A human rights assessment (HRA) toolbox for (Flemish) universities

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Overview

1. Context
2. Presenting the HRA toolbox
3. The way forward

1.Context

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1.1.Human rights in a nutshell

- Fundamental rights to which every human being is entitled
- Three major types:
  - Civil and political rights (e.g. the right to life, the right to freedom of expression, …)
  - Economic, social and cultural rights (e.g. the right to education, the right to equal pay for equal work, …)
  - Solidarity rights (generally collective in nature, e.g. right to development, the right to a healthy environment, …)
- Human rights are protected at three different levels:
  - National (state and components)
  - Regional (inter-state cooperation, like Europe)
  - Global (cooperation between states, like United Nations)

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1.2.The breeding ground of the HRA toolbox

- Academic freedom is one of the guiding principles for universities
- VLIR has a long tradition of speaking out publicly on grave human rights violations, both inside and outside of Europe
- The emphasis in our work lies on harmonizing, aligning and refining existing relevant practices at individual university level, provided our members agree

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1.3.The process

- University rectors tasked an ad hoc working group of human rights experts to develop recommendations for a human rights assessment toolbox that can be used as a practical instrument of self-regulation.

- The wording of the final document required a delicate balancing act between human rights principles and the reality of strategic priorities that govern a university's policies on research, higher education, international relations and corporate administration.

- The report was approved in October 2019. An English translation is available at https://vlir.be/beleidsdomeinen/internationalisering/#tab_3

2.Presenting the HRA toolbox

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2.1.Scope of the HRA

- Only partnerships concluded with a document signed by the university as an institution
- All new partnerships and the renewal of ongoing partnerships (in all domains of the academic remit) with external partners (both academic and non-academic)
- Partnerships at national and international level
- **No application** at the level of country or a regime

2.2.What aspects of cooperation are subject to HRA?

- Partner(s) in the cooperation: it is assessed whether the partner(s) has/have been guilty of serious and/or systematic human rights violations in the past
  - E.g. university partners who systematically discriminate against certain persons on the basis of their gender, ethnicity, political opinion, nationality, religion, etc., for example by denying them access to university
- Activities of the cooperation: the extent to which the activities of the cooperation agreement could give rise to human rights violations is assessed
  - E.g. activities for which child, forced or slave labour is used by the partner(s)

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2.3.Who carries out the HRA and when ?

- As soon as possible during the preparatory process of new partnerships
- A shared responsibility between individual staff, research and education units, and central university units
- It is strongly recommended to set up a central human rights contact point in each university

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2.4.Three HRA stages

- Stage 1: screening
  - Carried out at decentralized level by individual staff or research/education unit
  - If necessary turning to the Human Rights Contact Point for advice or more information

- Stage 2: scoping
  - Activated only when screening raises one or more red flag(s)
  - Carried out by the Human Rights Contact Point

- Stage 3: consequences
  - Activated only when red flag(s) remain(s) after scoping
  - Carried out by the Human Rights Contact Point in consultation with individual staff or research/education unit

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2.4.1.First stage: screening

- Staff are invited to apply the HRA:
  - by examining the mission, vision and activities of the partner or by obtaining more detailed information about the partner
  - by consulting a number of relevant websites, such as www.business-humanrights.org or www.scholarsatrisk.org
  - by answering a number of questions, which have been arranged in the form of an indicator diagram

Indicator diagram ©VLIR

Certain types of partners, activities and contexts may call for heightened vigilance:

1. Partners
1.1. One of the partners in the project is not an academic institution, but an actor who, by its nature, may have possible involvement in human rights violations. Examples in this regard may include:
- (elements of) the police, army or other (public and private) security services, and other public services whose operations may give rise to human rights violations;
- companies in sectors where large-scale violations of workers' or residents' rights occur on a regular basis (mining sector, clothing industry, large-scale plantations, infrastructure and utilities (e.g. a dam)).
Yes ✹ | No O
1.2. One of the partners is a government agency (other than a public university) in a country with a poor reputation for human rights violations. E.g. a country marked as 'not free' in the 'Freedom in the world' index (Freedom House, https://freedomhouse.org/report-types/freedom-world).
Yes ✹ | No O
1.3. One of the partners in the project is an academic institution very closely associated with an actor mentioned in 1.1. or 1.2.
Yes ✹ | No O

2. Activities
2.1. Due to the nature of the activities and the context, there is a risk that messages are disseminated within the project (e.g. in training or education) which may give rise to human rights violations (this may also include problematic requirements of donors, e.g. a formal requirement not to speak about family planning in medical programmes).
Yes ✹ | No O
2.2. There is a risk that knowledge, equipment or results acquired in the course of the cooperation may be used/misused to violate human rights.
Yes ✹ | No O
2.3. There is a risk of human rights being violated in the margins of the project ('collateral damage') or prior to the project (e.g. in order to create a testbed, people may be expelled from their country).
Yes ✹ | No O

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2.4.2.Second stage: scoping

- If stage 1 raised a red flag, the Human Rights Contact Point will carry out a more thorough analysis of the partner and/or the activities.

- Scoping is mainly done by getting in touch with:
  - The Ministry of Foreign Affairs, Embassies abroad, European Union, United Nations, specialised human rights organisations, etc.
  - Researchers or staff members who have had previous experience with the same partner or activity

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2.4.3.Third stage: consequences

- If scoping brings to light issues of concern, the Human Rights Contact Point will discuss the potential consequences with the individual staff/unit.

- Possible consequences:
    - Engage in dialogue, obtain more information
    - Ask to adapt activities of the partner or change the planned activities of cooperation
    - Completely remove activities and/or exclude the partner from cooperation
    - University can withdraw as partner, or can decide not to start the new partnership
    - If cooperation has more positive than negative characteristics, it might be advisable to continue the collaboration

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3.The way forward

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3.1.What's next ?

- All universities have been asked to implement the HRA recommendations and the accompanying HRA toolbox by the end of 2020

- VLIR will evaluate the level of implementation

- VLIR wishes to share the toolbox with all interested universities

- VLIR invites EUA to think about ways it could share strategic intelligence on human rights issues with its members.

3.2.Contact

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