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INTRODUCTION

The unimaginable acts of terror against the United States on 11 September 2001 have drastically changed the world, at least for the time being. Although the Organization for Security and Co-operation in Europe (OSCE) has hardly been mentioned in the aftermath of these events and the subsequent war being waged by the US and its allies against Afghanistan and the terrorist Al-Qaeda network, the developments have nevertheless deeply affected the OSCE. This is not only related to the functioning of the organisation itself, but also because of the political consequences for many of the problems with which the OSCE is dealing.

It comes as no surprise that the OSCE with its 55 participating states was one of the first organisations around the world to condemn the terrorist acts against the US in the strongest possible terms. In October, the OSCE Permanent Council also expressed strong support for the military actions by the US against Afghanistan and Al-Qaeda.

It goes without saying that the unprecedented terrorist acts against the US have placed the problem of terrorism on top of the OSCE agenda. That is reflected, inter alia, in the establishment of a special Working Group on Terrorism that has been charged with the drafting of an OSCE statement and action plan on counter-terrorism. This action plan was adopted at the Bucharest meeting of the OSCE Ministerial Council on 3 and 4 December 2001.

Starting from the notion that no circumstance or cause can justify acts of terrorism, the Bucharest plan of action identifies and addresses various social, economic, political and other factors that engender conditions in which terrorist organisations are able to recruit and win support. In this context, the OSCE will offer assistance to participating States in implementing international anti-terrorist conventions and protocols, increase its activities to promote the rights of persons belonging to national minorities and take action to prevent and suppress the financing of terrorist activities. In sum, the 55 OSCE participating States have pledged themselves in Bucharest to expand existing OSCE activities that contribute to the global fight against terrorism, to increase bilateral and multilateral co-operation within the OSCE and with the United Nations as well as with other international or regional organisations.

In its report *Human Rights and Terrorism in the Central Asian OSCE States* (December 2001) the International Helsinki Federation for Human Rights (IHF) stated that the launch of international anti-terrorism activities has triggered fears among human rights defenders in Central Asia and their partners abroad. While recognising the right of all states to defend themselves against terrorism, the IHF feared that the authoritarian governments in Central Asia may take advantage of the anti-terror campaign and move against their political opponents and religious groups which are seen as threats to the political order. These governments may also crackdown further on the media and silence human rights activists. This fear could be expected because nearly all basic human rights and freedoms have been seriously compromised in all Central Asian member states of the OSCE. The IHF emphasised that the campaign against terrorism should not be conducted at the price of basic human rights and freedoms. It insisted that, in order to have moral integrity and to be successful, the campaign against terrorism must address state terrorism, which clearly drives individuals toward other acts of

terrorism. It also insisted that the campaign against terror ought to be a campaign for human rights and democracy. Supporting civil society in the Central Asian countries closely linked to the crisis in Afghanistan should be high on the agenda of the international community - and in particular of the countries committed to the coalition against terrorism.

In the aftermath of the events of September 11 and probably also as a result of the forthcoming elections the position of immigrants and refugees became a much discussed issue in the Netherlands. The number of incidents of xenophobia, racism, anti-Semitism and anti-Islamism increased, not only in the Netherlands but also in other Western European countries. According to the NHC the West should be more open to reflection on these issues, e.g. in the context of the OSCE.

At the OSCE Ministerial Council in Bucharest the Ministers for Foreign Affairs decided that the Netherlands will be the OSCE Chairman-in-Office in 2003. This task will be a great responsibility for the new Minister (in May 2002 general elections for the Second Chamber of Parliament will be held in the Netherlands). The Netherlands Helsinki Committee (NHC) hopes that the time it will take to form a new Dutch government in 2002 will not negatively affect the preparations of the new Minister.

The challenges that the new Chairman-in-Office faces are great. According to the present Minister for Foreign Affairs of the Netherlands the OSCE is in a severe crisis. This crisis is caused by the fact that some of the Participating States do not comply with their OSCE obligations. Furthermore, there is a lack of transparency in the organisation and its chairmanship is overburdened. Lastly, he notices a lack of political discussion in the Permanent Council. On the other hand, the Russian Federation and some other Eastern European countries are of the opinion that the OSCE pays too much attention to human rights issues. Furthermore, the OSCE missions are primarily concentrated in the countries of the former Soviet Union. It is clear that the present and the forthcoming Chairman-in-Office have a major task ahead of them.

Naturally the NHC will contribute to the preparations for the forthcoming Netherlands OSCE Chairmanship-in-Office in 2003. The Committee will organise a number of activities in 2002 to stimulate discussion in Netherlands on the agenda for the 2003 chairmanship. The NHC is also very honoured that the IHF will hold its annual meeting in The Hague in 2002. This meeting provides an excellent opportunity for the new Minister for Foreign Affairs to become acquainted with the most important network of human rights organisations in the OSCE region. In the context of the meeting of the IHF annual meeting the NHC will organise a round-table conference on one of the main causes of the present crisis in the OSCE, the severe difference of opinion on the role of the OSCE between Western Europe, the Candidate Countries of the EU, Canada and the US on the one hand, and the states of the former Soviet Union on the other.

The NHC further increased its co-operation programmes in Central and Eastern Europe. In 2002 new projects of the NHC with its local partners commenced in inter alia Hungary and the Russian Federation. Among the subjects of the projects were new ones such as the media and human rights, and police training. The projects of the NHC include traditional topics such as the protection of human rights, promotion of the rule of law, organisational development for NGOs, but also improving the professional level

of the prison service. The NHC is of the opinion that a higher professional level on the part of the prison service contributes to a better human rights situation for inmates.

An unique project in Albania has been extended until summer of 2002. This project combines the traditional human rights activity of prison monitoring by a human rights NGO with training programmes for prison staff and exchanging professional knowledge and skills between Albanian and Dutch prison experts. The project provided an excellent opportunity for our counterpart, the Albanian Helsinki Committee, to strengthen its position in Albanian society.

Training-of-trainers programmes have become a substantial part of the activities of the NHC. In Romania a total of 24 experts from the National Institute for Magistracy were trained in different topics. In the Czech Republic the NHC and its partner the Netherlands Training and Study Centre for the Judiciary trained sixteen judges in total on topics such as the European Convention on Human Rights and International Judicial Co-operation in Civil Matters. A group of twenty Bulgarian legal experts, judges, prosecutors and investigators, were trained in European law. Sixteen Russian and Belarussian human rights activists were trained in order to provide human rights training courses for local NGOs. The first Human Rights Summer School that the Moscow Helsinki Group, the Polish Helsinki Foundation and the NHC organised in 2001 was - because of the very good standard of Russian and Belarussian trainers - a great success.

The NHC also continued to take part in programmes to assist Candidate Countries of the European Union in their accession to the EU. The NHC implemented a Phare Twinning project on behalf of the Netherlands Ministry of Justice in the Czech Republic. The objective of this project is to strengthen the professional organisations of judges and of state attorneys. As mentioned above, the NHC and the TMC Asser Institute trained a group of Bulgarian legal experts from the Magistrates Training Centre in EU law. Furthermore, the NHC took part in the Phare Horizontal Programme on the Rule of Law. The general objective of the project is to assist the Candidate Countries to strengthen the principle of the rule of law in the functioning of their judicial systems.

The input of experts - judges, prosecutors, prison staff, university teaching staff, probation staff, human rights activists, experts on minority rights and anti-discrimination, organisational development experts and experts in teaching methods - was essential for the success of the NHC projects. Their knowledge and skills, their commitment and their enthusiasm greatly contributed to the high level of our activities.

Our local partners in Central and Eastern Europe not only benefited from our projects, but also contributed to their results. The support and co-operation from governmental bodies was essential in this respect.

The donors to our projects and programmes provided our partners and ourselves with the necessary financial resources. Their co-operation and flexibility made it possible to adapt our activities to the changing circumstances.

A particular word of thanks ought to be addressed to the staff of the Secretariat. With undiminished energy they contributed to the fulfilment of the tasks for which the NHC stands.

Jan-Herman van Roijen,
Chairman of the Netherlands Helsinki Committee

1. BACKGROUND TO THE NETHERLANDS HELSINKI COMMITTEE'S ACTIVITIES

In the *1991 Charter of Paris for a New Europe*, the Heads of State and Government participating in the Conference on Security and Co-operation in Europe declared that 'Ours is a time for fulfilling the hopes and expectations our peoples have cherished for decades: steadfast commitment to democracy based on human rights and fundamental freedoms; prosperity through economic liberty and social justice; and equal security for all our countries'.

Since then the participating states in the OSCE have striven to fulfil these hopes and expectations. With its comprehensive approach to security the OSCE has become an important international organisation to ensure the basic values of democracy, human rights, the rule of law and security in Europe. The organisation has been increasingly active in order to achieve its goals. It has, among other things, played an important role in post-conflict peace-building in Bosnia-Herzegovina and Kosovo. Furthermore, its High Commissioner on National Minorities has been, and still is, an important instrument for conflict prevention. Finally, the OSCE has also played an important role in further arms reduction in Europe.

Other international organisations have also experienced the remarkable developments during the last decade. Most Central and Eastern European states have become members of the Council of Europe and three Central European countries, the Czech Republic, Hungary and Poland, joined NATO in 1999.

In December 1999, Mr Romano Prodi, Chairman of the European Commission, announced at the Helsinki summit of December 1999 that the European Union will commence accession negotiations with no less than 13 countries, including 10 from Central and Eastern Europe. The European Union also decided that it is willing to accept Turkey as a new member state in the near future.

In spite of these positive developments, human rights violations still take place in Europe, elections do not always meet international standards and the principles of the rule of law are not fully respected everywhere. The conflicts in the 1990s in the former Yugoslavia were a clear example of the need for a continuous effort to respect the basic values of democracy, human rights, the rule of law and security.

Therefore, governments, international organisations and non-governmental organisations have an obligation to remain active in promoting and protecting fundamental rights and freedoms in Europe. The Netherlands Helsinki Committee (NHC) is committed to these obligations. In line with the aims of the Helsinki process since 1975, namely the promotion of democracy and respect for the rule of law and human rights, the objectives of the NHC are:

1. The promotion of the international and social legal order in order to facilitate the complete realisation of human rights; and
2. Strengthening and supporting the activities of international and national governmental and non-governmental organisations which promote the objective mentioned under 1, including the Organization for Security and Co-operation in

Europe (OSCE) and the International Helsinki Federation for Human Rights (IHF), focusing on conflict prevention and the promotion of human rights, the rule of law and democracy.

1.1. OSCE-related Activities: Monitoring, Publicity and Lobbying

In the field of monitoring and promoting the OSCE and compliance with commitments by participating states, the NHC undertakes a diverse range of activities. In the first place, the NHC monitors compliance, in the Netherlands and in other OSCE member states, with the commitments of the OSCE and other human rights standards. The NHC does not systematically follow up human rights developments in the Netherlands. The NHC contributes to the IHF Yearbook on human rights situations in the Netherlands. This contribution is based on studies and reports by specialist organisations like the NJCM (Netherlands Committee of Jurists for Human Rights), Vluchtelingenwerk (the Refugee Council) and the National Ombudsman. For this year's contribution, see annex 5.1 (The contribution of the Netherlands Helsinki Committee to the IHF Annual Report 2002).

The NHC has undertaken, in co-operation with the IHF, several monitoring missions to conflict areas. The NHC has reported on the findings of these missions to the OSCE, its participating states, the Netherlands Ministry of Foreign Affairs and the media.

Moreover, the NHC aims to provide the public with information concerning the OSCE and its developments. In co-operation with the IHF and Kluwer Law International, the NHC publishes *Helsinki Monitor*, a quarterly on security and co-operation in Europe. *Helsinki Monitor* specialises in reports on and analyses of OSCE developments. As a regular chronicle on the OSCE, it includes a complete overview of the most important developments within the OSCE. Books in the field of human rights and the OSCE are reviewed. Besides, important OSCE documents are reproduced in their entirety.

Furthermore, the NHC critically promotes the developments of the OSCE. To this end, the NHC organises round-table discussions and conferences. In these activities experts in issues concerning human rights, security policy and the OSCE take part. Through these activities the NHC promotes discussion on important OSCE matters on a regular basis. The recommendations of such activities are forwarded to the Netherlands Government, to other OSCE participating states and to the relevant bodies of the OSCE.

1.2. Legal and Human Rights Co-operation Programmes: Transferring Knowledge and Skills

Building democracy and respect for the rule of law is a continuing complex and long-term process for which knowledge of and compliance with international obligations are important. In the post-communist countries this part of the transition process continues to require active support. Relevant expertise is available in Western as well as in Central and Eastern Europe. Experts in the fields of human rights and the rule of law can facilitate the transition process by sharing their knowledge, skills and experiences.

At this moment in time most of the countries of Central and Eastern Europe have ratified international human rights conventions and have adopted democratic constitutions. The practical implementation of the standards and norms of these conventions and of democracy is now the main priority.

Respect for human rights, the rule of law and democracy is also a key element in the process of enlarging the European Union. In 1993 at the Copenhagen summit the EU member states elaborated the EU membership criteria, which need to be achieved before accession is possible. The first criterion is the achievement of stability in institutions which guarantee democracy, respect for the rule of law and human rights, and respect for and the protection of minorities. From time to time the European Commission reports on the progress made by the countries in question.

In this context human rights education for all kinds of professional groups, the strengthening of the rule of law and of democracy are relevant and important.

The main target group of the projects of the NHC are the professional groups, who have to apply international legal standards regarding human rights, democracy and the rule of law. The target group includes: human rights activists and lawyers, judges and prosecutors, legal staff of Ministries, the police, prison staff and probation officers.

For these target groups the NHC conducts a wide range of co-operation programmes:

- *Human rights courses for jurists*

The NHC has wide experience in training jurists in international human rights law. In addition to organising human rights courses in the Netherlands, it conducts a wide range of training seminars in most of the countries in the region. In its training programmes the NHC pays attention to the substance of internal law, to the relevant procedures and mechanisms and to the practical implementation of relevant law (*e.g.* by organising moot court sessions).

- *Promotion of an independent judiciary*

A fundamental feature of the rule of law is an impartial and independent judiciary. The NHC aims to strengthen the position of the judiciary in Central and Eastern European countries by promoting co-operation with the judiciary from other countries (including the Netherlands) and international organisations representing judges. The NHC also supports train-the-trainer activities in order

to improve the educational potential of the judiciary. Finally, efforts are made to strengthen further the organisational capacities of professional associations of judges and of prosecutors.

- *Assistance in creating human rights resource centres*

In order to promote and protect human rights, it is essential that people be informed of their rights and how these rights can be protected. Human rights resource centres are important for human rights education, because they provide access to international and domestic human rights documents, relevant case law and reference books. Such centres may also undertake activities to promote human rights, such as regular publications and round-table discussions.

- *Strengthening human rights NGOs*

In the transformation process in the Eastern European countries human rights groups and activists play an important part. Through training and advice in the field of human rights issues, organisational development and institutional strengthening, fund-raising, and financial support, the NHC aims to strengthen the capacities and expertise of these human rights NGOs.

- *Professionalisation of Prison Systems*

In order to improve the implementation of the *United Nations Standard Minimum Rules* and other international instruments, such as the *Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment*, projects are implemented for Prison Administrations in Central and Eastern Europe. The aim of these projects is to improve the professionalism of the prison administration in all its aspects. The activities entail, among other things, holding seminars of the policy and strategic planning for headquarters of Prison Administrations and Prisons. Furthermore, training seminars are organised to promote and implement best practices in prisons. Finally, twinning arrangements are set up between prisons in Central and Eastern Europe and the Netherlands.

- *Human rights education for police officers*

A new topic for training is human rights education for police officers. The training that the NHC and its partners provide is aimed at improving the practical skills of police officers in order to implement human rights in daily police practice. The training also takes into account broader standards for police work such as integrity and protection of minority rights. It is based on the international standards of e.g. the Council of Europe, the United Nations and Amnesty International.

- *Legal counselling*

The NHC is further engaged in the promotion and strengthening of legal counselling in the field of human rights and minority rights. Legal officers who are involved in analysis and research into the legal and practical situation concerning human rights offer this counselling.

- *European Union Pre-accession programmes*

The NHC also has experience in training jurists in the legislation of the European Union and in the impact of this legislation on domestic legal systems. Particularly relevant are law and practice of the European Union that contribute to the respect for the rule of law and to the independence of the judiciary. In relation to these objectives, the NHC designs and implements projects to facilitate the necessary changes for the accession of the Candidate Countries to the EU.

1.3. Partners of the NHC

The NHC co-operates with many partners in the Netherlands as well as in Western Europe and Central and Eastern Europe, such as the International Helsinki Federation for Human Rights and its network of national Helsinki Committees, universities and research centres, the Organization for Security and Co-operation in Europe, the Council of Europe, the European Commission, human rights organisations and other NGOs, organisations of legal professionals, Ministries, Prison Administrations, Probation Services, Police organisations, individual experts, and others.

The partners of the NHC are either beneficiaries of the projects or provide the expertise necessary for a specific project. Some of the beneficiaries of the NHCs earlier projects nowadays take part in projects as experts.

2. PROMOTION OF DEMOCRACY, THE RULE OF LAW AND HUMAN RIGHTS IN CENTRAL AND EASTERN EUROPE

2.1. Multilateral Activities

2.1.1. Council of Europe

The Council of Europe contributes to a number of NHC activities. In 2001, experts from the Council of Europe participated in an ECHR training seminar for judges in Croatia. The Council of Europe provided financial support to the other seminars in Croatia organised during the year 2001. The Council of Europe has founded a Steering Committee on the Reform of the Ukrainian Prison System. This Steering Committee makes extensive and important recommendations as regards the project entitled *Making Standards Work in Correctional Institutions*. The Steering Committee is updated concerning the project's progress. In addition, experts from the Council of Europe participated in the Round-Table Conference organised in Yerevan, Armenia in May 2001.

2.1.2. The Phare Horizontal Programme on the Rule of Law

The European Commission has set up a Phare Horizontal Programme on the Rule of Law for the ten Central and Eastern European Candidate Countries that wish to join the European Union (EU). Under the auspices of the Netherlands Ministry of Justice, the Centre for International Legal Cooperation (CILC) is the main contractor for this project. The NHC is one of the partners of the CILC in this project. Other partners are the Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit (IRZ) in Germany, the Italian Ministry of Justice, Great Britain's Home Office, and the French École Nationale de la Magistrature and Acojuris. During the preparatory phase, the NHC and the CILC co-operated in formulating the terms of reference for this project, as well as the project proposal and the budget. Several meetings with the CILC, the European Commission and other partner organisations took place. Ms Ineke van de Meene is the project co-ordinator on behalf of the NHC. Mr Jos Kösters is a member of the Steering Group and Ms Margaret Karsten the project's assistant to this project.

The general objective of the project is to assist the Candidate Countries to strengthen the principle of the rule of law in the functioning of their judicial systems. The project is divided into four modules: 1) an independent judicial system; 2) the status and role of the public prosecutor; 3) court procedures and the execution of judgements; 4) safety of victims, judges, prosecutors, defence lawyers and jurors. The CILC will be responsible for the first module, the NHC for the second. The third module is the responsibility of the German Ministry of Justice, represented by the Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit. The Italian Ministry of Justice, and the United Kingdom's Home Office will co-ordinate the fourth module.

As the implementation of the project commenced, the original set-up of the activities was changed, due to various reasons. One of the major changes was to start the project on 1 January 2001 with the introduction of an inception phase, consisting of a desk study on the available legislation, documents and reports regarding aspects of the rule of law in the candidate countries. Experts from various Member States carried out this

desk research. For each module a checklist was compiled, which provided the basic framework for the assessment of the available information. The studies relating to each of the ten candidate countries provided an overview of the state of affairs in the candidate countries and indicated which information was lacking. Furthermore, preliminary conclusions were drawn on the gaps and needs relating to the rule of law in each of the countries.

It soon became clear that, for most countries, there was little relevant and recent legislation available in English. In addition, the available reports and documents were, for some countries more so than for others, incomplete, outdated or incorrect. The reports of the desk studies were thereby presented to the candidate countries.

In order to correct the reports, the candidate countries were asked to send written comments, additions and corrections relating to the desk research reports to the CILC. A team of junior legal staff members revised the reports based on the information received from the candidate countries and additional documents, if and when they were available.

Subsequently, the project partners decided to visit the candidate countries in order to verify the facts and to assess the actual state of affairs.

Two multinational teams of high-ranking experts from the Member States are executing the missions. In each candidate country, a local expert is added to this team. This local expert is a well-respected member of the legal community of the candidate country, who, being a native speaker, can play a facilitating role in the meetings. The leaders of the two teams are Mr Paul Broekhoven, President of the District Court of Utrecht on special leave for this purpose; Mr Tom van Daalen, former Procurator General of the Netherlands and a key expert on the role of the prosecutor; and Mr Henk Marquart Scholtz, member of the International Association of Prosecutors and a second expert on the role of the prosecutor.

In November and December 2001, three missions took place. The first mission, in which Mr Tom van Daalen and Ms Ineke van de Meene participated, took place in Hungary from 18 until 23 November. A second mission to Slovenia took place from 26 until 30 November. Mr Henk Marquart Scholtz participated as a key expert. The third and last mission during 2001 went to Latvia from 17-21 December. The team leader of this mission was Mr Tom van Daalen.

The missions to Estonia, Lithuania, Poland, the Czech Republic, Slovakia, Bulgaria and Romania will take place in the first quarter of 2002. The results of all missions will be included in comprehensive country reports, which indicate the areas that deserve special attention. Subsequently, these country reports will be discussed with the candidate countries. Furthermore, the country reports include the recommendations regarding future activities within the scope of this project (capacity building) as well as suggestions for new projects.

2.1.3. Practical Training in International Human Rights Litigation

This programme aims to increase the knowledge and expertise of jurists as regards the application of the European Convention on Human Rights and the principle of non-discrimination in national practice and in international litigation in human rights cases.

In addition to instruction on the ECHR, practical training will be given on using international human rights standards. The NHC and its partners submitted a project proposal to the Netherlands Ministry of Foreign Affairs. This proposal has been approved.

The target group consists of the following legal experts: lawyers, human rights activists and judges. A programme of in total five training sessions of two weeks' duration will be held during a three-year period. The training sessions will deal with human rights within the framework of the European Convention and non-discrimination. The training will be conducted in the Netherlands. Organisers are INTERIGHTS, the Netherlands Association for the Judiciary, the Netherlands Training and Study Centre for the Judiciary, the Netherlands Bar Association and the NHC. The local partners are: human rights organisations, lawyers and judges' professional associations and judicial training centres. The first training session will take place in November 2002. Ms Monica van de Ven is responsible for the project on behalf of the NHC.

2.2. Albania

2.2.1. Albanian Helsinki Committee

The aim of this project is twofold. Firstly, to enable the Albanian Helsinki Committee (AHC) to implement the long-term monitoring of prisons and pre detention sites in Albania. The participants in these monitoring missions are human rights activists, lawyers, medical experts and students. The second aim of the project is to strengthen the internal structure of the AHC by intensive coaching and training of its staff members. As a member of the project's steering group, the NHC supports the AHC in striving to become a more transparent and professional organisation. The SNV (the Netherlands Volunteers Association) provided training in management and finance including backstopping meetings. The Polish Helsinki Foundation for Human Rights (PHFHR) provided the training in prison monitoring. The Netherlands Ministry of Foreign Affairs finances the project. The project ran from 1 December 1998 until 30 November 2001 and is being extended until July 2002. Ms Anna Stunova is responsible for this project on behalf of the NHC.

The AHC has made a great deal of progress towards professionalisation and transparency. This can mainly be attributed to the merits of the executive director of the AHC and the director of the project, Ms Vasilika Hysi and her staff. The AHC is also much more able to develop new activities and projects independently and to address other donors.

Two sessions of monitoring visits to Albanian prisons and police stations by the AHC took place in 1999 and 2000. In December 2000, the third session of visits started which took two months. During this monitoring round, prisons, pre detention sites and police stations in Tirana and outside were visited. Compared to the previous visits, the monitoring focused more on centres of pre detention. The monitoring dealt with the following areas: respecting of legal procedure; abuse/use of violence directed towards persons being accompanied to the police stations, at the police stations and against people under arrest; the medical care and treatment of detainees in prisons; the right of communication with family members and children and the right to be informed;

monitoring prison staff when they prepare inmates for their release; and the assessment of the appropriate prisoner classification.

On 11-12 April 2001, the AHC, in co-operation with the NHC and the Netherlands Prison Service (DJI), organised a seminar on alternatives to imprisonment. The main aim of the seminar was to discuss with participants the practical implementation of the alternatives to imprisonment already guaranteed within the law. In addition, the intention was to reach the public in general in order to familiarise them with possible alternatives. Among other things, the purpose of the seminar was to exchange experience between Albania and Western countries. In addition, the co-ordination of the work between state institutions and NGOs was discussed. The choice of the above topics of this seminar was based on the monitoring undertaken in prisons and pre detention sites and on the needs and concerns of the working staff of these institutions. The seminar was attended by 70 participants: representatives of the Ministry of Public Order, Directory of Prisons, the Tirana Court, NGOs' monitoring group of the AHC, the AHC's staff etc. The Dutch experts Mr Jan van den Brand and Mr Theo Westerhout delivered presentations. During this seminar, challenges, problems, the needs and recommendations based on the practice of Western countries and suggestions emanating from different NGOs working in this field were clearly presented. The Albanian version of the handbook *Making Standards Work - An International Manual for a Good Practice in the Prisons* was promoted. The AHC, in close co-operation with the NHC and the Dutch experts, has planned some training activities based on this manual in the near future with prison personnel.

Following on from the previous monitoring visits which the AHC has undertaken, the fourth round of monitoring between 15 September and 30 October 2001 took place at pre detention sites and some police stations. This monitoring round included police stations in amongst other places Tirana, Korçë, Pogradec, Durrës, Krujë, Berat and Elbasan. The object of this mission was to monitor how the procedural rights of the arrested and the detained in general have been respected according to the Code of Penal Procedure. The underlying reasons for this monitoring objective was some articles which had appeared in the media as well as complaints which the AHC had received from victims who claimed that their rights had been violated in pre detention centres. This monitoring was carried out by a group of AHC activists who had been trained in the necessary legal aspects and methodology. During this monitoring it transpired that in police stations cases of the maltreatment of arrested and detained persons still occur. Furthermore, judicial police officers often do not respect the rights of and punished norms regarding arrested or detained persons.

On 8 and 9 November, two parallel two-day seminars took place in Tirana and Lushnje. The object of this training was 'Making Standards Work - an International Manual for Good Practice in the Prisons'. These seminars targeted prison personnel at all levels who work directly with detainees although the seminars actually reached further afield: TV and newspapers covered the activities. The seminar was co-ordinated by the AHC, Ms Anna Stunova from the NHC and Mr Jan van den Brand from the DJI. The Albanian and Dutch experts who participated in the seminars, contributed with their experience regarding the organisation in penitentiary institutions, the role of the governor, the daily programme, the treatment of the detainee and the detainees' right to complain according to the respective procedures. The Dutch experts were Mr J. van den Brand, Mr B.J. van Veen, Mr S.A. van de Lande, Mr C. Boeij and Mr Th. Westerhout.

In October, the AHC started to implement the pilot project 'For a Complete System, Analysis and Reporting of Human Rights Violations'. This project is aimed at gathering and registering the data from all the monitoring missions of the AHC. In addition, data are registered from different AHC human rights activities concerning the rights of detainees and pre detainees in Albania. This data will not only serve the AHC but will also provide other organisations and interested persons with the necessary information on human rights issues. This will result in more comprehensive and structured on-line information being available to the public in Albania and abroad.

This pilot project started by monitoring daily newspapers in order to select and register the articles regarding detainees and pre detainees as well as all the information on the penitentiary institutions in Albania covered by the media. Within the framework of this project, a database for local and foreign NGOs has been constructed. Complaints by citizens from detention and pre detention centres or members of their families who claim that their rights are being violated have been registered in this database as well. All the public statements issued by the AHC for 2001 form part of this database.

The Netherlands Ministry of Foreign Affairs has approved the extension of this project. Taking into consideration some delay due to the Kosovo crisis, the AHC previously proposed an extension of the project starting from December 2001 until July 2002. The board of the AHC approved the finalisation of the draft regarding the extension of the project. The extension of the project creates the possibility to continue the work aimed at further improvements in the human rights protection in police stations, pre detention centres and prisons.

2.3. Armenia

2.3.1. The Application of International Standards on Human Rights in the Work of the Police as a Part of the Democratisation Process within Armenian Society

On 17 and 18 May 2001, a Round-Table Conference took place in Yerevan. The OSCE Office hosted and organised this two-day seminar in close co-operation with the Council of Europe, the NHC and the Sakharov Centre of Human Rights, under the auspices of the Ministry of Foreign Affairs of the Republic of Armenia. The goal of the seminar was to discuss the ideas behind the international covenants concerning the ways of democratising law enforcement bodies and their implementation in Armenian practice. The main topics of discussion were: the new Law on the Police and the further steps within the legislation process (by-laws etc.), as well as the implications of the newly adopted international norms; the work of the police in Armenia (including policing, working with community, human rights); and the training needs of officers etc.

Both the OSCE and NHC provided experts from the Council of Europe and other international organisations of police professionals, such as ACPO (Association of Chiefs Police Officers), MAPE (police advisory body) as well as experts from other national police organisations such as Scotland Yard.

In October 2001, the Sakharov Centre of Human Rights submitted a reformulated project proposal to CORDAID. This proposal has been approved. The central objective

of this project is to strengthen NGOs, mainly in the Gyumri region. In addition, these NGOs will be trained in Human Rights affairs, such as monitoring. The NHC, represented by Ms Anna Stunova, will fulfil a supporting role and will investigate the project's progress. This progress will be reported to the financier CORDAID. The activities to be undertaken will be given further substance during the year 2002. The project's activities started in May 2001 and will terminate in April 2003.

2.4. Bulgaria

2.4.1. Support for the Implementation of EU Legislation in Bulgaria

The NHC implements this project in co-operation with the Netherlands Training and Study Centre for the Judiciary (SSR), the Magistrates Training Centre (MTC) in Bulgaria and the T.M.C. Asser Institute in The Hague. Senter International is financing the project. The project started in January 2000 and ran until December 2001. Ms Monica van de Ven, Ms Mechteld Schelberg and Mr Raymond Swennenhuis are responsible for the project on behalf of the NHC. The project aims to develop the knowledge and expertise of the Bulgarian judiciary in European Union law and practice. The target group of this project consist of professionals from the judiciary (judges, prosecutors, and investigators), academic lecturers and the legal staff of the Ministry of Justice. In order to build up the training capacity of the judiciary a network of trainers on European Union law and practice has been created. They should be able to adapt the

After this train-the-trainers course the trainers lectured during a series of five seminars. The aim of the seminars was to provide a basic course on EU-law and practice to members of the Bulgarian judiciary. These five seminars were all of five days duration and were held from March until December 2001. During the first seminar, which took place in Borovets from 12 until 16 March, Ms Bos and Mr Kellerman from the T.M.C. Asser Institute were present in their capacity as resource personnel. Ms Mechteld Schelberg was present as a representative of the NHC.

The second seminar was organised in Slantchev Briag from 7 until 11 May. As a result of the evaluations of the first seminar, the programme for this second seminar had been adjusted. In principle, lectures were as of that moment held in the morning and workshops in the afternoon. The programmes for the seminars following on from this second seminar were mostly the same, consisting of a mix of lectures and workshops. Mr Raymond Swennenhuis attended this second seminar on behalf of the NHC. Ms Bos was present as a resource person.

Ms Schelberg on behalf of the NHC attended the third seminar, which took place in St. Constantin from 25-29 June. Ms Bos and Mr Wiebe Douma, from the T.M.C. Asser Institute, were present as Dutch experts. The last two seminars were held in Hissaria (15-19 October) and in Pleven (12-16 November). During these final seminars, it transpired that the trainers had developed into very good trainers: they applied the knowledge they had gained and used modern teaching methods and visual techniques.

On 10 December the Final Conference was organised in Sofia in which Mr M. van de Veer, Ms Schelberg and Mr Raymond Swennenhuis were present. The project was developed in close co-operation with the EU and the Bulgarian Ministry of Justice. Mr D. Yordanov and Ms M. Serkhedieva present certificates during the train-the-trainers course in Sofia, February 2001. The project was developed in close co-operation with the EU and the Bulgarian Ministry of Justice. The project was developed in close co-operation with the EU and the Bulgarian Ministry of Justice.

2.5. South Caucasus

2.5.1. Training Human Rights NGOs

In co-operation with the International Association of Lawyers from the Caucasus (IALC), the NHC conducted a training seminar for NGO representatives from Armenia, Azerbaijan and Georgia on the application of international human rights legislation in cases involving internally displaced persons (IDPs), refugees and national minorities. The Constitutional and Legal Policy Institute (COLPI), the Netherlands Embassy in Kiev, the OSCE Mission in Georgia and the Embassy of Norway to Azerbaijan and Georgia financed the seminar. The theme of the seminar was chosen in response to requests from the IALC offices in Tbilisi, Yerevan and Baku, as well as from participants who had participated in previous COLPI-financed training seminars, co-organised by the NHC. The seminar took place from 6 until 12 May in Tabakhmela, Georgia. Ms Barbara Henkes was responsible for the seminar on behalf of the NHC.

The aim of the seminar was to equip relevant NGOs from the region with basic knowledge and skills in order to use the theory and practice of international legal (UN,

ECHR) and non-legal instruments in human rights protection and promotion. It was decided to mix lawyers and non-lawyers as participants, as the application of the relevant international instruments is (to a certain extent) not restricted to lawyers. In addition, the seminar focused on both IDPs and refugees as national minorities, although the rights of the two groups do not necessarily overlap.

The group of participants consisted of seven persons from Azerbaijan (five of whom were lawyers); six from Armenia (no lawyers) and nine from Georgia (three lawyers). The NHC was responsible for identifying international experts for the training seminar. IALC identified experts from international organisations with a presence in Tbilisi, Yerevan or Baku (e.g. UNHCR, IOM, etc). The international experts included: Mr Alexei Semyonov (Director, Legal Information Centre on Human Rights, Estonia); Mr Boris Tsilevich (Moderator of the MINELRES project; member of the Committee on Migration, Refugees and Demography of the Parliamentary Assembly of the Council of Europe; Latvia); and Mr Fernand de Varennes (Director, Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict; Australia). Experts drawn from international organisations with a presence in Tbilisi included: Ms Valentina Tsoneva (Protection Officer, UNHCR Tbilisi); Ms Tamar Chelidze (Assistant Protection Officer, UNHCR Tbilisi); Ms Manana Gabashvili (Norwegian Refugee Council); and Mr Klaus Rasmussen (OSCE Mission in Georgia).

The participants were very enthusiastic concerning the information and the interactive

FOTO 2

Participants of the training seminar on excursion outside Tbilisi, May 2001

approach presented to them. On the basis of hypothetical cases drafted by Georgian, Armenian and Azerbaijanian experts, the participants worked in groups, regulated by the international experts, developing litigation as well as non-judicial strategies.

2.5.2. Training of Human Rights Lawyers in Armenia, Azerbaijan and Georgia

In 2001, the NHC, in co-operation with INTERRIGHTS, launched a long-term project in the Caucasus. COLPI and the Netherlands Ministry of Foreign Affairs are financing the project. The project is aimed at an increased and more skilful application of the European Convention on Human Rights standards by national lawyers before the domestic courts in Georgia, Armenia and Azerbaijan. This should put pressure on the judicial systems to adapt judicial practice to the standards laid down in the European Convention on Human Rights (ECHR). If done strategically, international human rights litigation could lead to considerable amendments to existing national laws and rules pertaining to basic rights, and thus strengthen the rule of law in these countries. This aim will be achieved by way of two short-term objectives: enhancing the practical knowledge and skills of practising human rights lawyers and NGOs in Georgia, Armenia and Azerbaijan in applying the ECHR in domestic and international public litigation; and helping to strengthen NGO capacity in Georgia, Armenia and Azerbaijan in running comprehensive training projects on the application of the ECHR and other international human rights instruments.

The first series of five training sessions on different articles of the ECHR will be held in Georgia in 2002 and 2003, in co-operation with the Georgian NGO 'Union Article 42 of the Constitution'. In 2003 a similar programme will be started in Armenia. A programme in Azerbaijan is planned for 2004.

Ms Barbara Henkes and Ms Monica van de Ven are responsible for this project on behalf of the NHC.

2.6. Croatia

2.6.1. Promoting the Independence of the Croatian Judiciary

In June 1999 the NHC and the Croatian Helsinki Committee (CHC) started a project on the independence of the Croatian Judiciary. The project consists of three activities. Firstly, theoretical research on the judiciary in Croatia as well as an analysis of court decisions. The monitoring of court cases supports this activity. Secondly, a series of seminars concerning Article 6 of the European Convention on Human Rights (ECHR): The Right to a Fair Trial. Lastly, a concluding round-table conference. The long-term objective is to constructively contribute to the strengthening of an independent judiciary in Croatia. Ms Ineke van de Meene is the co-ordinator of the project on behalf of the NHC.

From 9 until 11 March 2001 a seminar was organised in Bizovac. This seminar was the third and last in the series of three seminars on the ECHR. The seminars were organised in conjunction with the Croatian Law Centre and the Council of Europe. The seminars also received financial support from the Council of Europe.

Sixteen participants came to Bizovac to attend the seminar. The lecturers at the seminar were Ms Margriet Vermeulen, Vice President of the District Court of Amsterdam; Mr Henk Lind, judge at the District Court of Amsterdam; Mr Jarek Porejski, member of the Registrar's Office of the European Court of Human Rights; Ms Lidija Lukina Karajković, representative of the Government of the Republic of Croatia at the European Court of Human Rights; Mr Davor Krapac and Mr Alan Uzelac, both

Professors at the Faculty of Law of Zagreb University. Ms Margriet Vermeulen and Prof. Alan Uzelac moderated the seminar. The participants expressed their enthusiasm concerning the seminar. The combination of theoretical presentations and practical work in groups was much appreciated.

Participants at the seminar on the ECHR in Bizova, March 2001

From 16 until 20 October, the concluding conference was organised in Crikvenica, Croatia. Mr Ben Pompen and Ms Ineke van de Meene attended the conference on behalf of the NHC. Mr Bert Maan, President of the District Court in Zwolle, the Netherlands, participated as a guest speaker. Participants were judges from municipal, county and commercial courts in the Republic of Croatia, and also prosecutors, lawyers, professors from law faculties and representatives of NGOs. The first day of this conference was dedicated to discussions on the present state of affairs within the Croatian judiciary and the public prosecution service. This discussion resulted in a list of recommendations that was drawn up at the end of the conference. The recommendations included, among other things, measures relating to the unsatisfactory material and organisational preconditions for its activities; the unsatisfactory situation concerning the personal and institutional security of judicial functionaries; and the weaknesses of the judiciary itself.

The second day of the conference devoted attention to the implementation of European human rights standards within the Croatian legal system. Mr Bert Maan spoke about the influence of the ECHR on the Dutch legal system and the daily practice of Dutch judges. Mr Alan Uzelac spoke about the implementation of the standard of fair trial in Croatian judicial proceedings; and Ms Lidija Lukina Karajković delivered a lecture on the procedure before the European Court of Human Rights in Strasbourg and the relevant cases before the Court relating to Croatia.

The project 'Promoting the Independence of the Judiciary in Croatia' was originally to end in August 2001. Because of some delays in the theoretical research and the planning of the conference, the project has been extended until 1 February 2002. Both the CHC

and the NHC have expressed their willingness to continue co-operation in the field of the judiciary. Discussions on the topic for a new project will continue in 2002. Various institutions within the judiciary will be involved in these discussions.

2.7. Czech Republic

2.7.1. Strengthening the Czech Union of Judges

The NHC implements this project in co-operation with the Netherlands Association for the Judiciary (NVvR), the Netherlands Training and Study Centre for the Judiciary (SSR), and the Czech Union of Judges (CUJ). The project is a follow up to the co-operation programme between 1996 and 1998 and runs from 1 September 1998 until August 2001. In the summer of 2001, the project partners decided that it should continue the project until August 2002. The project receives financial support from the Netherlands Ministry of Foreign Affairs (Matra). Mr Jos Kösters and Ms Annemarie Sweeris are responsible for the project on behalf of the NHC. In July 2001, Ms Mara van der Poel took over from Ms Sweeris. The long-term objective of this project is to strengthen respect for the rule of law in a democratic society by strengthening the position of the judiciary. The short-term objectives are: to strengthen the organisation of the CUJ; to strengthen the position of the CUJ in Czech society; to strengthen the potential of the Czech judiciary to train itself; and to improve the access of the judiciary to national and international legal information.

As part of this project, the CUJ has established committees in order to professionalise its organisation. Each committee is responsible for a part of the association's activities. The purpose of the Organisation Development Committee is to improve the efficiency of the activities of the CUJ; to activate the membership; and to co-ordinate the activities of the other committees. The Communication Committee prepares the dissemination of objective information on the judiciary among the public. The Educational Committee organises training activities for the CUJ members and promotes the improvement of the professional training of judges. The Financial Committee must ensure the financial sustainability of the CUJ and the management of the association's budget. The Legislative Committee submits comments on new legislation and prepares draft amendments. The International Committee co-operates at the international level with partners of the CUJ, such as other professional associations of judges and international organisations.

The main activities of the CUJ in co-operation with the NHC during the year 2001 consisted of the organisation and realisation of the second round of legal seminars, including the training of Czech trainers. In addition, several training sessions with the committees took place in order to *inter alia* formulate a Strategic Plan of the CUJ.

The Educational Committee of the CUJ has established a core group, which deals with the professional training of judges. The first two didactic and three legal seminars organised by the CUJ in 2000 were successful. At the evaluation meeting on 27 January 2001 the trainers and trainees concluded that the goals of the training and the seminars had been completely achieved. At this meeting the trainer Ms Anneke Touwen, Ms Annemarie Sweeris of the NHC and the Czech trainers took part. On 22-26 January the second didactical training of trainers took place in Klatovy. A second round of legal

seminars followed this didactical training. On this occasion, 12 Czech trainers attended the training by Ms Touwen. The programme was similar to the one provided for the first group of trainers in September 2000. During the final two days of the training, three experts from the Netherlands were present: Mr B. Noordraven, judge at the District Court of Arnhem; Ms I. Gonzales, public prosecutor at the District Court of Arnhem, currently employed at the SSR; and Mr G. Tangenberg, judge at the District Court of The Hague. They assisted the Czech judges in developing a programme for each of the three legal seminars.

The first seminar within this round was held from 15-17 March in Prague. Its subject was 'International Co-operation in Civil Matters'. The seminar mainly focused on how to obtain evidence from abroad. This is a very complicated process in which the Czech judiciary often make procedural mistakes. The Czech lecturers were Ms Kasíková, Mr Skála, Ms Zavrťálková and Mr Sochor. The Dutch expert was Mr B. Noordraven. Approximately 50 participants attended the seminar.

From 18 until 20 April, the second legal seminar was held in Sezimovo Ústí. Its topic was 'Alternative Solutions in Criminal Matters'. The four Czech lecturers were Mr Sotolář, Mr Černý, Mr Nedvěd and Ms Kučirková. The Dutch expert, Ms Gonzales, assisted the Czech trainers. The seminar was evaluated as being very successful. The large numbers of participants (78) and the lively discussions only confirmed this.

The third seminar, again in Prague, was held on 17 and 18 May. The subject of this seminar was 'Bankruptcy and its Impact on Other Types of Proceedings in Civil Matters'. The lecturers were Mr Kozák, Mr Sedlák, Mr Budín and Ms Svobodová. The Dutch lecturer was Mr Tangenberg, who gave an account of the Dutch situation regarding bankruptcy and the legislation on this topic. The 66 participants evaluated the seminar very positively.

The evaluation meeting concerning this second round of legal seminars took place on 8 June 2001. Ms Touwen, Ms Sweeris and the Czech trainers took part. Before the meeting, the NHC had consulted the Dutch experts as to their opinion concerning the results of the training and the seminar. All in all, the Educational Committee can be very proud of its success. The seminars were of a very high standard from the point of view of both their organisation and content.

In March several training sessions were held with the committees. The purpose of these sessions was to develop and formulate a CUJ Strategic Plan for 2001-2003. The Organisation Development Committee co-ordinated the drafting of this document. The Dutch trainers had a consultancy role. After discussing, adjusting and completing the Strategic Plan, it was presented to the Board and presidents of the committees at a meeting held on June 15. During this meeting, the committees presented their action plans for the next three years. The participants discussed the future of the CUJ in all its aspects. The Strategic Plan contains the organisational structure of the CUJ; the mission and goals of the CUJ; the objectives, tasks and action plans of every committee; and monitoring and evaluation instruments.

On 6 and 7 April, a project development training was held for the Board and the committees. The main focus of the training was on how to prepare a project proposal.

Those present were the members of the Board, members of the committees, Ms Sweeris (NHC) and Mr Hotze Bergsma (consultant). Ms Touwen regulated the training.

The CUJ publicity campaign, for which the Communication Committee is responsible, aims to disseminate objective information about the judiciary and the CUJ to professional groups and the general public, and to increase trust in the judiciary. The publicity campaign dealt with external communications, including the media, and internal communications. The CUJ provided information not only through press conferences, but also in many interviews, debates and live programmes on radio and TV. Because of minimal public awareness concerning the CUJ in the Czech Republic, the association organised round-table discussion in provincial towns. Members of the press were invited to inform the general public concerning the situation as regards judicial bodies, and concerning the activities and goals of the association. The CUJ organised six round-table discussions between 28 February and 28 March. A CUJ website was also developed (www.sucr.cz). The main goal of the website is to promote communication among CUJ members and to present the Union to non-members.

The CUJ has continued to publish its monthly newsletter "Soudce" during the year 2001. "Soudce" is one of the main sources of information for CUJ members and at the same time it is an important communicative tool for judges to exchange their views. The CUJ Communications Committee is responsible for the publication of "Soudce".

During the first three years of this Matra project substantial results have been achieved in realising the short-term objectives. The CUJ has developed a Strategic Plan which contains its goals and plans for the next three years. The responsibilities and tasks of the organs of the CUJ have been clearly defined. However, the CUJ wishes to extend the project until August 2002 in order to make the results more sustainable.

In the summer of 2001, the CUJ and NHC entered into negotiations with the Netherlands Ministry of Foreign Affairs on extending the project with support from the Matra programme. In November 2001 the Ministry approved the proposal to prolong this project until 31 August 2002. The objectives of extending the project will be to further strengthen the committees of the CUJ, and to provide the CUJ with additional means (knowledge, skills and finances) to continue functioning as a sustainable and independent organisation after the end of this extension period.

In addition, in 2001 the CUJ concluded an agreement with the Czech Minister of Justice. The Czech Ministry of Justice will take over the office rental costs and the salaries of the personnel from September 1, 2001.

The annual meeting of the CUJ in Ostrava in October 2001 approved a substantial increase in the membership fee. This increase will provide the CUJ with sufficient financial resources to cover its core activities from 2002 onwards.

The Board of Open Society Fund (OSF) also approved the CUJ project proposal for the period from September 2001 until August 2002. This project focuses on further improving the media activities of the association.

2.7.2. Phare 1998, Strengthening the Independence and Functioning of the Czech Judiciary, Support for the Associations of State Attorneys and Judges

On behalf of the Netherlands Ministry of Justice, the NHC is the project leader of a Phare twinning project in which the Netherlands and Czech Ministries of Justice, the Czech Union of Judges (CUJ), the Czech Associations of State Attorneys (ASA), the Netherlands Association for the Judiciary (NVvR), the Netherlands Training and Study Centre for the Judiciary (SSR) and the International Association of Prosecutors (IAP) participate. The European Commission financed this project. The project, which started in April 2000 and which ended on 31 October 2001, forms part of the activities, organised by the European Commission, which are aimed at the future EU membership of the Czech Republic. Mr Jos Kösters is responsible for this project on behalf of the NHC. The Czech project leader was Mr Ladislav Derka, a member of the CUJ.

The objective of this project is to support the strengthening of professional associations representing judges, the CUJ and the ASA, in order to ensure the financial and functional autonomy and the independence of the judiciary. Consequently, the project focuses on three main subject areas: strengthening the professional organisations of judges (CUJ) and, in particular, of state attorneys (ASA); improving access to information for judges and state attorneys; and developing a sound and long-term training scheme for judges and state attorneys. The long-term objective of this project is to achieve and implement the same standards in justice which apply within the European Union in order to facilitate the Czech Republic's entry into the EU.

Mr Jan Nijenhof is the Pre-Accession Advisor (PAA) to the project. Mr Nijenhof is Vice-President of the District Court of Arnhem, the Netherlands. Mr Jan Pelikán and Mr Marek Dlouhy assisted Mr Nijenhof. The PAA was present at meetings of the boards of both the CUJ and the ASA in order to provide information on the project and its implementation. He programmed and organised the project and activities for the year 2001 and - in most cases - participated in the workshops and seminars.

The Inception Period at the beginning of the project was intended to gather information about the general conditions and situation relating to the Czech judiciary. The report provided an elaborate analysis of the situation of the judiciary and judicial reform in the Czech Republic. The activities during 2001 were planned on the basis of the Inception Report.

In order to strengthen the Associations of State Attorneys in the Czech Republic, several activities took place. The training in lobbying and negotiation skills for representatives of the ASA was held on 25 and 26 January in Prague. The training was provided by Mr Jean Penders, *inter alia* a former member of the European Parliament. This seminar helped the participants to focus on their behaviour in a negotiation and lobbying setting. At the same time, it was clear that some of the participants already had considerable experience in these settings. For them the seminar proved to be a useful reassessment of their skills and a possibility to demonstrate to those with less experience how to conduct oneself in difficult negotiations.

In the first half of 2000 the board of the ASA started to set up a number of committees to assist and advise the board. The committees are responsible for Internal Relations, Finances, Education, Legislation and Communication. In the first series of training sessions – held in 2000 - each committee discussed its mandate, its working procedures and its action plan.

From 19 until 23 February 2001, the second series of organisational development training programmes for the ASA committees took place. Training on project drafting was included. The expert responsible for the training was Ms Anneke Touwen. The training focused on the development of action plans for each committee. Other topics were financial policies and project development. Each committee again received a one-day training session. In total 25 ASA members took part. As a result of the training all the committees have prepared a working plan.

On 22 and 23 March, training on internal communications for ASA was organised. Mr Anne Boermans and Ms Karin Ysbrandy on behalf of the SSR provided the training. The participators were members of the board and ordinary members of the ASA who are already or will be responsible for internal communications. The training included topics such as: communication within the ASA (between the board, committees and regional sections), and the function of the newsletter. For this training programme, 25 persons were invited but only 5 eventually participated. The participants increased their communication skills substantially.

The third series of organisational development training programmes for the committees of ASA took place from 23 until 27 April. Ms Anneke Touwen provided the training. During the third series each committee again received a one-day training session. The International Committee and the Educational Committee were trained in the importance of international contacts (on a multi and bilateral basis) in the possibility to organise small-scale seminars and they were referred to foreign embassies and foreign and multinational foundations when seeking future funders. An introduction was given in drafting project proposals and practical guidelines were provided on the organisation of seminars. The Media Committee held a meeting on how to prepare a press conference. Ms Touwen provided the committee materials on how to work with the media on a permanent basis and how to prepare a list of journalists and media who are willing to publish articles on public prosecution, and a check-list for preparing the documents to be published. On the agenda of the Internal Relations Committee training programme was its contribution to the Strategic Plan and the preparations for the Second Strategic Membership Meeting. The training programme for the Financial Committee focused on the project's drafting and fundraising methods. On the last day of the training programme a meeting was organised for ASA board members and all the members of the committees. The aim was to prepare the Second Strategic Membership Meeting, to discuss the future potential projects of the association and to draft a project proposal.

The Second Strategic Membership Meeting for the ASA was held on 17 May. The participants were representatives of the regional sections of the ASA and the board and committees of the association. The two main topics of the meeting were recent international and European developments in the field of prosecution and the ASA Strategic Plan for the period up to 2003. The Strategic Plan identified the specific professional needs of the association and its members. Furthermore, Mr Löffelmann, the president of the ASA, provided an update on the present state of the judicial reform. The Dutch experts were Ms Anneke Touwen and Mr Henk Marquart Scholtz, General Secretary of the International Association of Prosecutors. Mr Marquart Scholtz delivered a lecture on developments in the field of prosecution. During the Membership meeting, the Strategic Plan was discussed and approved.

The evaluation meeting of the Czech Union of Judges took place on 4 September. The PAA spoke with a delegation from the board of the CUJ and discussed the PAA's draft

conclusions regarding the CUJ. He also discussed the possibilities for co-operation between the CUJ and the ASA. The conclusions of the meeting were included in the draft evaluation report.

On 17 October, the PAA discussed the draft evaluation paper together with its recommendations, with the President of the ASA. He recommended that the ASA should seek more co-operation with the CUJ. The PAA also discussed the need for the ASA to raise funds in the near future in order to sustain the association in the long term.

The final evaluation report contained recommendations to continue the process of strengthening the positions of both associations. The evaluation report was discussed with the Steering Committee (19 October 2001). On 22 October 2001 the evaluation meeting of the project took place at the EC Delegation in Prague. At the meeting the draft evaluation report was discussed. On behalf of the project partners the following attended: Mr Jan Nijenhof (PAA), Mr Marek Dlouhy (PAA assistant), Mr Jan Vyklicky (CUJ) and Mr Jos Kösters (Netherlands project leader). On behalf of the EC Delegation the following were present: Ms Duffy-Häusler, Mr Merker and Mr Baruch.

On 8-9 October 2001, a training programme was organised on the implementation of the strategic objectives of the ASA at a regional level. Ms Anneke Touwen, the expert on organisation development, provided the training. On both days, the expert for the organisational framework of the ASA, Mr Henk Zuur, who is a former Director of the NVvR, was also present. Unfortunately, only a few of the 11 members who had promised to attend actually turned up, due to training activities for prosecutors which had been organised on the same days. For that reason no clear and realistic plan for the implementation of strategic objectives at the regional level was developed.

The organisational structure of the ASA was part of the mission of the expert Mr Henk Zuur from 8-12 October. Mr Zuur's recommendations focused on the need for a central membership administration, a treasurer and co-operation between the ASA and CUJ.

During the whole project, the ASA published 5 issues of the newsletter "Union". They contained information on the projects and their results for the members of the ASA. For the use of the ASA committees many working materials prepared by Ms Touwen became available in Czech and were distributed among the committee members and interested ASA members.

The second objective of the project was the development of a sound and long-term training scheme for judges and state attorneys. Therefore eight seminars for judges and public prosecutors were held in the regions of the Czech Republic on the practical implications of EU law for judges. The fact that these seminars were not held at a central location (Prague) but on locations in the regions (e.g. Brno, Ostrava, Usti nad Labem, Plzen and Cesky Budejovice) was clearly appreciated. In total 354 Czech judges and prosecutors took part in the seminars.

In February, March and April, two series of two one-day seminars on EU law for judges and state attorneys were organised in order to educate judges and state attorneys. The seminars on 9 and 12 February both took place in Prague. The second series was held in Brno (30 March) and Ostrava (2 April). The third and fourth series were held on 20 April in Hradec Kralove and on 23 April in Usti nad Labem; on 4 May in Ceske

Budejovice and on 7 May in Plzen. The purpose of the seminars was to make the participants aware of the necessity to have knowledge of EU law for their work. The programme for the seminars had been prepared by the PAA, the SSR and the individual experts: Mr R.H. Lauwaars (Member of the Council of State; first series of seminars in February); Mr R. Winter (President of the Regulatory Industrial Organization Appeals Court in The Hague; second and fourth series of seminars); and Mr Ige Dekker (Lecturer in EU law at the University of Utrecht, third series of seminars). Among the cases discussed were (competition) cases provided by Czech judges, which were decided on a parallel basis to EU law. Also more general information materials on the EU and its institutions were distributed to the participants.

The series of EU law seminars proved to be one of the most successful parts of the whole project. The judges and prosecutors appreciated the fact that foreign lecturers had visited their regional cities and many of the participants asked for such international activities to be continued.

The first Workshop on Professional Education was held on February 12 and 13 in Prague. It resulted in a better understanding of the contribution of each party in building a consistent and sustainable system for the professional education of judges and state attorneys as far as the parties involved in this education were concerned (such as the ASA, the CUJ, the Ministry of Justice, the Judicial Academy and other professional legal interest groups). The PAA presented the conclusions and recommendations in a letter to the Minister of Justice. He received an oral and written reaction from the Deputy Minister of Justice that his recommendations would be taken into serious consideration. The two Dutch experts, Mr J. Koornstra and Ms W. Everts were selected by the SSR. Dr J. Pachman from the Human Resources Department of the Czech Ministry of Justice also delivered a presentation.

On 6 and 7 September, a follow up to the Workshop on Principles of Professional Education was held in Prague. The topic of this seminar was 'Education of Judges and Public Prosecutors, programmes and methods'. This seminar contributed to the building of the future Czech Judicial Academy. The Dutch experts at this seminar were Mr Dick Allewijn, co-ordinating vice-president of the District Court of The Hague, and Ms Henrieke Hans, a methodologist from the SSR. During the workshop five topics emerged as priorities for the education of judges and public prosecutors: knowledge of law and its application; communication skills; professional ethics; organisation skills; and decision-making skills. The participants were also encouraged to think about the methods of education that are best suited to the task and about the place where these educational activities might best be undertaken. The working groups of participants in the form of a practical exercise, elaborated on designing a concrete one-day course in one of the topics mentioned above. The 15 participants had different relevant backgrounds: they came from the Ministry of Justice, the associations of judges and public prosecutors, the Court Clerks Academy at Kroměříž, the Institute for Criminology and Social Prevention and others.

A group of ten young state attorneys took part in an English language course in September-October 2001. According to the experts they improved their level of professional legal English.

The third objective of this project was improving access on the part of Czech judges and state attorneys to all relevant national and international sources of EU law. From October 2000, a part-time assistant to the PAA has been available in order to set up a European Judicial Information Centre (EJIC). The EJIC was established to improve the access of Czech judges and state attorneys to EU law. Officially, the EJIC helpdesk started working on January 1, 2001. On July 1, the activities of the EJIC under the Phare project ended. The Czech Ministry of Justice had agreed to take over the EJIC on this date and to incorporate it into the Judicial Academy. The actual demand for information by individual judges and prosecutors during the project period was very limited due to the fact that EU legislation is still not in force in the Czech Republic. However, the EJIC greatly contributed in providing and translating material for the EU law seminars and other educational activities of the CUJ and ASA. In addition, the EJIC has adopted an active information strategy, including providing brochures, lists of information centres and presenting new publications on EU law.

2.7.3. Strengthening the Training Capacity of the Czech Police Schools on Human Rights and Integrity

The project aims to improve the integration of human rights, including minority rights, and integrity within the Czech police organisation. These topics will be integrated in the initial and permanent training programme of the Police Schools and Regional Field Centres. During the project the implementation within the police organisation of the knowledge, attitude and skills obtained during these training programmes in the police organisation will be actively promoted. The training staff of the Czech Police Schools and Regional Field Centres will be trained to integrate the issues mentioned within the School's curriculum at the school. Furthermore, the results of the project will be presented to the relevant senior police officers and policy makers.

The Police Training College of the Interior Ministry in Prague will be equipped to support the project activities, both during the project and after its completion. For this purpose, apart from training, documentation will be provided as well as integration in relevant international networks.

Mr Jos Kösters and Ms Mechteld Schelberg prepared this project proposal on behalf of the NHC. The other partners in this project will be the Police Training College in Prague; the Czech Helsinki Committee; the Netherlands Centre for Police and Integrity Issues; the Netherlands Centre for International Police Co-operation (NCIPS); and the National Police Selection and Training Institute (LSOP). It is expected that the project will commence in 2002 and will last until 2004.

2.7.4. Phare Twinning Programme: Improving the Professional Level of the Czech Prison Service

This project to improve the professional level of the Czech prison service has two objectives: to contribute to the Czech efforts to comply with the European Prison Rules as adopted by the Committee of Ministers of the Council of Europe on February 12, 1987; and to upgrade the professional level of the Prison Service Management. For these objectives, a two-stage training programme will be required. First of all, language training will be necessary in order to increase basic knowledge of the English language. This phase is already in progress and is being organised by the Czech Ministry of

Justice. In the second phase, the target groups will be trained in human rights standards, management competencies and professional skills. They will also be trained in the management of organisational units of the Prison Service.

The Netherlands will contribute to the second phase. The assistance will be provided by means of a Twinning Package. A one-year Pre-Accession Advisor (PAA), Mr Jos de Graaf, General Manager of Penitentiary Institutions 'Achterhoek', has been selected. Short-term experts from the Netherlands Prison Service (DJI) and from the Netherlands Prison Service Training Institute will assist the PAA. DJI will provide a train-the-trainers course for a group of professional prison staff. In addition, DJI will arrange a visit for the future Czech trainers. The two key experts from DJI and the Netherlands Prison Service Training Institute are Mr Jan van den Brand and Mr Frank Borst.

The actual twinning will be realised between the Ministry of Justice of the Czech Republic, the Czech Prison Service and DJI. The NHC will provide support to the project manager, Mr Jan van den Brand. Ms Mechteld Schelberg will represent the NHC. The project will be financed by the European Commission and will commence in April 2002.

2.7.5. Strengthening Public Participation and Access to Justice in Environmental and Human Rights Decision-Making

In February 2001, the NHC was asked by Milieukontakt Oost-Europa to take part in a project in the Czech Republic. Other partners in this project are the Environmental Law Service (Ekologický právní servis - EPS) and Stichting Natuur en Milieu (The Nature and the Environment Foundation). The project will be financed under the Netherlands Ministry of Foreign Affairs' Matra Programme. Mr Jos Kösters represents the NHC.

The long-term aim of this project will be to strengthen public participation in and access to justice in environmental and human rights decision-making. The project will enforce public interest law in the Czech Republic. In addition, the NHC will support EPS in developing its human rights activities.

In October 2001 Mr Jos Kösters met a delegation of EPS which visited the Netherlands. The meeting decided that the NHC would present a proposal for specific activities that are aimed at further developing and strengthening the human rights activities of EPS. These activities should commence in 2002.

2.7.6. Phare Twinning Programme: Judicial Reform and Court Management

At the request of the Netherlands Ministry of Justice the NHC has developed a proposal for a Phare twinning project with the objective being to improve the efficiency of the courts as a means of increasing the working capacity and performance of the judiciary in the Czech Republic. On behalf of the Ministry, Mr Jos Kösters and Ms Mechteld Schelberg prepared a project proposal. Mr Kösters presented the proposal to the potential Czech beneficiaries in July 2001. However, in August the Czech authorities decided to choose the proposal which had been submitted by of Germany and the United Kingdom.

2.8. Estonia

2.8.1. The Legal Information Centre for Human Rights

The Legal Information Centre for Human Rights (LICHR) and the NHC have implemented a project concerning the promotion and strengthening of legal counselling in the field of human rights and minority rights. The activities of the project have consisted, among other things, of legal counselling by legal officers from the LICHR. The legal officers analyse and investigate the legal and practical situation concerning human rights and minority rights. The LICHR also publishes and disseminates analytical notes and papers and functions as an information centre. Furthermore, it organises workshops and seminars on relevant topics relating to the legal and practical situation of minorities. Finally, the project envisages strengthening the institutional structure of legal aid in Estonia. The project is financed under the Matra Programme of the Netherlands Ministry of Foreign Affairs. On behalf of the NHC, Mr Raymond Swennenhuis is responsible for the project. The project runs until January 2002.

On 11 and 12 January 2001 a seminar organised by the LICHR on non-discrimination, minority rights and integration in Estonian society took place in Tallinn. In 2000 the

LICHR has held a series of local seminars and workshops on integration issues and problems. The seminar in January 2001 was intended to sum up the principal ideas expressed during the course of this series and to consider them in the light of international norms and practices. The main objective of the seminar was to bring information on international human rights, minority rights and non-discrimination standards, as well as experiences and possibilities for its implementation into the Estonian legal system. Other topics for discussion included the fundamental legal problems of inter-ethnic integration in the present-day Estonia, such as obligations towards non-discrimination, effective participation of minorities in public life, problems of legal status, linguistic legislation, etc. In this seminar, 41 participants took part, among others representatives of the OSCE Missions to Estonia and Latvia; representatives of the Embassies of Sweden, Denmark, Great Britain and the Netherlands; representatives of ethnic-cultural societies and NGOs, scholars and lawyers. International experts were Mr Fernand de Varennes, Director of the Human Rights Institute of Australia; Mr John Packer, advisor to the OSCE High Commissioner on National Minorities; and Ms Janny Dierx of the Netherlands Commission on Equal Treatment. Ms Monica van de Ven attended the seminar on behalf of the NHC.

On 1 April until 6 May, Mr Vadim Poleštšuk, a legal adviser-analyst of the LICHR conducted a study visit to the Netherlands. He stayed at the T.M.C. Asser Institute where Ms Brigit Toebes coached him. The main purposes of the visit were to collect and analyse information regarding minority rights and equal treatment policies in Europe and the EU and about the activities of the OSCE High Commissioner on National Minorities (HCNM). In addition, the study visit was aimed at: examining the current Estonian legislation in order to discover its 'grey' areas with regard to non-discrimination by taking into account social, political and cultural backgrounds and the need for integration. Another aim was to try to apply parts of Western non-discrimination legislation within the framework of the current Estonian legal system on hypothetical level. The final target was the formulation of policy recommendations to facilitate the future democratisation of Estonian society and to prevent any forms of discrimination, especially on the basis of language and ethnicity. Additionally, several meetings were organised with the specialists from the T.M.C. Asser Institute and the HCNM Office. The facts and materials collected during the visit resulted in Mr Poleštšuk preparing publications which appeared in the autumn of 2001.

During the first part of 2001 the LICHR organised a number of seminars and round tables. A workshop on 'EU Directive and prohibition of discrimination in Estonia' was organised on 25 May in which 26 participants took part. The staff of the LICHR acted as moderators and lecturers at the workshop. The LICHR also held a working seminar on 'EU Accession Monitoring' for representatives of the Estonian government ministries, minority agencies, local NGOs, etc. The objective of this meeting was to discuss the report drafted by the LICHR which contains the legal assessment and overview of the state of minority rights in Estonia and the EU efforts to improve them with focusing on the Russian minority of Estonia. In June a human rights course was held at the Sillamae Institute of Economy and Management in Tallinn. The course was organised on the basis of financial assistance from the Royal Netherlands Embassy. The participants were students and active members of NGOs who function in the field of human rights in Estonia. The main goal of the course was to provide target groups with a basic theoretical and practical knowledge of the system of international human rights protection in the light of contemporary problems and relevant case law.

2.9. Hungary

2.9.1. Professionalisation of the Hungarian Penitentiary Service

Co-operation between the Dutch and Hungarian penal institutions, the Netherlands Prison Administration (DJI) and the Hungarian Prison Administration originates from 1998 and culminated in the idea to develop an all-embracing programme for twinning Hungarian and Dutch prison institutions. Mr Raymond Swennenhuis is responsible for this project on behalf of the NHC.

In August 2000 the NHC submitted a proposal for funding to the Matra Programme of the Netherlands Ministry of Foreign Affairs. The goal of the project is the further professionalisation of the Hungarian penal system, within the framework of existing and forthcoming policies, in such a way that policy and practice become interactive. The project consists of co-operation at the national and local level. Training sessions will concentrate on three topics: day programmes; juvenile detainees; and drugs in prisons. A series of seminars will be held on policy development at the national level. Finally, there will be a twinning programme, with 6 Dutch and 6 Hungarian prisons, aimed at co-operation between Dutch and Hungarian penal institutions in order to solve operational problems at the prison level.

After the project's approval, twinning programmes have been established between Dutch and Hungarian penal institutions: Penitentiary Institution (P.I). Breda with Budapest Prison and Budapest Remand House; P.I. 'De IJssel' in Krimpen aan de IJssel with Állampuszta Prison; Rijks Jeugdinrichting (State Correction Institution for Juveniles) 'De Doggershoek' in Den Helder with the Juvenile Institution of Kecskemét; P.I. 'Nieuw Vosseveld' in Vught with Szeged Prison; P.I. Zwolle with Eger Prison; and

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2.10. Kosovo

In May 2001, the Criminal Defence Resource Centre (CDCR) in Kosovo was formally established. CDCR is an NGO staffed by local and international experts and is designed to function as a resource and support centre for Kosovar defence lawyers. The Centre is currently seeking support in order to enhance its sustainability and growth.

In 2001, contacts were established between the CDRC and the NHC, after the Netherlands Association for Defence Lawyers received a request for support from the Centre.

In December, pilot talks took place between the Netherlands Ministry of Foreign Affairs and CDCR. The aim of these talks was to explore the possibilities for developing a project in co-operation with the NHC and the Netherlands Association for Defence Lawyers. The future project could focus on assistance to develop and present training seminars to national lawyers on trial techniques, advocacy and human rights law. The project will start as soon as detailed topics and financing have become clear.

2.11. Moldova

2.11.1. Establishment of a Human Rights NGO Resource Centre

Upon the initiative of three Moldavian human rights NGOs (Moldavian Helsinki Committee, Siedo, Lado-M) a plan was drawn up to establish a human rights resource centre, CReDO. The NHC was asked to provide assistance in the organisational development of CReDO. At the end of 1999, CORDAID decided to support CReDO financially. CReDO became operational at the beginning of 2000. Mr Raymond Swennenhuis is responsible for the project on behalf of the NHC. The project will run until November 2003 and is being financed by CORDAID.

The activities of CReDO consist of building up a documentation and information centre on human rights issues. CReDO furthermore provides information and documentary support concerning the functioning of human rights NGOs and groups in Moldova and abroad. Moreover, CReDO provides advice on and training in human rights NGO management. Finally, CReDO supports the development of a human rights NGO sector and human rights awareness by means of specifically developed projects.

During the year 2001, which has become the first year of full operational activities, CReDO organised several programmes. A Partnership Development Programme was organised with the intention being to strengthen the common action capacity of the main civic actors of Moldova (such as Moldavian Human Rights NGOs) as regards the most needy issues. Two partnership schemes were set up composed of 9 organisations in total, working on two of these major issues: prevention of torture in places of detention and prevention of social and economic exclusion. Organisations participating in this Partnership Development Programme are, among others, the Moldavian Helsinki Committee; the Independent Society for Education and Human Rights; and the Resource Centre of Moldavian Human Rights NGOs.

In April Mr Raymond Swennenhuis conducted a monitoring visit to CReDO in order to discuss the project's progress with the board and the staff. All the activities organised by CReDO were developing satisfactorily. CReDO has been moving confidently towards becoming a professional consultative and developing centre for civic organisations in the field of institutional management and the leading agency in consolidating civic organisations in Moldova.

2.11.2. Assisting Penitentiary Reform in the Republic of Moldova

In October 2000, the NHC, the Centre for International Legal Cooperation (CILC), the Netherlands Prison Service (DJI), the Constitutional and Legal Policy Institute (COLPI) and the Soros Foundation carried out a Needs Assessment Mission. The aim of this mission was to assess whether co-operation between the Dutch and Moldavian Prison Services was possible.

From 4 until 8 July 2001, a Project Formulation Mission was carried out in Chisinau, Moldova. The international experts were Mr Raymond Swennenhuis, who is responsible for the project on behalf of the NHC, and Mr Jan van den Brand, General Director of the Penitentiary Institutions in South-East Netherlands and co-ordinator of the Netherlands Prison Service. Several meetings were organised with Moldavian experts and prison representatives. The mission was concluded with the intention to submit a project proposal to the Soros Foundation and the Netherlands Embassy in November 2001. The proposal was submitted in co-operation with the Centre for the Assistance of Penitentiary Reform in Moldova (CARPEM).

The activities planned in the project proposal can be divided into three categories. The first category is composed of activities related to the promotion of alternatives to imprisonment and the legal and policy framework regarding the penitentiary; the second category of activities focuses on the work in penitentiary institutions, by way of organising training and twinning activities; the third category consists of mixed activities that are aimed at supporting the first two categories by promoting public awareness activities, such as information and contributing to a favourable public opinion. The project's activities will commence in 2002.

2.12. Poland

2.12.1. Phare 1998, Twinning Project between the Ministries of Justice of Poland, France, Germany and the Netherlands

At the request of the Netherlands Ministry of Justice, the NHC has been taking part in a Twinning Project between the Ministries of Justice of Poland, France, Germany, and the Netherlands. The project aims to strengthen the organisational capacity of the Polish Ministry of Justice. In this the contribution of the Netherlands has focused on two topics: penitentiary administration, including programmes for different categories of inmates; and training in subjects of international law including international legal co-operation. The overall project runs from April 1999 until April 2002. Ms Ineke van de Meene is responsible for this project on behalf of the NHC.

From 11 until 24 February 2001, three Polish public prosecutors visited the Netherlands. The central theme of the study visit was the fight against organised crime, with special attention being devoted to money laundering, economic crime and drugs-related crime. The programme also included further general presentations on the public prosecution service in the Netherlands. The contents of the programme were to the satisfaction of the participants.

The participants were Mr Jerzy Szymański, public prosecutor at the Organised Crime Bureau of the National Prosecutor's Office in Warsaw; Ms Joanna Grabowska, public prosecutor at the Organised Crime Section of the Regional Prosecutor's Office in Warsaw, and Mr Maciej Maćkowiak, public prosecutor at the Organised Crime Section of the Regional Public Prosecutor's Office in Poznań.

The Polish prosecutors visited, among other places, the Public Prosecutions Departments at the law courts of Utrecht and Den Bosch; the Front Office in Eindhoven (the Front Office is a project where attention is paid to co-operation between the police, the public prosecutions department, the probation service, and the victim support agency); EUROPOL; and NCIPS (the Netherlands Centre for International Police Co-operation), in order to attain maximum effect. Prior to the study visit a meeting took place in Warsaw with the Dutch police liaison officer Mr Wachter.

A study visit by representatives of the Polish prison service to the Netherlands took place from 24 June until 1 July. Two persons participated in this visit: Mr Bogdan Cuda, Director of Warsaw-Mokotów Prison, and Mr Jacek Pomiankiewicz, Deputy Director of Chelm Prison. The programme focused on the organisation and management of services within the prison, such as the domestic service (meals, laundry etc.); and on the working possibilities for prisoners. The participants visited prisons in the Southeastern part of the Netherlands as well as in the Northwest. The Dutch colleagues provided the Polish experts with an inside view of Dutch prisons and they were able to provide a great deal of information. Mr Jan van den Brand (General Governor of the South-East Penitentiary Institutions) and Mr Warnder Speelman (Local Governor of the Penitentiary Institutions in Northern Holland) were responsible for the contents of the programme.

Two Polish judges visited the Netherlands from 1 until 17 October. The central theme of this study visit was international judicial co-operation in civil and commercial matters. The participants were Mr W. Czechowicz, Vice-President of the District Tribunal of Warsaw-Praga and a labour law judge; and Mr G. Wałęjko, Civil Law Judge in the Regional Court of Lublin. Prior to the study visit to the Netherlands, an introductory meeting for the Dutch experts and Polish participants was organised in Warsaw. During this meeting Mr Paul Meijknecht, a lecturer in Dutch civil law, informed the judges about the Dutch legal system and the law of civil procedure. The programme for the study visit was intended to cover the various aspects of the main theme. Among others, the Polish judges met representatives of the Permanent Bureau of the Hague Conference for Private International Law, the Central Authority of the Ministry of Justice, the staff at various courts and court bailiffs.

2.13. Romania

2.13.1. Introducing a Probation Service in Romania

This project supports the Romanian authorities and NGOs in their initiative to establish a probation service in Bucharest. The partners in this project are the NHC, the Romanian Ministry of Justice, GRADO (a Romanian human rights organisation) and the Netherlands Probation Service (NPS). Mr Jos Kösters is responsible for the project on behalf of the NHC. The project started on 1 September 2000 and will continue until 31 August 2003. The Netherlands Ministry of Foreign Affairs is financing the project.

The GRADO team and the Bucharest Probation Team provided probation services for approximately 300 clients. The number of cases increased enormously after the establishment of the Bucharest Probation Service (BPS) in September 2001. The BPS provides probation services for the 7 Bucharest District Courts, the Bucharest Tribunal and the District Court of the SAI (Sectionul Agricol Ilfov, the administrative unit of Bucharest). The main probation activity was to draw up a pre-sentencing report at the request of the court. Furthermore, the probation teams contacted a total of 50 institutions, both state and non-governmental, in order to identify the kinds of support which they can expect to receive for their probation activities.

The long-term objectives of the project are, firstly, to introduce an optimally functioning and sustainable probation service in Romania. For this purpose a probation service will be set up with Dutch support in Bucharest. Secondly, to contribute to decreasing the number of people in prison in order to improve the living conditions for those who are imprisoned and to improve the working conditions for prison staff.

Between 6 November 2000 and 31 January 2001, the training of probation counsellors took place. This training consisted of a theoretical and a practical part. The practical part was organised from 3 until 31 January 2001 in Pitesti, Gaiesti and Targoviste. At the end of the training all the participants sat a concluding examination. All the participants passed the examination.

From 10 until 15 March, the Romanian Project Leader of GRADO, Mr Mihai Popescu, visited the Netherlands. The NPS and the NHC arranged the programme for his visit. The main focus of the programme was the preparation of an interim working plan for the Bucharest probation team. The probation team should use this plan for at least the period before the BPS comes into existence. Further, the programme dealt with the planning and monitoring process of the NPS; alternative sanctions; public relations; and communication. Mr Popescu visited the Head Office of the NPS as well as two regional offices.

The first meeting of the Steering Committee took place in April 2001. The main topic of the meeting was the working plan by the GRADO probation team. Other subjects that were dealt with were the developments at the Romanian Ministry of Justice and the development of the project.

The project partners had decided to draw up a working plan for the Probation Team for the first 12-18 months. This plan defines the objectives, activities and planning for the activities of the Bucharest Probation team. The first session of the additional training for staff in social and professional skills and knowledge took place from 17 April until 20 April in Bucharest. During this training programme, the activities of the Probation team, including establishing contacts with judges, drawing a social map of the sector, preparing pre-sentencing reports, and supervision counselling and social assistance,

were evaluated. The training included a practical exercise in preparing a working plan. The Dutch experts were Mr Willem van Aarle and Mr Dorus Karskens, both from the NPS.

As part of the initial training for its probation staff, GRADO organised team-building training in July and in August-September for the members of the Bucharest Probation team and the members of its other teams. The training provided the Bucharest team with an excellent opportunity to share its experiences with other teams and to learn from their experiences. Furthermore, the training provided a good opportunity to build up a national NGO probation network. A total of 40 persons attended the team-building training. The training resulted in better co-operation and communication between its teams. Furthermore, all team members developed a better understanding of the role and position of NGOs.

On 1 September the Probation Service of the Ministry of Justice was formally established. Mr Gabriel Oancea was appointed Head of the BPS. He was a member of the GRADO probation team that was recruited, selected and trained as part of this Matra probation project. The BPS has 12 staff members. It is part of the Ministry of Justice Probation Service.

On 22 September, Mr Jos Kösters met Mr Mihai Popescu and Mr Gabriel Oancea in Bucharest. They discussed the current situation of the newly established BPS, developments in the legislative field and the consequences for this Matra project. Mr Popescu and Mr Kösters proposed that GRADO and BPS should sign a protocol for co-operation.

From 24 November until 1 December a follow-up training programme for the first group of the probation team was held. The training focused on the following subjects: the preparation of pre-sentencing reports; and building relations with institutions such as school authorities, employers and colleagues. The Dutch expert, Mr Willem van Aarle of the NPS, provided the necessary feedback for the Head of the BPS (coaching, focusing on probation). He also advised GRADO and the BPS on their future co-operation.

2.13.2. Strengthening the Training Capacity of the National Institute for Magistracy in Romania

The project to strengthen the training capacity of the National Institute for Magistracy in Romania (NIM) focuses on subjects of international law (the European Convention on Human Rights and European Union law) and the role of the magistrate in a democratic country governed by the rule of law. The partners in this project are the NIM, the Netherlands Training and Study Centre for the Judiciary (SSR), and the NHC, represented by Mr Jos Kösters and Ms Annemarie Sweeris. In July 2001, Ms Mara van der Poel took over from Ms Sweeris. The Netherlands Ministry of Foreign Affairs is financing the project.

In 2001, the project partners organised the following activities: two seminars on the European Convention on Human Rights (ECHR), a train-the-trainers programme on the role of the judge in a democratic society governed by the rule of law, and two twinning visits from the SSR and NIM. In March, two Romanian judges, both graduates from the

NIM, visited the Council of Europe in Strasbourg together with a group of Dutch judges.

On 18 and 19 January 2001, the first seminar for Romanian magistrates from the NIM on the ECHR and criminal law was held in Sinaia, Romania. At this seminar the articles of the ECHR that are relevant to criminal law were discussed. Therefore, two criminal law experts from the NIM, Ms Lavinia Lefterache and Ms Anca Ghideanu, participated in this seminar. The two Dutch experts were Mr Martin Kuijer, lecturer at Leiden University; and Ms Tjetske Gerbranda, judge at the District Court of Maastricht. The seminar consisted of two days of introductions on various articles of the ECHR and concluded with a case study in which the participants had to apply these articles to a fictitious case. The participants all agreed that this seminar had enhanced their knowledge of the ECHR.

The second twinning visit from the SSR to NIM took place on 19 and 20 March. This visit concentrated on the development of professional education for Romanian law clerks. Ms Liesbeth Steendijk, Head of the International Affairs Department of the SSR, and Ms M. van den Bergh Nannings, educational expert at the SSR responsible for developing the curricula for law-clerks in the Netherlands, participated in the visit. From Romania, Ms Anisoara Sandru Dragu, Director of the Training Centre for Clerks (TCC); Ms Christiana, deputy manager of TCC; Ms Andronic, judge seconded to the NIM; and Ms Dana, lawyer working at the NIM within the framework of Phare 98, were present. The programme consisted of an exchange of information on the function of clerks in Romania and the Netherlands; their legal status, tasks and responsibilities, the subjects and skills in which clerks should be trained in the future; and an assessment of the methods and the way of training clerks and identifying a draft curriculum and implementation plan.

From 23 until 27 April, eight Romanian magistrates spent a week in the Netherlands to receive training in how to regulate workshops on the role of a magistrate in a democratic society governed by the rule of law. The aim of the training was to equip them with the necessary techniques and information to develop and to regulate workshops themselves. The knowledge and skills which they gained during this training session should result in an ability to create and lead workshops independently. The Dutch trainers were Mr Ger Mannourij (Vice-President at the Court of Appeal of Arnhem) and Mr Yvo van Kuijck (judge at the Court of Appeal of Arnhem) and Ms Selma Roenhorst (SSR).

The NHC, the SSR and the NIM organised two workshops on the role of the judge in a democratic society governed by the rule of law in Bucharest and in Mamaia from 17 until 21 September. They were attended by a total of 40 participants. The topics of the workshops were presented by Ms Angela Harastasanu, President of the Court of Appeal in Brasov; Mr Alexandru Vasilu, judge at the Court of Appeals in Brasov; Ms Roxana Trif, judge at the Tribunal in Brasov; Ms Ana Boar, President of the Court of Appeal in Timisoara; Ms Raluca Moglan, judge at the Court of Appeal in Bucharest; Ms Rodica Aida Popa, Vice-President of the Court of Appeal in Bucharest; Ms Simona Buzoianu, President of the Regional Court in Sinaia; and Ms Florica Bejinaru, President of the Tribunal in Turnu-Severin. Mr Ger Mannourij took part on behalf of the SSR. Mr Jos Kösters represented the NHC. The themes that were discussed included judicial independence, impartiality, corruption and the relationship of the judiciary with the

mass media. All the participants agreed with the relevance of the themes for the present situation in Romania. The two workshops were evaluated as a success. The Romanian regulators were well able to put the knowledge and skills, which they had acquired during the train-the-trainers session in April 2000, into practice.

From 15 until 19 October, eight Romanian magistrates came to the Netherlands for a train-the-trainers course on European Union law in Zutphen. As this topic is vast and complicated it was decided to postpone the didactical training until a separate seminar which will take place in February 2002. The training therefore primarily focused on the legal component. The programme started with a lecture on the EU institutions and its Judicial System by Ms A. Bultena, lecturer at the Erasmus University of Rotterdam. During the morning of the second day Ms Henrieke Hans of the SSR provided a course on didactics. After lunch Mr M. Fierstra, judge at the Regulatory Industrial Organization Appeals Court, continued the programme with a practical approach to EU law for the day to day work of a national judge. The third day of the seminar was entirely given over to Mr Christof Swaak, an attorney at Stibbe in Amsterdam and an ad hoc judge at the District Court of The Hague. Ms L. Senden, lecturer at the Catholic University of Brabant, discussed the European Court of Justice, its case law and the procedures before it. Ms Nathalie Glime of the SSR, who explained to the participants how they could find the different sources of information on the EU on the Internet, took up the final day of the seminar with an Internet presentation. All the participants received a portfolio containing materials such as relevant case law and treaties, prepared by the SSR.

Besides this seminar in Zutphen, another twinning visit took place from 15 until 18 October. Prof. Marilena Uliescu, Director of the NIM, and Ms Anastasiu came to the Netherlands to meet with Ms Liesbeth Steendijk, Head of the International Affairs Department of the SSR. The reason for this twinning visit was the development of training for magistrates in general.

The project's final activity during 2001 took place in Brasov, from 5-7 December. In Brasov, a seminar was organised on the ECHR. The first day was spent on evaluating the former courses for trainers in Romania and in the Netherlands. The seminar opened on December 6 with an introduction to the ECHR by the Dutch expert, Mr Martin Kuijer. In the afternoon, the Romanian experts Ms Lavinia Lefterache and Ms A. Constanda took over. During the second day, three other Romanian experts (Ms Maura Olaru, Ms A. Ciuca and Ms Octavia Spineanu) discussed various articles of the ECHR. The seminar concluded with a case study prepared by Mr Kuijer, which extensively dealt with all the civil law aspects that had been discussed during the past two seminar days. The seminar was evaluated as being very successful. The Romanian trainers were of the opinion that they had gained sufficient information to be able to incorporate the ECHR in their own training curricula.

During the year 2001, several meetings took place between Mr Jos Kösters, the Romanian Ministry of Justice and the Romanian Embassy in the Netherlands. In May 2001, Mr Coen Stork and Mr Jos Kösters had a meeting with the Romanian Minister of Justice, Ms Rodica Stanoiu, in the Netherlands.

2.14. Russian Federation

2.14.1. *Human Rights Summer School in the Russian Federation*

This two-year project is intended to meet the need among regional human rights NGOs in Russia for training in the theory and practice of international human rights standards by establishing the Summer School for Human Rights in Moscow. The project partners are the NHC, the Moscow Helsinki Group (MHG) and the Polish Helsinki Foundation for Human Rights (PHFHR). Within the timeframe of the programme, international and local experts trained a group of 16 trainers. Twelve of the participants came from different Russian regions and 4 participants were invited from Belarus.

The train-the-trainers programme (November 1999-May 2000) provided a solid theoretical basis in the area of human rights and international law as well as intensive training in the skills needed on the part of future trainers. Both the knowledge and the skills were recently tested and practised during the four regional seminars that followed the training from August 2000 until April 2001. Present at all four regional seminars were Ms Anna Stunova of the NHC and Ms Olga Federova of the MHG. Invited PHFHR representatives (for all seminars) were Ms J. Kacprzak and Ms H. Chilmon who guided the future trainers from the point of view of methodology.

The first Regional Seminar, with the media as its topic, took place in Irkutsk in August 2000. The Second Regional Seminar took place in Grodno, Belarus, from 26-28 January 2001. The theme of this seminar was 'Human Rights and the Mechanisms for their Protection. Freedom of Assembly, Freedom of Speech and the Right to Free Elections'. The trainers were Mr Viacheslav Bolbat, Mr Aleksander Antonyuk, Ms Angela Bakach and Mr Viktor Yaroshuk. The invited Polish experts were Ms J. Kacprzak and Mr M. Szymczyk. The Russian experts present were Ms M. Poliakova and Mr V. Gefter. The participants, around 30 persons, were for the most part associates of the organisations from which the trainers had been recruited as well as activists from other associated local organisations (in, amongst other places, Grodno, Pinsk, Bobruysk and Baranovichi). The programme included four blocks of subjects. The first block consisted of an introduction to basic human rights principles; the second concerned international standards for human rights protection by the OSCE and the Council of Europe; the third block paid attention to civil societies; and the fourth to public interest actions.

The third Regional Seminar in Ulyanovsk was held from 2 until 4 April. The subject of this seminar, in which 16 persons participated, was Human Rights Monitoring. The participants were activists from social organisations in the Ulyanovsk district: ecological, consumers', youth and students' organisations, representatives of the local branches of 'Memorial' and the Humanities University. The trainers were Ms Sonia Ivanova, Mr Igor Sazhyn, Ms Elena Bahanova and Mr Vasili Gusliannikov. Firstly, an introduction to human rights was provided. This was followed by several lectures and exercises on human rights monitoring: subjects that can be monitored, making the aim of monitoring operational, techniques for information gathering, using and distributing a monitoring report at the national and international levels, etc.

The final Regional Seminar was organised in Rostov on the Don from 6 until 8 April. This seminar's theme was 'A Complex Approach to the Solving of Socially Important Problems and the System for Co-operation of the Four Branches of Power'. The 16 participants were activists from social organisations in the Rostov district and invited

During the Summer School the participants had the opportunity to talk about problems in their regions and about their own work. This was very important, as the goal of the School was not only to transfer knowledge, but also to provide the opportunity for the human rights activists to meet each other, to share information and to develop a network for further potential co-operation. This was encouraging in many respects.

With the ending of this project, considerable results have been achieved. More than 110 participants at the Regional Seminars have become acquainted with Human Rights principles and 15 trainers have been trained during this Summer School. All three partners in this project have valued the mutual co-operation to such an extent that two new projects have been developed: 'Human Rights and the Russian Media' and 'Human Rights Monitoring Network in the Russian Federation'.

2.14.2. Human Rights and the Russian Media

In co-operation with the Moscow Helsinki Group (MHG) and the Management and Media Academy in Amsterdam (MMA), the NHC contributed to a new project proposal on the position of the Russian media. Besides the MMA and the NHC the partners in the project are the MHG, the St. Petersburg National Press Institute (NPI) and the Association of Journalism Teachers of Regional Universities in the Russian Federation. The overall goal of the project is to improve the communication between human rights NGOs and the media. Hence the project assists human rights NGOs to share working experiences - such as monitoring human rights - more effectively and thereby to distribute human rights information to a wider public. The project consists of the following activities: media training for human rights NGOs; human rights training for the media; dialogue between human rights NGOs and journalists; and round-table discussions for the media, human rights NGOs and local government. The project's activities commenced in August 2001 and will terminate in August 2003. The Netherlands Ministry of Foreign Affairs under the Matra programme is financing the project. Ms Anna Stunova is responsible on behalf of the NHC.

The first seminar under this project was jointly organised by the MHG and the NHC. The seminar, in which the target group were regional human rights activists, was on different aspects of effective public relations work for NGOs, primarily on building up constructive ties with the mass media and promoting human rights in the press. The seminar was organised in Sochi, Russian Federation, from October 29 until November 2, 2001.

The seminar was divided into 4 parts. The seminar commenced with an introduction to the concept of public relations. The next topic was the effective co-operation of human rights activists with the printed media. The third part of the seminar was aimed at teaching human rights activists how to effectively interact with TV and radio. The last day of the seminar, a small round-table conference was held for the participants with journalists from leading central newspapers. This meeting represented a free-flowing discussion with journalists. The journalists invited were those who have already formed close working ties with the MHG and the Information Centre on Human Rights. They were interested in regional human rights activists and their differences and similarities with the Moscow human rights environment. The journalists advised the participants on how to approach journalists and which kinds of articles have the best opportunity of being published.

Trainers invited for the seminar's introduction were Ms Nadezhda Chugainova and Ms Irena Ververi, specialists in public relations working in the field of election campaigning and advertising. The Executive Director of the MHG, Mr Daniel Mescheryakov, assisted them. Ms Elena Grishina, Director of the Information Centre for the Human Rights Movement, acted in the capacity of trainer for the second part of the seminar. The third part was conducted by Mr Oleg Gadyuchkin, Director of an independent TV and radio station with the assistance of Ms Tanya Lokshina, Director of International Programmes of the MHG.

The participants assessed the quality of this first seminar, the level of usefulness of the skills and the knowledge gained, and the professionalism of their trainers as being very high.

2.14.3. Human Rights Monitoring Network in the Russian Federation

This project involves the realization of a complex human rights monitoring programme. It was submitted by the Moscow Helsinki Group (MHG) along with the international partners the International Helsinki Federation for Human Rights, the Polish Helsinki Federation for Human Rights and the NHC. Eighty-nine regional organisations all around the Russian Federation are involved as local partners. The aim is to improve the human rights situation in the country. This improvement is to be established by way of efforts emanating from civil society: regional NGOs forming a countrywide human rights monitoring network. The NGOs across the country will conduct a monitoring programme and prepare annual reports on the human rights situation in the Russian Federation. They will also develop four thematic monitoring sub-projects targeting problems which the Russian Federation now faces. The project will pay particular attention to promoting the development and reinforcement of human rights organisations in North Caucasus.

The results of this MHG monitoring project should be proclaimed and published in Western Europe by the media, as well as political lobby and international organisations. In the mean time, MHG submitted the project proposal to the European Commission (European Initiative for Democracy and Human Rights, TACIS). The proposal was accepted in December 2001 and the activities will commence in February 2002.

2.15. Ukraine

2.15.1. Making Standards Work in Correctional Institutions

The aim of the project is to further the process of transforming the juvenile penitentiary system of Ukraine and to bring it into closer conformity with the international standards concerned.

The partners in the project are, from the Ukrainian side, Ukraine's State Department for the Execution of Punishment, the Kuriazh and Pryluky correctional institutions, the Chernihiv Institute, the Ukrainian Legal Foundation (ULF) and the National Law Academy. The Dutch partners are: the juvenile institutions of 'Teylingereind' and 'Hunnerberg' in the Netherlands, the Netherlands Child Care Protection Board, the Sputnik Foundation, and the NHC. The project runs from April 2000 until April 2003 and is being financed under the Matra Programme of the Netherlands Ministry of Foreign Affairs. Ms Monica van de Ven is responsible for the project on behalf of the NHC.

From 25 March until 1 April 2001, the second working visit of this project took place. An Ukrainian delegation consisting of 13 persons visited the Netherlands. Furthermore, a representative of the State Department and a representative of the Chernihiv Law School (Training Institute for prison personnel) participated in the delegation. Five delegation members from the Pryluky correctional institution visited Teylingereind in Sassenheim and five delegation members from Kuriazh correctional institution visited Hunnerberg in Nijmegen. During this working visit, the Ukrainian delegation was introduced to the Dutch juvenile prison system and to the system and methodology of

treatment in Teylingereind and the Hunnerberg. In Teylingereind the delegation was informed of the theory of 'Equip' (training in social skills) and this methodology was demonstrated in practice. The delegation to Hunnerberg became acquainted with the methods of treatment and education. The group visited, among others, a company where a juvenile can work as an intern in order to prepare for his life in society. The delegations also together visited other juvenile institutions involved in juvenile crime prevention and the reintegration of juveniles into society.

During the spring and summer of 2001, the Dutch partners developed a draft working plan. The final version of this working plan consists of aims and activities and a time schedule forthcoming period.

From 30 September until 12 October, the third working visit took place. A delegation from Hunnerberg visited the Kuriazh juvenile institution in Charkiv, Ukraine. A delegation from Teylingereind visited its twinning partner in Pryluky. The aim of the visit to Kuriazh was to train the Ukrainian staff members in democratic principles and the Rights of the Child. This meant acquainting the administration and staff in Kuriazh with, for example, the provision of positive feedback to juveniles and physical capacity training i.e. to learn skills in order to be able to better deal with difficult youngsters who cannot be dealt with in a normal way. Staff members from the Hunnerberg and Kuriazh together organised lectures and discussions on different topics. These topics were: Makarenko's principles on raising children and the integration of Makarenko's ideas in everyday life; the meaning of the UN Convention on the Rights of the Child in Dutch society; the methodology to successfully coach youngsters from education to a job; and the treatment of youngsters at Hunnerberg. This treatment includes behaviour therapy, providing positive feedback and the ability to deal with difficult behaviour. The Ukrainian trainers were Ms Tetiana Nesterenko, a psychologist and Mr Andriy Scherban, Deputy-Director of Kuriazh. The Dutch trainers were Mr Hans de Groot; Mr Bep de Weijer and Mr Ernest Waanders, all from Hunnerberg.

The visit of the delegation from Teylingereind to Pryluky related to the following topics: the Convention on the Rights of the Child; the ideas of Makarenko and their significance for Teylingereind and Pryluky; the way in which positive feedback should be provided to the youngsters; resocialisation (a plan of coaching from school to a job, network support and crime analysis); and the 'Equip' method (training in social skills, dealing with aggression and discussing moral dilemmas). These topics were elaborated during the second week in which the resocialisation plan was taught. Furthermore, the Dutch experts demonstrated a part of the 'Equip'-method. 'Equip' was also practised with the staff and a few youngsters. The Dutch trainers in the Pryluky programme were: Mr Kees Mos, Mr Jan van Westerlaak, Mr Henno Verdam and Ms Mirjam Wierda.

2.15.2. Strengthening the Ukrainian Judiciary

This project to strengthen the Ukrainian judiciary is being realised with financial support from the Netherlands Ministry of Foreign Affairs and the Council of Europe, in co-operation with the Supreme Court of Ukraine, the Ukrainian Legal Foundation (ULF) and the Centre for International Legal Cooperation (CILC). The CILC submitted the proposal to the Netherlands Ministry of Foreign Affairs, in co-operation with the NHC. The project concentrates on expanding the training capacity of the Ukrainian judiciary, the improvement of court administration, enhancing the understanding and application of the decisions of the European Court of Human Rights, and strengthening

the independence of the Ukrainian judiciary. The activities are grouped in modules that deal with different activities such as a study visit to the Netherlands and several study seminars. The CILC as the co-ordinator of the project organised some seminars in 2001. The NHC, represented by Ms Anna Stunova, is responsible for the human rights part of the project. The NHC has been responsible for the organisation of the seminar on judicial decisions. This seminar was organised in January 2002.

3. MONITORING AND PROMOTING THE HELSINKI PROCESS

3.1. Helsinki Monitor

Helsinki Monitor is a quarterly on security and co-operation in Europe. The NHC has published *Helsinki Monitor* since 1990. Since 1993 the NHC and the International Helsinki Federation for Human Rights (IHF) have jointly published *Helsinki Monitor*. Ms Monica van de Ven is the Executive Editor of *Helsinki Monitor*.

The aim of the quarterly is to report on OSCE developments and to provide thorough background information. Subscribers to *Helsinki Monitor* are individuals in the professional field, human rights NGOs, policy makers in the OSCE field, journalists, representatives of the academic world, as well as readers interested in security, co-operation and human rights in Europe. In addition to a large number of articles on the OSCE and related issues, *Helsinki Monitor* contains OSCE documents, a detailed OSCE Chronicle, book reviews and short notices of recent publications.

The Editorial Board currently consists of 13 members. Two new members have joined the board on invitation: Mr Zarko Puhovski (Chairman of the Croatian Helsinki Committee, Professor of Political Philosophy at the University of Zagreb, and Scientific Director of the European University Centre for Peace Studies in Stadtschlaing, Austria) and Mr Andrei Zagorski, Professor at the Geneva Centre for Security Policy (GCSP). These new members strengthen the input in the Board from Central and Eastern Europe. Ms Gerti Arts left the Board in 2001.

In January 2001, the publisher Kluwer Law International took over the production, distribution and marketing of *Helsinki Monitor*, in order to ensure its continuity. The NHC and the IHF continue to be responsible for the contents of *Helsinki Monitor*.

The topics dealt with in 2001 were, among others: the Kurdish Conflict in Turkey - (not) a Subject for the OSCE?; Significant Achievements in the Fight Against Trafficking in Human Beings; A Case Study in Dutch Cold War Policy; The OSCE Mission in Kosovo: Two Years into Institution Building. A complete overview of the articles published in *Helsinki Monitor* in 2001 is enclosed in chapter 5.2.

On 24 November 2001, the Annual Meeting for the international editorial board was held in Vienna. During this Annual Meeting, all the editors could become more directly involved in the editorial process. In addition to discussing the contents, policy and format of *Helsinki Monitor*, an opportunity is provided to think of new ideas for theme issues and regular issues.

3.2. NHC Monitoring Activities

From 28 February until 4 March, Mr Jan ter Laak, a senior advisor of the NHC, participated in an IHF Fact-Finding Mission to Montenegro. This mission was a follow-up to the August 2000 Mission. Mr Ter Laak was accompanied by, among others, Mr Ulrich Fischer, Vice-President of the IHF and Mr Slobodan Franović of the Montenegrin Helsinki Committee for Human Rights. During this mission, the IHF team met with the Minister for Foreign Affairs, Mr Branko Lukovac, with representatives of

the Social Democratic Party, as well as with independent intellectuals to discuss the issue of the forthcoming parliamentary elections in Montenegro that had been planned for April 22. These elections were closely linked to the question of the status of Montenegro vis-à-vis the Federal Republic of Yugoslavia. A significant aspect of the discussions was the ongoing debate on whether or not to conduct a referendum on the independence of Montenegro. It was decided that the newly elected Parliament should reach a decision concerning a referendum. In addition, the delegation spoke with several representatives of the Montenegrin Orthodox Church, the Serbian Orthodox Church, the Roman Catholic Church and 7th Day Adventists.

From 31 May until 4 June, Mr Jan ter Laak participated in a symposium in Banja Luka organised by the Helsinki Committee of Republika Srpska. The symposium was dedicated to the role which religious communities can play in the reconstruction of Bosnia. A striking aspect was the fact that the Orthodox Church was not present at all. The Islamic and Roman Catholic communities only sent lower deputies.

Mr Ter Laak was requested by the IHF to participate in an IHF Fact-Finding Mission to Macedonia from 12 until 18 September. Other participants were, among others, Mr Aaron Rhodes, Executive Director of IHF, Ms Mirjana Najcevska and Mr Gordan Kalajdziev, both from the Helsinki Committee for Human Rights of the Republic of Macedonia. The team met with Macedonian and Albanian political leaders, representatives of institutions and non-governmental organisations, the media and international representatives. The team also spoke with witnesses to the operations of the Macedonian security forces that are accused of having committed grave human rights violations. In addition, the team held a meeting with a NGO in the multi-ethnic town of Gostivar. Gostivar is trying to improve its interethnic relations.

The central aims of this mission were to gain a clearer picture of the assessment of Macedonian civil society actors vis-à-vis the Ohrid Framework Agreement of 13 August 2001 and to speak with and to support victims of human rights violations. Another important topic of the mission was the security situation in the country in anticipation of the end of the NATO operation entitled 'Essential Harvest'.

Reports on the fact-finding missions to Macedonia, Montenegro and Banja Luka are available at the IHF Office: www.ihf-hr.org. In these reports, the results and conclusions of the missions are described in detail.

At the request of the European Centre for Conflict Prevention, Mr Jan ter Laak visited Sarajevo from 8 until 12 April. Mr Ter Laak was requested to lead the discussion with experts in the field from former Yugoslavia who had contributed to the book that was published by the Centre in March 2002. The title of this book is: 'Searching for Peace in Europe and Eurasia - An Overview of Conflict prevention and Peace building and Activities'. Edited by Paul van Tongeren, Hans van de Veen and Juliette Verhoeven (Lynne Renner Publishers, March 2002).

Mr Ter Laak was requested by HIVOS to visit Bosnia, Kosovo and Macedonia from 25 November until 3 December. The aim of this visit was to evaluate projects in South-Eastern Europe that were financed by HIVOS as part of the Stability pact. Together with Mr David Sogge, an expert in development issues and co-operation, Mr Ter Laak visited the Helsinki Committees in Bosnia and Macedonia.

3.3. Preparations for the Netherlands OSCE Chairmanship in 2003

In 2003, the Netherlands will be the Chairman-in-Office of the OSCE. In 2001, the NHC commenced the preparations for activities relating to this OSCE Chairmanship. For 2002, the NHC has planned two Round-Table conferences. The first Round-Table conference is to take place on 22 April 2002 in The Hague. The topic of discussion during this conference will be the agenda for the Netherlands OSCE Chairmanship. The second conference will be organised on 14 November 2002, also in The Hague. This conference will take place before the 2002 IHF General Assembly.

3.4. Publicity

In the summer of 2001, *MORSE*, the annual publication of the Foreign Affairs unit of the Netherlands Probation Service, devoted attention to the introduction of a probation service in Romania. The NHC also participates in this project.

3.5. Advocacy

In May 2001, the Netherlands Minister for Foreign Affairs and the Minister of Development Co-operation submitted a Policy Paper on Human Rights to the Chairman of the Permanent Commission for Foreign Affairs. The Policy Paper on Human Rights describes, among other things, the target countries of the Dutch Human Rights Policy, which include: countries where severe human rights violations take place; countries that wish to join the European Union or the Council of Europe; and countries with which the Netherlands maintains a special relationship.

Recently, some new member states have joined the Council of Europe. Violations of the European Convention on Human Rights are still often being reported in these countries. In a reaction to the Note on Human Rights Policy, the NHC has stated that the consolidation of a well-functioning constitutional state to the new and candidate members of the Council of Europe, is of the utmost importance. This should be achieved by strengthening an independent and qualified judiciary and continuing the organisation of training seminars for the professional groups concerned (lawyers, the police, prosecutors, prison staff). Furthermore, it is considered necessary to continue this support some time after the new member states have joined.

Mr Jan-Herman van Roijen, Mr Jos Kösters and Mr Jan ter Laak further explained these recommendations by the NHC during proceedings in the Netherlands Parliament on 18 June. Furthermore, the NHC comments have been incorporated in Parliamentary questions on the Human Rights Policy Paper.

4. INTERNAL ORGANISATION

4.1. Board

Prof. M. van der Stoel is the Honorary Chairman of the NHC. The NHC executive committee consisted of the following persons: Mr J.H.R.D. van Roijen (Chairman), Mr B. van Delden (Vice-Chairman), Mr I.F. Dekker (General Secretary), Mr B.N.J. Pompen (Treasurer), Ms N. Barendregt, and Dr A. Bloed. Prof. W.J.M. van Genugten left the executive committee in November. Dr E. Bakker joined the executive committee in October. Mr J. ter Laak is the senior advisor to the executive committee. The executive committee met on five occasions during 2001.

The committee members are: Prof. E.A. Alkema, Mr J.G.A. van den Brand, Mr W. Deetman, Mr A. Dijkmeester, Mr T. Etty, Mr C. Flinterman, Ms H.M. Gelderblom-Lankhout, Mr L.J. Hogebrink, Mr C. Homan, Mr J.G.N. de Hoop Scheffer, Mr G. Huyser, Mr C.F. Stork, and Mr E. van Thijn. In 2001, Mr H.J.B. Aarts, Ms A. Wassink-Ibbenhorst and Mr W.A. Zuidhof left the Committee. The Committee was expanded with the inclusion of Ms S. van Heemskerck Pillis-Duvekot, a Member of the Executive Committee of the political party VVD, at the beginning of 2002. The committee met on two occasions during 2001. Thematic issues that were dealt with during the meetings were: the Netherlands Chairmanship of the OSCE in 2003; the protection of fundamental human rights in the European Union; and the criticism by the orthodox churches and orthodox countries concerning the fact that the European Union tends to dominate the discussion on standards and values.

4.2. Secretariat

Mr Jos Kösters remained Executive Director and Mr Raymond Swennenhuis Deputy Director. Ms Margaret Karsten remained Office Manager. Ms Monica van de Ven, Ms Ineke van de Meene and Ms Anna Stunova remained as staff members. Ms Mechteld Schelberg joined the secretariat on 1 January 2001. Ms Rachel Lopes Cardozo worked for the NHC as a secretary from 1 February until 31 December 2001. She was replaced by Ms Karin den Dulk as of 1 January 2002. Ms Annemarie Sweeris left the NHC on 31 July 2001 and was replaced by Ms Mara van der Poel. Ms Barbara Henkes continued to work on a free-lance basis for the NHC. Mr Jeroen Peeren and Ms Pauline van Heeckeren worked as interns.

4.3. Social Annual Report

In 2001, the NHC paid extra attention to the working conditions for its employees and experts. As a requirement of the Occupational Health and Safety Act, a risk inventory and evaluation was carried out to identify those working conditions that should be improved. A plan of action was elaborated, which was approved by ArboNed (the approving authority for working conditions). The NHC took measures to reduce physical health risks for NHC employees. Attention was also paid to safety issues in the building and emergencies during travels abroad. The legal status regulation of the NOVIB has been adapted to the NHC rules. In addition, the NHC pension regulation was adapted. The NHC appointed a trusted representative to act for its employees, Ms A. Wassink-Ibbenhorst.

4.4. Website

In August 2001, the NHC launched its website on the Internet. The address of the NHC website is: www.nhc.nl.

4.5. International Helsinki Federation for Human Rights

On behalf of the NHC Mr Jan ter Laak and Ms Margaret Karsten attended the 2001 IHF General Assembly in Zagreb from 15 until 18 November. During this meeting it was decided that the NHC will organise the 2002 IHF General Assembly in The Hague. This Assembly will take place from 14 until 17 November 2002.

Mr Ter Laak also took part in several IHF activities (see 3.2. NHC Monitoring Activities).

In June 2001, Mr Aaron Rhodes, Director of the IHF, visited the NHC. He met the Executive Committee of the NHC and participated in its meeting. The topics that were discussed included the NHC plans for the Netherlands Chairmanship of the OSCE and the 2002 Annual Meeting of the IHF.

FOTO 6

The staff of the NHC, January 2002. From left to right: Raymond Swennenhuis, Karin den Dulk, Monica van de Ven, Mechteld Schelberg, Jos Kösters, Ineke van de Meene, Margaret Karsten and Pauline van Heeckeren (intern). Anna Stunova was absent.

5. ANNEXES

5.1. Contribution of the NHC to the IHF Annual Report 2002

The Netherlands¹

IHF FOCUS: euthanasia legislation; international humanitarian law; religious intolerance; women's rights.

The primary human rights concern in the Netherlands in 2001 was the implementation of the new law on the termination of life upon request and assisted suicide. This law was one of the main subjects of discussion and criticism both in the Netherlands and abroad. Another issue that caused international criticism to be levelled against the Netherlands was the position of women. The United Nations Committee on the Elimination of Discrimination against Women (CEDAW) made several critical remarks on the position of Dutch women in the labour market and on the Dutch policy as regards prostitution. Special concerns were expressed over the fact that there was a political party represented in Parliament that excluded women from its membership.

The District Court of Zwolle's rejection of a female applicant for the post of registrar based on the fact that she wore a headscarf, gave rise to public debate about the position of ethnic minority groups in the Netherlands.

The Dutch Euthanasia Legislation

After intensive public discussions, on 10 April, the First Chamber of the Dutch Parliament approved a bill concerning the "Review for Termination of Life Upon Request and Assisted Suicide". The law will enter into force in 2002.

For at least fifteen years, the practice of euthanasia has, under strict conditions, been legally accepted by the Supreme Court (*Hoge Raad*). According to its judgements, a physician may justify his/her actions in the case of euthanasia carried out with care. In such a case, the Court decided on several occasions that the physician in question had not committed a crime. This case law was also recognised by the prosecution and in several legal provisions such as the Burial and Cremation Act. Thus, long before the acceptance of the new legislation, euthanasia was, subject to certain conditions, legally accepted under Dutch law. The aforementioned bill also explicitly incorporated this legal policy in the Dutch Criminal Code (*Wetboek van Strafrecht*), which additionally has at least a far-reaching symbolic meaning. During the occasionally heated debate in Parliament preceding the approval of the bill, the Minister of Justice pointed out that the legal policy concerning euthanasia could count on broad support within Dutch society. He concluded, that "the law is an expression of the scrupulous way in which our society deals with the genuine wish of patients enduring unbearable suffering, to end their life."²

¹ Based on information from the Netherlands Helsinki Committee to the IHF.

² Ministry of Justice, "Bill for testing requests for euthanasia and assisting with suicide passed by Dutch Parliament", press release, 10 April 2001, at www.minjus.nl.

Summary of the Law

The new law amended the Dutch Criminal Code by inserting a provision on the extraordinary ground for excluding the criminal responsibility of physicians committing euthanasia. Euthanasia and assisted suicide will no longer be punishable provided that a physician has satisfied the due care criteria laid down in the law and reports immediately to the municipal pathologist that the cause of death is euthanasia or assisted suicide, in accordance with the relevant provisions under the Burial and Cremation Act. When these two conditions have been met, the municipal pathologist reports the physician's actions to a regional review committee to determine whether or not this was performed with due care.

Until the enforcement of the new law, the physician's assistance in the termination of life upon request or suicide had to be immediately reported to the public prosecutor and to a regional review committee, consisting of a lawyer, physician and an ethicist. Under the new law, a physician will not report his actions directly to the prosecutor but only to one of the regional review committees. These committees are no longer obliged to forward a case of euthanasia to the prosecutor when all the standards of due care have been complied with. Therefore, the notification of an act of euthanasia is essential if doctors wish to invoke the exemption from criminal responsibility under Dutch law. If the due care requirements have not been adequately met, the review committee reports the physician's actions to the Board of Procurators-General. Thus, in some ways this law removes euthanasia from the criminal law domain.

The new law in no way diminishes the criminality of other forms of voluntary euthanasia and assisted suicide, in particular those acts which do not meet the requirements of due care or those involving assistance by a person other than a physician.³ The Dutch Government has also stressed that it will not be possible to administer justifiable euthanasia to those persons who are simply "tired of life" or "ready to die" without medical reasons.⁴

According to the new bill, a physician executing euthanasia or assisted suicide must fulfil certain requirements. These requirements are also, to a large extent, codifications of existing case law. In the first place, the physician must be convinced that the patient's request is voluntary and well-considered; that the patient's suffering is unbearable and that there is no prospect of improvement; and he/she must inform the patient of his/her situation and further prognosis and discuss the situation with the patient. The physician and the patient must come to the joint conclusion that there is no other reasonable solution. The physician must consult at least one other physician who is not connected with the case who must see the patient and state in writing that the attending physician

³ Heleen van Maurik, "Green Light for Dutch Legislation on Euthanasia", *Medisch Contact*, Vol. 56, No. 4, January 2001.

⁴ In 1998, an 86-year-old former member of Parliament, who was tired of life, requested an assisted suicide. Initially, the physician who gave the man a deadly drink was acquitted on this charge. However, in April 2001, the public prosecutor reopened the case and again demanded a verdict of guilty without punishment. He argued that the physician, who administered the deadly drink, should have looked for different solutions to the man's weariness with life which did not have urgent medical reasons. At the time of writing it was not yet clear whether or not the physician would lodge an appeal with the Supreme Court. (www.nvve.nl/informatie/brongersma.htm).

has satisfied the due care criteria listed above. Finally, he or she must exercise due medical care and attention in terminating the patient's life or assisting in his/her suicide.

Minors

The new bill contains specific provisions on requests from minors to have their lives terminated or for assistance in their suicide. As the two ministers indicated, even young people are in the position to make the necessary judgement to arrive at a well considered decision to request euthanasia. As regards to the various age groups, the new legislation follows existing legislation concerned with medical conduct as regards minors. Children aged 16 or 17 can, in principle, make their own decision. Their parents, however, must be involved in the decision-making process regarding the ending of life. For children aged 12 to 16, the approval of the parents or guardian is required. The doctor must always comply with the due care requirements mentioned above.

Foreign Criticism

From 9-10 July, the United Nations Human Rights Committee thoroughly discussed the Dutch law on euthanasia in its third report concerning the Kingdom of the Netherlands as party to the International Covenant on Civil and Political Rights.⁵ The Committee acknowledged that the new law was the result of extensive public debate addressing a very complex legal and ethical issue. It recognised that the law seeks to provide legal certainty and clarity in a situation that has evolved from case law and medical practice over a number of years. The Committee did not so much doubt the act's legitimacy, but was concerned as to how the act will operate in practice. In addition, the Committee expressed its serious concerns on some aspects of the law.

First of all, the Committee was concerned that the new law is also applicable to minors who have reached the age of twelve. The Committee considered it very difficult to reconcile a reasoned decision to terminate life with the evolving and maturing capacities of minors. In view of the irreversibility of such a decision, the Committee was convinced that minors are in particular need of protection.

Secondly, the Committee doubted the clarity and the correct implementation in practice of some of the due care requirements. The Netherlands was asked to provide a further report with detailed information as to what criteria are being applied in order to determine the existence of a "voluntary and well-considered request" (requests which lack undue pressure), "unbearable suffering" and "no other alternative".

The Committee was also concerned that, with the passage of time, such a practice may lead to a set routine and insensitivity as regards the strict application of the requirements, a fact that had not been anticipated. The Netherlands has been asked to strictly monitor the law and to continue to observe it.

Thirdly, the Human Rights Committee, having taken full note of the monitoring task of the review committees, expressed its concerns about the fact that the review committees

⁵ United Nations Human Rights Committee, *Concluding Observations of the Human Rights Committee: Netherlands*, 20 July 2001.

only exercise *ex post* control, not being able to prevent the termination of life when the statutory conditions have not been fulfilled.

The Dutch Government stated in reaction to the observations of the Committee⁶, that most of the considerations had already been dealt with during the debates in Parliament. They will again be given the fullest attention. There are no indications whatsoever that physicians involved in performing euthanasia do not act with the utmost care, it added. It is admitted that *ex post* and *ex ante* control are required to the same extent. According to the Government, the obligation to consult another physician before performing euthanasia by and large meets this requirement. The Ministers also agreed with the Committee's comment that minors are in need of particular protection, but in practice a request by minors to have their lives terminated hardly ever occurs and when it does, the parents consent is nearly always given.

Seventy-five members of the Parliamentary Assembly of the Council of Europe (which in total consists of 582 members) fully condemned the law.⁷ In a written declaration issued on 14 May, those members who signed the declaration, argued that the legislation on euthanasia violates one of the most fundamental rights and values which the Council of Europe believes in: human dignity and the right to life. The parliamentarians were very concerned that the law would open the door to practices, which would endanger the fundamental protection of life. The euthanasia law in the Netherlands was said to contradict Article 2 of the European Convention on Human Rights (ECHR) which states: "Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally..."

The Dutch Government, on the contrary, does not believe that the new law conflicts with its duty under international law to defend its citizens' right to life against violation by Government or by individuals.⁸ The provisions of the ECHR are not intended to perpetuate unbearable suffering where there is no prospect of improvement, but rather to offer the individual protection against the violation of his right to life, it said. Performing euthanasia in response to a voluntary request from a patient does not constitute intentional deprivation of life within the meaning of the ECHR. The Dutch Government noted that it endorses fundamental human rights, but does not go so far as to forbid individuals from deciding for themselves whether or not their lives are worth living.

International Humanitarian Law

On 18 September, the Supreme Court of the Netherlands decided not to prosecute the former Surinam military leader Desi Bouterse, who has been held responsible for the killings of 15 political opponents of the Surinam Government in 1982.⁹ In November

⁶ Letter from the Minister of Health to the Chairman of the Lower Chamber, in which she phrases the reaction on the observations and recommendations of the UN Human Rights Committee, published on 6 September 2001.

⁷ Council of Europe Parliamentary Assembly, *Legislation of euthanasia in the Netherlands is a violation of human rights*, written declaration No. 326, 14 May 2001.

⁸ Ministry of Foreign Affairs, *Ethical Issues: the Dutch euthanasia legislation in an international context*, www.minbuza.nl.

⁹ For further details see IHF, *Human Rights in the OSCE Region: the Balkans, the Caucasus, Europe, Central Asia and North America, Report 2001*, p. 233.

2000, the Court of Appeal in Amsterdam decided that a person who has committed crimes against humanity in another country can indeed be prosecuted in the Netherlands for such acts. The Court of Appeal based its judgement on the Convention against Torture, which only entered into force in the Netherlands on 20 January 1989, six years after the murders took place. The Court of Appeal considered the retroactive application of the Convention to be admissible.

The Board of Procurators-General, however, requested the Supreme Court's judgement in this case.¹⁰ It transpired that the Supreme Court did not agree with the Amsterdam Court of Appeal's supposition that the Convention against Torture could be applicable to Bouterse's acts in 1982 because Article 6 of the Constitution prohibited retroactive application (*non puna sine legem*).

Mr Bouterse will now only be prosecuted and stand trial in Surinam.

Religious Intolerance

In February 2001, the District Court of Zwolle rejected a female law student who had applied for the post of registrar. In its explanation of this decision, the District Court stated that the student, who is of Islamic faith, had indicated that she would not be prepared to remove her headscarf during public court sessions. The Court in Zwolle considered that a headscarf contravened the clothing requirements applicable to the Dutch judiciary in order to express the court's independence, impartiality and dignity.¹¹

In reaction to the Court's decision, the woman in question requested the Equal Treatment Commission to investigate whether or not the Court had made a distinction on the basis of religion.

In June, the Commission concluded that the court in Zwolle had actually made an unjustified indirect difference on the basis of religion and had therefore acted contrary to the law.¹²

The Commission explained its judgement by saying that in its opinion, in basing its rejection on clothing rules, the Court had not rejected the woman because she was a Muslim. The Commission was of the opinion that forcing the woman to remove her headscarf did not automatically arise from clothing rules for the judiciary; many judges of the sub-district courts did not regularly wear a gown. Besides, in 2001, a registrar with a headscarf was employed at the Amsterdam court.

According to the Commission, the way in which the Zwolle Court applied the clothing rules prejudices people who wear a headscarf because of their religious conviction. This prejudice violates the Law on Equal Treatment, so an indirect difference on the basis of religion was made.

¹⁰ *Trouw*, "Hoge Raad: Bouterse niet vervolgd", 19 September 2001.

¹¹ "Vrouw Justitia: blinddoek of hoofddoek?", *NJCM-Bulletin*, Vol. 26 (2001), No. 7, pp 890-902.

¹² Commission for Equal Treatment, press release, 26 June 2001.

As a response to the critics, the Minister of Justice stated that he would set the Commission's judgement aside.¹³ This was possible, since the Commission's judgements are not binding. The Minister retained the opinion that a judge should never give expression to personal convictions: "It is of great significance, particularly in a multicultural society, that everybody concerned can trust a judge being objective about his personal convictions." The Minister decided to implement an explicit legal settlement to clarify the existing clothing rules.

Women's Rights

CEDAW's Conclusions

On 6 July, the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) discussed at its 25th meeting the second and third Dutch reports on the implementation of the UN Convention on the Elimination of all Forms of Discrimination against Women.¹⁴

The Committee criticised the fact that a political party represented in Parliament excluded women from its membership; the position of Dutch women in the labour market; and the policy pertaining to prostitution.

Labour Market

Although a genuine revolution has taken place in the labour market during the last decades (in 2001, the number of employed women was at 52 % while in 1988, it was only at about 33%), there was still evidence of a "male breadwinner society model" as indicated by the low numbers of women in senior and technical professions, and by the large number of women in part-time jobs which did not provide for economic independence.¹⁵ In reaction to CEDAW's observations on this issue, the State Secretary of Social Affairs stated that she had given a great deal of attention to this issue in the long-term Emancipation Plan. She said she was planning to invest more in provisions that facilitate the combination of paid labour and unpaid care duties. According to her, the participation of women in the labour market would increase significantly if women were encouraged to return to the labour market after, for example, having cared for children for a long period of time. The long-term Emancipation Plan aims at attaining the correct balance between men and women in the labour market as well as to neutralise the, still noticeably large, differences in wages between men and women.¹⁶

Prostitution and Trafficking in Women

CEDAW commented positively as regards the Dutch Government's programme to combat trafficking in women, particularly concerning the appointment of a National Reporter on Trafficking in Human Beings, whose aim is to provide the Government with recommendations on how best to tackle the problem of trafficking. The

¹³ Letter from Minister Korthals to the Lower Chamber in which he responded to questions tabled in Parliament, 30 August 2001.

¹⁴ CEDAW, *Concluding Observations of the CEDAW: The Netherlands*, 31 July 2001.

¹⁵ *Ibid.*, conclusion 2-4.

¹⁶ *SZW-Nieuws*, "Werk en Inkomen", 20 September 2001.

Government's commitment to combat this phenomenon at the European Union level was also positively evaluated.

On the other hand, CEDAW found some areas of concern. For example, it pointed to many non-EU women in the Netherlands who had been trafficked there and feared expulsion to their countries of origin. These women, often engaged in prostitution, lacked residence permits.

In 2000, the Dutch Government decided to legalise brothels in order to protect prostitutes from exploitation and the abuse of power. In this way, according to the Dutch Government, it may also be possible to combat the trade in women. However, the Employment of Foreigners Act (*Wet Arbeid Vreemdelingen*, WAV), which regulated the employment of non-EU citizens in the Netherlands, remained closed to prostitutes.¹⁷ In accordance with the WAV, every employer had to apply for a work permit before being able to employ a foreigner for this kind of work. However, it turned out to be impossible for non-EU prostitutes or their employers to apply for a work permit in accordance with the WAV because the Dutch Government appeared to be trying to prevent non-EU prostitutes from settling independently and/or legally in the Netherlands. In this way, prostitutes from both non-EU countries as well as Association countries will never be able to obtain a residence permit or appeal to the WAV when trying to settle independently and legally in the Netherlands.

The main reason for preventing non-EU prostitutes from plying their trade was said to be the fight against the trade in women. The Dutch Government stated that non-EU women were more vulnerable to trade, violence and abuse and that they should therefore be refused access to legal prostitution.

However, many independent institutions on women's rights such as the Clara Wichmann Instituut and the Mr A. de Graaf Stichting pointed out that, in this way, non-EU prostitutes were not prevented from coming to the Netherlands, but were instead being forced to operate in illegal areas where they were very vulnerable to exploitation.¹⁸ Migrant prostitutes should therefore be granted a legal position in order to be protected.

The CEDAW asked the Dutch Government to begin monitoring the effects of the law on the legalisation of brothels immediately, especially keeping in mind the effect on those women prostitutes without residence permits and without the permission to work on a legal basis.

Staatkundig Gereformeerde Partij

In its Concluding Observations, the CEDAW drew attention to the fact that the *Staatkundig Gereformeerde Partij* (SGP), a small orthodox Calvinist political party represented in Dutch Parliament, excluded women from its ordinary membership. According to CEDAW, this exclusion was in violation of Article 7c of the Convention on the Elimination of all forms of Discrimination against Women that has been ratified

¹⁷ Based on R. Haveman and M. Wijers, "Sekswerk. De moraal van seks voor geld", *Nemesis. Tijdschrift over vrouwen en recht*, No. 6, November-December 2001, pp. 190-202.

¹⁸ *De Volkskrant*, "Migrantenprostitutuee verdient legale status", 31 July 2001.

by the Netherlands. The Article states: "state parties shall take all appropriate measures to eliminate discrimination against women in the political life of the country and, in particular, shall ensure to women on equal terms with men, the right to [...] participate in non-governmental organisations and associations concerned with the public and political life of the country." Furthermore, CEDAW recommended that the Dutch Government take urgent measures to address this situation, preferably through the adoption of legislation that brings membership of political parties in line with those obligations under Article 7.¹⁹

As a reaction, the State Secretary of Social Affairs stated that she did not think that the law should be amended so as to accommodate the CEDAW recommendations.²⁰ In her opinion, any amendment would rapidly result in the total prohibition of the SGP, which would not be appropriate in a democratic society. Although she fully disagreed with the SGP policy, she believed that it would be possible to resolve the question by existing means. She recognised the fact that fundamental human rights were at issue here, namely equal opportunities for men and women.

The SGP did not seem very surprised at the CEDAW decision. The chairman of its parliamentary fraction stated that the party had reached a compromise concerning the participation of women after long discussions in 1997²¹ when it decided to accept women only as associate members, without the possibility of fulfilling representative functions. A majority of members was said to have supported this compromise. "The women and girls within our circle support this, tolerate this. But I have to admit there is no uniformity on this issue. Anyway, this is not a matter of discrimination. For biblical reasons, we see a different mission for women."

Many women's rights organisations such as the Clara Wichmann Instituut welcomed the CEDAW's recommendations and said they will carry on campaigning for compliance with the Committee's recommendations. Several female members of Parliament asked the Government to take drastic action against the SGP.²²

5.2. Articles published in *Helsinki Monitor* Volume 12, 2001

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¹⁹ CEDAW, op.cit, conclusions 34, 35.

²⁰ *Algemeen Dagblad*, "VN: SGP discrimineert", 1 October 2001.

²¹ *De Volkskrant*, "De vrouwen in onze kring verdragen uitsluiting", 3 October 2001.

²² *De Volkskrant*, "Vrouwen in politiek willen verbod SGP", 23 November 2001.

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