

Upholding institutional ethics and the right to demonstrate:

UvA staff demands to the College van Bestuur

1. In order to protect the fundamental rights of workers to speak freely about and protest the policies of their employer which directly or indirectly affect employees and the right of employees to a safe and healthy work environment, the CvB commits to upholding the right to protest on campus through a memorandum of understanding (MoU) and a renegotiation of the House Rules.

a) The MoU must entail a commitment to the right to demonstrate in accordance with Article 21 of the International Covenant on Civil and Political Rights¹, Article 10 and Article 11 on freedom of assembly and freedom of expression of the European Convention on Human Rights², and Article 9 of the Dutch Constitution³.

b) The MoU must recognize, as the European Court of Human Rights⁴ and Amnesty International Netherlands⁵ outline, that the right of employees to demonstrate can encompass different forms of demonstration, which cannot be outright banned but require a case-by-case examination.

c) The House Rules must be reformulated to encompass the commitments and recognitions in the MoU. This reformulation should not be a unilateral intervention by the Board. To ensure (worker) participation in this process, negotiations must in any event include at an early stage the Centrale Studentenraad (CSR – Central Student Council) and the Centrale

¹ United Nations. (1966). *International Covenant on Civil and Political Rights*. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

² Council of Europe. (1950). *European Convention on Human Rights*. Retrieved from https://www.echr.coe.int/Documents/Convention_ENG.pdf

³ Government of the Netherlands. (2008). *Constitution of the Kingdom of the Netherlands*. Retrieved from <https://www.government.nl/documents/regulations/2012/10/18/the-constitution-of-the-kingdom-of-the-netherlands-2008>

⁴ European Court of Human Rights. (2020). *Guide on the case-law of the European Convention on Human Rights: Mass protests*. Retrieved from https://www.echr.coe.int/Documents/Guide_Mass_protests_ENG.pdf; see ECtHR 21/11/2023, 56896/17, 56910/17, 56914/17, 56917/17 and 57307/17, *Laurijsen and others v the Netherlands*, ECLI:CE:ECHR:2023:1121JUD005689617; on applicability to campus protests, see ECtHR 11/10/2018, 14237/07, *Tuskia and Others v. Georgia*.

⁵ Amnesty International. (2022). *Demonstratierecht onder druk*. Retrieved from https://www.amnesty.nl/content/uploads/2022/11/AMN_22_33_demonstratierecht-onder-druk.pdf

Ondernemingsraad (COR – Central Works Council), and their right to consent on the final document must be respected. In the future, changes to the House Rules must always be negotiated using this procedure.

d) Any existing prohibitions in the House Rules and/or other UvA regulations which impose disproportionate restrictions on the right to demonstrate *ex ante in general*, and which are not in line with full compliance with human rights standards, such as the prohibition of "political" or "cultural" demonstrations, must be removed. No other prohibitions will be announced and implemented without amending the House Rules, in consultation with the CSR and COR.

e) Any restrictions – either laid out in the House Rules or adopted in concrete circumstances - should be *proportionate*, particularly having in mind the function of the different spaces being considered. Despite it being a *public* institution, the UvA currently treats all parts of campus as private property. However, at the very least, the external spaces are spaces for public use. House Rules need to take into account the different purposes of different spaces, and the CvB needs to condition their response to demonstrations in these spaces accordingly.

f) Consultation with staff must be a necessary requirement when police are being asked to intervene on campus in response to a demonstration.

g) Police intervention should be evaluated by default by the University following the intervention. In other words, the decision to authorize police intervention in a demonstration should automatically trigger an independent evaluation process. In addition to the police intervention itself, also the actions of the police and their consequences must be evaluated. If irregularities are found there, the University will assist victims legally, provide for appropriate mental health support, and file a complaint with the police. The CvB is obliged to implement any changes to its approach to police engagement that the evaluation points out as necessary. When the evaluation indeed results in policy change, the medezeggenschapsraden must have ‘instemmingsrecht’ (veto power – in line with article 27 of the Wet op de Ondernemingsraden^(Q&A)).

Moreover, the ongoing protests have shed light on irregularities surrounding the ethical vetting processes for collaborations and connections with different bodies who are suspected of violating international law. Even in instances, such as Israel's current war on Gaza, where there is widespread legal consensus that war crimes and severe human rights violations are being committed⁶, the current framework offers no directions on how institutional ethics must be upheld in research and financial relationships with institutions, organizations and companies complicit in these acts.

Universities should not remain passive and wait for governmental instructions in order to avoid complicity in grave human rights violations, such as genocide, ethnic cleansing, and war crimes. The University of Amsterdam does not have to be directly involved in these acts, but when engaging in institutional cooperation - by means of structural exchanges, joint research projects, tenders, and financial associations - it facilitates, supports and provides credibility. The University, a public institution committed to truth seeking and sharing, must not fall below the standards that are currently developing for corporate liability, and it must actively investigate how to "do no harm". The UN Guiding Principles on Business Rights and Human Rights⁷, the Corporate Sustainability Due Dilligence Directive of the EU⁸, and the Dutch Internationaal Maatschappelijk Verantwoord Ondernemen principles⁹ clearly indicate that employers, such as the UvA, have the responsibility to prevent, end or mitigate adverse impacts that their activities, or the activities of their partners, have on human rights. The University should not prohibit collaborations with individuals based on their identity, nationality or affiliation, however it must ensure academic freedom and therefore needs to hold institutional partners to account. Failure to do so impinges on the working conditions of staff, who are tasked with upholding and promoting high ethical standards in teaching and research, and who,

⁶ Human Rights Watch. (2024, March 19). *Israeli Forces' Conduct in Gaza*. Human Rights Watch. Retrieved from <https://www.hrw.org/news/2024/03/19/israeli-forces-conduct-gaza>

Bowen, J. (2023, October 2). *Gaza starvation could amount to war crime, UN human rights chief tells BBC*. BBC News. Retrieved from <https://www.bbc.com/news/world-middle-east-68679482>

⁷ Office of the United Nations High Commissioner for Human Rights. (2011). *Guiding principles on business and human rights: Implementing the United Nations "Protect, Respect and Remedy" framework*. Retrieved from https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

⁸ European Commission. (2022). *Corporate sustainability due diligence*. Retrieved from https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en

⁹ Rijksoverheid. (n.d.). *Verbeteren internationaal maatschappelijk verantwoord ondernemen*. Retrieved from <https://www.rijksoverheid.nl/onderwerpen/internationaal-ondernemen/verbeteren-internationaal-maatschappelijk-verantwoord-ondernemen>

therefore, deserve to work for an institution which is not complicit in grave human rights violations.

Due to these circumstances, we demand that:

2. The CvB severs ties with institutions, organizations, and companies complicit in grave human rights violations and violations of international law. This concerns all forms of institutional (not individual!) support, including UvA's myriad financial relations resulting from its large financial stocks and flows. It is important to the moral wellbeing of workers and the right of employees to a safe and healthy work environment. Following the employer's duty towards its employees, staff should have the necessary information to ensure that their work does not contribute to violations of human rights and international law.

a) An unambiguous commitment must be made through official policy not to collaborate with institutions, organizations, or companies complicit in grave human rights violations and violations of international law – as is stipulated in the Royal Dutch Academy of Sciences' (KNAW) 'Strategy on Knowledge Security'¹⁰. This policy should not prohibit collaborations with individuals based on their identity, nationality or affiliation. The only case in which the institutional commitment not to cooperate could affect individuals is when they are operating in an institutional capacity, namely as administrators/managers/official representatives of complicit institutions, organizations, or companies. This does not stand in the way of academic cooperation with colleagues in the form of conferences, guest lectures, co-authorships, or other individual academic endeavors.

b) An independent body (henceforth: 'evaluation body') should be set-up to evaluate UvA's entanglements with third-parties complicit in grave human rights violations and violations of international law. This body can build on the work of the 'Adviescommissie' (Advice Committee), which currently assesses third-party collaborations. However, its mandate must be broader and should encompass non-research related entanglements as well. It must also at all times include human rights experts employed by the University, who will scrutinize UvA's

¹⁰ KNAW. (2023). *Kennisveiligheid - KNAW position paper*. Retrieved from <https://storage.knaw.nl/2023-10/Kennisveiligheid-KNAW-position-paper-oktober-2023.pdf>

connections to complicit entities. These experts will be remunerated for their time with FTE hours, subject to negotiation. The medezeggenschapsraden must be involved in choosing the composition of this body, including the human rights experts. This involvement should be set out in the framework defining the tasks and profile of the 'evaluation body'.

c) The 'evaluation body', with the participation of the aforementioned human rights experts, must develop a human rights due diligence framework against which future collaborations and connections will be assessed. This framework must clearly specify what makes a "sensitive third party" (e.g. what constitutes "human rights violations", "violations of international law", "environmental damage", and "animal suffering") – an aspect which is vague in existing regulations.

d) A commitment should be made to evaluate financial connections to complicit third-parties resulting from UvA's large financial stocks and flows. In particular, the connections established through the pension fund, banking services, and the Amsterdam University Fund should be scrutinized. In accordance with established principles, the UvA has the moral duty to consistently choose ethical business partners or push its business partners to divest from activities that are clearly against the University's ethical framework.

e) The medezeggenschapsraden must be able to request an assessment by the 'evaluation body' regarding third-party connections. The recommendations of the 'evaluation body' should in principle be binding.

f) Faculty guidelines should make it clear that in case of doubt on collaboration with a suspected 'sensitive third party', a recommendation by the 'evaluation body' must be sought; faculties should ask, when approving an external cooperation, whether a recommendation has been sought, and if not, why it was not necessary.