, adapted specifically to this latter case. The Chair prefers to keep both issues separated.
- Eva Brems proceeds with the presentation of the text under discussion, which was drafted with the assistance of Post-Doc Laurens Lavrysen. She points out that the text does not reflect her personal opinion - it will not suggest a boycott of Israel -, but it does propose a university-level policy, with the inclusion of a positive impact. It is of importance for **the university's** external communication, as well as to avoid the university leadership being put on the defensive whenever sensitive collaborations are being set-up. The Ghent University mission statement and the concept of corporate responsibility form the

foundation for the text. Of note is the fact that basic human rights form but a minimum, but they are commonly accepted as universal standard. It might also appear odd that this policy is currently developed for the international context, whereas it could well be developed for the local context at first – referring eg. to sexual harassment -, but this is due to the concrete case on hand. The concept of the negative impact is currently already in use within the University as regards to the development of technology aimed exclusively at military combat operations. Its application in the current proposal is twofold: firstly, to assess whether the conclusion of an agreement should sometimes be ruled out, or only done conditionally, and secondly through the inclusion of a specific clause into the agreement. The assessment would concern two criteria: firstly, whether the activities concerned would have a negative impact on human rights, and secondly, whether the candidate-partner institution itself should be reprovved in cases of serious infractions, eg. if holding a discriminatory admission policy. The consequences of the outcome of the assessment can also be varied: even if a potential risk is discerned, it does not automatically rule out the collaboration. Since an individual cannot be tasked with such evaluations, it is proposed to have the assessments carried out by a committee. The committee should also define a set of risk criteria to determine when their advice would be required and when not. The clause only concerns serious infractions, as a basis to enter into dialogue and to allow for a withdrawal from the agreement if needed. On purpose it was formulated reciprocally. Its standard is high, so an actual invoking will be rare.

- **Frederik De Decker asks who is to be considered the 'partner institution' in case of violations: the institution as a legal entity, or can also the acts or statements of a member of that university be taken into account?** Eva Brems gives the example that if a Rector makes racist statements, the institution could be asked for clarification. But the clause is aimed at serious incidents, eg. university security firing at student protesters, the firing of staff for their sexual orientation, etc. In all cases, clear evidence will be needed.
- The Chair points to the existence of agreements with Islamic universities. He wants these collaborations to remain possible, notwithstanding the local attitude towards sexual orientation. Eva Brems says that **'clear evidence' would mean that the university has an explicit policy line in this matter, which in her opinion will be rare.** She refers to her long reflections concerning university policies towards sexual orientation, and has understanding for the fact that a large part of the world still holds opinions in this matter which are different from ours. To explicitly point this out to potential partners in some regions may sometimes have counterproductive effects. We could take into consideration that countries in which there is criminal law concerning sexual orientation, the potential partner university is not held accountable for this. We cannot expect our partners to be activists or act against their law. The same holds true for the freedom of expression. For all clarity, the country in which the partner university resides does not form a criterion for the assessment. The committee would need to be contextualise the partner and the country; it would certainly not only be composed from local activists, but should be representative for the entire university community.
- Eva Brems then turns to the active policy part of the proposition. Indeed, the policy should not be merely perceived as a negative one. The University can have a large positive impact, and a human rights policy could well be imbedded in a wider societal impact policy. In particular she aims at visibility and awareness, comparable to the sustainability issue, which today is much higher on the agenda compared to ten years ago.

- The Chair then asks for the opinion of the attendants. Gilles Pourtois makes the suggestion to adapt the order of the text so it starts with the positive impact part. Eva Brems takes note of the suggestion, explaining that the context in which the text came about led to the current order. Both the Chair and other attendants suggest to delete most of the concrete examples in the text, especially in the part where the negative policy is proposed. The Board of Governors would need to agree on the principle; the committee should decide on concrete cases. Kries Versluys, in se in favour of the installing of a committee to discern the nuances, does warn for the safeguarding of practicality in the administration, given the multitude of agreements, both in types and in numbers. The Chair agrees that some deliberation should **be done on which agreements are to be presented and which aren't**; which countries and which subjects. Eva Brems says that the text currently proposes to always have an impact assessment. Frederik De Decker refers to the quality check which the International Office currently already carries out for all UGent-funded Cooperation Agreements (for student and staff mobility with institutions outside Erasmus+ Programme Countries, secretary). The Chair points to the many other agreement models throughout the entire university for all types of activities, for example for research cooperation. Ignace Lemahieu **mentions as a concrete example the H2020 contracts, which don't leave much room for negotiation**. Kries Versluys considers project contracts as different from bilateral agreements, and the EU projects have been screened before selection. Eva Brems retorts that the impact assessment should be distinguished from the clause to be included in agreement texts where possible. Moreover, the EU does not consider the nature of partners when selecting proposals. The Chair fears a long procedure before project proposals can be submitted. He sees however no problem with bilateral or multilateral agreements for collaboration in education. Annelies Verdoolaege remains of opinion that a debate should **be possible over any potential funding partnership. Eva Brems also doesn't believe that a project proposal** is developed of the course of a single week.
- Following a discussion of a particular example of a research proposal dealing with interrogation techniques for police forces, the Chair reiterates his position that he does not want to rule out a priori the collaboration with institutions in some countries, on the argument that this also cuts away the basis for finding mutual understanding, whereby Eva Brems restates that countries do not form a criterion, and that the committee should always consider the particular context. Karen Büscher finds it important to consider what an institution stands for; A formal collaboration holds an implicit approval of an institutional policy. The current text makes a good distinction between the policies of a country and the stances of an institution. Eva Brems is of opinion that the text currently provides an answer to the activists within our university community, while in practice it would not lead to many exclusions.
- The Chair then enters the concrete case with Ben Gurion University into the discussion, in which a member of the university refused to receive a student from said university with which an institutional bilateral agreement had originally been concluded on the particular request of his department. He wants to avoid that a single individual can compromise the university by his/her individual action (without consent of the higher university authority). Kries Versluys also questions to what extent an individual is in position to take such action. Can one extract oneself from an institutional agreement, if one is member of that institution? Eva Brems feels that posing this question equals the questioning of the boycott of Israeli universities. The text allows for activists to hold a more restrictive opinion and act accordingly. She points out that this particular boycott has nothing to do with individuals, nor with Jewishness, but with the policy of the state of Israel. Frederik De Decker brings on the particular element that this agreement was concluded right at the very moment when the boycott was coming about, leading to an unfortunate

combination of events. Returning to the discussion, Kries Versluys makes two comparisons: what if someone refuses Turkish students based on an anti-Erdogan boycott, and what if someone refuses female students because he is personally against gender-equality? He also turns round the argumentation, wondering if it would be acceptable if our institution decides not to collaborate with an institution, but an individual decides to do so nonetheless. The Chair calls for a consequent attitude. He says he is generally convinced of the text, but does expect individuals to comply with agreements, once concluded after the assessment and advice by the dedicated committee. Eva Brems asks whether the more restrictive stance of the Faculty of Political and Social Sciences is then to be considered unjustified. The Chair replies that the Faculty could well decide not to be part of an agreement with a particular institution, but not to refuse an individual of said institution after it has first decided to become part of the agreement. The Chair concludes with the request that the text is adapted accordingly. Eva Brems agrees to adapt the text based on **today's** discussion. Feedback on the adaption will be collected from the Expert Group members, after which the text will be passed on to the leadership for formalisation and implementation.

[...]

Guido Van Huylenbroeck, Chair, closes the meeting at 15:30.

Done in Ghent, 10 October 2016,

Guido Van Huylenbroeck, Chair

Andries Verspeeten, Secretary

Extract - Expert Group on Internationalisation – Meeting 6 December 2016

Report

Location: Salons van de Rector, Rectoraatsgebouw

Present: Guido Van Huylenbroeck, Lieve Gheysen, Jan Philippé, Wim Hoste, Lorenzo Ego (from item 5 on), Annemie Decostere, Maarten Haspeslagh, Hilde Van Peteghem, Frederik De Decker, Dirk De Craemer, Andries Verspeeten (secretary), Frederik Dewulf (ADI staff)

To be excused: Ilse De Bourdeaudhuij, Ignace Lemahieu, Eva Brems, Annelies Verdoolaege, Gilles Pourtois, Luc Taerwe

Agenda

1. [for approval] Draft report meeting 22 September 2016
 2. [for information] Feedback from COS and IFRI meetings
 3. [for information] UGent-proposal VLIR-UOS '**Global Minds**'
 4. [for information] New procedure for UGent Master Grants
 5. [for discussion] Streamlining of BOF-funds for internationalization
 6. [for discussion] Bench fee-policy: Faculty-level input
 7. [for approval] Human rights policy
 8. AOB
-

Guido Van Huylenbroeck, Chair, opens the meeting at 13:30, welcoming the new members, Lorenzo Ego (Students, effective), and Maarten Haspeslagh (AAP, replacement).

[...]

7. Human Rights Policy

- **The Chair summarizes the developments since the Expert Group's discussion of the proposal for a human rights policy on 22/9/16**, including the discussion of the proposal at the meeting of the presidents of the Faculty Boards for Internationalisation, as well as a presentation of the proposal to the University management. Prior to its forwarding to the Board of Governors, the latest draft of the policy paper is now presented to the members of the Expert Group for final approval, indicating tracked changes, and including the cover text for the forwarding to the Board of Governors. The Chair briefly details the changes and presents the content of the cover text, in particular its description of the proposed committee on human rights. The committee is to be chaired by the Chair as Academic Director for Internationalisation, and composed of the Director of Education, the Director of Research, one delegate from respectively the Educational Council, Research Council and Expert Group on Internationalisation, and two experts in human rights/ethics. In the light of a balanced representation it could be sensible to increase the number of experts on human rights and/or ethics to three.

- Lorenzo Ego inquires for the inclusion of the students in the proposed committee. The Chair replies this can be settled through the delegates from either the Educational Council, the Research Council or the Expert Group, as is also practice **for the recently established 'mixed committees' (Language of tuition; Bench fee policy)**, thereby also taking the gender balance into account. The nominative composition is a competency of the Executive Board.
- Frederik De Decker brings into memory one of the conclusions of the previous discussion, notably that institutions cannot be held accountable for the acts or expressions of individual members of these institutions. This is confirmed by the Chair. Frederik De Decker also asks for the functioning of the Committee: will the initiative to formulate an advice on a proposed collaboration originate within the Committee, or will it reside elsewhere? Should all agreements be proposed to the Committee by default? The Chair says this is not his intent: the initiative to appeal to the Committee remains with the promoter of the collaboration, when he or she is concerned with the appropriateness of a potential partnership.
- Dirk De Craemer asks for clarification **on the meaning of 'international'** human rights policy, as referred to in the footnote of the cover text. The Chair replies he does not hold the committee competent in ethical matters such as dual-use research. It will be responsible for investigating into cases in which there is the potential violation of human rights by a partner university. Dirk De Craemer remarks that dual use research is however closely related to the human rights issue. The chair responds that in such cases the committee can give an advice on whether or not this involves the violation of human rights, but the overall issue should be addressed by other instances (e.g. an ethical committee)
- The participants agree with the forwarding of the text in its current version to the Board of Governors for approval.

[...]

Guido Van Huylenbroeck, Chair, closes the meeting at 15:15.

Done in Ghent, 19 December 2016,

Guido Van Huylenbroeck, Chair

Andries Verspeeten, Secretary