



NETHERLANDS HELSINKI COMMITTEE

BUILDING AND SECURING JUSTICE ACROSS EUROPE

Strategy 2015 – 2018

**Netherlands Helsinki Committee
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Foreword

This document lays out strategic directions for the Netherlands Helsinki Committee in the period 2015 to 2018. Human rights and rule of law in Europe are far from safe, and major efforts are required for their defense and further development. These goals are what our organization was established for, and we will continue to pursue these in the future.

The document is divided into nine sections, ranging from the various possibilities to influence human rights compliance in Europe, to organizational issues. They are summarized in the nine points on the next page, and elaborated in more detail in the last part of the document.

This strategy has been developed in discussions by the Committee, the Board and the Office of the NHC at the end of 2014 and beginning of 2015. The Committee gave its approval to the strategy at its meeting in March 2015.

Ian de Jong, Chairman

Executive Summary – the Strategy in Nine Points

- 1. There is a great need and urgency to defend, build, and secure human rights and the rule of law in Europe. The NHC will continue its focus on this region (including the countries of the former Soviet Union).**
- 2. In the face of the threat of a breakdown of the Helsinki security and cooperation arrangements, the NHC will work to increase awareness of, defend, and make effective the OSCE core commitment to comprehensive security in Europe.**
- 3. NHC will continue to develop and implement projects to improve government policies and legal protection for vulnerable groups such as minorities, migrants, economically marginalized persons, and people in detention. The situation of women and youths will be given special attention where appropriate.**

Thematic focus areas will be:

 - a. Work to humanize detention conditions and to replace detention by promoting the use of alternative sentences and limit pre-trial detention, along the lines of international standards developed on these issues.**
 - b. Recognition of the rights of trafficked persons. We will work to counter the exploitative labour conditions in which migrants often end up but which also push people into migration .**
 - c. Access to justice for all sections of the community. Special attention will be given to improvements in the implementation of verdicts of the European Court of Human Rights, both by the judiciary and by the executive and legislative branches of government.**
- 4. In cooperation with local and international partners, the NHC will protect space for the defense of human rights by civil society, and invest in the development and exploration of models and methods that enhance civil society effectiveness.**
- 5. Work on the implementation of conclusions reached by the Council of Europe and other international human rights bodies will be stepped up. Attention will be given as well to the internal rule of law mechanisms of the EU. Innovative advocacy, using channels not primarily designed for engagement on human rights, will be a priority.**
- 6. In its external communications, the NHC will highlight actions to defend and improve human rights protection in Europe, and aim for increasing knowledge and recognition of the project work of the NHC.**
- 7. The NHC will where possible develop joint activities with other organizations based in the Netherlands, and in particular in The Hague, that also work on peace and justice issues.**
- 8. The NHC will pursue a substantial increase in the volume of its work. Fund-raising with private donors and donors outside the Netherlands will be developed as a priority.**
- 9. The NHC will further develop its internal monitoring, quality control, evaluation, and learning capacity. The existing statute will be reviewed to update the role of management,**

governance, and oversight structures in line with best practice laid down in the recent Dutch Code on governance of non-governmental organisations.

1. The urgency of work for human rights and rule of law in Europe

The statutes of the NHC, a foundation registered in the Netherlands, define the objective of the organization as the promotion of an international and societal rule of law under which human rights can be fully realized. The NHC sets out to reinforce and support the activities of international and national governmental and non-governmental organizations in conflict prevention, human rights protection, upholding of the rule of law, and promotion of democracy.

The statutes specify that particular attention is given to the region covered by and to the work of the Organization for Security and Cooperation in Europe (OSCE), the follow-up organization of the inter-governmental conference which led to the 1975 Helsinki Final Act. Since 1975, substantial progress has been made in the rule of law, democracy, and the protection of human rights in Europe. Dictatorships and authoritarian rule in Southern Europe have disappeared, and the end of the Cold War has led to great positive changes in Central and Eastern Europe. This revolutionary shift led to a huge demand in Central and Eastern Europe for knowledge and expertise on human rights and the rule of law. The NHC, established in 1987, has concentrated on the development and implementation of projects to respond to this demand. The NHC approach has thus been marked by a constructive approach: building up human rights protection and the rule of law with whoever had a role to play in this field and was willing to engage, both in governmental agencies and in civil society. A great deal of expertise and an extensive and broad network has been built up.

Yet no guarantee for permanent peace, security, and democracy exists. The extreme violence accompanying the dissolution of Yugoslavia in the 1990s already showed that the capacity of the OSCE to ensure comprehensive security was limited. In the former Soviet Union, a wide variety of state and societal models have developed, from democratic and open to strongly authoritarian and repressive. Russian troops have become active outside the borders of their country. This has led to a crisis in which the continued validity of the Helsinki Final Act and the OSCE are at stake.

It was a great step forward when all European countries joined the Council of Europe in the 1990s; yet this broad European human rights cooperation has gradually become subject to strain as well. Authoritarian and nationalist political tendencies are on the rise across Europe.

The prospect of EU accession continues to be an engine for reform for a number of countries, as it was fifteen years ago for the Central European countries. This continues to provide scope for NHC projects. The challenge is to make reform structural rather than superficial.

At the same time, in many member states of the EU, public appreciation of international human rights mechanisms appears to be affected by concerns about immigration and cultural and societal changes. The integration of increasing numbers of migrants is a challenge for many member states' societies. Austerity policies have led to additional strain on human rights observance. Maintaining human rights standards requires vigilance and continued reform also in the European Union.

The NHC until recently did not undertake further activities in countries once they had joined the European Union. Since it became apparent that substantial improvements in human rights and rule of law are still necessary in EU member states, project development was directed at those countries as well. In 2013 a first project was started in this field covering several EU member states.

There is a great need and urgency to defend, build, and secure human rights and the rule of law in Europe. The NHC will continue its focus on this region (incl. the former Soviet Union)

The NHC will actively explore project development in South-Eastern Europe and the countries of the former Soviet Union. The NHC will also continue to aim for activities on rights issues in the European Union.

Over the past ten years, a willingness in principle to take on similar work in North Africa and West Asia has led to NHC involvement in a number of projects, but without a structural build-up of expertise and networks. At the same time, expertise of NHC staff has sometimes been requested for work in other regions. No active exploration of possibilities for activities outside the OSCE region is planned for the coming years either. However, requests for NHC capabilities for work outside this region are not excluded as a matter of principle, depending on staff availability and financial resources.

2. The Helsinki legacy

Dating back to its establishment, the oldest continuing activity of the NHC is the publication, led by an international expert board of editors, of the *Security and Human Rights* journal, formerly known as the *Helsinki Monitor*. The journal actively monitors and analyzes aspects of the Helsinki process and the work of the OSCE. In recent years a weblog has been introduced (www.shrblog.org). This instrument aims to better interact with political developments as they unfold, and to reach out to a wider audience.

For many years the NHC has also been present at human dimension meetings of the OSCE, which allow for an active input by NGOs. In recent years this work has taken place under the umbrella of the Civic Solidarity Platform, a regional NGO network of which the NHC is an active member. The Platform pushes for expansion and impact-oriented reform of the human dimension activities of the OSCE and improved interaction of the OSCE with civil society.

Human rights protection however becomes far less effective during armed conflict. This is one of the arguments behind the OSCE flagship concept of comprehensive security: the notion that real security is achieved by building democratic, free, and rights-respecting societies (the 'human dimension'), combined with furthering social-economic cooperation and security (the 'economic dimension') and with military trust-building and non-violent conflict resolution (the 'political-military dimension').

The start of armed conflict in 2014, involving two large member states of the OSCE, has however called into question the capability of the OSCE to defend and promote comprehensive security.

In the face of the threat of a breakdown of the Helsinki security and cooperation arrangements, the NHC will work to increase awareness of, defend and make, effective the OSCE core commitment to comprehensive security in Europe

Efforts will be redoubled to stimulate thinking and discussion about the Helsinki principles and their application among policy makers, opinion leaders, and others involved in international relations, including students at universities in the Netherlands and across Europe.

Interaction will be sought with the Helsinki+40 processes set in motion by several OSCE bodies. The NHC will in its work with Civic Solidarity Platform partners towards the OSCE also emphasize the crucial importance of the 'human dimension' to the wider OSCE framework, and push for improved accountability of participating states for the implementation of OSCE commitments.

3. Projects

The predominant activity of the NHC since the early 1990s has been the development and implementation of projects aimed at achieving concrete improvements in human rights protection and in the implementation of rule of law standards. Particular attention goes to those groups in society that most need these improvements. Over the last ten years, most projects have focused on

- (a) people in detention, through prison reform and improvement of probation services,
- (b) migrants, in particular the protection of the rights of survivors of human trafficking,
- (c) improvement of access to justice at the national and international level.

In addition, projects are carried out aimed at supporting and developing civil society human rights work and at influencing human rights policies of governments and international organizations. These project are dealt with under points 4 and 5, respectively.

NHC will continue to develop and implement projects to improve government policies and legal protection for vulnerable groups such as minorities, migrants, economically marginalized persons, and people in detention. The situation of women and youths will be given special attention where appropriate.

3a. Prison reform and probation

The NHC prison reform projects generally involve capacity building of prison staff in partner countries by employing knowledge and expertise of the Dutch prison service (Custodial Institutions Agency). They have often focused on introducing a more humane interaction between prison guards and inmates, including the introduction of work and education in prison preparing detainees for return to society. Increasingly, the NHC is engaging human rights NGOs in partner countries in these projects. It seeks to give them a monitoring and advisory role, which will continue after project finalization. The NHC has assisted in setting up Europris, the umbrella association of prison services of the European Union.

The NHC has been working with the main Dutch probation agency on projects aiming at, for instance, the introduction of alternative sentencing, and avoiding imprisonment.

The NHC will continue to work to humanize detention conditions and to replace detention by promoting the use of alternative sentences and limit pre-trial detention, along the lines of international standards developed on these issues

The NHC will continue to develop projects which build on best practices of the Dutch prison service, in cooperation with other national and international NGOs in this field. Project aims will be aligned with recommendations issued by international monitoring bodies such as the Committee for the Prevention of Torture (CPT). We will also seek to contribute to the implementation of the new Mandela Rules, a revised version of the UN Standard Minimum Rules for the Treatment of Prisoners.

An often repeated CPT recommendation is the reduction of overcrowding in places of detention. Limiting pre-trial detention and proper policies on alternative sentencing are key measures to achieve this, and in cases of minor crimes also preferable for reasons of fairness and effectiveness. The UN Standard Minimum Rules for Non Custodial Measures (the Tokyo Rules) require states to make available a wide variety of community based sanctions and measures. There still are a number of countries in Europe that have few if any alternatives to imprisonment available to courts. Even where available, their use may be limited by lack of resources, judicial reluctance, or hostile public attitudes. The NHC will work to contribute to overcoming these limitations.

3b. The rights of trafficked persons

NHC's work to promote the rights of trafficked persons aims primarily at professionals involved in social or legal support to these persons. In cooperation with local NGOs, they are provided with expertise about the spectrum of rights victims of trafficking possess under international human rights law, and empowered to effectively use that knowledge in contact with officials. Prosecuting agencies and judges must where necessary be put under pressure in court to actually apply the international provisions on behalf of victims, rather than see them only as witnesses against or even as accomplices of the traffickers.

From 2008 on, projects along this line have been carried out in several Central and South-East European countries.

The focus on recognition of the rights of trafficked persons will be continued. We will work to counter the exploitative labour conditions in which migrants often end up but which also push people into migration.

Projects will be developed for expertise-building in additional countries on supporting trafficked persons in claiming their rights. The possibility will be explored to create an international network of lawyers specializing on this. Additional subjects for project development may arise from recommendations of international monitoring mechanisms on state obligations with respect to human trafficking, in particular from the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe.

Part of the definition of trafficking is the coercion into work under exploitative conditions. Even without direct violence or a threat of violence, people may see no other opportunity than to submit themselves to such conditions, either in their country of origin or after migration. The UN's Palermo Protocol on Human Trafficking includes a requirement for

states to “alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity”. The NHC will explore possibilities to use a rights-based approach to address this root cause of trafficking.

3c. Access to justice at the national and international level

The development of a fair and efficient legal system is a major challenge in large parts of Europe. Access of people to justice that conforms to and takes into account international standards is far from universal. Trust in the judicial system is low in many countries. The use by courts of the European Convention on Human Rights and of case law of the European Court for Human Rights is limited in many countries.

The NHC has worked in a number of countries, most recently between 2006 and 2011 in the Southern Caucasus, on training and accompaniment of NGOs and lawyers to work with the European Human Rights Convention in national courts, and on the submission of complaints to the Court in Strasbourg. This would put judges and the political system under pressure to apply the Convention in a more systematic way. Improving the work of the judiciary has also been addressed in a number of countries by direct interaction with judges, such as in projects to strengthen independent professional associations of judges (most recently in Bulgaria, between 2008 and 2011).

Access to justice will be promoted for all sections of the community. Special attention will be given to improvements in the implementation of verdicts of the European Court of Human Rights, both by the judiciary and by the executive and legislative branches of government.

A finding of the European Court for Human Rights on a human rights violation in one particular case does not mean automatic improvement in the case of all other people affected by the same situation. Structural change in government policies is often required, and this may affect entrenched interests, have budgetary consequences, or be considered politically inconvenient. NGOs involved in addressing human rights issues on the basis of the European Convention on Human Rights should increase their attention to the implementation of verdicts. The Committee of Ministers of the Council of Europe, charged with overseeing the execution of judgments, should be provided with information and stimulated to take this role seriously. This international work should be complemented by advocacy at the national level.

Public trust in law enforcement bodies and the judiciary is low in many countries in Central and Eastern Europe. This in most cases reflects problems of professionalism and independence. The NHC will seek to contribute to improving this situation, through a combination of direct interaction with the judiciary and working with NGOs and lawyers who can put reform-oriented pressure on their national system.

4. Supporting and developing civil society human rights work

Independent media, academia, civil society, and a healthy political system are all necessary components in achieving real reform and in avoiding abuse of power. In a number of OSCE countries, the government is increasingly repressing these voices. The NHC, both through

participation in international networks and by means of its own project work, in the 2011-2015 period has stepped up its work to defend and protect organizations and individuals who fall victim to this repression.

At the same time, longer term sustainability requires a critical look at the approaches and organizational models used in human rights work by civil society. Support in society for human rights work will, we assume, grow if there is a link with day to day concerns of the population. These will often relate to arbitrary and discriminatory governance in access to resources and services, and to exploitation in the labour market and at the workplace. This has contributed to the NHC entering the field of social-economic rights. Using international standards and recommendations at the national level is a main goal of NHC's growing efforts on social-economic rights. Interacting with international human rights mechanisms and following up on the outcome of these mechanisms can offer a logical agenda for talks with government structures that are responsible for social affairs. In practice, social-economic rights problems are frequently linked to discrimination and to abuse of governmental power; this provides an entry point for the discussion of broader rights issues.

The NHC will protect space for the defense of human rights by civil society, in cooperation with local and international partners, and invest in the development and exploration of models and methods that enhance civil society effectiveness

The NHC will continue to give attention and support to human rights defenders, including the organization of legal support, taking part in trial monitoring, assisting in international advocacy and contributing to solidarity campaigns.

The use of work by human rights organisations on a broad concept of human rights, encompassing social-economic rights, will be supported. New approaches, including coalitions with organisations that do not have human rights as their main focus, will be explored. The EU-Russia Civil Society Forum, of which the NHC will remain an active member, is a possible vehicle for this approach. The forum encompasses a broad spectrum of civil society organisations.

Efforts will be made as well to explore new organizational and funding models, which make human rights work less dependent of government subsidies, either from their own government(if available at all) or from foreign governments.

5. Coalition building for human rights advocacy in Europe

The Netherlands Helsinki Committee has always invested time and effort in coalition-building and networking with other NGOs across Europe. In the past this was mostly through the International Helsinki Federation, which closed down in 2007. In recent years, the NHC has contributed substantially to the Civic Solidarity Platform (a human rights advocacy network oriented mostly towards the OSCE) and to the EU-Russia Civil Society Forum. In most of NHC's projects, one or more member organizations of these networks are involved, either as direct project partners or, in projects for capacity building of government constitutions, in a role as local experts and monitors.

Traditionally, the NHC has been present at human dimension events of the OSCE. In recent years, interaction with OSCE structures and actors has increased, and will continue to be a

key element of the work of the NHC (see separate point 2). With respect to the Council of Europe, while substantial work has been done in the past on promoting the submission of cases to the European Court for Human Rights, further interaction has been very limited. The NHC is a member of the Fundamental Rights Platform of the European Union's Fundamental Rights Agency (FRA), but policy-influencing possibilities following up on FRA's report have up till now not been used by the Platform.

Work on the implementation of conclusions reached by the Council of Europe's and other international human rights bodies will be stepped up. Attention will be given as well to the internal rule of law mechanisms of the EU. Innovative advocacy, using channels not primarily designed for engagement on human rights, will be a priority.

It has been a policy aim of the NHC for some time to organize NGOs around better implementation of European Court of Human Rights decisions (see point 3c). This plan retains its importance. From a wider perspective, awareness around Europe of the importance and value of human rights mechanisms of the Council of Europe is generally low. We will continue to develop activities which contribute to improving this situation, for instance in pushing for a better follow-up of the recommendations of bodies such as the Committee for the Prevention of Torture (see also point 3a). The same argument can be made for working with the outcome of many of the United Nations human rights monitoring bodies.

The fundamental rights mechanisms of the European Union are still in development; these therefore require civil society attention. The reports of the Fundamental Rights Agency (FRA) offer many advocacy opportunities that are underutilized by civil society in EU member states. The NHC will stimulate and take part in advocacy-oriented coalition building together with other member organisations of FRA's civil society platform.

The Netherland's Presidency of the European Union in the first half of 2016 offers an opportunity to optimize the role of independent human rights monitoring bodies and of civil society in the newly decided rule of law 'peer review' mechanism of the Council of the Union.

Raising human rights issues only in the context of mechanisms specifically designed for that purpose runs the risk of creating a separate sphere of human rights statements and discussions which become a 'ritual' with little to no impact on real power relations. It is important therefore to insert human rights in a broad range of international interactions, including the economic, professional, academic, and cultural spheres. The NHC will actively contribute to developing this approach.

6. External communication

The NHC website has become the principal vehicle for presentation of the work of the organization, mostly run by a team of volunteers and interns. The main elements of the website are an overview of recent and current projects and news items (around 40 per year, 2014 figure) about project activities or advocacy efforts in which the organization takes part. A monthly email newsletter was started in 2014.

Social media accounts were created. Due to lack of capacity these were underutilized in reaching out to relevant audiences.

Conferences on issues within the NHC's mandate have traditionally been organized on, in principle, an annual basis. In the 2011-2014 period, with the support of volunteers and interns NHC has continued this practice with the 2013 NHC 25th anniversary conference on The Future of Human Rights in Europe as a main event. In 2015, a conference on the prevention of torture in Europe was held where the work of the United Nations Committee on the Prevention of Torture held centre stage.

In our external communications, the NHC will highlight actions to defend and improve human rights protection in Europe, and aim for increasing knowledge and recognition of NHC's project work.

The main target group for the NHC are persons with a professional or personal interest in international cooperation and European affairs. The NHC will put bigger efforts into the organization of regular public conferences and seminars on lessons learnt from its work as well as new challenges in its field.

The website will be maintained as an up to date source of information about NHC's work, and to publish a weekly news item. Innovative approaches in project design and advocacy will be highlighted. Social media outreach will be expanded.

Both with social media outreach and in the organization of conferences, emphasis will be placed on reaching out to the large population of foreign students in the Netherlands, in particular those who are likely to become future leaders in the legal, security, political, and social spheres.

7. NHC is based in the City of The Hague

The Netherlands has a high concentration of inter-governmental, academic as well as non-governmental organizations working on human rights, the rule of law and related matters. We are engaged in project development with several other NGOs, often adding specific knowledge and expertise of and contacts in (Eastern) Europe to their more specialized thematic work. The NHC is an active member of the so-called Breed Mensenrechten Overleg (BMO), a consultative group of all Dutch organizations involved in human rights advocacy on the foreign policy of the government.

The NHC will, where possible, develop joint activities with other organizations based in the Netherlands, and in particular in The Hague, that work on peace and justice issues.

Continued cooperation possibilities with other organizations will be exploited where possible. Using the profile of The Hague as a world-renowned centre for peace and justice initiatives is both in our own and in our joint interest.

The NHC will continue working actively with other NGOs in advocating an active and coherent human rights foreign policy of the Netherlands. Initiatives to stimulate full implementation of human rights standards in the Netherlands will also be supported.

8. Fund-raising and growth

Traditionally, most of NHC's funding has come from different departments of the Netherlands Ministry of Foreign Affairs, with additional funding obtained mostly from European Commission budgets. Funding has always remained project based; this has resulted in limited flexibility to develop new approaches and to react to crises as they developed.

The organization has over the last five years maintained roughly the same number of staff (around 10 posts, 8 FTEs), with an increasing number of volunteers and interns (now around 6).

The NHC will pursue a substantial increase in the volume of its work. Fund-raising with private donors and donors outside the Netherlands will be developed as a priority

The need for greater efforts to defend and promote human rights across Europe is obvious. In view of its experience, network and vision for future work the NHC can play an important role in organizing these efforts and taking part in implementing them. An increase of the number of people at the office is needed if all ambitions addressed in this strategy are to come true. Such an increase is also indispensable to broaden the basis of expertise on the different themes the NHC works on.

It is crucially important to diversify funding sources, including private donors. Approaches to foundations inside and outside the Netherlands will be intensified. The possibility for private individuals to donate to the NHC will be more explicitly advertised, and we will engage in experiments to request contributions for specific purposes.

9. Organizational development, evaluation, and learning

In line with the 2011- 2014 strategy, internal monitoring of projects has become more impact and outcome-oriented (rather than mostly process-oriented). A more substantive role for our project managers is being developed by the introduction of a project assistant position to deal primarily with administrative and logistical matters. Project managers play an increased role in networking in their area of work, identifying issues for future project work and drawing up project proposals.

The NHC will further develop its internal monitoring, quality control and evaluation and learning capacity. The NHC's Statute will be reviewed to update the role of management, governance, and oversight structures in line with best practices laid down in the recent Dutch Code on Governance of non-governmental organisations.

Programmatic oversight by project managers for their area of work will be further strengthened. The NHC will aim for critical evaluation, both internally and through external evaluation, of its efforts.

Recent changes of the Dutch code of conduct for NGO's puts more emphasis on transparency, accountability, and good governance. The legal statute establishing the NHC will therefore be reviewed with the purpose of shifting the division of responsibilities between the main organs of the organization. The present Board of the NHC will take on a stronger supervisory role while the Executive Director will assume a number of additional

executive responsibilities. The Committee (currently the supervisory board) will take on an advisory and a strategic role.
