

# Annual Report 2004

The Netherlands Humanist Committee on Human Rights

Humanistisch Overleg Mensenrechten, HOM

**Colofon**

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## 1 SUMMARY

For the Netherlands Humanist Committee on Human Rights (Humanistisch Overleg Mensenrechten, HOM) 2004 was a year of consolidation of external activities and innovation in internal and quality management. Work continued and gained momentum in its four broad directions (impact assessment, capacity building, advocacy and consultancies) and projects.

The Human Rights Impact Assessment project gathered momentum from the publication and presentation of a case study on the influence of Moroccan-EU relations on the human rights situation in Morocco, with a focus on analysis of the human rights situation. The presentation of the paper at the Fifth Mediterranean Social and Political Research Meeting, Florence, in March 2004, was well received. In November 2004 an international expert meeting took place in Utrecht. Methods for human rights impact assessment were discussed and cooperation among non-governmental, governmental and academic institutions was strengthened at this two-day meeting. Common priorities and identification of areas for further research will be discussed via an international email list, to be maintained by HOM.

During 2004 the Human Rights and Business project continued working on the Human Rights Compliance Assessment (HRCA) and its Quick Check tool for enterprises. It has established a network consisting of relevant players in the field of corporate social responsibility, both within and outside the Netherlands. HOM is a member of the Dutch CSR-platform and an organizational stakeholder in the Global Reporting Initiative (GRI). On 9 December, the eve of the International Day of Human Rights, the project launched the Quick Check tool in the Netherlands. Presented as a symposium, the event took place in Utrecht, with more than 50 participants, representing companies, NGOs and the Dutch government, attending the meeting.

In 2004 the idea which HOM had launched two years earlier matured – a tool to be used by local NGOs for measuring the impact on women of health rights policies – and the instrument itself was created. HOM organized a series of expert meetings during which specialists from different parts of the world (Nicaragua, Kenya, Bangladesh, Malaysia, as well as the Netherlands) and different fields of expertise (women's rights, health, impact assessment) made valuable contributions to this process. In February 2004, the international group met in Bangladesh, which provided the opportunity to share ideas with women's rights activists there. On the basis of the suggestions of the specialists, in autumn 2004 HOM completed the draft version of the Health Rights of Women Assessment Instrument (HeRWAI). Thus, the Women's Rights Watch project entered a new phase: that of testing HeRWAI.

During 2004 intensive cooperation was started with 14 organizations in the Western Balkans, aimed at capacity building, using a learning-by-doing method. Under the broad umbrella of supporting women's human rights in the Western Balkans, the partners will be reporting and analysing the phenomenon of domestic violence by using the UN Convention on the Elimination of Discrimination against Women (CEDAW), the European Convention on Human Rights and Fundamental Freedoms (ECHR) and European Union Regulations. The organizations participating in the Support Women's Rights in the Western Balkans project are women's and human rights organizations from countries and entities in the region: Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia and Montenegro. A number of these organizations are working at grassroots level in support of women whose rights are being violated (SOS telephone lines, shelters and counselling); others are human rights organizations with a more legally directed approach (drafting legislation, lobbying, awareness-raising and campaigning). In each country organizations work in country teams in order to link the legal aspects of domestic violence to the actual situation of women in the society.

This year the activities of Linking Solidarity mainly targeted existing regional federations of organizations of families of disappeared persons – AFAD in Asia and FEDEFAM in Latin America – but efforts were also undertaken to continue offering assistance to African initiatives. The capacity-building activities addressed the three levels of intervention of the project: enhancing the skills and expertise of the organizations' staff, improving the organizational functioning of the partner federations and accompanying them in their pursuit of their institutional objectives. To this end, in October Linking Solidarity organized a lobbying tour of Europe, combining AFAD, FEDEFAM and African representatives, with the objective of motivating a wide range of European governments to increase their support for the UN Convention for the Protection of All Persons from Enforced Disappearances. This tour was highly successful; three governments changed their position to support the initiative. Moreover, the position of the Dutch government, which has opposed such an international treaty in the past, softened its stance.

Since 2003 HOM has been cooperating with the Indonesian human rights organization PBHI (Indonesian Legal Aid and Human Rights Association) in an effort to enhance its organizational capacities. The restructuring of PBHI was gradually implemented within the Main Office in Jakarta, after consultations with concerned staff. Initially, PBHI was rather slow to implement the planned activities, particularly during the first half of 2004. But during the second half of the year the pace quickened. The PBHI 4<sup>th</sup> General Assembly was a turning point in the organization's overall direction; the transition to a new leadership and Council of Members took place via a smooth and transparent election process. At the first Annual Strategic Meeting ever held, a good start was made towards a genuinely nationwide organization with strong but autonomous regional chapters. Following the meeting, training in project-cycle management and proposal writing was held for regional officers.

In the internal management sphere, steps were taken to formulate more detailed commonly agreed upon processes and procedures to improve human resource policies. Attention was also given to keeping administrative-legal regulations up-to-date, such as a pension scheme for the staff. In improvement of quality management, major progress was made regarding monitoring and evaluation as a learning process, and several staff members took part in training courses in organizational assessment. A two-day meeting was held to discuss plans for next year and offer practical training on methods of capacity building for human rights organizations, based on the HOM projects themselves. At the end of 2004, preparation for special training on planning tools such as the logical framework approach and problem analysis was finalized, to be held in early 2005 with expert external advice and facilitation.

## **2 IMPACT ASSESSMENT**

### **2.1 Human Rights Impact Assessment**

A number of related initiatives are being developed in the Human Rights Impact Assessment (HRIA) programme, intended to measure the effect and impact of policy measures on a human rights situation before, during and after the process. The HRIA approach developed by HOM describes eight procedural levels that together provide a basis for developing a cyclic approach to policy development and project management. It provides examples of instruments and tools that can be applied at these eight levels.

In summary, the 2003 plan proposed the following objectives for the first two years of the HRIA programme:

1. To develop and test the draft HRIA at policy level (human rights policy);
2. To gain broad support for the draft HRIA from Dutch and international organizations, including those in the South;:
3. To form partnerships to test and promote the implementation of HRIA.

Ad 1 Develop and test the draft HRIA at policy level (human rights policy):

HOM has taken a significant step forward in the further elaboration of the HRIA approach: the testing of a number of tools and instruments which were used to analyse a human rights situation. This resulted in a paper<sup>1</sup> and presentation at the Fifth Mediterranean Social and Political Research Meeting, held in Florence in March 2004. During this annual meeting, organized by the European University Institute/Robert Schuman Centre for Advanced Studies, representatives of NGOs and labour unions, and legal and economic scholars from the North and South discussed and commented extensively on the paper. It became evident that HOM has a role to play in building bridges between academic research and language, and the daily reality of work done by NGOs and policymakers. Positive reactions by other participants support this view.

One lesson learned is that testing the HRIA framework requires a considerable time investment, particularly if stakeholders at different levels and in various parts of the world are to be involved. This should be taken into account in further planning of research and development activities.

Ad 2 Gain broad support for the draft HRIA from Dutch and international organizations, including those in the South:

A large number of organizations currently working in the field of human rights and development cooperation have stressed the importance of HRIA and support the work of HOM. The EU-Human Rights and Democracy Network<sup>2</sup>, as well as EC officials and government representatives, have expressed appreciation for HOM's input in lobbying papers and commentaries on EC documents within the context of EU-human rights policy.

Few other organizations are making specific investments to research and develop HRIA. In the Netherlands, NGO activities related to HRIA are often linked to development cooperation and focus on the project level. In 2004 HOM kept itself informed on the activities of other organizations but due to other priorities did not seek close cooperation. At a more general level, HOM has been involved in discussions on quality criteria and result measurement in the context of the development of a new funding policy by the Dutch government in relation to NGOs.

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<sup>1</sup> "Reinvigorating human rights in the Barcelona Process; using Human Rights Impact Assessment to enhance mainstreaming of human rights". This is an introduction to Human Rights Impact Assessment and a search for a more systematic approach to human rights analysis – taking the human rights situation in Morocco as an example.

<sup>2</sup> The EU-Human Rights and Democracy Network (EU-HRDN) is an informal network of NGOs. Its objective is to work cooperatively towards promoting and influencing the EU and its member states on issues of human rights policy and programming financing instruments for democracy, human rights and sustainable peace. HOM has been a member of this network since November 2003.

At the international level, networks of NGOs and individuals have sought HOM's advice and cooperation on matters related to HRIA, such as EMHRN<sup>3</sup>, which has led to effective exchange and cooperation. A challenge for the coming year is to overcome obstacles encountered in seeking cooperation with organizations from the South. Strengthening links with Metagora and EMHRN could provide a solution.

Ad 3 Form partnerships to test and promote the implementation of HRIA:

In November 2004 HOM organized the expert meeting titled HRIA: From Human Rights Analysis to Measuring Change. The purpose of the meeting was threefold:

- To enhance the development and implementation of methodologies for HRIA by discussing various approaches and lessons learned;
- To identify common priorities and areas where more research and action is needed;
- To improve cooperation between government representatives, international institutions, NGOs and academics.

The expert meeting brought together approximately 20 experts from a variety of backgrounds (NGOs, researchers and policymakers). The response to the expert meeting was extremely positive and people indicated that this was a timely event. The meeting was very successful in addressing the first and third objectives. The second objective was partly addressed during the meeting and will be further elaborated upon at a later stage. This will be accomplished through a series of follow-up activities directly resulting from the expert meeting. HOM will create a network of experts and interested people within the field of HRIA. The network will be realized by setting up a mailing list and compiling relevant information and documentation to provide better insight into the common priorities and areas where more research is needed. This information will be accessible via the HOM website. Finally, as was suggested by the participants of the expert meeting, HOM has made a commitment to organize a follow-up meeting in the second half of 2005.

## 2.2 Human Rights and Business

Corporate social responsibility is increasingly perceived as an important issue, to which HOM wants to contribute. To this end it started a project in September 2003, to focus on the relation between human rights and business, and to put human rights on the corporate agenda. The Human Rights and Business project directs attention to the development of the principles, policies and practices of multinational corporations with regard to human rights. The project, funded by NCDO and HIVOS, is led by Marina d'Engelbronner.

At the heart of the project is the Human Rights Compliance Assessment (HRCA). HRCA is an interactive computer program which companies and financial institutions can use on a voluntary basis. NGOs and governments can also use this program. HRCA helps to incorporate principles of human rights law into corporate policies and can formulate or reformulate codes of conduct. The tool can be used to check the impact of corporate policy and practice on human rights. It also offers companies a means to monitor and report on principles, policies and practices within the field of human rights. HRCA translates the ambitions and responsibilities of companies, based on international norms and guidelines, into measurable goals.

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<sup>3</sup> The Euro-Mediterranean Human Rights Network (EMHRN) is a network of more than 60 human rights organizations from more than 20 countries in the Euro-Mediterranean region. HOM became a member in 2004.

HRCA has been referred to as a “cosmo-test for companies” and a “corporate human rights measure”. Amber D. Frugte, social specialist for FMO (the Netherlands Development Finance Company) puts it this way: “In spite of all the beautiful concepts about the 'social licence to operate', there is only one objective way in which a company can measure itself: the international consensus on human rights. HRCA is the perfect instrument to help companies in a simple and efficient manner.”

HRCA was developed by the Danish Institute for Human Rights (DIHR) in association with other human rights organizations and companies from all over the world. In 2004 HOM, in partnership with DIHR, contributed to this development by testing HRCA (in cooperation with FMO), extending the gender component and taking part in the consultation expert meeting (held in Copenhagen in April). HOM, in cooperation with DIHR, also organized an expert meeting on barriers which hinder companies in implementing human rights (held in Copenhagen in May). Finally, HOM participated in the process of developing the Quick Check version of the HRCA and took part in a meeting with financial institutions to discuss the Quick Check (held in Copenhagen in May).

During 2004 the Human Rights and Business project established a network of relevant players in the field of corporate social responsibility within and outside the Netherlands. HOM is a member of the Dutch CSR-platform and an organizational stakeholder in the Global Reporting Initiative.

The project focused on publicizing and presenting HRCA to companies during the second half of 2004. Articles were published in *P+*, *Vice Versa* and *MVO Nederland Maatschappelijk Jaarverslag 2004*. HOM visited more than ten multinational companies based in the Netherlands to introduce the HRCA. In cooperation with DIHR and Shell, two workshops were organized during the Human Rights & Business Conference organized by the Ethical Corporation in London in October.

On the eve of the International Day of Human Rights, the project launched the Quick Check in the Netherlands. Presented as a symposium, the event took place in Utrecht on 9 December. The meeting was chaired by Gemma Crijns and speakers were Marina d'Engelbronner, Alyson Slater (GRI), Lars van Troost (AI – NL) and Monique de Wit (Shell International). Attending the meeting were more than 50 participants, representing businesses, NGOs and the Dutch government.

Due to financial and logistical constraints faced by the DIHR, only the Quick Check version of HRCA could be introduced in 2004. The full HRCA program will be launched in 2005. Nevertheless, the tool has received a warm welcome by Dutch companies, NGOs and Dutch government officials. HRCA fits in well with the Dutch government's policy of corporate self-regulation. While many multinational enterprises perceive human rights as part of corporate social responsibility, there is clearly a lack of knowledge about the concept and the implementation of human rights. Companies must deal with questions on the applicability of human rights to businesses and the extent of corporate responsibilities. They feel that HRCA offers a useful and practical tool to address these issues. About ten multinationals have expressed their intention to use the Quick Check within their management systems.

### 2.3 Women's Rights Watch

The Women's Rights Watch project is one of HOM's initiatives aimed at making human rights operational. During 2004 the project's funding from NCDO was concluded, according to plan, and from 1 May onwards the project was placed under the umbrella of the tool development programme financed by the Dutch Foreign Office. The project is carried out by Saskia Bakker and Hansje Plagman, with the support of several trainees.

The Women's Rights Watch project builds on HOM's long-term experience in the field of women's rights. Its main product is the Health Rights of Women Assessment Instrument (HeRWAI). HOM developed this instrument for women's organizations or NGOs in the South and the North which are interested in women's health rights. It aims to help them analyse the interrelation between national and international policies and their combined impact on women's health.

An analysis can be made of health policy or other policy which influences women's health rights and can focus either on an existing policy or policy under development. NGOs can use the outcome of the analysis to lobby for measures that better protect women's health rights. Initially they can direct lobbying activities at their governments. But they may also decide to approach donor agencies or international organizations which influence national policymaking. HeRWAI uses a structure consisting of six steps to collect information. For each step, HeRWAI provides a set of questions which help the participants examine the human rights aspects of health policy and the links between national and international policy. In the lobbying process that follows the analysis, the women's organizations or NGOs not only focus on the shortcomings of the policy, but also develop suggestions for improvement.

In 2004 the idea that HOM launched two years earlier matured and the actual instrument was created. HOM organized a series of expert meetings during which specialists from various parts of the world (Nicaragua, Kenya, Bangladesh, Malaysia, as well as the Netherlands) and different fields of expertise (women's rights, health, impact assessment) contributed to this process. In February 2004, the international group met in Bangladesh, which provided an opportunity to share ideas with women's rights activists in that country. On the basis of the suggestions of the specialists, in autumn 2004 HOM completed the draft version of the Health Rights of Women Assessment Instrument. Thus, the Women's Rights Watch project entered a new phase: testing the HeRWAI.

Parallel to the development of the HeRWAI instrument, HOM contributed to the international discussion concerning women's health rights, always stressing that governments have national and international responsibilities to improve women's rights. HOM participated in the workshop organized by the World Health Organization: Health Rights Indicators. Together with the Women's Global Network on Reproductive Rights and the Institute of Social Studies HOM organized a well-attended debate entitled: Health Sector Reforms, Hazardous for Women's Health Rights? Through lectures at the Summer School on Human Rights of the University for Humanistics and the course on Health and Human Rights of the International Federation of Health and Human Rights Organizations (IFHHRO) HOM introduced students from a wide variety of backgrounds to the idea of using human rights instruments to assess the achievements of governments in improving health rights.

HOM's activities in relation to women's health rights have been well received by international organizations and specialists working in this field. For example, Dr Eibe Riedel, Vice Chairperson of the United Nations Committee on Economic, Social and Cultural Rights, warmly welcomed the concept of the Health Rights of Women Assessment Instrument. He stated that these kinds of instruments are needed because they help to implement human rights in other ways than UN Committees can do. The World Health Organization commented: "We can only work with and through governments, so it is very good that you are developing a tool for NGOs." For HOM, such reactions bring stimulation, but are also seen as a challenge to live up to high expectations. In addition, HOM has its own challenge: that HeRWAI does not become a high-level academic instrument, but rather a practical tool that can be used by NGOs in many parts of the world. This means that complicated concepts need to be explained clearly and briefly. The testing of HeRWAI, which began in January 2005, will show to what extent HOM has been able to achieve this aim.

### **3 CAPACITY BUILDING**

#### **3.1 Support Women's Human Rights in the Western Balkans**

At the end of 2003 HOM started a new project, financed by HIVOS and PSO, for capacity building of partner organizations on the subject of domestic violence in the Western Balkans. This project, Support Women's Human Rights in the Western Balkans, is part of one of HOM's focal points: Gender and Human Rights. The project, which is managed by Bea Stalenhoef, is to continue until 2006.

In 2004 intensive cooperation was started with 14 organizations, aimed at reporting and analysing the phenomenon of domestic violence, with the use of the UN Convention on the Elimination of Discrimination against Women (CEDAW), the norms and standards of the Council of Europe, the European Convention on Human Rights and Fundamental Freedoms (ECHR) and European Union Regulations. Under the broad umbrella of support for women's human rights in the Western Balkans, the aim of the project is to assist partners to more effectively monitor and influence the implementation of international standards on domestic violence by government and public institutions in their countries.

The organizations participating in this project are women's and human rights organizations from countries and entities in the region: Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia and Montenegro. A number of these organizations are working at the grassroots level to support women whose rights are violated (SOS telephone lines, shelters and counselling). Others are human rights organizations with a more legally directed approach (drafting legislation, lobbying, awareness-raising and campaigning). Country teams are set up in each country in order to link the legal aspects of domestic violence to actual conditions in the society.

The project was formulated on the basis of an identification mission financed by HIVOS, and in June 2004 an initial meeting was organized in Ohrid, Macedonia. During this meeting organizations that had expressed interest in cooperation discussed the main subject of the project; as a result the focus was narrowed from the broad issue of violence against women to domestic violence. The participants also expressed their wish to use European international standards (ECHR and EU) in addition to the UN CEDAW framework. The work plan included a study on the level of implementation of international legal standards regarding the phenomenon of domestic violence in the national legislation and practice of each country.

As a result, in 2006 seven national reports on domestic violence will be published. Another overall regional report will compare the legal systems in the countries involved, and policies and practices regarding domestic violence. The report will include conclusions and recommendations at the national and regional levels. The recommendations of each national report will be used to formulate national action plans for combating domestic violence. A wide range of organizations from the corresponding countries will back these plans.

Each partner organization has contracted a local project officer to be responsible for organizing the necessary input for the national report on domestic violence in their country. This project officer will work in cooperation with a second partner in the country. The local project officers will receive ongoing support from three regional research mentors. These mentors will visit the country teams on a regular basis to supervise and coach the development of the national reports. In turn, the research mentors receive support from a Dutch expert on law and gender, who was also responsible for the development of the draft version of the monitoring tool and provided training for the partners on international legal standards. HOM will provide the general coordination of the project.

In 2004, three round-table meetings were organized to strengthen the capacities for the project: in Ohrid (Macedonia, June), Budva (Montenegro, October) and Tirana (Albania, November). The Ohrid round table organized a preliminary meeting with potential partners. Mutual needs were discussed and the project plan was adapted accordingly, as well as aspects of a basic common understanding of partnership relations. In Budva a special three-day session formulated the intervention logic (by means of a logical framework) for the various countries. These plans vary per country, but have enough in common to validate the added value of a regional project. Agreement was reached on the scope, objectives and strategies of the project. Initial training on legal assessments was also held in Budva and a thorough discussion followed on how the research questions for the study should be formulated. In Tirana this exercise was continued and finalized. There the focus was on development of a monitoring tool for analysing the implementation of legislation and policy. The partners' capacities were strengthened concerning planning and preparation to collect data for future advocacy and support work, and their knowledge of international instruments and how to make these operational was enhanced.

At the end of the year the partner organizations started work on local activities to document occurrences of domestic violence. This includes an analysis of legal measures and legal practice regarding domestic violence in each country by way of a desk study and the organization of the first national meetings with relevant stakeholders in their context, such as NGOs, policymakers, opinion leaders, media or politicians, in order to create a basis for a national network on the topic of domestic violence.

During the course of the project, the responsibility for the round-table meetings has increasingly been shared among the partners and partners have been made co-responsible for practical logistics as well as major decisions. In this way since June the ownership of the project has been shared more equally among all partners.

### 3.2 Linking Solidarity

The Linking Solidarity project is an articulation of HOM's continued aim to contribute to the eradication of the phenomenon of enforced disappearances. The main objectives include advocating for improved legal instruments for protection from disappearances, finding the truth about past disappearance cases, ending the impunity of the perpetrators of these violations, obtaining redress for the victims and conserving the collective memory of past violations.

The method and strategy of Linking Solidarity (LS) is to support the families of the disappeared, to strengthen the capacities of their organizations at the national and regional levels, and to facilitate, through joint or concerted actions, the emergence of a world movement of families of disappeared persons. The project is funded by a combination of the Dutch Foreign Office and PSO, under the umbrella of the capacity-building programme. The project manager Ewoud Plate was joined later in the year by staff member Dave Hardy.

This year the activities of LS mainly targeted existing regional federations of organizations of families (AFAD is the Asian Federation against Involuntary Disappearances and has eight member organizations in seven Asian countries. FEDEFAM is the Latin American Federation of Associations of Relatives of Detained Disappeared with 18 member organizations in 12 countries), but efforts were also undertaken to continue offering assistance to African initiatives. The capacity-building activities addressed the three levels of intervention of the project:

1. enhancing the skills and expertise of the organizations' staff (for instance, during a Lobbying Skills and Techniques Workshop for AFAD Members, in Geneva in April, or the exchange and training seminar for FEDEFAM member organizations and their legal advisors, in Bogotá in November);
2. improving the organizational functioning of the partner federations (a workshop was held in Caracas in March with members of the executive council of FEDEFAM to help them with strategic planning and the formulation of projects); and
3. accompanying them in their pursuit of institutional objectives (in October LS organized a lobbying tour through Europe of AFAD, FEDEFAM and African representatives, with the objective of motivating a wide range of European governments to increase their support for a UN Convention for the Protection of All Persons from Enforced Disappearances).

The African aim to start a project that would lead to the establishment of an African Network against Enforced Disappearances (RADIF) was not achieved this year. However, the momentum initiated by a series of seminars in 2003 has led to sub-regional activities now being planned in Africa with the intention of empowering the families of the disappeared in the coming year by bringing them closer. A meeting in Southern Africa organized with the support of LS will help launch a Southern African Network Against Disappearances (SANAD).

It has been a most difficult year for AFAD, which lost a very strong activist, Aasia Jeelani of Kashmir, in an accident and its chairman Munir, who was murdered by poisoning. Member organizations in Sri Lanka OPFMD, and KontraS in Indonesia suffered the effects of the calamity of the quake and tsunami last December. Despite this adversity, AFAD has displayed a growing perseverance in pursuing its objectives, a strength that LS would like to continue to enhance through capacity-building activities.

FEDEFAM, while still a strong organization in terms of its political impact, is coping with limitations in its internal management. LS has assisted the organization in taking steps, and inspired the Latin American federation to engage in a multi-annual planning, to strengthen itself and its activities.

The Linking Solidarity project went through a transition in 2004. The focus was broadened from attention directed mainly at African organizations in 2003 to an approach that would also consolidate the existing federations AFAD and FEDEFAM and strengthen their capacities to benefit from each other. 2004 was also a transition year with regard to funding for the project. Since the previous phase of the project had closed at the end of 2003, funds for the activities of LS this year were provided by TMF funds (theme based co-financing) awarded to HOM by the Dutch Foreign Office and by the first pilot initiatives financed by PSO. Cooperation with AFAD and FEDEFAM is now taking more articulate forms as they are becoming full partners in the project and plans for 2005 and subsequent years have been designed jointly. Efforts have been undertaken (with good prospects for success) to secure funding for the project in that same period. All the conditions created through the work done in 2004 are likely to bear fruit in the implementation of the project in its new phase 2005-2008.

### **3.3 Capacity Building in Indonesia**

HOM has been cooperating since 2003 with the Indonesian human rights organization PBHI (Indonesian Legal Aid and Human Rights Association) in an effort to build up its organizational capacities. HOM has appointed a staff member in Jakarta, King Oey, who supports PBHI in incidental fundraising and structural organizational development. HOM's capacity building support to PBHI is funded by PSO. In December 2003 PBHI received a long-awaited subsidy from the Netherlands Embassy to carry out human rights activities. With the programme activities thus secured, PBHI was able to fully engage in capacity building for the next three-year period. The focus in 2004 was on enhancing the capacity of the Main Office in Jakarta.

Also in 2004 HOM's cooperation with two human rights organizations, YPKP and WCC Jombang, came to a close, as planned. The projects have run for more than two years. The ultimate conclusion is that Dutch funding and support by HOM have enabled the survival of both organizations, and a longer period of cooperation would have made the support even more effective.

As regards PBHI, the HOM technical adviser assisted in developing a range of organizational measures such as standard operating procedures (SOP) and restructuring the organization. Despite some difficulties, these were gradually implemented after consultations with concerned staff. Settling disputes which result from change is one of the accompanying tasks of capacity building. Other activities with which the HOM technical adviser assisted were writing specific project proposals and designing the PBHI newsletter, website and membership database.

The first Annual Strategic Meeting ever held provided a good start to make PBHI a genuinely nationwide organization with strong but autonomous regional chapters. The HOM technical adviser assisted in setting up and formatting the agenda and facilitated parts of the session, as well as with facilitating an atmosphere of cooperation in which the participants could work together effectively.

The culmination of the 2004 activities – the 4<sup>th</sup> General Assembly of PBHI – was a turning point in the overall direction of PBHI; the handover of a new leadership and Council of Members took place in a reasonably smooth and transparent election process. The HOM technical adviser mainly assisted in the preparation of the General Assembly; ensuring that adequate procedures were put in place.

The meeting was followed by training for regional officers in project cycle management and proposal writing, for which the HOM technical adviser was one of the trainers. PBHI was also able to purchase necessary hardware in order to enhance its performance. The regional chapters particularly benefited from this opportunity. Overall, PBHI – its Main Office at least – is steadily increasing its capacity to manage its programmes and resources. Moreover, it gained the trust of funding agencies such as ICCO and Kerkinactie to carry out special activities such as the logistical preparation for the mission of the Dutch Parliamentary delegation to Indonesia (although unfortunately the mission was cancelled).

Thanks to this process of internal strengthening, PBHI has continued to be an important advocate for the respect for human rights externally. It remains a fierce critic of government policies which allow human rights abuses, especially in the conflict areas, and which condone impunity of human rights perpetrators. Pro-active measures are also being undertaken by PBHI: the organization is conducting research and in-depth study of one of the flawed laws concerning freedom of expression, by which it hopes to gather material to lobby and campaign for legal reform. Before the project started, the HOM technical adviser assisted in the proposal writing and obtaining funds from the European Union.

#### *Context*

In 2004 Indonesia took important steps towards strengthening democracy by holding both parliamentary and presidential elections, which took place without major disturbances. The newly elected president is widely seen as capable and it is hoped also committed to pushing the democratic process forward. Yet, despite these encouraging developments, Indonesia is still a country of widespread human rights violations and conflicts. In Aceh and Papua provinces, military and police operations have produced many victims of arbitrary arrests, torture and even killings.

#### *Several examples of PBHI advocacy*

Human rights abuses in Papua received major attention when the Abepura case – where the Mobile Brigade committed acts of attrition against innocent people in Abepura – became the first court case of the Permanent Human Rights Tribunal. Though held in Makassar, far from the location of the crime, PBHI was able to set up a coalition of supporters of the Abepura victims and prepare the victims for the court sessions. Because suspected human rights abusers had often been acquitted by previous ad-hoc human rights tribunals, PBHI tried a new approach, lodging a civil suit for compensation along with the criminal human rights case. The case is still in progress, and there is hope that this new approach may lead to a measure of justice for the victims.

In Aceh, the extension of martial law is widely seen as a measure to ensure continuation of the economic stronghold by various military-backed businesses operating in Aceh. PBHI has continued to provide legal assistance to Acehnese detainees accused of rebellion; most of them are human rights defenders themselves. Tragically, many of them perished when the tsunami of 26 December 2004 hit the prisons where they were held.

For these programme activities PBHI was able to secure funding from ICCO, Kerkinactie, EU/EIDHR, the Dutch Embassy and UNDP.

#### 4 ADVOCACY

The main objectives of HOM's advocacy activities are twofold: to create attention and provide feedback for the innovative initiatives of HOM itself, and to make critical comments on developments in the field of human rights. As such, advocacy is pro-active as well as reactive. During the year 2004 both aspects were realized.

HOM remained an important player in pro-active lobbying activities as a member and, since May, chair and secretary of the Dutch NGO-Human Rights Network (BMO). BMO's major events included meetings with the Minister of Foreign Affairs (on the EU presidency), the Minister for Development Cooperation (on the new policy paper) and the Human Rights Ambassador, and briefings and debriefings with the Dutch Ministry of Foreign Affairs, regarding the UN Commission on Human Rights and the UN General Assembly.

HOM took part in consultations with the Foreign Ministry on Good Governance and participated in a consultative meeting on Indonesia with the Minister for Development Cooperation. In these meetings HOM stressed the viewpoint that good governance is part of the human rights framework, instead of the other way around, and advocated a more outspoken human-rights-based approach to development.

HOM director Martha Meijer was selected by the EU as one of eight Dutch monitors to the elections in Indonesia (in April, July and September). Amnesty International's magazine published an article produced by HOM in May, and an election diary appeared on the HOM website in September.

Between June and September HOM participated in the Inter-Active Policy Dialogue, initiated by the Ministry for Development Cooperation to establish principles for a future development cooperation budget line. In this context as well, HOM stressed the importance of a human rights-based approach to development, to be implemented by the Ministry as well as civil society organizations working on development. These suggestions were accepted by the plenary consultative meeting of development organizations. At the end of the year the Dutch minister sent her proposal to Parliament.

HOM took an active role in support of Indonesian human rights activists following the murder, in early September, of their colleague Munir during his journey to the Netherlands. The process of getting information from the Dutch Ministries of Foreign Affairs and Justice was slow and troublesome. HOM engaged an internationally known lawyer to support the efforts by relatives and colleagues of Munir to transfer the report by the Dutch Forensic Institute that stated that Munir had died of arsenic poisoning. Political lobbying and pressure by several Dutch civil society organizations, HOM among them, resulted in the transfer of this report to the Indonesian authorities and after some delay also to the relatives of Munir, at the end of November. The Dutch government has taken the position that further cooperation with the Indonesian Government to investigate this murder case is incompatible with its anti-death penalty policies, as the Indonesian Government has not been able or willing to guarantee that the perpetrator of this murder will not be executed. In December the Indonesian Government, under pressure from Indonesian and foreign human rights organizations, decided to establish an independent commission to monitor progress in the investigation.

## 5 CONSULTANCIES

HOM senior project manager on Human Rights Impact Assessment, Marike Radstaake, participated during the year in a reference group for the evaluation of Dutch Human Rights Policy over the last ten years. This evaluation is being carried out by the Inspection of Development Cooperation and Policy Evaluation (IOB) during 2003-2006. The evaluation comprises five sub-studies which relate to the five components of the policy, including bilateral policy and financing of organizations and activities in the field of human rights.

The Human Rights and Business project has undertaken a new task: offering advice to enterprises on their human rights policies. Knowledge is an essential part of the willingness to change and improve social corporate responsibility with respect to human rights. HOM initiatives have already started to bear fruit. HOM will contribute to the development of Standard Loan Documentation (including social building blocks) and organize training for the FMO (Netherlands Development Finance Company) legal department. Furthermore, HOM will advise Dutch Sustainability Research (an initiative of MeesPierson, PGGM and Triodos Bank) on their human rights methodologies.

HOM gave several lectures and presentations on human rights for various target groups. The four-year programme in the Post-Graduate Training Course on Forensic Medicine and Human Rights for Indonesian police doctors had its last course as planned in Makassar, Medan and Groningen. HOM director Martha Meijer presented a two-day module in the course, which in total comprises three intensive weeks of training. Information on the international human rights system on torture and extra-judicial executions were the main topics of those two days. The 33 participants learnt and debated about human rights in their daily police practice. An Association of Alumni has been established and the University of Makassar is undertaking initiatives to continue the course.

A general training session for young diplomats of the Foreign Office was held at the invitation of the training and research institute on international relations, Clingendael. HOM proposed several kinds of relationships between government officials and non-governmental organizations and the dilemmas they can bring about.

A guest lecture was presented in Yogyakarta, Indonesia, for some 20 students at the Center for Religious and Cross-cultural Studies of Gadjah Mada University.

## **6 ORGANIZATIONAL DEVELOPMENT**

### **6.1 Personnel**

As in the previous year, HOM paid much attention to personnel matters. During the year, HOM had three vacancies at its office in Utrecht: project officer Linking Solidarity, project officer Women's Rights Watch and an administrative assistant. In addition, three research mentors were recruited by partner organizations and HOM in the context of the Support Women's Human Rights in the Western Balkans project. All vacancies have been filled in line with the requirements. HOM has adopted a procedure for recruitment which includes the use of standardized forms for the job description, as well as general and detailed scoring sheets to be used during the selection process.

In 2004 HOM also developed new procedures for assessing employee performance. Part two of this process, a hand-on training session for staff members, providing practice in using these new procedures in a clear way, is scheduled for early 2005. The procedures have been developed in collaboration with an expert in this field.

The thematic teams have been enlarged to the minimum level desired by HOM. The current personnel situation achieves the aim: to have at least two persons working on each theme in order to support team interaction and to minimize the risk of losing institutional memory in case a team member is absent. The 'risk of damage' is now at an acceptable level.

The organization's growth, both in terms of activities and personnel, has led to an increased demand for internal support. During 2004 it became clear that the internal organization needs more quantitative capacity. At the end of the year the decision was taken to add a part-time employee to the administrative staff. The position was advertised in December and it is hoped that the vacancy will be filled in early 2005.

As in previous years, staff training in a variety of areas received attention in 2004. All staff members took part in a one-day training on how to use PowerPoint. One staff member attended a special lecture series on human rights that formed part of a post-academic LLM (legal training), four followed an organizational assessment course in the field of capacity building, one followed specialized training on presentation techniques and another attended a five-day training session on planning, monitoring and evaluation (PME) systems.

HOM has continued to have positive experiences with interns. The result is a continuing presence of two or three interns at the same time, to the benefit of both parties. HOM offered five internships during the year.

### **6.2 Quality management**

Quality management is becoming an increasingly important issue in HOM's policymaking. Quality management initiatives in 2004, supported by a financial contribution from PSO, included a three-day training course on organizational development for four HOM staff members. This has given HOM staff more insight into how partners work and how HOM can support the effectiveness of its partners in cooperation with HOM. HOM is becoming increasingly aware of how to secure the quality of our daily work. This has been a point of attention in various aspects of our work.

HOM's director took part in a five-day training course on monitoring and evaluation in the context of a learning organization. This led to a first draft of an internal plan for PME. In 2004 two projects used a Logical Framework Approach at the stages of preparation and monitoring. This tool provides a method to obtain a common approach in making analyses and definition of goals, objectives, outcome and output. Training in applying the intervention logic, making a problem analysis and stakeholder analysis, for each project and for all staff members working on programmes and projects, is planned in early 2005. An external expert will provide advice and facilitate the training.

Although capacity building for human rights organizations has been part of HOM's activities since 1995, a commonly agreed vision has never been developed. In 2004 this process was started: an external resource expert was brought in for a day to discuss the aims and strategies of capacity building with HOM staff members. This resulted in increased knowledge of capacity building, as well as alternative approaches and skills.

A second orientation of instruments took place to consider the quality management topics mentioned above. The instruments ISO, INK and the Balance Score Card were discussed and compared. The INK (Instituut voor Nederlandse Kwaliteit [Institute for Dutch Quality]) was clearly found to be more in line with HOM's practice and goals than other instruments. This instrument identifies various parts of an organization, so that a self-assessment process can be started. HOM has now started self-assessment and identified that some of its work processes, such as those mentioned above, need to be further elaborated and secured. The INK self-assessment exercise will provide input for HOM's internal policy paper and define priorities for improvement.

### **6.3 Policy development**

The policy paper 2004-2007 has been published as a brochure titled: "Human Rights: Goal, Instrument and Indicator". HOM planned to develop an internal policy paper in 2004 to regulate the internal affairs of the organization, but this plan has yet to be finalized, due to time constraints and other pressing priorities (selection of new staff, human resource management, pension scheme development).

As part of the internal policy paper several staff members have been involved in developing a communication plan and an integrated approach to fundraising.

### **6.4 Board and board members**

The Board started the year 2004 with a vacancy for the chairperson position, as in the autumn of 2003 Gerritjan van Oven decided to step down after six years. Mr van Oven guided HOM through rough financial waters and achieved a major positive result – a four-year institutional subsidy. This gave HOM the time and energy needed to provide continuity in its activities. After a new profile for the chairperson had been agreed upon, Rob Buitenweg, then vice chair, was asked to fill in the vacancy. Gemma Crijns then took over the vice chair position. As there were still vacancies, Frans Huijnen and Jitta Miedema were invited to join the Board, which they did in September. To everyone's regret, in November 2004 the longest sitting member of the Board, Klazien van Brandwijk, decided to end her involvement with HOM. The vacancy for a Humanitas representative had been considered for some time, and at the end of 2004 Els Berman was proposed as candidate. Her appointment was formalized at the first meeting in 2005.

Thus, the current board consists of Els Berman (representing Humanitas), Els Boerhof (treasurer), Rob Buitenweg (representing Humanistisch Verbond, chairperson), Gemma Crijns (vice chairperson), Jan-Carel Diecken (representing Hivos), Caroline van Dullemen, Frans Huijnen, Jitta Miedema and Marc Moquette. Currently there are no vacancies.

## 6.5 Annual Social Report

In line with renewed pension regulations, in 2004 HOM developed new regulations on working conditions. Although no formal policy on sabbatical leave yet exists, the Board decided to grant one staff member a similar type of leave. A new time-registration instrument was introduced to clarify the number of hours staff members spend to achieve their goals. This instrument is also being used to look for ways to decrease the overtime work that remained high throughout 2004. The average level of sick leave was 1,26 percent.

Special attention was given to physical working conditions. After a demo on the Workplace program to protect employees from RSI complaints was given a positive evaluation, HOM invested in this software. Two staff members followed a first aid and fire prevention course.

In addition, HOM used a more environmentally friendly type of paper in 2004 than it did in 2003.

## 7 FINANCES

In 2004 HOM continued to use the system of administration developed in 2003. It is thus easy to compare figures from 2003 and 2004. It is also easier to generate financial reports and to compare those with the original budgets.

2004 marked the second year of the four-year TMF institutional subsidy. Funding for other activities such as the Human Rights and Business project (carried out with subsidies from NCDO and Hivos) and a project to support women's rights in the Balkans (supported by Hivos funding) was continued in 2004 and has been secured for 2005. New proposals to follow up on these activities will be sent to several funding organizations. Cooperation with PSO resulted in six new activities in 2004, for a total amount of 165,000 euros. The Post Graduate Training Course Forensic Medicine that was carried out with funding from the Dutch Embassy in Djakarta was ended at the end of 2004.

HOM was successful in finding new sources of funding in addition to the Ministry of Foreign Affairs. Its goal to increase other sources to at least one third of Ministry funding was met: in 2004, 53 per cent of funding was derived from other sources. Some new activities scheduled to start in 2005 have found funding; other subsidies have been applied for.

HOM's financial records have been examined by an auditor. In November an interim report was received. The subsequent details were followed up and in March 2005 the financial audit was completed with a positive result.

Of a total of nearly 1.2 million euros in assets, more than 50 per cent was spent on personnel costs. Activities-related costs represented 41 per cent of the total and 9 per cent was used for operational costs.

## 7.1 Summary of the figures

Account of income and expenditures over 2004:	2004	2004	2003
	Realized	Budget	Realized
	€	€	€
<b><u>Income</u></b>			
Subsidies (minus deposit subsidies)	1,140,882	988,900	675,984
Donations and gifts	9,266	8,000	10,750
Consultancy	4,473	0	27,319
Supervision- and administration allowances	20,395	29,998	21,532
Income and expenditures preceding financial year	250	0	586
	<u>1.175.266</u>	<u>1,026,898</u>	<u>736,171</u>
<b><u>Expenditures</u></b>			
Personnel budget/costs	578,879	496,497	367,851
Costs of activities	468,353	357,804	247,170
Costs of premises	34,572	25,000	22,468
General costs	38,496	98,598	40,396
Depreciation of fixed income	<u>22,802</u>	<u>18,000</u>	<u>12,678</u>
	1,143,102	995,899	690,563
<b><u>Balance</u></b>	<u>32,164</u>	<u>30,999</u>	<u>45,608</u>
<b><u>Allocation of results:</u></b>			
Addition/withdrawal of reserve redundancy pay	0	0	16,903
Addition to general reserves	<u>32,164</u>	<u>30,999</u>	<u>45,608</u>
	<u>32,164</u>	<u>30,999</u>	<u>45,608</u>

Balance Sheet per 31 December 2004 (after proposed processing of the balance of the account of assets and liabilities)

Assets	31 December 2004	31 December 2003
<u>Equity</u>		
Foundation capital	45	45
General reserves	<u>255</u>	<u>(31,909)</u>
	300*	(31,864)'
<u>Accrued liabilities</u>		
For redundancy pay	83,346*	43,261'
<u>Short-term debts</u>		
Subsidy funds to spend	199,503	305,493
Taxes and welfare insurance premiums	56,966	24,385
Remaining debts and liabilities	<u>150,222</u>	<u>61,674</u>
	<u>406,691</u>	<u>391,552</u>
	<u>490,337</u>	<u>402,949</u>
	<u><u>490,337</u></u>	<u><u>402,949</u></u>
*) Longer-term available funds	83,646	11,397

## 7.2 Explanation of the figures

The final balance in 2004 was positive. An amount of more than 32,000 euros became available to the equity. HOM owes this positive result to three different components of its organization:

- Donations and gifts could be added to the private capital. This contributed 29 per cent (9,266 euros) to the result.
- The sales of consultancy (carrying out short- and longer-term consultancy orders for a third party) contributed 8 per cent to the result.
- Consultancy and project management for organizations also benefited HOM's result. These activities contributed more than 63 per cent to the 2004 result.