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# Independence weighted

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CROSS-CULTURAL HUMAN RIGHTS CENTRE  
VU AMSTERDAM



This report contains the findings of the investigation into the independence of the activities of the Cross-cultural Human Rights Centre of VU Amsterdam.

The investigation was commissioned by the Executive Board of VU Amsterdam.

The Committee consisted of (see further Annex 5):

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## FOREWORD

This is *Independence weighed*, the report of the Committee Investigating the Cross Cultural Human Rights Centre of VU Amsterdam. The Committee investigated the independence of the *Cross Cultural Human Rights Centre of VU Amsterdam*.

The Committee greatly appreciated the trust placed in it by both the VU Executive Board and the Faculty of Religion and Theology and the Director and staff of the Centre. Their openness, the pleasant conversations, and the speed with which they responded to the Committee's questions facilitated its work. The Committee also thanks the researchers from outside the Centre with whom it met on the recommendation of the Director, as well as the two external advisors. It goes without saying that none of them is in any way responsible for the contents of this report.

It concerns an essential subject; the independence and credibility of academic research and teaching. The report has become more extensive than anticipated. Much can change in less than ten years, both in the content and method of academic research and in the context in which it takes place. The Committee has therefore always been aware of the risk of *hindsight bias*. That is why it discusses in detail both the developments in cooperation with Chinese partners and the developments in interdisciplinary human rights research, including the methods of good scientific research.

The Committee hopes that its report will not only provide an answer to the research question of the Executive Board, but that it will also contribute to the current debate on human rights research in autocratically governed countries. In the report, the Committee wishes to emphasise that the situation of academic freedom in China has deteriorated in recent years and that it is important to take this fact into account. This applies both to cooperation with researchers in China and with Chinese researchers in the Netherlands. Knowledge institutions should also become even more aware of the possible restrictions on the freedom of Chinese students in the Netherlands.

The social and political debate often focuses on knowledge security in the sense of strategic knowledge leakage, but this case demonstrates that such knowledge security is broader than mainly the beta, medical and technological domain. Also in the alpha-gamma sciences, cooperation with Chinese partners requires alertness from all parties involved; administrators, funders, researchers and teachers, as well as students and the university's employee participation body. This is certainly also true for the legal sciences, with their partly normative research and teaching. The academic world must deal with the fact that vulnerability to unwanted influence or even interference has become a reality in today's globalised knowledge production.

The Committee wishes the boards of VU Amsterdam and the Faculty of Religion and Theology, as well as the staff involved in the Centre, wisdom in the steps that are now to be taken. It hopes that its conclusions as well as its recommendations will be helpful in this process.

Carel Stolker, Chair of the Committee

## SUMMARY OF FINDINGS; CONCLUSIONS AND RECOMMENDATIONS

On 19 January 2022, in response to a WOB request, the NOS (Dutch Broadcasting Foundation) published the report that a scientific centre of VU Amsterdam, the *Cross Cultural Human Rights Centre*, was conducting research on human rights with the help of money from a Chinese university. Professors at the centre are said to regularly advocate an alternative view of human rights, including in relation to China. According to the NOS, the documents released by VU Amsterdam in response to the WOB request show that the Centre received between 250,000 and 300,000 euros per year in 2018, 2019 and 2020. The message stated, among other things:

The money comes from the Southwest University of Political Science and Law (SWUPL) in Chongqing. Universities in China are closely linked to the political regime, the Communist Party. Until this year, the university in Chongqing was the sole provider of funds for the research centre. Professors associated with the centre regularly defend China's human rights policy. This is striking because the country has been under fire for years for human rights issues, for example in the Xinjiang region. VU Amsterdam denies that academic independence is at stake, but experts consulted by NOS question this and speak of an unusual financing construction.<sup>1</sup>

Because this in any case cast doubt on the independence of the research of the *Cross Cultural Human Rights Centre* (CCHRC, hereinafter 'the Centre'), VU Amsterdam immediately suspended the Centre's activities and shut down its website. The content contributions were removed, and a statement of VU Amsterdam was placed on the first page.

Subsequently, on 25 February 2022, the Executive Board of VU Amsterdam established the Committee on the Investigation of the Cross-Cultural Human Rights Centre of Amsterdam, which was charged with investigating whether the research, education and other activities of the Centre had been carried out in an independent manner. The Committee was chaired by Professor Carel Stolker, former rector magnificus and chairman of the board of Leiden University.

In **Chapter 1**, the Committee describes the framework and justification for the task and outlines its working method. Important concepts such as academic freedom, self-censorship, independence and undue influence are used on the basis of definitions provided by the Royal Netherlands Academy of Arts and Sciences (KNAW), the national government and the Netherlands Code of Conduct for Scientific Integrity 2018.

The Committee notes that the Centre conducts research in a wide range of fields, including the position of minorities in Dutch society, with a particular focus on the Islamic community. Because of the funding relationship with SWUPL, the Committee only focused on the activities related to China.

The Committee quickly realised that in answering the research question, it could not ignore a discussion of the wider context of academic cooperation with Chinese partners worldwide. In **Chapter 2**, the Committee provides its own analysis of developments. It not only considers the role of Dutch universities, but also that of the Ministry of Education, Culture and Science (OCW), for example. The analysis shows that universities worldwide have been cooperating with Chinese partners for many years, both for academic purposes and for the recruitment and exchange of students and PhD students. This also applies to the Netherlands. At least until recently, there was hardly any question of restraint. The chapter gives a number of examples.

From 2016 onwards, concerns arose in the Netherlands- partly as a result of publications by the *Leiden Asia Centre* –about the climate regarding academic freedom in China and the leakage of sensitive scientific information to so-called 'unfree countries' ('Knowledge Security'). Academic freedom, especially in social sciences, humanities and legal sciences, involves the danger of undue influence and (self)censorship of researchers. The undesired leaking of sensitive scientific information is more of an issue in science, technology and medical research.

Since 2019, the Dutch government has also become involved in the discussion. It advocated a more coordinated effort by the Netherlands in case of cooperation with Chinese partners. From 2020 onwards, specific indications

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<sup>1</sup> NOS, 'China funds human rights research VU Amsterdam', 19 January 2022 (updated 21 January 2022).

of threats to knowledge security appeared in parliamentary letters. Midway through 2021, the Framework for Knowledge Security of Universities of the UNL (formerly VSNU) followed with a roadmap for effective risk management of cooperation with non-EU partners. That framework also applies to cooperation with Chinese partners.

In his Parliamentary Letter of 21 January 2022, Minister Dijkgraaf of OCW recently drew attention again to the threat to fundamental freedoms such as freedom of expression and core values such as academic freedom and scientific integrity, and denounced interference activities by state actors, for example by making use of financial dependence. The Committee includes such recent developments in its reflections because, in addition to its discussion of the Centre, it also formulates a number of opinions for the future.

Abroad, thoughts about cooperation with China are also changing. It is striking that hardly anyone advocates a complete stop to cooperation with Chinese partners; on the contrary, cooperation with China is of great importance to a wide range of scientific disciplines. Also recently, in January 2022, the European Commission advised not to avoid cooperation with partners in 'unfree countries'. However, it did come up with a number of concrete *tools* that should be actively explored by institutions of scientific research and education.

Against this background of changing views on cooperation with Chinese partners, the Committee described the establishment, objectives, governance, financing, staffing and substantive activities of the VU Centre in **Chapter 3** of this report.

Prior to the establishment of the Centre at VU Amsterdam, the International *Cross-cultural Human Rights Network (CCHRN)* had already been established in Beijing in 2014 consisting of human rights experts and institutes from China, Africa, the Caribbean and from a Palestinian university. In the Netherlands, Utrecht University and VU Amsterdam were connected as observers. This network came up with the idea to establish a *Cross-cultural Human Rights Centre* and to house it at VU Amsterdam. The idea was presented to the Executive Board of VU Amsterdam in mid-2015. The initiators were [Employee 1], connected to the University of Utrecht and until then scientific director of the nationally recognised Research School for Human Rights and already active in the international network CCHRN, and [Employee 2], then dean of the Faculty of Theology (now: Religion and Theology) of VU Amsterdam.

In this initial period, the VU Executive Board was the point of contact for the initiators. This was at a time when cooperation with China was still considered relatively unproblematic. The initiative was welcomed by the Chair of the Executive Board, provided that a number of VU faculties would have sufficient support for setting up the centre and that external financing would be found. The then Executive Board also set the condition that, if it proved successful, the centre would be included in the so-called first flow of funds after a few years.

In the spring of 2016, it became clear that the centre would have sufficient internal support among researchers from various VU faculties.

For funding, exploratory talks were held with the Ministry of Foreign Affairs, which had previously funded a cross-cultural human rights programme led by [Employee 1] at Utrecht University. This financing option was eventually cancelled. [Employee 1], currently the director of the Centre at VU Amsterdam, used his network of cooperation with Chinese universities to make an inventory of possible financial contributions by academic institutions in China. At the beginning of 2017, the *Human Rights Institute* of the *Southwest University of Political Science & Law* was willing to finance the Centre for several years. The mission of the Centre was to stimulate the debate on human rights in the spirit of the Universal Declaration of Human Rights, and in doing so to focus on views and opinions from the so-called *Global South* that would often be insufficiently addressed internationally due to the existing power relations.

The cooperation agreement between VU Amsterdam and SWUPL includes the academic freedom and independence of the Centre in so many words, without an explicit accountability to the funder.

When the Centre was officially launched on 2 July 2017, it was agreed that it would initially be part of the Faculty of Religion and Theology until other VU faculties joined in. On 1 March 2021, the Centre was given inter-faculty status under the responsibility of the faculties of Religion and Theology, Law and Social Sciences and the School

of Business and Economics, with the former acting as lead faculty. Representatives of the faculties involved jointly form the Board of the Centre.

The Centre is small, with an average of eight people in 3.5 FTE, all employed by VU Amsterdam. Apart from the director, the Centre has a few other researchers, a managing editor for the journal *Cross-cultural Human Rights Review* and a web support employee. The website does not belong to the Centre, but to the international network CCHRN; however, it is facilitated by the Centre.

In 2020, the Board of the Faculty of Religion and Theology asked the Centre to come up with proposals for funding from sources other than China.<sup>2</sup> The Board considered this desirable considering the changing climate of cooperation with Chinese partners. Serious attempts were subsequently made, but to date no such funding has been forthcoming.

The Centre offers two courses, whereby the Committee, in view of its assignment, focused on the course *Law, Human Rights and Governance in Today's China*. This so-called *honours course* is offered to students of VU Amsterdam and the University of Amsterdam. The written evaluations of the students show that they assess the course positively. Students indicate that they found it particularly interesting to come into contact with 'northern' and 'southern' perspectives on human rights.

As regards the Centre's scientific publications, in **Chapter 4**, the Committee first focused on the Centre's guiding approach: the receptor approach. With this approach, the Centre tries to gain more recognition of the specific human rights and development needs of countries in the Global South, and through a more precise understanding of their history, culture and complexes of norms, to achieve greater progress on the long journey to the universal realisation of human rights.

In its study, the Committee looked at how Centre researchers have applied the receptor approach in China. The approach appears to be methodologically often problematic and often leads to *cherry-picking* from divergent cultural views and practices, through scientific methods that are otherwise hardly or not at all justified. The Committee refers to this as *cultural eclecticism*.

The receptor approach is also subject to a shift in thinking. Chapter 4 describes how the Dutch government initially thought of this approach, which in 2012 led to pilot funding by the Ministry of Foreign Affairs for a human rights programme at Utrecht University. The receptor approach received criticism, but the pilot funding also received support in the Dutch Parliament. Afterwards, successive Ministers of Foreign Affairs distanced themselves from this approach. Most recently, in February 2022, this was done by the current minister who, after renewed parliamentary questions, stated that the receptor approach would undermine the universality and indivisibility of human rights and would favour the collective interest over the rights of the individual.

[Employee 1], director of the Centre, argues in his publications for the development of a specific 'southern' human rights model, which he contrasts with the prevailing 'northern' model. His efforts and those of the *Cross-cultural Human Rights Network* have led to the document *Comprehensive Southern Vision on Human Rights*. Although in name this links up with the concept of universality of human rights as formulated in the Universal Declaration of Human Rights (UDHR), in combination with the way in which the receptor approach is applied in relation to China, in the eyes of the Committee it leads de facto to *cultural relativism*.

In the discussion of its findings in **Chapter 5**, the Committee states that the Centre's publications on China often have a political-normative character. In itself, this is not unusual for legal research, but the Centre's researchers, through their publications and other public expressions, are closely aligned with the political pronouncements of the President of China. Moreover, the Committee has serious reservations about the methodology used in the practical and empirical implementation of the receptor approach in China. This makes the Centre's researchers vulnerable to political framing, which threatens their independence. The Committee questions in any case the suitability of the receptor approach for human rights research in China due to the limited freedom of citizens and minorities to freely express themselves.

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<sup>2</sup> This request was already made to the Centre in 2017, but then the approach was rather one of risk spreading and business management.

The Committee is also critical of the financing of the Centre. At the time the Centre was set up, it might have been expected that some thought would have been given to whether unilateral funding by one party, SWUPL's human rights institute, would be sensible, even though the cooperation agreement stipulated the academic freedom of the researchers in so many words.

Moreover, the researchers and the responsible board members of the Centre and the Faculty of Religion and Theology have not been transparent about the external funding afterwards. This is contrary to the requirements of the Netherlands Code of Conduct for Scientific Integrity and the Code of Good Governance of Dutch Universities. The external funding could not be found either on the Centre's / Network website or in the scientific and other publications of the researchers involved.

However, the Committee has found no evidence that individual researchers have had their views 'bought' or that they have engaged in self-censorship under pressure from the Chinese financier. The researchers are sincere in their mission to promote human rights in the Global South, are convinced of the value of the receptor approach, believe in it and have always been open about it. At the same time, there is much to criticise about their work when they claim to apply a social science methodology that is not then justified with solid arguments, and by uncritically aligning their publications with the human rights vision of the Chinese president. This is done with disregard for obvious human rights violations in China. It was a recurring theme in the interviews conducted by the Committee. The Committee considers the intentions of the researchers to hear the perspective of 'the other', of the Global South, on human rights to be very legitimate, but they do not parallel solid scientific implementation in the China study

Finally, the Committee wishes to emphasise the social responsibility of Dutch universities and other knowledge institutions when it comes to working with partners from countries where human rights are seriously violated. This undoubtedly also applies to the way in which China deals with the Uighur Muslims and other minorities in the province of Xinjiang. This is compounded by concerns about intimidation and threats to Uyghurs living in the Netherlands. It is no surprise that the Minister of Education, Culture and Science has called Dutch knowledge institutions to account on this responsibility. In order to be able to fulfil this responsibility, it is important that all institution boards have an overview of their cooperation projects with foreign partners, including Chinese partners, as soon as possible and that they are transparent about this and act accordingly. This is certainly not only a task for VU Amsterdam, but for all knowledge institutions in the Netherlands.



## Conclusions

Based on its findings, the Committee draws the following conclusions as to whether research, education and other activities of the Centre have been carried out in an independent manner.

- I. The directors and researchers of VU Amsterdam cannot be blamed for entering into a partnership with a Chinese partner, the Human Rights Centre of the *Southwest University of Political Science & Law* (SWUPL), when the Centre was established in 2016/2017.
- II. However, the possible risks of unilateral funding were not sufficiently considered when the Centre was set up. It is true that the Centre was asked to diversify its funding as early as 2017, but at that time the approach was more one of financial risk-spreading and business management. It was only in 2020 that the instruction to diversify funding was issued in the light of the changing climate regarding cooperation with Chinese partners. The Committee considers this to be rather late, but also realises that processes such as these take time. At the same time, the Committee finds it plausible that without the NOS investigation, VU Amsterdam would not have taken the sharp and swift measures it did at the beginning of the year.
- III. The Committee has serious reservations about the scientific method used in the practical implementation of the receptor approach in China. This does not alter the fact that the receptor approach also has valuable elements. But whether its application in centrally managed states such as China, with little room for dissent, can lead to scientifically sound findings, the Committee considers extremely doubtful. In any case, the Centre has a duty to work methodologically more thoroughly and to account for this more carefully.
- IV. All this also raises the question of a possible *dual use* of the insights revealed by the Centre's researchers with regard to China. What the researchers themselves see as potentially important conceptual contributions to the improvement of Chinese human rights policy can be used by Chinese colleagues in their academic research and teaching but can *also* be used by the Chinese government to cast its own human rights policy in terms that seem better suited to global human rights debates. In this way, the Chinese government can both make its own 'southern' voice heard and stick to the publicly propagated idea that it operates within the existing UN human rights system. This can lead to a de facto legitimisation and maintenance of the human rights policies of an autocratic regime.
- V. It is reproachable that the researchers as well as the responsible board members of the Centre and the Faculty of Religion and Theology have not been open about the external funding - neither on the websites of the Network/Centre, nor in publications. This is contrary to the requirements of the Netherlands Code of Conduct for Scientific Integrity.
- VI. The Committee found no evidence that individual researchers had their views 'bought' or that they had engaged in self-censorship under pressure from the Chinese financier.

## Recommendations

The Committee has the following recommendations for the Executive Board:

- I. Every new collaboration and the acceptance of external funding must be based on a risk analysis. Where cooperation with partners from so-called 'unfree countries' is concerned, frameworks and guidelines are already being formulated at both national and European level (2021/2022) that can help knowledge institutions in this respect. Furthermore, the Committee advises that in the case of future research into human rights in China and other unfree countries, the Ethics Committee of VU Amsterdam should play its role.
- II. In view of developments in China in recent years and the expectation that current trends will continue, continued funding from Chinese partners is not recommended for the type of research the Centre conducts.
- III. Organise a better embedding for the researchers involved in the Centre, with a stronger management and scientific basis. Give researchers room to further investigate the merits of the receptor approach, including the further development of (knowledge of) appropriate scientific methods, with special attention to their application in centrally managed states.
- IV. There is currently no need to generally discontinue cooperation with Chinese partners, provided that conditions such as safeguarding academic freedom, including the sub-condition that the design and organisation of research rests with the researchers, and that openness, scientific integrity and knowledge security are guaranteed. While taking the above into account, try to avoid breaking off relations with China, as this would also destroy positive developments. As far as the Committee is concerned, this also applies to SWUPL's human rights institute. For example, keeping lines of communication open to new generations of young Chinese researchers and professors who are sincerely trying to join the global human rights discourse. Students from VU Amsterdam and the University of Amsterdam have also indicated that they find the Centre's education interesting because of the different perspectives on human rights.
- V. Ensure openness about external funding of research and other activities in line with the requirements of the Netherlands Code of Conduct for Scientific Integrity and do so at management level and academic level.

## CHAPTER 1. JUSTIFICATION

### a. Reason

1. The reason for this report is the investigation into the *Cross Cultural Human Rights Centre* (CCHRC) of VU Amsterdam published by NOS on 19 January 2022. Employees connected with the Centre, which is allegedly funded almost entirely by 'Chinese money', are said to regularly defend the human rights policy of China, which has been under fire for years because of serious human rights violations. The investigation of the NOS and the experts that the broadcasting company consulted questioned the independence of the Centre and the 'unusual funding construction'.

### b. Mission, structure and working method

2. On 25 February 2022, the VU Executive Board set up an independent investigation committee to answer the question of whether the Centre's research, education and other activities (including products and communications) were carried out in an independent manner.
3. For the definitions of "academic freedom"<sup>3</sup> and "self-censorship"<sup>4</sup>, the Committee has aligned itself with the definitions of the Royal Netherlands Academy of Sciences (KNAW). For the definition of "independence", the Committee follows the Netherlands Code of Conduct for Scientific Integrity.<sup>5</sup> The concept of "undue influence" is of course closely related to this; the terminology of the national government has been used for this.<sup>6</sup>

#### Academic freedom

'Academic freedom is defined by the KNAW as the principle that employees of scientific institutions are free to conduct their scientific research, communicate their findings and teach. This freedom applies to, among others:

- the choice of topics to be researched
- the choice and application of their own research questions and methods
- the access to information sources
- the publication and sharing of information through conferences, lectures and membership of scientific groups
- the choice to enter into cooperation with scientific partners, and
- the content of scientific education.

Scientists must be able to follow their curiosity, creativity and critical spirit in all these areas, to build up a comprehensive knowledge base and provide students with broad education.'

'The boundaries of academic freedom are determined to a large extent by professional standards of scientific practice. For scientific research, these are laid down in the Netherlands Code of Conduct for Scientific Integrity.'

#### Self-censorship.

The KNAW defines self-censorship as 'consciously or unconsciously refraining from asking research questions or publishing research results because the questions and/or the (expected) results are deemed socially and/or politically undesirable.'

<sup>3</sup> KNAW report: 'Academic freedom in the Netherlands', 2021.

<sup>4</sup> From KNAW advisory letter: 'Freedom to practise science in the Netherlands', 2018.

<sup>5</sup> Netherlands code of conduct on scientific integrity (2018).

<sup>6</sup> Ministry of Social Affairs and Employment, 'Policy Response to Parliamentary Interrogation Committee on Undue influence from Non-Free Countries', 23 November 2020.

### Independence

Independence means, among other things, not being guided by extra-scientific considerations (e.g. commercial or political considerations) in the choice of method, in the assessment of data and in the weighing up of alternative explanations, but also in the assessment of research or research proposals of others. Thus formulated, independence also includes impartiality. Independence is in any case required in the design and implementation of and reporting on the research; independence is not always required in the choice of the research object and the research question.

### Undesirable influence

Undesirable influencing of scientific research involves a directly identifiable actor. It concerns influence by actors, state and non-state, who want to bring about certain social effects for ideological or political reasons, and who conflict with the rules of quality and integrity of scientific research and education.

4. A report by the Rathenau Institute of June 2022 shows that Dutch scientists regularly experience undesirable influence, but also that 'it is difficult to say' to what extent research in the Netherlands is *actually* influenced in an undesirable way:

A survey by Dutch newspaper NRC (2018) among researchers shows that external influence that scientists perceive as undesirable certainly occurs: a quarter of scientists said they had experienced it at some point. This undue influence most often came from the government (51%) and industry (47%), followed by subsidy organisations such as NWO and the EU (21%), and civil society organisations (19%). The most common forms of undue influence were pressure to alter the research design (44%) and pressure to alter the results (37%). Of the scientists who (in their own words) were influenced, 50% indicated that they completed and published their research without any changes, despite the undue influence. 27% said they adapted the research to the wishes of the commissioning party, 11% said they completed the research but did not publish it and 4% said they abandoned the research.<sup>7</sup>

The report continues:

Contract research can be influenced by the commissioner - but that is not necessarily a bad thing (...) On the one hand, through cooperation with government, companies and other agencies and organisations, scientists can be informed and inspired. By conducting contract research, science can better respond to the needs of society and business. And this, in turn, makes for more relevant research with greater social impact. On the other hand, scientists must set limits to influence. For example, it is undesirable to exert influence on the results of research, as this could jeopardise the reliability of scientific results.

The Rathenau Institute concludes that the answer to the question of whether influence is desirable or undesirable also depends on one's own judgements.

5. The Committee has assumed that *if*, in the case of the Centre, there has been undesirable influence on the results of scientific research by the Chinese funder (or by a government body behind that funder), that influence must have been exerted by pressuring or coaxing the Centre's staff to deviate from generally accepted rules of quality and integrity for scientific research in order to obtain and secure funding for the Centre from the Chinese partner university. The form in which this deviation takes place

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<sup>7</sup> Rathenau Institute, 'Independent, reliable and safe science', June 2022.

may be self-censorship. However, self-censorship by scientists is not easy to establish; in addition to self-censorship, the European Commission also speaks of *other accommodative behaviour*. If self-censorship, or such behaviour, does take place, it usually does not take place in verifiable expressions, but in the mind of the researcher or teacher - in the development of the design or structure of the research and teaching; the implementation of the research and teaching, including the chosen method; and the publication of the results of research. Therefore, any reluctance on the part of the researcher or teacher will rarely be documented. The Committee did not request access to the mailboxes of the researchers involved or to versions of publications in personal file folders. In the Committee's opinion, this would not have been proportionate with regard to the privacy of those involved.

6. The Committee collected, studied and mapped out the facts about the Centre and its staff, paying particular attention to the agreements made with the Chinese funder and cooperation partner about the freedoms the researchers had and the accountability for the funds spent (chapter 3). To this end, the Committee received from VU Amsterdam the documents and internal administrative mail exchanges that led to the establishment of the Centre, including its funding.
7. The Committee has noted that the Centre carries out research activities in a wider field than just in relation to China. It decided, in view of the discredited funding, to focus on independence in *China* research and education.
8. The Committee has also paid attention to administrative responsibilities. It has mapped out the applicable regulations relevant to its investigation (Annex 2). In addition to the 2018 Netherlands Code of Conduct for Scientific Integrity, this concerns the 2019 Code of Good Governance for Dutch Universities. Universities are required to have adequate and sound *governance* for collaborations and partnerships and have an accountability obligation. VU Amsterdam has 'guidelines for contractual collaborations' that are in line with this Code of Good Governance. These guidelines are dated later than the period in which the Centre was established and are therefore not relevant to the Committee's investigation. However, this Code is relevant in view of the advice the Committee is formulating for the future. In addition, the Committee looked into the Articles of Association and Management Regulations and in other internal regulations at passages on the administrative responsibilities of VU Amsterdam for entering into partnerships and establishing interfaculty research institutes. The Committee was able to establish that VU Amsterdam acted in accordance with its regulations. There has been no employee participation at faculty or central level.
9. The Committee studied the development of cooperation with Chinese partners over the past twenty years or so in the Netherlands and abroad in so far as this was relevant to the investigation (Chapter 2). This analysis was important to determine whether VU Amsterdam acted contrary to the aforementioned rules simply because of the cooperation with a Chinese university and the acceptance of its funding. It goes without saying that today's insights are not automatically applicable to the situation of the establishment of the Centre in 2016-2017. The Committee has attempted to carefully compare both timelines, that of the developments in working with Chinese partners and that of the Centre's establishment, in order to arrive at sound conclusions and recommendations.
10. The Committee has taken note of all publications, especially those on China, by the Centre's key staff. It has listened to relevant lectures and TV interviews as far as possible. It has familiarised itself with the syllabi used in education and has studied the statements made on the Centre's website. The scientific approach used by the Centre's researchers is known as the *receptor approach*. The Commission has also studied this approach in detail (Chapter 4). However, the Committee's investigation is emphatically not a scientific research review.
11. All the information it has received and all the insights it has developed have been taken into account by the Committee in its findings, in its conclusions and in its recommendations to the Executive Board. In chapter 5 of this report, the Committee presents its findings.
12. The terms of reference were laid down in a regulation adopted by the Committee after it had been discussed with the Executive Board (Annex 1). The Committee held a total of nine meetings, both physical and digital. On 4 and 6 April 2022, it spoke with several employees of the Centre and with the

current and former dean of the Faculty of Religion and Theology. In addition, the Committee also met with some researchers from China and South Africa with whom the Centre cooperates or has cooperated in the context of the wider network and who were nominated to the Committee by the Director of the Centre. In addition, the Committee was briefed by two China experts. A summary of these interviews is included in Annex 2. One of the members of the Committee spoke more informally with a number of students who were being taught by staff members of the Centre.

13. Nearly at the end of its work, the Committee gave the core staff of the Centre the opportunity to comment on the draft report. That version did not yet contain the recommendations for the Executive Board. Their response led to some changes in the text of the report. The response also included a response to the Committee's criticism of the methodological approach. This part of the response did not lead to changes in the report. The Committee said what it had to say on the subject. But that does not, of course, alter the fact that the researchers are free to continue to contribute to the methodological debate; the Committee would even like to emphatically advise them to do so. In accordance with the Regulations based on which the Committee worked, the views of the core staff are included as Annex 6 to this report. Finally, the amended draft version of the report, *including* recommendations, was submitted to the Executive Board of VU Amsterdam and to the Dean of the Faculty of Religion and Theology for factual comments. This round also resulted in some changes of a factual nature and these comments are also included in the report as Annex 7. On further reflection and in view of the nature of the report (an independent investigative report), the Committee has decided not to give all those with whom it has spoken the opportunity to submit a view, but to restrict that opportunity to the core staff of the Centre, the Executive Board and the Dean.

## CHAPTER 2. COOPERATION WITH CHINESE PARTNERS

### a. Strong interest in China

14. The academic cooperation of Dutch knowledge institutes with foreign partners, universities, other knowledge institutes and government bodies, has increased significantly in scope and intensity over the past decades. China in particular has become an important partner for universities worldwide. This concerns cooperation across the full breadth of scientific disciplines. In this chapter, the Committee provides its own overview of the development of cooperation with Chinese partners over the past twenty years or so, up to the present day.
15. Cooperation with Chinese partners has had a long history of mutual appreciation and trust.<sup>8</sup> For example, in 2009, KNAW and NWO formulated a joint strategic policy to stimulate scientific cooperation with China. An example of where this cooperation has led to is a publication by the KNAW in 2012, in which scientists - from both Chinese and Dutch institutions - tell their stories about their successful collaborations.<sup>9</sup> These stories express enthusiasm about what they were able to learn from each other. Another example is the 2009 interview of Maastricht University magazine *Observant* with the then president of the KNAW, Prof. Robbert Dijkgraaf. He wanted to recruit more Chinese PhD students:

Research institutions want the best possible candidate. In some study programmes, the choice is so small that it is hard to find that candidate. For example, there is a significant shortage in engineering programmes. But in China, four million students graduate every year, half of them in the field of STEM. We want to increase our visibility, so that the best Chinese people also come to the Netherlands. Now they all want to go to Harvard and Princeton.

*Observant* also asked whether the cooperation with Chinese institutions also delivers PhD students for alpha and gamma sciences: 'Will Chinese come/be here to do a PhD on Confucius?' Prof Dijkgraaf replied:

We must certainly show the full breadth of Dutch science in China, also for studying an alpha or gamma subject. There are fewer shortages in those sectors, but the best institutions always have people from all over the world doing research. Not only in the sciences; also in history, for example.<sup>10</sup>

At that time, there was little or no reticence about cooperating with Chinese partners.

16. The central government also strongly encouraged collaboration with Chinese partners, as evidenced by a WOB request published at the end of February 2022 concerning Chinese influence on Dutch education. For a long time, the Ministry of Education, Culture and Science and the Ministry of Foreign Affairs and Economic Affairs paid little attention to the subject of knowledge security. The tension between the openness of scientific research and education (open access, open science, open source) on the one hand, and possible restrictions on collaboration with so-called "non-free countries" on the other, had also hardly been examined. Subjects that refer to the restriction of academic freedom in China, such as possible self-censorship of researchers, the position of students and PhD students, and the human rights situation in China, occur only very rarely.

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<sup>8</sup> See extensively, with a multitude of aspects of Europe-China cooperation, the international volume 'China and Europe on the New Silk Road. Connecting Universities Across Eurasia', Edited by Marijk van der Wende, William C. Kirby, Nian Cai Liu, and Simon Marginson, Oxford: Oxford University Press (2020).

<sup>9</sup> KNAW, 'Based on Science, Built on Trust', 2012.

<sup>10</sup> *Observant* 'Dijkgraaf wants to conquer China', 18 June 2009.

## b. Effects of China policy on academic institutions

17. Also now in 2022, academic cooperation with Chinese partners is still in full swing.<sup>11</sup> Almost all Dutch universities have a form of 'China policy', aimed at strengthening cooperation with Chinese partners. Research scholarships provided by the Chinese Scholarship Council (CSC) are an important example. As far as is known, all Dutch universities make use of these. In 2021, the Rathenau Institute provided an overview:

The share of scientists (PhD students and other researchers) from outside the European Economic Area (EEA) employed by the fourteen Dutch universities grew from 11% in 2007 to 19% in 2019. Whereas the total number of scientists employed by the universities (in FTE, including PhD students) increased by 31% between 2007 and 2019, the number of scientists from outside the EEA increased by 115%. That is more than double. The largest number of them are from China. The number of Chinese scientists (FTE) employed by universities grew by 70.6%: from 398 in 2007 to 679 in 2019. The growth of the number of co-publications of Dutch authors with scientists at Chinese institutions also shows that cooperation with China is increasing strongly. The total number of publications with a Dutch author grew by 52.8% from 2010 to 2019, while the number of co-publications of the Netherlands with China increased by 337.8% in the same period (from 849 to 3,914 co-publications). Of all publications with a Dutch author, 2.4% were in collaboration with a Chinese co-author in 2010; in 2019 this was 6.8%.<sup>12</sup>

18. Cooperation with China has also increased significantly in the field of education. For example, the Dutch China policy provided scholarships for honours education and the number of Chinese students studying at Dutch institutions of higher education is relatively high. Their number (universities plus colleges) grew from approximately 200 in 2000 to over 5000 in 2019. The numbers have also increased in reverse: many more Dutch students have started studying in China.
19. Furthermore, the Netherlands had a number of so-called Confucius Institutes, of which there are still two left today. One was affiliated with the University of Groningen, which has since placed the institute at administrative distance; the other is located in Maastricht and was founded by Zuyd University of Applied Sciences, among others. For several years from 2015, the University of Groningen sought to establish its own *branch campus* in China. President Xi Jinping of China and King Willem-Alexander (on the occasion of the state visit of the royal couple to China) were present at an official signing ceremony in 2015. The King gave a number of speeches in which human rights in China were discussed and he emphasised the importance of a 'constructive dialogue on human rights':

It is important that this dialogue continues. We can disagree on this issue, but friends should not avoid topics on which they do not always agree.

In January 2018, the plan for a China campus was formally called off.

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<sup>11</sup> See the report by the Rijksdienst voor Ondernemend Nederland, commissioned by OCW Exploration of scientific cooperation between Dutch and Chinese knowledge institutes', November 2020, with many figures and other information. See further the report of the Leiden Asia Centre, 'Assessing Europe-China Collaboration in Higher Education and Research', Ingrid d'Hooghe et al, October 2018, and the report of the Leiden Asia Centre, 'China, the EU and the Netherlands - A Chinese Perspective', Vincent Chang and Frank Pieke, July 2017.

<sup>12</sup> Rathenau Institute 2021, 'Knowledge security in higher education and science, A shared responsibility'.



### c. Concerns about academic freedom and leakage of strategic knowledge

20. In the years 2016 and following, a rapidly growing concern arose about the degree of academic freedom in China. Whereas a report by the Leiden Asia Centre in 2017 still mainly urged better integration of Chinese students in universities and colleges,<sup>13</sup> a report appeared in 2018 that struck a much more worrying tone, particularly also with regard to Chinese students who came to study and work in the Netherlands.<sup>14</sup> The researchers pointed out that undue influence, (self)censorship and other infringements of academic freedom took place, in most cases in the social sciences and humanities. The report *did not* advocate stopping cooperation with Chinese partners altogether. An important word in the recommendations was *naïve*. In short: academic cooperation with China is important and good, but we should not be naive.
21. The situation of the Uyghurs did not yet feature in these reports. For that, one had to turn to Amnesty International. On 1 October 2014, in the article 'The Uyghur Fate' in the Amnesty magazine *Wordt Vervolgd*, the Uyghurs are discussed in detail.<sup>15</sup> The article also quotes Chinese lawyer and human rights activist Teng Biao: 'The West is hardly interested in their fate'. From 2017, with the establishment of re-education/internment camps, more attention is paid to the Uyghurs.
22. When it came to science and technology research and education, concerns began to focus on knowledge security, in this case the leakage of sensitive scientific information to 'unfree countries', which would damage national security and the Netherlands' innovative strength. Worries also concerned hidden activities of influence and interference by local governments of 'non-free countries' (*foreign interference*). Such interference can lead to forms of (self) censorship, resulting in an infringement of academic freedom. In addition, knowledge security revolves around ethical issues related to cooperation with persons and institutions from countries where fundamental rights are not respected. Researchers from Dutch knowledge institutions would then run the risk of becoming involved in the development of technology that is used in those countries for the oppression of their own citizens. For the alpha disciplines, the main concerns were the growing lack of academic freedom, the risk of self-censorship and educational safety. The Clingendael Institute published a report specifically on the influence of China on Dutch education,<sup>16</sup> and the NOS reported: 'Students in the Netherlands fear China: Some don't dare to open their mouths'. Teachers were also interviewed in this article.<sup>17</sup> The *leakage* of knowledge was hardly an issue in the alpha gamma domain. On the contrary, the transfer of knowledge about international law or human rights from the Netherlands to China could be seen as an important task.

### d. A different direction

23. The Dutch national government also became involved in the discussion. On 15 May 2019, Foreign Minister Blok sent a memorandum to the House of Representatives announcing a new course.<sup>18</sup> The minister stated that he wanted to (continue to) cooperate with China on the basis of shared interests, "with an eye for ideological differences", but at the same time wanted to "stand firm" in protecting the Dutch rule of law, our open society, our economy and our security.

As the Minister indicates:

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<sup>13</sup> Leiden Asia Centre, 'Dutch higher education and Chinese students in the Netherlands', Tianmu Hong, Frank Pieke et al., March 2017.

<sup>14</sup> Leiden Asia Centre, 'Assessing Europe-China Collaboration in Higher Education and Research', Ingrid d'Hooghe et al., October 2018.

<sup>15</sup> Arend Hulshof, *Wordt Vervolgd*, 1 October 2014.

<sup>16</sup> Clingendael Report, 'China's influence on education in the Netherlands: an exploration', Ingrid d'Hooghe and Brigitte Dekker, June 2020.

<sup>17</sup> NOS News 17 February 2021.

<sup>18</sup> Policy paper 'Netherlands-China: a new balance', 15 May 2019.

Despite the differences, there are values on which China and the Netherlands can agree. For example, when it comes to welfare and equality, although the precise interpretation of these differs. However, we clash in the area of individual freedom. This concerns, for example, rights such as freedom of expression, religion and belief, but also the protection of personal data, freedom of the press and academic freedom. For China, these individual rights are subordinate to the collective interest. This is not the case for the Netherlands. For us, individual fundamental rights are leading, and central power is constrained by *checks and balances* to protect the individual citizen.

Minister Blok also referred to the human rights situation in China:

The human rights situation in China is deteriorating on several fronts, with the rights of Uighur Muslims and other minorities in the north-western province of Xinjiang being a glaring example. Civil and political rights, for example religious and cultural freedoms, are under particular pressure. The space for civil society is limited. Human rights defenders are hindered in their work or even convicted. The Netherlands regularly draws China's attention to this situation through bilateral and multilateral channels. In *China's Policy Paper on the European Union*, the CCP states: "The European side should look at China's human rights situation in an objective and fair way and not interfere in China's internal affairs and legal sovereignty under the pretext of human rights."

In his memorandum, the Minister spoke of a competition between models: the open Western model, which is also the starting point for the Netherlands, versus the closed Chinese model, which appears to benefit from Western openness (transfer of strategic knowledge and technology) but restricts access to its own market. Values clash on issues such as freedom, including academic freedom and *free speech*, human rights, democracy and the rule of law, transparency, ethics and integrity. The 2019 memorandum concluded that, in short, then Netherlands should increase its resilience and create more awareness.

24. At the end of August 2020, the cooperation with the Chinese telecom company Huawei announced by University of Amsterdam and VU Amsterdam received a lot of attention. The intention was to cooperate intensively in the field of artificial intelligence. There were serious objections to this partnership not only from Dutch politicians, but also from researchers and the employee participation bodies of both universities.<sup>19</sup> The collaboration with Huawei eventually materialised: the University of Amsterdam and VU Amsterdam will develop an artificial intelligence lab funded by Huawei that will be used to optimise search engines.<sup>20</sup>
25. On 27 November 2020, the then Minister of Education, Culture and Science, Van Engelshoven, sent a letter to the House of Representatives on Knowledge Security, containing a package of measures to safeguard knowledge security in education and research.<sup>21</sup> In that letter, knowledge security is understood to mean: (i) the prevention of undesired transfer of (sensitive) knowledge and technology, with negative consequences for the national security of the Netherlands and damage to the innovative power of the Netherlands; (ii) the clandestine influencing of higher education and science by state actors, which may lead to forms of (self) censorship for example, affecting academic freedom; and finally (iii) ethical issues that may be associated with cooperation with persons and institutions from countries where fundamental rights are not respected.

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<sup>19</sup> NOS, 'Scientists against cooperation between Amsterdam universities and Huawei', 15 October 2020. See already on 1 September 2020 a blog by four employees from the University of Amsterdam 'This cooperation with Huawei is not good for the University of Amsterdam and VU Amsterdam'.

<sup>20</sup> An 'Advisory Board for Research with Third Parties', which has now been established by the University of Amsterdam, will advise on potential new collaborations with third parties. See also the *Cooperation with Huawei File* in the University of Amsterdam magazine *Folia*.

<sup>21</sup> Ministry of Education, Culture and Science, "Parliamentary letter on measures for knowledge security in higher education and science", 27 November 2020.

#### e. Knowledge Security Framework Universities

26. On 8 July 2021, the umbrella organisation of Dutch universities (UNL, formerly VSNU) published a framework for board members of knowledge institutions and employees of those institutions.<sup>22</sup> It came about in collaboration with the NCTV and the AIVD, UNL, KNAW, NWO, the Federation of University Medical Centres (NFU) and the Association of Universities of Applied Sciences (VH). There was work to be done. Research by the Dutch Rathenau Institute revealed that - perhaps with some sense of understatement - not all universities have an unambiguous and clear picture of the collaborations they enter into with partners outside the EU. Such an overview, according to the institute, does in fact form the basis for 'effective risk management', in particular for being able to monitor and review risks. Knowledge Security Advisory Teams would be involved in the creation and maintenance of such records.<sup>23</sup> This document, the UNL *Framework for Knowledge Security of Universities*, provides a roadmap for knowledge institutions and their departments to achieve effective risk management with regard to cooperation with non-EU partners, which also marks an important moment in the cooperation of Dutch knowledge institutions with Chinese partners.
27. Although the Parliamentary Letter of 2020 did not specifically focus on the cooperation with China, and was mainly concerned with the subject of knowledge security, it also mentioned the increasing concerns about academic freedom in a number of 'non-free countries'. On 21 January 2022, a second Parliamentary Letter followed, this time from Minister Dijkgraaf of OCW.<sup>24</sup> The letter had a crystal-clear message:

In addition to the acquisition of knowledge and technology, state actors also engage in influence and interference activities in relation to knowledge institutions. For example, an actor tries to influence opinions and publications and to censor scientific research and research results. An actor may, for example, make use of financial dependence for this purpose. Some state actors also keep an eye on their citizens to prevent them from expressing unwelcome opinions about the homeland. The pressure of these activities can lead to self-censorship, where individuals and groups do not always dare to openly criticise themselves, or where academics are prevented from publishing research results when these are not agreeable to a certain state actor. This is a threat to fundamental freedoms such as freedom of expression and to core values such as academic freedom and scientific integrity.

This letter also did not advocate the complete discontinuation of cooperation with China or other so-called 'non-free countries'. However, the minister did emphasise the general picture that emerges, namely that awareness varies within the sector. To a large extent, the differences can be explained by the differences in the risk profiles of the institutions. Board members of knowledge institutions would generally share a sense of urgency about knowledge security and be prepared to take responsibility and to take measures. The Minister referred to various measures: the joint knowledge safety framework drawn up by the knowledge institutions themselves; the appointment of administrative leaders for knowledge safety; the establishment of working groups on knowledge safety by both UNL and NWO to promote mutual learning; and finally the launch of awareness campaigns.

28. In the letter, the Minister also announced a Knowledge Security Desk, which would be set up in January 2022. In a joint document, central government, UNL and NFU, KNAW, NWO, VH and the To2 federation published a national guideline for knowledge security.<sup>25</sup> This guideline discusses the various methods used by state actors to acquire knowledge and technology that can be used for military purposes or purposes contrary to Dutch fundamental values. Attention is also paid to alliances that are used as political instruments. The academic cooperation partner then acts as an extension of the foreign

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<sup>22</sup> UNL, *Framework for Knowledge Security of Universities*, 8 July 2021.

<sup>23</sup> Rathenau Institute, "Knowledge security in higher education and science: a shared responsibility", 11 January 2021.

<sup>24</sup> Ministry of Education, Culture and Science, "Parliamentary letter on progress and outlook for approach to knowledge security in higher education and science", 31 January 2022.

<sup>25</sup> *National guideline on knowledge security. Safe international cooperation*, January 2022.

government, giving the seemingly purely academic cooperation a double agenda. Finally, attention is paid to activities of influence and interference undertaken by countries (state actors), for example to influence opinions about the country concerned or to prevent research into unwelcome subjects. These countries, the memorandum warns, try in this way to prevent research or education on subjects that are unwelcome to them and to keep a grip on their fellow countrymen. The knowledge, the memorandum continues, that they (those compatriots) are being watched from their country of origin, creates fear among the researchers and students involved; fear that can lead to self-censorship and an erosion of academic values.

29. In April 2022, the Minister of Education, Culture and Science called on universities and universities of applied sciences to make every effort to obtain a complete picture of the collaborations with 'non-free countries' at their institution. In a parliamentary debate on 2 June 2022, he tightened the reins even further: so-called 'third-country nationals' who want access to a high-risk field of a Dutch knowledge institution must first undergo a test.<sup>26</sup>

#### f. Developments abroad

30. This is in line with developments abroad. There, too, people have begun to look differently at working with partners from 'non-free countries', such as China, in recent years.<sup>27</sup> For many, the incident regarding Cambridge University Press (CUP) in 2017 was a first wakeup call. This renowned academic publisher initially gave in to the Chinese government's order to take over three hundred of its online publications for the Chinese market offline. This decision caused uproar worldwide, which eventually led CUP to revoke its decision "to uphold the principle of academic freedom on which the university's work is founded".<sup>28</sup> In January 2022, the European Commission published its *EU Guidelines on tackling R&I foreign interference*.<sup>29</sup> A disturbing report is that of Human Rights Watch of 30 June 2021, about Australian universities. It called on knowledge institutions worldwide to protect students and staff from China. The report "They Don't Understand the Fear We Have" - How China's Long Reach of Repression Undermines Academic Freedom at Australia's Universities addresses governments and knowledge institutions with numerous recommendations.<sup>30</sup> The researchers note that:

[i]n recent years, the Chinese government has grown bolder in trying to shape global perceptions of China on university campuses and in academic institutions outside China, influence academic discussions, monitor overseas students from China, censor scholarly inquiry, and otherwise interfere with academic freedom.

The state of academic freedom in Hong Kong, including the coming into force of the *National Security Law on Hong Kong* in June 2020, is also worrying. See also the comprehensive report of *The Scholars at Risk Academic Monitoring Project*,<sup>31</sup> with much focus on incidents.

31. Central to that report is the culture of self-censorship in *Australian* universities, not only among Chinese students and staff, but also among *non-Chinese* students and staff who engage with China in their research and teaching. The recent *Academic Freedom Index* is not reassuring either. This index was published in March 2021 and presents a country ranking in five categories.<sup>32</sup> China is in the bottom

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<sup>26</sup> For a report, see HOP, 3 June 2022.

<sup>27</sup> See, for example, Jennifer Ruth and Ya Xiao, 'Academic Freedom and China - Every instructor walks on ice', American Association of University Professors (aaup), Fall 2019.

<sup>28</sup> The Guardian, 'Cambridge University Press backs down over China censorship', 21 August 2017.

<sup>29</sup> European Commission, *Tackling R&I foreign interference: staff working document, January 2022*, with numerous references.

<sup>30</sup> Human Rights Watch, "They Don't Understand the Fear We Have", *How China's Long Reach of Repression Undermines Academic Freedom at Australia's Universities*, 2021.

<sup>31</sup> See the website of *The Scholars at Risk Academic Monitoring Project*.

<sup>32</sup> This *Academic Freedom Index* was developed by experts from the Global Public Policy Institute (GPPI), the Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU), the Scholars at Risk Network and the V-Dem Institute affiliated with the University of Gothenburg.

category when it comes to academic freedom, between countries such as Burundi, Egypt, South Sudan and Cuba. Important indicators in compiling this index are: (i) freedom to research and teach; (ii) freedom of academic exchange and dissemination; (iii) institutional autonomy; (iv) campus integrity; and (v) freedom of academic and cultural expression.

#### g. EU Toolkit

32. What is striking in all the reports and documents is that hardly anyone advocates the complete discontinuation of cooperation with Chinese partners. However, it is stressed that the situation of academic freedom in China has deteriorated in recent years and that it is important to be aware of this. This applies both to cooperation with researchers in China and with Chinese researchers in the Netherlands. We must also be aware of possible restrictions on the freedom of Chinese students in our country. This often concerns knowledge security, but cooperation with Chinese partners is much broader than just the science and technology domain. In the alpha gamma sciences, too, cooperation with Chinese partners requires increasing alertness from all those involved: administrators, funders, researchers and teachers, as well as students and the university's employee participation body. This also applies to the legal sciences, with its partly normative research and teaching, aimed at (what is called) 'better law'.
33. The European Commission's *toolkit*, a very important document published in January 2022, advises not to shy away from cooperation with partners in 'non-free countries'.<sup>33</sup> It is these tools that should be actively explored from now on within each institution of scientific research and education. Important in the advice is the acceptance of dilemmas. The European academic world must recognise that vulnerability to authoritarian and illiberal interference is an undeniable reality in today's globalised knowledge production, and that this vulnerability results in a political responsibility to strengthen the capacity of academic institutions to deal with these challenges.

#### h. The Minister of OCW on the Centre

34. In answer to parliamentary questions about what he thinks 'of the fact that a Chinese university, closely linked to the Chinese Communist Party, was until this year the sole funder of a research centre of VU Amsterdam' - the case on which the Committee focuses in this report - OCW Minister Dijkgraaf replied:

The independence of scientific research must be guaranteed at all times. It is worrying that in the case of the work of the research centre of VU Amsterdam, this is now uncertain. When entering into partnerships, it is important to know where the funding is coming from. Investigating the origin of funding is an important part of due diligence in the partner acceptance policy of institutions. When entering into cooperation with foreign partners, institutions must investigate the background of the intended partner. This has now also been agreed in the National Guideline on Knowledge Security drawn up together with the sector and published on 31 January [2022]. This guideline supports institutions in matters concerning knowledge security, such as weighing opportunities and (security) risks when entering into partnerships.<sup>34</sup>

To a question about 'the statements made by [Employee 3] and [Employee 1]' and linked to this the question whether the Minister is of the opinion that 'human rights are structurally being violated in China', the Minister replied:

In the public debate in the Netherlands, there is room to have a different opinion. This also applies pre-eminently to academic debate. However, the government has serious concerns

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<sup>33</sup> European Commission Staff Working Document, *Tackling R&I Foreign Interference*, 18 January 2022.

<sup>34</sup> Ministry of Education, Culture and Science, 'Answers to parliamentary questions on funding of human rights research at VU Amsterdam by China', 8 February 2022.

about the human rights situation in China, which has deteriorated significantly in recent years. The human rights of ethnic minorities, human rights defenders and lawyers, among others, are violated on a large scale. In addition, the space for civil society, journalists and participants in the public debate is shrinking, and the freedom of religion and belief is under serious pressure.

#### **i. Chinese President on 'World-class universities with Chinese characteristics'**

35. During the period in which the Committee was carrying out its work, there were also worrying signs. Last April, for example, the Chinese President visited the prestigious Renmin University, a university with a worldwide reputation for social sciences, humanities and the study of Marxism. According to the reports of the visit, the President repeatedly urged 'the building of world-class universities with Chinese characteristics':

He urged efforts to make the philosophy and social sciences with Chinese characteristics an important part of the world's academic society. Xi encouraged relevant researchers to try their best to achieve progress in addressing the overall, fundamental, and key issues of the Party and the country. "Faculties of universities should not only master their disciplines but also nurture their virtue. They should become true tutors for their students and role models for society and the public", Xi said. He called on young people to follow the Party's call and develop themselves into a generation capable of shouldering the mission of national rejuvenation.<sup>35</sup>

The quote shows a link that the President makes between the mission of Renmin University and the Party line. In the past ten years, the Chinese President has seized all power and demands party discipline, ideological purity and unconditional loyalty and loyalty, including from universities, its staff and students.

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<sup>35</sup> Xi calls for blazing new path to develop China's world-class universities'; the report can be found on an English-language Chinese government website: [www.gov.cn/news](http://www.gov.cn/news).

## CHAPTER 3. FACTUAL DESCRIPTION OF THE CENTRE

### a. Method

36. The Committee examined the establishment, objectives, governance, funding, staffing and publications of the CCHRC (hereinafter also referred to as 'the Centre'). The Committee based its findings on information from the Executive Board of VU Amsterdam, the successive deans of the Faculty of Religion and Theology, the Director of the Centre and some of his staff (see Annex 2). In addition, it gathered information via open sources.
37. The Centre has a broader focus than just China and also addresses the Global South, the position of minorities in the Netherlands (especially the Muslim community), and the prevention and combating of terrorism with support from the Muslim community.
38. What is important is that there is both a Cross-cultural Human Rights *Network* (CCHRN) and a Cross-cultural Human Rights *Centre* (CCHRC). The network will be discussed first, then the centre.

### b. Establishment of the CCHRN (the network)

39. The *Cross-cultural Human Rights Network (CCHRN)* is an international network of human rights experts and institutes from twelve Chinese institutions, three African universities, one from the Caribbean, and one Palestinian university. Northern human rights institutes can participate as observers. These include Utrecht University, VU Amsterdam, University of Southern California and Johns Hopkins University. The mission of the network, which was founded in Beijing in 2014 on the initiative of Utrecht Professor of Cross-cultural Law [Employee 1] and is still active, is to stimulate and facilitate South-North dialogue in the field of human rights. It is an informal partnership without administrative roles. [Employee 1], *convener* and founder of the network, led a so-called *building committee* with representatives of a number of institutions participating in the network in the period 2014-2016.

### c. Establishment of the CCHRC (the Centre) at VU Amsterdam

40. Shortly after the start of the Network, also on the initiative of [Employee 1], the idea arose to establish a centre alongside the Network and to locate it at a Dutch university. VU Amsterdam was chosen. The philosophy of the centre would correspond well with the mission of VU Amsterdam: diversity, meaning and humanity in connection with each other and society. VU Amsterdam also attaches importance to being able to put yourself in the shoes of others. The post-colonial reputation of VU Amsterdam was attractive in this respect. Furthermore, there were overlaps with the university's research profile, such as with the profiling themes *Governance for Society* and *Connected World*.
41. Among the initiators of the Centre at VU Amsterdam were [Employee 1] and the then Dean of the Faculty of Theology at VU Amsterdam, [Employee 2]. They proposed in mid-2015 to the then Chair of the Executive Board, Prof. Winter, to establish the Centre at VU Amsterdam. On 20 August 2015, the Chair agreed to the proposal, provided that there would be sufficient support from a number of other faculties and, moreover, external funding would be found for the Centre to be established. A further condition was that, if it proved successful, the Centre would be included in the first flow of funds after a few years. At some point, the target date was 1 January 2024. As far as the Committee has been able to ascertain, the human rights situation and the degree of academic freedom in China were not discussed in talks with the university board in 2015. However, academic freedom was to be included as a condition in the agreement with the final Chinese funder. The Committee will address VU Amsterdam's changing view of cooperation with Chinese partners over time later.
42. On 5 October 2015, the deans welcomed the initiative and began to identify researchers in their faculties who might be interested in collaborating in or with the Centre. In the period November 2015 - March 2016, talks were held with all proposed researchers mainly from the humanities, law, business

studies, economics and earth sciences, and it could be concluded that the Centre to be established would have sufficient internal support.

43. In the course of 2016, exploratory talks were held with possible external funders for the Centre. The focus was on two potential sources of funding. The first was the Ministry of Foreign Affairs, which had previously funded a cross-cultural human rights programme led by [Employee 1] for several years, at the time at Utrecht University. The minister concerned would be willing to fund such a similar programme, but this time at the CCHRC to be established in Amsterdam, for another period of three years (Memorandum consultations Human Rights 15 July 2015 in the House of Representatives). At some point, however, this intention was not carried through. Furthermore, [Employee 1] and Dean [Employee 2] made an inventory of possible financial contributions by academic institutions in China.
44. In early 2017, it became clear that the Chinese *Human Rights* Institute of the *Southwest University of Political Science and Law* (SWUPL) had expressed its willingness to fund the new Centre for several years. This announcement did not come out of the blue. At the time, there was frequent contact with this Chinese partner, including the funding of a number of conferences on human rights. The Committee has not been able to establish with certainty who had the decisive contact on the final funding of the Centre, but it is plausible for the Committee that [Employee 1] played the decisive role, since contacts between the SWUPL and VU Amsterdam were made through him.
45. The board of the faculty, in agreement with the then executive board of VU Amsterdam, took the decision to accept funding for the Centre and to proceed with its establishment. There was no employee participation at faculty or central level.
46. This cleared the way for the actual establishment. For [Employee 1], cooperating with Chinese partners was nothing new. As director of the Research School for Human Rights, he had already been working with several Chinese universities since 2007. In 2016, [Employee 1] was also an unpaid visiting professor of SWUPL. Also for the dean and researchers of the theological faculty, cooperation with Chinese academic partners was by no means new. For the faculty, it was a period when research into religion in China was becoming more difficult. A research programme with a broader orientation, one that would focus not on religion but on cultural values, was seen as a logical new step for the faculty in its cooperation with Chinese partners. That is why the Centre and its researchers were incorporated into this faculty. Transferring the Centre to the Faculty of Law was briefly considered, but there was insufficient interest to absorb the Centre in their ranks.
47. At the start of the Centre, it was agreed that it would initially be part of the Faculty of Religion and Theology until other VU faculties joined in. There would be no financial consequences associated with this participation. As of 1 March 2021, the Centre has interfaculty status (see below under Governance).
48. The final founding conference of the Centre took place on 2 July 2017. The Chair of the Executive Board of VU Amsterdam performed the official opening.

#### **d. Mission of the Centre**

49. The Centre's mission is formulated in a 2018 governance document:

[The Centre's objective] is to [...] stimulate debate, initiate and conduct research on human rights and to provide education in the spirit of the Universal Declaration of Human Rights. [...]

As the drafters of the Universal Declaration intended to draw up a document that would reflect all philosophies and world views, the Centre calls for attention to the full range of views and opinions, especially those of actors from the Global South, which are often insufficiently addressed due to the existing power relations.

Since the implementation of human rights in the Global South is mostly done through social institutions that characterise local culture, including religion, this is the focus of the Centre's activities.



The Centre pays particular attention to the discourse in Asia, with China and Indonesia as focal points, Africa, the Arab region and Latin America.

The aim of the Centre is to stand up for the rights of minorities in the Netherlands, Europe and the world, especially LGBTI, ethnic and religious minorities. [...]

#### **e. Main actors**

[Employee 1], as spiritual father and (future) director, played an important role in the establishment of the Centre. [Employee 2] was co-founder and [Employee 3] was involved in the Centre. A short description of each of them follows here.

##### **[Employee 1]**

[Employee 1]'s contract with VU Amsterdam as director of the Centre took effect from 1 June 2017, not in a primarily academic role, but as a member of the support & management staff (OBP). He became part of the *Beliefs and Practises* Department and the *Religion for Sustainable Societies* research group of the Faculty of Religion and Theology. [Employee 1] is also affiliated to Utrecht University as professor of *Cross-cultural Law* (0.5 fte), where he conducts research into interfaces between state law and law of / on? minorities. Before becoming director of the Centre, [Employee 1] was the academic director of the nationally recognised Research School for Human Rights from 2007 to 2017. In terms of academic content, [Employee 1] was and is strongly committed to the receptor approach, which he shaped to a large extent. At VU Amsterdam, he went on to focus specifically on human rights in a cross-cultural perspective. On 1 January 2021, he joined VU Amsterdam as a permanent employee in the OBP category for 0.3 FTE. Since 2018, in addition to the aforementioned work, he is also part of a research group at the Islamic University of Applied Sciences Rotterdam, with the assignment *Citizenship and Connection with Society* (0.1 fte).

##### **[Employee 2]**

[Employee 2] is co-founder of the Centre. From 2008-2017, he was dean of the Faculty of Religion and Theology of VU Amsterdam, which also acts as host and coordinator for the Centre. The Centre's mission and relationship with China fit well with the faculty's profile. [Employee 2] has a clear goal in mind, which includes creating understanding for other religions, whether this concerns China or the multi-religious society of the Netherlands/Europe (Muslims). He sees the receptor approach proposed by [Employee 1] as an excellent means to promote interfaith dialogue and religious tolerance, and to foster understanding between the *Global North* and the *Global South*. During his deanery, [Employee 2] maintained academic contacts with Chinese institutions, originally through SARA, the then *State Administration for Religious Affairs*. This cooperation resulted in several Sino-Dutch conferences, in which Dutch politicians also participated. [Employee 2] is currently Chair of the Board of the Centre and *Editor in chief* of the *Cross-cultural Human Rights Review*.

##### **[Employee 3]**

[Employee 3] is affiliated with the *School of Business and Economics* of VU Amsterdam and also involved with the Centre, in particular as webmaster of the (now closed) website. He is VU Amsterdam's pre-eminent China expert, partly because of his knowledge and years of experience in China and the fact that he speaks the language fluently. For years, he travelled with VU Amsterdam delegations to China and also accompanied [Employee 2] on his trips to the country. According to [Employee 2], [Employee 3] has been of great value to VU Amsterdam, where he launched the *China Research Centre* in 2012. [Employee 3] carries out industry-oriented research. Using the receptor approach, he tries to 'measure culture' based on existing cultural models and apply it to human rights. In doing so, he examines the consequences of cultural differences between countries (for example between the Netherlands and China) for the views and practice of human rights in those countries. [Employee 3] is not paid as a researcher from SWUPL funding, with the exception of his work for the website.

## f. Academic freedom as part of the agreements

50. The agreement between VU Amsterdam and SWUPL incorporates the academic freedom and independence of the Centre, which is also evidenced by the *Grant Award Decisions* provided annually by SWUPL to VU Amsterdam and submitted to the auditor. VU Amsterdam's Directorate of Finance and the auditor have therefore not seen any grounds for mentioning the funding in the risk paragraph of the university's annual financial report.

## g. Funding and conditions

51. The Centre is almost entirely dependent on the *Human Rights Institute* of SWUPL for its income. Shortly before the start of a new calendar year, SWUPL transfers an annual amount of between K€ 185 and K€ 272 to VU Amsterdam. The conditions under which these grants were made are laid down in *Grant Award Decisions*.
52. The research funded by SWUPL concerns not only China, but also research related to the Global South in a broader sense, the position of minorities in the Netherlands (especially the Muslim community), the prevention and combating of terrorism in relation to Islam, with support from the Muslim community, and all related activities. There should also be attention for the so-called South-South vision on human rights:

... pays attention to the entire spectrum of human rights views and perspectives, in particular those held in the Global South, which do not get the attention they deserve because of existing power relations, in view of the fact that the Universal Declaration of Human Rights was meant to reflect all philosophies and worldviews. (art. 6)
53. Article 10 of the subsidy decision lists the cost items on which the subsidy may be spent (including amounts): office and personnel costs, building and maintaining an omni-media platform, setting up and publishing a series of magazines and a book, organising international conferences, and developing a global vision of human rights. In the subsidy decision, VU Amsterdam is given the room to change the above subsidy items as far as necessary and as long as the total subsidy is not exceeded (art. 11 and 12). When a subsidy is not fully used in one year, it may be carried over to the next financial year.
54. For the honours education that the Centre provides for students of the University of Amsterdam and VU Amsterdam, an amount of approximately 10 K€ is paid from the first flow of funds. There are no financial consequences for the participating faculties, only possible financial income, for example through research and PhD revenues. The efforts of all those involved were aimed at generating support for including the Centre in the existing VU organisation by 1 January 2024.
55. As far as the Committee was able to ascertain, there was no external communication about the external funding of the Centre. Nor were there any such references in the publications of the Centre's staff.
56. In 2020, the Board of the Faculty of Religion and Theology asked the Centre to come up with proposals to diversify its income by including other sources. The Board considered such diversification important in light of the changing climate regarding cooperation with Chinese partners. An attempt was made at the VU Association, the support fund of VU Amsterdam, but this was unsuccessful. The same request had been made to the Centre in 2017, but then the approach was more one of financial risk-spreading and business management.

## h. Governance of the Centre

57. The governance of the Centre stipulates that the Network and the Centre are separate entities and this seems to be generally the case in practice. Network members maintain contact and organise joint activities for which they apply for funds from their universities and other academic institutions. The

Director of the Centre, who is also the Secretary-General of the Network, ensures coordination between the two.

58. The Centre is part of VU Amsterdam. From 1 July 2016 to 1 March 2021, the Faculty of Religion and Theology was administratively responsible. Since 1 March 2021, the Centre has been under the responsibility of the faculties of Law, Social Sciences, Religion and Theology, and the *School of Business and Economics* of VU Amsterdam, with the Faculty of Religion and Theology acting as coordinator. A board was also formed with representatives (as stakeholders) from the participating faculties. This is how the Centre became an interfaculty unit. The director is appointed by this board. He and the researchers are employed by VU Amsterdam and work in the *Beliefs and Practices* Department of the Faculty of Religion and Theology.
59. The staff and activities of the Centre, including the *Cross-cultural Human Rights Review*, are funded by the annual *grant* from SWUPL. The chair of the Board of the Centre is budget manager up to level 1 (up to € 2500). From level 2, a signature is required from the Director of Operations of the Faculty of Religion and Theology. The budget discipline is monitored by the faculty's controller, with whom meetings are usually held three times a year. VU Amsterdam's Finance Department maintains contact with the auditor with a view to the annual audit. So far, this process has not given rise to any questions from that department or the auditor.
60. The accountability burden to the funder is light. The SWUPL receives an annual summary of the Centre's activities, including a list of conferences and publications. The Centre/VU receives an acknowledgement of receipt.
61. The current and former dean of the faculty have stated that the Centre is subject to the usual quality and integrity care of VU Amsterdam, but that the Centre has not been inspected on its research or teaching to date. The usual educational evaluations were carried out however.

#### i. Staff of the Centre

62. The Centre's staff, on average about nine persons divided into 3.66 fte, are all employed by VU Amsterdam. They are employed by the Faculty of Religion and Theology and are part of the *Beliefs and Practices* Department and the *Religion for Sustainable Societies Research Group*. The staffing was as follows:

Chair of the Board (= Professor)	0.0 fte
Editor in chief (= same person as the Chair of the Board)	0,1
Director (= project manager)	0.3
Web support assistant (= university lecturer)	0.16
Managing editor (= researcher)	0.5
Head of Administration (no longer employed in 2022)	0.1
China researcher (= researcher)	0.7
Islam researcher (no longer employed in 2022)	0.4
Islam researcher (no longer employed in 2022)	0,7
Researcher Islam (no longer employed in 2022)	0,7

#### j. Cross-cultural Human Rights Review (CCHRR)

63. The Centre/Network publishes the peer-reviewed journal *Cross-cultural Human Rights Review*. The first issues appeared in 2019-2020. The editor-in-chief of the journal, [Employee 2], is supported by a managing editor. The Centre/Network website states that the journal is separate from the Centre. However, the Committee sees it as a journal that is closely affiliated to the Centre in terms of both

content and editorial management. It was put *on hold* on 22 February 2022. The managing editor, who is paid from the SWUPL grant, has been performing other tasks temporarily since February 2022.

#### k. Website

64. Not the Centre, but the network has its own website, hosted outside VU Amsterdam. [Employee 3] became *facilitator* of the website. The website aims to be a platform for discussion between researchers and lecturers from institutions involved in the network. The task of the facilitator (not a *moderator*, according to him) was to ensure that the website would be filled with short items by researchers from the network. Formally, [Employee 3] may not be a member of the academic staff of the Centre, but the Committee sees him, with his tasks for the website and his lectures and media appearances, as at least closely involved with the Centre.

#### l. Educational offerings of the Centre

65. Besides scientific research, providing education to Dutch and international students is an important part of the Centre's activities. As a result of the commotion in the media after the publication of the NOS on Chinese funding of the Centre, the Education Inspectorate immediately sent a letter to the Executive Board of VU Amsterdam with a number of questions concerning education. In the letter, the following questions were asked: does the Centre provide accredited education to students, if so, what kind of education is this and what are your plans regarding this education?
66. The reply from the Executive Board and additional information revealed that the courses in question were two taught by the Centre: *Religions, Law and Human Rights* and *Law, Human Rights and Governance in Today's China*. The first is mainly taught by staff of the Centre, including the Director of the Centre in his capacity as human rights expert. Other lecturers are also from the Faculty of Religion and Theology, including an Islam expert. The course is presented as a regular course that is part of the minor *Religion and Society*. It is also offered as an elective within the minor *Religious Dimensions of Global Challenges*. The second course is taught entirely by the Centre's staff. These include the director and [Employee 4], who is affiliated with the Centre as a *research associate* and is also the coordinator of the course (for which guest lecturers are also recruited). The course is offered as an 'upper faculty honours course' to students of both VU Amsterdam and the University of Amsterdam and is financed from the first flow of funds. The intention is to also offer it as an honours course at the Faculty of Law.
67. Given its investigation, the Committee, focused on the course *Law, Human Rights and Governance in Today's China*. The course objectives are formulated as follows: (i) making sense of China's major legal and governance reforms and their outcomes, especially those not often addressed in the existing English-language literature and public discussions; (ii) obtaining insights into the role of law in China's governance system, the way human rights protection evolves, and the way legal control of public powers works; (iii) acquiring intellectual skills, in particular analytical, presentational and writing skills, to assess the present and rising issues pertaining to Chinese law, human rights and governance. Furthermore, the course description states that the following topics are addressed, with a focus on the period from 1980 to the present: (i) how do legal and government systems work in China? (ii) how are human rights protected in China? (iii) how are State powers regulated in China?
68. Sixteen students took part in the course in the autumn of 2021, including five VU students; the remaining students came from the University of Amsterdam. The Committee approached the VU students in writing with an invitation for an interview. Three of these students were willing to speak with the Committee in person or answer a number of questions in writing. The written evaluations of eleven of the participating students show that they assess the course positively. Only one student expressed the feeling that criticism of China was not always welcome. The evaluations, as well as the reactions of the students approached, show that in choosing the course, they are often motivated by the changing role of China on the world stage and the need to understand China, but especially that they find it interesting to get in touch with 'northern' and 'southern' perspectives on human rights. The

Centre's teachers themselves say that they want to encourage students to think from both Chinese and Western perspectives.

69. Given the legal angle of the course, with emphasis on the historical development of the law in China, the course does not pay specific attention to the practice of human rights in China. However, among the essays that students write to conclude the course, there are some on the Uyghurs.

## CHAPTER 4. RESEARCH ACTIVITIES OF THE CENTRE

### a. Working method

70. The Committee bases its description, interpretation and evaluation of the Centre's work on publications, presentations, media statements and educational materials, on previous evaluations of the receptor approach and on interviews with those involved. The publications, sometimes referred to generically,<sup>36</sup> include, in view of the Committee's focus, in particular [Employee 1], [Employee 2] and [Employee 3]. The Committee also took note of a number of publications by [Employee 4] (China researcher), but in the light of the Committee's objective, these did not give rise to any further investigation. However, her contributions to the Centre were mentioned in Chapter 3 in the section on educational offering. The Committee also bases its findings on the website, which it was able to access via a *wayback machine*. As indicated in Chapter 3, the website does not formally belong to VU Amsterdam, nor to the Centre, but to the CCHR Network. In the four years of its existence, however, it has been facilitated and used by the Centre to highlight and promote its work. Furthermore, the Committee has taken note of a number of articles from the *Cross Cultural Human Rights Review* and has actively sought out potentially relevant information beyond the information it received from VU Amsterdam and Centre staff and through additional interviews.
71. Given the research question and the fact that all of the Centre's work, except for a few small items, was funded by the Chinese *Southwest University of Political Science & Law*, the Committee chose to focus on the Centre's work on China, as indicated in Chapter 1.

### b. The receptor approach as a guiding concept

72. The Centre is strongly associated with the so-called 'receptor approach'. In the words of (co-)inventor [Employee 1]:

Social institutions are sets of patterned strategies consisting of norms, values, and role expectations that people develop and pass on to succeeding generations for dealing with important social needs. By relying on ethnographic research, we are able to identify such social institutions and cultural values that match international human rights obligations. Where these institutions and values fall short of the obligations, they can be amplified with the help of home-grown remedies. Where possible, the receptor approach relies on the remedial force of local culture and the agency of the people rather than on decontextualized solutions per se.<sup>37</sup>

In the words of the Committee, the Centre seeks to answer a multitude of questions using the receptor approach, the core of which is: can greater recognition of the specific needs of countries in the Global South and a more precise understanding of their history, culture and complexes of norms make more progress on the long path towards the universal realisation of human rights?

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<sup>36</sup> In the case of such generic references, the Committee refrains from quoting the source. However, everything can be traced and, if necessary, requested from the Committee.

<sup>37</sup> [Employee 1], 'As Safeguarding the Universal Acceptance of Human Rights Through the Receptor Approach', *Human Rights Quarterly* 36 (2014) 898-904 (p. 900).

### c. The receptor approach initially embraced politically

73. In the years following its launch around 2010, the receptor approach was initially warmly welcomed by politicians, who saw this as a new instrument to promote the effectiveness of Dutch human rights policy. The then Minister of Foreign Affairs Rosenthal embraced the new approach and presented the receptor approach as part of Dutch human rights policy in a speech to the UN Human Rights Council in February 2012. The approach was also supported by academic researchers and policymakers in the Global South. At the same time, the receptor approach was criticised by some NGOs, such as Amnesty International and a number of human rights researchers, while the Advisory Council on International Affairs also criticised the approach.
74. In June 2011, the House of Representatives asked Minister Rosenthal, through a motion by MP Van der Staaij *et al.* Minister Rosenthal to conduct a pilot study on the receptor approach. The motion was adopted with 96 votes in favour, with the two parties (PvdA and PVV) opposing. In March 2012, the minister's conduct at the United Nations was met with extremely critical questions from the House of Representatives. PvdA MP Timmermans asked him the following question: "Do you share the opinion that you are snubbing, if not scandalising, the House by promising first to substantiate in a letter what the 'receptor approach' exactly is, and then, having completely failed to do so, to present the 'receptor approach' in international consultations as standing Dutch human rights policy?"
75. The subsequent Parliamentary Letter provides a good glimpse into the government's thinking at the time on the receptor approach:<sup>38</sup>

Most Western states prefer the so-called *rights-based approach*, which amounts to transposing their international obligations by adopting national legislation and granting legally enforceable individual rights. Non-Western countries sometimes choose to make use of non-legal social institutions, such as religious and social organisations, academics, women's organisations, etc., when implementing international human rights obligations. The universal nature of human rights is not in question. It is entirely in keeping with the principles of international law that these states also make use of such local socio-cultural arrangements to comply faithfully with their human rights obligations.

There is pressure from the international community on these states to focus exclusively on *rights-based* implementation of human rights obligations. This can stand in the way of practical progress. As a result, local culture and traditional social institutions are left out of the picture, while in certain cases they can serve as effective vehicles for putting international human rights obligations into practice.

The receptor approach aims to expose and make use of the socio-cultural solutions for implementation that non-Western countries have in addition to legal instruments. It also shows how, if their existing social institutions are not sufficient to fulfil their obligations, such states can build on them with home-grown solutions. The receptor approach is based on the idea that human rights protection is strengthened when implementation relies on local social institutions. These are first identified and then strengthened where necessary. This means that existing institutions are supplemented as much as possible with home-grown improvements and not necessarily with Western concepts.

76. The Minister then goes on to discuss communication versus confrontation, dialogue versus the preaching role as characteristic of the Dutch human rights policy to be pursued:

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<sup>38</sup> Ministry of Foreign Affairs, 'Parliamentary letter Human Rights in Foreign Policy', 7 March 2012.

I believe that the Dutch commitment to human rights must be purposeful and therefore take effectiveness and selectivity as principles for my policy. My starting point is *practice what you preach*: countries must be held to the treaties they have signed. However, addressing countries by preaching to them is not effective. Dialogue and concrete cooperation to improve the human rights situation are more useful. So it is about communication instead of confrontation. It is not the way in which a country ensures the rights of its citizens that counts, but the fact that those rights are guaranteed. I see room for this approach.

77. This Parliamentary Letter from 2012 closes with the passage that two pilot projects will be carried out in cooperation with Utrecht University, one of which concerns setting up an academic network with Chinese human rights experts from various universities:

Utrecht University already has the necessary international contacts and has identified some Chinese and European universities for this purpose. Content-related seminars on the receptor approach will be organised. The objective is to examine the extent to which steps can be taken in China to promote the implementation of human rights treaties endorsed by China. A PhD exchange programme is also part of the cooperation. The PhD students will search for cultural and social institutions and traditions in China that can help implement and develop Chinese human rights policy. Three PhDs will be financed on the subject.

78. According to the Human Rights Report 2019, the Ministry had the pilot project *Application of the Receptor Approach to Human Rights* evaluated by an external, independent evaluator. The main conclusion:

This evaluation of the five-year pilot project concludes that there is no demonstrable added value of the receptor approach. Moreover, the evaluation shows that the receptor approach seems to contribute to a discourse that resonates in more and more countries and that goes against the human rights agenda that the Netherlands promotes (universality, indivisibility vs. non-interference, sovereignty and collective rights). (...) Based on these conclusions, the government will not finance a new project on the receptor approach.<sup>39</sup>

79. As a result of the public debate on the Centre in January 2022, Dutch MP Piri (PvdA) asked the government the following questions: "Do you (...) subscribe to the proposition that the receptor approach undermines traditional human rights and that human rights are not multi-interpretable?" and "In your view, is there room in foreign policy for the so-called receptor approach?"  
The answer from Foreign Minister Hoekstra:

Although the receptor approach does not *necessarily challenge* traditional human rights and their universality, the evaluation of the pilot 'Application of the receptor approach in the field of human rights' shows that the approach seems to contribute to a discourse that resonates with more and more countries. This pilot was funded by the Ministry of Foreign Affairs in 2011 at the request of the Chamber. The receptor approach deals with the way in which the human rights acquis is implemented and emphasises that, despite its universality, human rights are a national matter in terms of implementation. The discourse to which this approach seems to contribute undermines the universality and indivisibility of human rights, preferring the collective interest over the rights of individuals. The Cabinet considers this undesirable.<sup>40</sup>

For these reasons, the Cabinet sees no further room for the receptor approach in Dutch foreign policy.

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<sup>39</sup> Ministry of Foreign Affairs, 'Human rights report 2019, Commitment and results of foreign human rights policy'.

<sup>40</sup> Ministry of Foreign Affairs, 'Replying to Parliamentary Questions on the Article "Are Human Rights Universal or Universal? not", 17 February 2022.



#### d. The receptor approach and China: on collective human rights and duties

80. According to a number of publications as well as interviews conducted by the Committee, the receptor approach has been developed and further developed over time in interaction with academics from 'southern countries', in particular from China. This development process was part of the pilot project mentioned above. The Centre also refers to China several times as one of the most important *testing grounds* for the application of the concept. The Centre feels supported in this as the receptor approach has also been the subject of an academic research review, as part of the overall research of the Research School on Human Rights: in a report from 2016-2017, the Research School's research is qualified as 'world class', with special words of appreciation for the multidisciplinary nature of large parts of the School's research, and with a special mention of the receptor research in that context.
81. As indicated, the receptor approach entails a plea for countries in the Global South to adopt their own approach to human rights, both in terms of standards and actual compliance. In that Southern approach, the notions of 'collective human rights' and 'human duties' play an important and usually even priority role. With regard to China, the Centre's core staff emphasise that, thanks to the emphasis on collective human rights, the country has experienced enormous development in the socio-economic field, which has benefited the country's population, lifting millions out of poverty. They see this as China's most important contribution to the realisation of human rights at home and as a direct result of the *putting people first policy*, as introduced by the Chinese Communist Party in 2014 and actively propagated since then. [Employee 1] and [Employee 3] concur with President Xi Jinping's assertion that northern countries have a preoccupation with individual human rights "at the expense of collective rights".
82. [Employee 1] also states in publications that China "is not afraid" to give its own interpretation of human rights, one that, according to him, goes against the "liberal-modernist" interpretation of these by northern countries. In so doing, he says, China is contributing to the development of a "southern human rights model" that can "compete with the dominant northern model". Reasoning from the receptor approach, he also supports the Chinese plea for respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states, also when it comes to the implementation of human rights. In [Employee 1]'s view, this is a logical consequence of the subsidiarity principle he advocates.
83. Publications by Centre researchers strongly emphasise that human rights cannot be separated from human duties, either individually or collectively. Here, too, the Centre often links up directly with the ideas of President Xi Jinping and, hence, of the Chinese Communist Party (CCP). This applies, for example, to the rights of religious minorities. Both [Employee 1] and [Employee 2] refer with approval to the *Comprehensive Southern Vision on Human Rights*, which was drawn up partly by China and is often quoted with approval by the Chinese government:
- The obligation of the State to protect the rights of religious minorities is complemented by the duty of such minorities to localize, which consists of accepting the legal and constitutional order, playing a constructive role in society and the nation and exercising the freedom of religion in such a way that it matches the core values of society.
84. This *Comprehensive Southern Vision on Human Rights*, according to [Employee 1], was designed on the Centre's initiative as a document that "highlights the elements of the UDHR which resonate in particular in the Global South", which emphasises that the Universal Declaration of Human Rights is a "people-to-people charter", and which states that human rights "should be secured through their socio-cultural embeddedness". Further, the document states that:

... although human rights are a matter of international concern, the subsidiarity principle, in which respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states culminate, ought to be respected at all times.

This position is actively propagated by the Chinese government in the human rights debate and fully shared by [Employee 1] in his publications.

85. The Southern Vision ties in substantively with and fleshes out President Xi Jinping's political idea "to build a community of shared future of mankind", launched by him in China in 2016 and presented internationally at the World Economic Forum in January 2017. In publications and other public utterances by Centre researchers, the President is often quoted with approval, supporting his views on the Southern human rights agenda, aimed at "setting the record straight", according to [Employee 1]. When asked, he also offered an explanation for this close substantive connection. In his view, the receptor approach requires researchers to put themselves in the position of the human rights discourse of the country they are researching, and in China the framework of that human rights discourse is determined by the president. So, according to [Employee 1], we are following the rhetoric and the frames used by the Chinese government to advance human rights protection. Calling those statements into question, still according to [Employee 1], will not win support; giving them a certain interpretation does work.

#### e. The receptor approach: *putting people first* and ethnographic research

86. The word *people* is central to the receptor approach, while the theme *Putting people first* frequently recurs in the China-related publications and lectures of the Centre's researchers. Here, too, they often pick up on speeches by Chinese President Xi Jinping, in which he indicates how important it is to align government policy with "the voices and expectations of the people". Central to this is the concept of *localisation*, which, according to the President, entails: (i) political identification, (ii) accommodation to society, and (iii) blending in culturally. In the researchers' interpretation, this means that the realisation of human rights can only come about in and through a local political, social and cultural context. The concepts are directly adopted in publications of the Centre without academic reflection.
87. *Localisation* implies affiliation with cultural and other characteristics of 'the people'. However, the use of the concept '*people(s)*' remains vague for the Committee. It is not clear whether this means people or individual people, citizens or (all) inhabitants of a country. The receptor approach speaks of a focus on social institutions and *local* culture, but it is also not clear how the researchers investigate local culture in China and how the social institutions (which - as the researchers indicate - can serve as effective vehicles for the implementation of international human rights obligations) are selected. The three senior researchers take a rather *at random* and selective approach and make use of what the Committee would like to call 'cultural eclecticism'. They cite examples of *beliefs and practices* and of religious texts and laws that have been handed down, but it is not clear whether they have been systematically investigated. Sometimes, great generalisations are made about culture, as if the inhabitants of one continent (Africa) or country (China) all adhere to the same culture. The researchers also seem to have a mainly static view of 'culture'. [Employee 3] tries to 'measure' culture in his scientific research through *surveys*, especially in the business world, using the receptor approach. In a seminar presentation, he described, on the basis of existing (quantitative) culture models (Trompenaars 7D model), the possible consequences of cultural differences between countries (China and the Netherlands) for opinions on and practices of human rights. However, in the conversation that the Committee had with him it also became clear that reflection on the concept of culture has not really taken shape within the Centre.
88. [Employee 1] claims to work in China with the [social science and qualitative research methodology of ethnography, in line with the receptor approach. In another publication, he speaks of the *community-*

*based participatory approach*. However, nowhere is it explained and justified how such an ethnography (or community-based participatory approach) can be carried out in China. Ethnography is a bottom-up holistic study of a *community*, with the aim of getting to know the perspective of 'the other' (the so-called *emic* perspective) and is mainly carried out by cultural anthropologists from an interpretive scientific paradigm. In the opinion of the Committee, a basic condition for the proper execution of such ethnographic research is at least a comprehensive description of how participants were selected and approached, who the participants are, how interviews and observations were conducted, what problems arose, what language was used, whether participants were truly able to express themselves freely, how data were analysed, what findings this led to, whose perspectives were studied, how these are presented in publications, etc. In short: reflexivity, in the opinion of the Committee, is of great importance in guaranteeing the scientific quality of specific ethnographic and community-based participatory research and the publications based on it.

89. [Employee 1] sent the Committee some documents illustrating the use of ethnography as a method in the earlier pilot study at Utrecht University. Draft reports written for the UN Committee on the *Elimination of all forms of Discrimination Against Women* and for the governments of some African countries (Cameroon, Senegal, Swaziland and Liberia, 2014 and 2015) gave examples of local cultural practices and customs, mostly drawn from secondary anthropological literature, and additional interviews and observations were conducted. However, this study was mainly carried out by researchers other than [Employee 1], namely cultural anthropologists trained in empirical social science and qualitative research.
90. The Committee has asked itself whether ethnographic research into the actual functioning of local cultures in a centrally administered state such as China, including consideration of the above-mentioned quality characteristics, is at all possible. The Committee has found no examples of this in the publications of the Centre's researchers. The question is also whether such a study can be carried out by researchers with only legal training. The Committee's answer to this question is also negative.
91. The Committee's comments on definitions of culture, the selection of relevant social institutions and the lack of transparency in the use of social science methodology and methods are not new. Van de Fliert, for example, in her 2014 interim evaluation of the pilot study funded by the Ministry of Foreign Affairs,<sup>41</sup> judged generally positively on (the potential of) the receptor approach (RA), but also questioned whether the RA designers had developed a solid methodology (p. 18). Van de Fliert warns of the following risks: "RA theory at all times should be supported by quantitative and qualitative data and social research", and "Sweeping statements in RA publications are to be avoided". Upon which the advice is given: "[a]void unproven assumptions or stereotypes and generalisations."<sup>42</sup> And further: "Clearly, the impression that the RA supports oppressive regimes or is being abused politically, should be avoided at all times. Hence, a transparent methodology is paramount."<sup>43</sup>

#### **f. Universality of human rights**

92. Various publications by Centre researchers discuss the prominent and 'by the West strongly underexposed' role that Chinese Zhang Peng Chun played in drawing up the Universal Declaration of Human Rights (UDHR, 1948). When the Committee asked [Employee 1] whether the China of that time was a different China than the People's Republic of China (started in 1949), the response was "that China as a nation, with its Confucian tradition, is more important than leaders who govern the country". In the years after 1949, the People's Republic of China supported the UDHR many times, recognising its universal nature but adding that the "significance of national and regional particularities and various historical, cultural and religious backgrounds" should be kept in mind. These words are taken from the

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41 Lydia L. van de Fliert, 'Assessment Receptor Approach Pilot, Interim Assessment', June-September 2014.

42 A.w., p. 27.

43 A.w., p. 22.

final document of the 1993 World Conference on Human Rights in Vienna and were included at the time, partly at the initiative of China. The words recur in different variations in publications and online contributions of the Centre's researchers and in many respects even form their conceptual core, just as they are central to the receptor approach. These contributions also argue that the *Southern Vision on Human Rights should be* seen as a contribution to the universality of human rights and to processes to put this universality into practice, including in China, and not as 'a parallel track'.

93. [Employee 1]'s publications also state that China "matches the requirements of public international law" and that it operates within the universal human rights framework. In early 2022, China became a party to eight UN human rights treaties, including the Covenants on Economic, Social and Cultural Rights, the Rights of the Child and the Elimination of Discrimination against Women. However, it has *not* ratified other important human rights treaties, notably the Covenant on Civil and Political Rights. In various ratification actions, China also made use of the possibility of making reservations and declarations of interpretation, the main content of which is that the treaty obligations entered into may not go beyond the scope of the applicable Chinese law. Furthermore, China does not accept individual complaint procedures or the possibility of having UN committees carry out investigations on site, with a few exceptions. Nor does the country heed the UN's repeated call for the establishment of an independent *National Human Rights Institute*. That would be another way of giving peoples and individuals a voice.
94. Formally, China could claim to be playing by the rules of international treaty law by making clear which human rights treaties it wants to abide by and which it has not. Under the banner of the universality of human rights, however, there are also many standards that go beyond written treaty obligations, while efforts by the United Nations, in particular, are also aimed at giving citizens scope to raise violations of their rights through complaint procedures at national or international level. China systematically denies these opportunities to its residents. As such, there are considerable gaps between the Chinese policy position on the universality of human rights and the Chinese ratification practice. It is noteworthy that these gaps are not further explained or criticised in publications of the Centre, which may create the impression that the researchers are acting as China's voice rather than as 'the critical friend' they claim to be. Statements by [Employee 1] in which he portrays the Universal Declaration as 'an ode' to the human rights position of the North and suggests that the UDHR is part of an attempt by the United Nations to spread the dominant human rights discourse with its liberal interpretation of human rights throughout the world, do not exactly indicate this critical friend approach:

These attempts [by the UN] to frame the UDRM as an expression of universal liberalism do no justice to the Southern contributions made to the international human rights system since World War II.

#### **g. Situating views in a geopolitical context**

95. The publications – also published on the (now closed) website - by [Employee 1] read that it is important "to put a stop to the tendency to exaggerate the Northern role at the expense of the Southern contribution to human rights and to break the monopoly of the West". Also, "it should not be left to politicians, and certainly not Western politicians, to determine what we should think about human rights" and a "Western-dominated institution such as the UN" is not suitable for entering into a human rights dialogue with countries. The keyword is: bottom-up, seeking connection with "local social institutions and with the values in a local culture that are often very similar to human rights". However, the Centre's publications on research in China hardly show any evidence of a bottom-up approach. On the contrary, there is constant talk of a top-down approach, with a connection to the Chinese political line.
96. Phrases such as '*break the monopoly of the West*' also refer to the way in which, according to the Centre, 'the West' stands up for human rights in practice: the oft-mentioned preaching. According to

[Employee 1], China prefers "harmony over discord", and emphasises "exchanges of good practices between different cultures instead of confrontation and exclusion". In Centre terms, this dialogue model would also be 'a very effective antidote for the legalism which is dominating the Northern human rights discourse'. The dialogue model also ties in with [Employee 2] research, in which he wants to show 'religion' as a building block for the protection of human rights, in China and elsewhere, rather than as an obstacle.

97. Continuing this line, publications of Centre researchers state:

The influences of regions like Asia, in particular China, and Africa, which cherish their own distinctive cultures, is on the rise, while Europe is losing its leverage to push for a de-contextualised approach. If things do not change there is a real risk that Southern states will disengage.

The message then is that the human rights policy of 'Europe' is focused on human rights violations alone, without any regard for the context in which they take place, and that there is a chance that 'the South', with China as the largest and in many ways most powerful state within it, will drop out if this process continues. This geopolitical picture is reinforced by [Employee 1]'s frequent contributions to the *People's Daily* (newspaper of the Communist Party) and to Chinese state TV, including the *To the Point* programme of TV channel CGTN, in which he does not hesitate to use strong geopolitical terms. According to [Employee 3], in a *posting* on the website dated 30 December 2021, the Centre is regularly featured in this show.

98. Also in the Dutch media, [Employee 1] created the impression of being strongly connected to the dominant Chinese political paradigm, as expressed, for example, in an interview in *Vrij Nederland* of 4 April 2016:

Especially the way in which China deals with dissidents arouses indignation in the outside world. But what do you do when people do not agree with you and do not accept your rule of law? This is a recognisable problem for many countries. In all codes of criminal law in the world, it says that people who want to overthrow the social order deserve punishment. In China, people wonder: how far should you go? Many Chinese think that the government should do more to protect human rights and want reforms, but should they tolerate that people call for the overthrow of the communist [regime]? According to them, that crosses a border. If you do it anyway, prison awaits. The poet Liu Xiaobo is an example of this.

Even before that, in October 2015, before the Centre was established, [Employee 1] responded in NRC to Amnesty International's criticism of Chinese human rights policy as follows:

According to Amnesty, there is repression in China. This does not do justice to the progress in the field of human rights under President Xi. The re-education camps have been abolished, the number of death penalty offences is falling, legal protection is increasing and the Central Committee is investing in strengthening the rule of law.<sup>44</sup>

In recent years, it has been noticeable that, as far as the Committee has been able to ascertain, the Centre's Director has *not* spoken out publicly about current human rights violations in China, and in particular about the treatment of the Uyghurs. This attitude can be interpreted, intentionally or unintentionally, as a whitewashing of the situation.

99. Rather, [Employee 3] statements show *support* for the Chinese image when it comes to human rights. On LinkedIn, he qualifies the stories about labour camps for Uyghurs as 'rumours' and states that it is fashionable nowadays to be critical of China.

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<sup>44</sup> NRC, 26 October 2015.

Xinjiang is simply beautiful: beautiful people, breathtaking nature and good food. And no forced labour, no genocide, or whatever lies the western media come up with.

[Employee 3] believes that reports about the Uyghurs are blown out of proportion and the stories of Uyghurs in Western media are demonstrably untrue, while reports and accompanying illustrations about their situation contain numerous anti-Chinese stereotypes. Earlier, he summarised his personal commitment to China thus: "I don't like it when people attack China, it always makes me feel a bit Chinese myself."<sup>45</sup>

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<sup>45</sup> Interview, *Ad Valvas*, 9 September 2021.

## CHAPTER 5. DISCUSSION OF THE FINDINGS

100. The Executive Board of VU Amsterdam asked the Committee to investigate whether the Centre's research, education and other activities (including products and publications) were undertaken in an independent manner. To this end, the Committee investigated the establishment of the Centre (Chapter 3), its substantive activities and its funding, partly in the light of the changing current context, in particular the changing perceptions of cooperation with Chinese partners (Chapter 2), and the changing perceptions of the value of the receptor approach central to the Centre's research and education (Chapter 4). The Committee now discusses its findings, which lead to its conclusions and recommendations.

### a. About the Centre and cooperation with Chinese partners

101. The Chair of the then Executive Board of VU Amsterdam was approached in mid-2015 with the proposal to establish a cross-cultural human rights centre. In the initial period, the Board was the direct point of contact for the initiators. This was at a time when cooperation with China was still considered little problematic, on the contrary: in this period when every Dutch university was focusing on China, it is understandable that an additional China connection was welcome for VU Amsterdam as well, both for strategic reasons and academic content. The intended decision to establish the Centre with Chinese funding was not shared with the employee participation bodies within VU Amsterdam.

102. The Centre has an interfaculty status among four faculties with the Faculty of Religion and Theology as the coordinator. This status was envisaged from the outset but only realised over a period of two to three years (2017 to 2019), a rather long process, which will also say something about the difficult road to truly embed the Centre within VU Amsterdam.

103. Prior to the establishment of the Centre, the international CCHR network was established at an international conference in Beijing in 2014. This network served as a platform for scholars active in the discussion of human rights, particularly on southern views of the Universal Declaration of Human Rights. Chinese institutions and individual Chinese researchers played a prominent role in setting up the network, which now co-exists with the Centre. The Centre runs the secretariat of the network and facilitates the website, which does not formally belong to the Centre but is linked to the network. Something similar applies to the *Cross-cultural Human Rights Review*. This is also presented as being separate from the Centre, but is supported from there, with a double function for the chair of the board/editor in chief and via funding for the managing editor.

104. The almost identical names of Centre and Network also raise other questions. For example, the website was hosted outside the Centre and therefore outside VU Amsterdam, with the argument that the website should be a sanctuary for views. In practice, however, the website was linked to the Centre, but was not moderated, nor was there any supervision from the Centre's management. In this way, the Centre's webmaster could also post personal views on the website without anyone checking whether these posts were in line with the guiding principles of the Centre or VU Amsterdam. This was also the explicit intention of the external hosting. The webmaster was paid from the SWULP grant, provided to the Centre through regular VU channels.

105. From 2017-2018 onwards, the academic relationship between the Netherlands and China has been undergoing a shift, initially cautiously. It is a time when the Chinese President is starting to speak out more and more prominently internationally about 'the Chinese human rights agenda' and when it is becoming increasingly clear how the human rights situation in China is deteriorating. Reports on the downsides of working with partners from 'non-free countries' are also increasing. From the end of

2020/beginning of 2021, university administrators and researchers seem to become truly aware of their own responsibilities when it comes to cooperating with Chinese partners, among others.

106. The Committee has of course taken note of [Employee 3] statements on the situation of Uighur Muslims. It can only interpret these statements as a condoning or even a denial of what is being done to this population group. The statements were made in interviews and on LinkedIn and clearly fall within the scope of freedom of expression. However, they were also made by an employee of an academic institution, which in the opinion of the Committee imposes requirements of precision and substantiation. As the Utrecht rector magnificus Prof. Kummeling recently put it in the light of the Code of Scientific Integrity:

Of this code, the following is crucial: be clear and honest about the limitations of one's own expertise. An academic may think and express all kinds of things, and in this respect may even manifest themselves widely as a public intellectual, but they may only give scientific authority to opinions if these are nourished by their own expertise or that of other scientists.<sup>46</sup>

In the opinion of the Committee, the contribution of scientists to the public debate may be accompanied by a different idiom, and even lead to 'mild forms of self-censorship', but may not be in outright conflict with the responsibility that the person concerned bears as a scientist. In the case of [Employee 3], these are *sweeping statements* that are not supported by any scientific foundation, but rather seem to stem from exasperation about Western attacks on Chinese human rights policy and practice.

107. [Employee 1], on his part, stated to the Commission that academic freedom in China is "absolute". The Committee does not agree with this statement. For human rights research, it is difficult, if not impossible, in relation to China to write critically about subjects that fall outside the framework of the human rights discourse defined by the President, and as adopted by the Centre. So, on the one hand, it seems possible to publish freely on the equal treatment of men and women and people with and without disabilities, or on human trafficking or children's rights, but certainly not on sensitive issues such as the human rights violations against the Uyghurs or the absence in China of any form of separation of powers. Also think of rights such as freedom of expression, religion and belief, the protection of personal data, freedom of the press and academic freedom. The *degree* of academic freedom in China strongly depends on the subjects on which researchers want to concentrate.

108. The Centre's researchers have chosen to establish diplomatic and otherwise friendly relationships with the Chinese authorities and state-funded Chinese academic institutions, in order to get things done in China. The Committee recognises the advantages of this strategy for conducting effective research in China, but considers it questionable in light of China's tightened human rights policy and the increasing risk of encirclement or framing by the Chinese government. It will therefore have to be carefully considered each time under which conditions and on which (human rights) subjects cooperation with Chinese partners is possible or not. In other words; cooperation with China, also for the vulnerable alpha-gamma domain to which the legal sciences belong, should in the opinion of the Committee certainly not be banned upfront. This would also damage the acquisition of knowledge about China as a world power with global influence in numerous sectors. However, the Committee believes there is an urgent need to pay more attention to the problematic aspects of cooperation and to the question of how to deal with them.

109. From 2020 onwards, VU board members seem to realise the vulnerability of the Centre's unilateral funding. Two actions were taken in that year, in early 2020, a meeting was held where board members discussed the problematic aspects of working with 'non-free countries', and the Centre was again

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<sup>46</sup> Henk Kummeling, 'Academic freedom in times of wakefulness and cancelation culture', *Nederland Rechtsstaat*, 11 January 2022.



instructed to look for diversification of funding. The Committee appreciates these efforts, even if it feels they came too late. However, better late than never. If VU Amsterdam wishes to continue the cooperative relationship with SWUPL's human rights institute in the future, it will have to work on diversifying its funding and also keep in mind which part of the funding is spent on what. It seems to the Committee that a continuation of funding from SWUPL for this type of research is inadvisable.

110. The Committee also notes that as a result of the cooperation between the Centre and institutions in China, positive developments have also been set in motion, for example in the field of new legislation in China. The Centre's researchers have, for instance, contributed to sharing thoughts about promoting a more open academic climate for human rights research in Chinese universities. Contact with that part of the young intelligentsia working at Chinese universities that strives for further innovation can contribute to this and should not be stopped. Students at VU Amsterdam (and the University of Amsterdam) have also indicated that they find the Centre's courses interesting because of the different perspectives on human rights. The Committee is of the opinion that, if the Executive Board chooses a (different) form of cooperation with SWUPL, a better embedding of the Centre's researchers within VU Amsterdam is required, with a stronger administrative and scientific basis.

#### **b. Research: publications and methodology**

111. Using central elements of the receptor approach, the Centre and its preceding and still affiliated network have played an important role in the design of the *Comprehensive Southern Vision on Human Rights*. A central thesis of the Centre's principal investigators is that promoting human rights in China requires small steps, motivated from within, with attention to local customs and habits, and using methods that are first and foremost aimed at dialogue and not confrontation. The latter would lead to defensive reactions ("internal affairs!") and would even be counterproductive. This is a type of reaction to international criticism in which China is not alone.

112. The publications of [Employee 1] in particular make it clear that there is a need for reflection on the observance of human rights from a southern perspective, more specifically on *the people belonging* to southern nations and the values they carry. At the same time, it is clear that this approach involves complex questions, such as the tension between the rights of communities on the one hand and the desire of individual members of populations to distance themselves, in whole or in part, from the traditional values of the community on the other.

113. In addition, law and politics are traditionally closely intertwined. This interdependence also affects legal science as a discipline, and especially the non-empirical part of it. Researchers should be aware of the risks of this interaction and should always rigorously justify their actions, also methodologically. The Committee has also noted that gaps in Chinese human rights policy are not investigated or scientifically problematized by the Centre's researchers.

114. The receptor approach discussed in chapter 4 is based on ethnographic and *community-based participatory research*, with the intention of investigating what *people* 'want' and what their cultural values look like. However, because hardly any account is taken of the methods used, including answers to the question of whose voices were heard, publications on China reinforce the impression that it is mainly the government that is heard. In this context, the Committee also refers to *cultural eclecticism*, in which local culture and social institutions are operationalised as *beliefs* and *practices* and through the use of surviving religious texts and laws, while it is not clear why and how these cultural expressions and social institutions were chosen or whether they are based on systematic cultural research. In this regard, the Committee refers again, in addition to its own observations, to the Van de Fliert report.

115. In its reflections on the methods used, the Committee has its doubts as to whether it is *at all* possible to allow citizens and members or representatives of minorities in China to speak freely through interviews,

focus groups and observations. Where this is not possible, or only to a limited extent, the Committee wonders whether the receptor approach, with its claims to identify "social institutions as patterned strategies consisting of norms, values, and role expectations that people develop and pass on to succeeding generations for dealing with important social needs", and to "the remedial force of local culture and the agency of the people", is suitable for human rights-related research in China. In its deliberations, the Committee has regularly asked itself how much room there really is for individuals and minorities not only to adhere to established historical values, but also to shape them in a contemporary way and at their own discretion, if they so wish, in a way that deviates from what the Party dictates and sets as a framework.

116. In publications by Centre researchers, it is often stated that the *Comprehensive Southern Vision on Human Rights* and the material and procedural concepts it incorporates should be seen as contributing to the universality of human rights in a normative sense and to processes for putting this universality into practice. Sometimes this seems like a play on words to the Committee, where it is not always clear whether the researchers fully recognise the universal validity of human rights or whether they are arguing that cultural and other differences ultimately prevail ('cultural relativism').

117. Whereas [Employee 1] often seems to end up with a form of cultural relativism, [Employee 2] (as a theologian) advocates the development of *cultural sensitivity* in the design and realisation of human rights models. He seeks dialogue, in the conviction that religious values can contribute to the formulation of human rights, with the underlying aim of using religion as one of the means of tackling current global problems. The *Comprehensive Southern Vision on Human Rights* is an aid to him in this, whereby [Employee 2] also takes the political views of the Chinese President, incorporated in this *Vision*, uncritically as a starting point.

118. All of this also raises the question of the possible *dual use* of the insights that the Centre's researchers write down or otherwise make public about China. What the researchers themselves see as potentially important conceptual contributions to the improvement of Chinese human rights policy, can not only be used by Chinese colleagues in the sphere of academic research and education; it can also be deployed by the Chinese government to cast its own human rights policy in terms that seem better suited to global human rights debates. In this way, the Chinese government can *both* make its own voice heard *and* stick to the publicly propagated idea that it continues to operate neatly within the existing UN human rights system (*dual use*), while this can de facto lead to further legitimisation and maintenance of the autocratic regime.

119. In the eyes of the Committee, the receptor approach has evidently valuable elements, but the question is whether its application in centrally governed states, with little room for divergent opinions, can lead to scientifically sound findings. The Centre's researchers, in particular [Employee 1], should have been more aware of this, even though the central government has based its human rights policy for a number of years, at least in part, on this approach. In addition, the limitations of the receptor approach had already been recognised in academic circles, particularly in the aforementioned interim evaluation of 2014. In answering the question of the value of this approach, the Committee sees a task for further scientific debate, both within and outside VU Amsterdam. The Committee therefore recommends that the Executive Board of VU Amsterdam give researchers room to further investigate the receptor approach on its merits, including further development of (knowledge of) matching methodologies and applicability in centrally-governed states. It also recommends that VU Amsterdam use regular accreditation and visitation procedures to ensure that all of this is done in accordance with applicable quality standards.

### c. Funding and transparency

120. Based on its interviews, the Committee found that, unlike the researchers at the Centre, board members of VU Amsterdam felt 'a certain ambivalence' when the Centre was being set up in the face of unilateral funding from a Chinese partner, but that this ambivalence never became 'problematic'. The discussion on cooperation with China within VU Amsterdam did start at some point, with a discussion on 13 February 2020 on the basis of a presentation by [Employee 3] and [Employee 2], among others. The occasion was (at least in part) the proposed cooperation of VU Amsterdam and the University of Amsterdam with Huawei. Among the conditions for cooperation were openness, mutual exchange, sustainable/respectful cooperation, security of knowledge and people.
121. It would have been expected, however, that even when the Centre was being set up, consideration would have been given to whether unilateral funding by one party, the Human Rights Institute of SWUPL, would be wise.
122. What was not sufficiently transparent, in any case, was the funding of the Centre. For example, neither the researchers of the Centre nor the responsible board members of the Centre and the Faculty of Religion and Theology were transparent about the external funding, which is contrary to the requirements of the Netherlands Code of Scientific Integrity and the Code of Good Governance for Dutch Universities.
123. In view of developments in China in recent years and the expectation that current trends will continue, the Committee believes that, for the type of research that the Centre conducts, continued funding from Chinese partners is inadvisable. It makes the results of education and research a priori vulnerable or even implausible - even if there is no reason for this from a purely scientific point of view.

**d. In summary, is there evidence of undue influence?**

124. The Committee has found no evidence that the Centre's research and education have been unduly influenced by Chinese pressure or by lenience on the part of staff in order to obtain or secure SWUPL funding. The researchers are sincere in their mission to promote human rights in the Global South, are convinced of the value of the receptor approach, believe in it, and have always been open about it. But both theoretically and methodologically there is much to criticise about their work. By claiming that a social science methodology is being applied, by not sufficiently justifying this, by uncritically linking their publications to the human rights vision of the Chinese President, and by not mentioning external funding anywhere, the Centre's researchers make themselves vulnerable to political framing, which compromises their independence. It was a recurring theme in the Committee's interviews. The *intentions* of the researchers to hear the perspective of 'the other', of the Global South, on human rights are, in the eyes of the Committee, very legitimate, but they are not in line with solid scientific implementation.