



Building a Pro Bono Clearinghouse in the Netherlands
Report on the first 1.5 years of Pro Bono Connect

June 2017

*Pro Bono Connect is a project by the Dutch Section of the International Commission of Jurists
(Nederlands Juristen Comité voor de Mensenrechten, NJCM)*

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*All names of NGOs/organizations and details regarding requests submitted by NGOs/organizations in this report have been included only after express permission by the NGO/organization, and after consultation with their lawyers. We thank the NGOs/organizations for confiding in us and we intend to make every effort to be of continued assistance.

**This report was presented to and discussed with Pro Bono Connect's Founding Members, Advisory Committee, and Project Board during its first official Round Table on 24 May 2017.

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1. INTRODUCTION

In May 2014, the Dutch Section of the International Commission of Jurists (Nederlands Juristen Comité voor de Mensenrechten, NJCM) launched the Public Interest Litigation Project (PILP) to investigate, initiate and coordinate human rights litigation in the Netherlands. The PILP-coordinator, attorney Jelle Klaas, soon identified a need among non-governmental organizations (NGOs) for assistance with legal questions regarding, but also beyond, litigation. The idea was born to establish a clearinghouse in the Netherlands that would connect NGOs to legal professionals for pro bono legal advice.

The NJCM, with the help of several law firms, contracted its member Floris van Hees, former Senior Associate at Clifford Chance, to conduct research into the needs of NGOs, the wishes of law firms, and the ways in which such a clearinghouse could be established. A secondee from De Brauw Blackstone Westbroek, Sophie van Dijken, assisted Floris. The research resulted in a Project Plan that laid the foundation for the first Dutch clearinghouse: Pro Bono Connect.¹

Pro Bono Connect is a three-year pilot project that runs from January 2016 until December 2018. Pro Bono Connect could not have been realized without the commitment of its Founding Members: the 13 law firms that have been involved since the initial research, that financially contribute to Pro Bono Connect during the three years of the pilot, and that have committed to taking on requests from NGOs on a pro bono basis. These 13 Founding Members are: AKD, Baker McKenzie, Clifford Chance, CMS Derks Star Busmann, De Brauw Blackstone Westbroek, DLA Piper, HVG Law, Houthoff Buruma, Linklaters, Loyens & Loeff, Nauta Dutilh, Simmon & Simmons, and Stibbe. We extend our warm thanks to them for their vital support and relentless enthusiasm.

In the early days of Pro Bono Connect, we established an Advisory Committee that serves as a sounding board for the Project Coordinator of Pro Bono Connect (see Chapter 5). The input of its members has been invaluable and for that we are grateful. Please see Addendum I for the current composition of the Advisory Committee.

In this document, Pro Bono Connect reports on the first half of the pilot. We present the financial state, demonstrate the great diversity of the requests that we have received and the NGOs that have submitted requests (see Addendum II for a list of NGOs), and explain when we have denied or accepted requests. Through cases we illustrate the fantastic work that is carried out by all parties involved. We kindly thank Noor Buur (BeeBlue), Freeke Heijne (Houthoff Buruma), Jelle Klaas (PILP), and Martijn Snoep (De Brauw Blackstone Westbroek) for sharing with us their experiences with being the recipient of or providing pro bono legal aid (see Box 1 and 2). Your stories are inspiring and enthralling.

Finally, we provide information on other activities carried out by Pro Bono Connect thus far, and we share with you some of our plans for the short and longer term. In that respect, we would like to thank Jan Andringa (HVG Law) for giving us his vision for the future of Pro Bono Connect. We are energized by your enthusiasm.

Lara Talsma
Project Coordinator

¹ For more on the history of Pro Bono Connect and the research that laid the foundation, please see: <https://probonoconnect.nl/wp-content/uploads/2017/03/Pro-Bono-Connect-Project-Plan.pdf>.

2. FINANCIAL REPORT 2016

2.1 Income 2016

[This information is available upon request and at the discretion of Pro Bono Connect].

2.2. Actual expenses 2016

[This information is available upon request and at the discretion of Pro Bono Connect].

2.3. Result 2016

[This information is available upon request and at the discretion of Pro Bono Connect].

2.4. Clarification expenses 2016

2.4.1. Staff expenses

[This information is available upon request and at the discretion of Pro Bono Connect].

2.4.2. Office expenses

[This information is available upon request and at the discretion of Pro Bono Connect].

2.4.3. Promotion

[This information is available upon request and at the discretion of Pro Bono Connect].

2.4.4. Other

[This information is available upon request and at the discretion of Pro Bono Connect].

“In the first six months after its establishment we submitted two requests and both times we were pleasantly surprised by Pro Bono Connect’s swift response and knowledge. Our collaboration was enjoyable, and both top tier law firms that were selected did an excellent job.”

– Greenpeace International –

3. BUDGET 2017

3.1. Income 2017

[This information is available upon request and at the discretion of Pro Bono Connect].

3.2. Proposed budget 2017

[This information is available upon request and at the discretion of Pro Bono Connect].

3.3. Clarification budget 2017

3.3.1 Staff expenses

[This information is available upon request and at the discretion of Pro Bono Connect].

3.3.2 Digital infrastructure

[This information is available upon request and at the discretion of Pro Bono Connect].

3.3.3. Other

[This information is available upon request and at the discretion of Pro Bono Connect].

“Pro Bono Connect has helped us greatly. We received quick and diligent advice on our issue. An advice which, for a foundation like ours, is priceless in many aspects.”

– Stichting Bretels –

4. THE REQUESTS

4.1. Introduction

The statistics and other information in this Chapter are based on the requests for (legal) assistance that Pro Bono Connect processed since its (informal) start at the end of 2015 until 1 May 2017.

4.2. Criteria for accepting requests

After careful deliberation with the Advisory Committee and the Project Board of Pro Bono Connect, Pro Bono Connect developed criteria that serve as guidance for accepting requests during the pilot phase.

Currently, the criteria (as described on our website) are as follows:

- *Is the request or organization focused on improving human rights?*
- *If not, does the NGO/organization have a public interest mission?*
- *If not either, does the request serve a public purpose, or is it a specific request with strategic relevance for the NGO/organization?*

If none of the abovementioned criteria apply, Pro Bono Connect may decide to take the request into consideration anyway. All these requests however will need to be passed by the Pro Bono Connect Board as well.

In principle, Pro Bono Connect does not assist individuals in finding pro bono legal aid. The underlying thought to this principle is that individuals are eligible to receive government-funded legal aid. Pro Bono Connect aims to stay clear from cases that could be dealt with by lawyers who run a practice on government-funded legal aid. NGOs and organizations are not eligible for such legal aid. Still, when evaluating a request, we always take into consideration whether there is a risk that we “steal” work from other lawyers, which we aim to avoid.

Since it is still a pilot project, we do not exclude requests simply because the criteria are not met and we evaluate each request on a case-by-case basis. At times, we have accepted or declined requests that may at first glance be evaluated differently. In the following paragraphs, we provide an overview of the number and types of requests we received, we provide information on the types of NGOs that sought our assistance and we demonstrate when we deviated from the criteria and why. After that, we provide information on the number of cases taken on by each firm and the reasons for firms to deny requests.

4.3. Statistics until 1 May 2017

Total number of requests received by Pro Bono Connect	76
Number of requests not accepted by Pro Bono Connect	13
Number of requests submitted to the Founding Members	63

Number of requests not matched with the Founding Members	5
Total number of requests dealt with by the Founding Members	58
Number of NGOs that submitted a request	42
Number of NGOs that submitted more than one request	8

4.4. Clarification on the requests accepted and denied

4.4.1. Individual requests

On eight occasions, we denied individual requests and referred to law firms that work on a government-funded basis, the Legal Aid Desk (*Juridisch Loket*) or to lawyers and clearinghouses or other institutions in another jurisdiction.

In one case, we made an exception to the principle not to take on individual requests. The request was made through PILnet² by a Russian lawyer who herself assists female victims of gender-based violence on a pro bono basis. As such, she needed information on the implementation of a Russian judicial decision in the Netherlands. Obviously, this matter does not involve an individual who would have otherwise received government-funded legal aid or who would have otherwise been assisted by a (social) lawyer. The underlying understanding for this principle to not “steal” cases from other lawyers was therefore not at stake here. Additionally, the question on the implementation of a Russian judicial decision – a question that lies within the expertise of our Founding Members – served a larger human rights purpose. Therefore, we accepted the request and we matched it with one of our Founding Members.

4.4.2. Requests for financial assistance

Only a few times did we receive requests for financial assistance, or rather, to forward to our Founding Members requests for financial assistance. The fundamental idea to Pro Bono Connect is that the law firms do not donate money (since theoretically everyone can do that), but their time, skills and expertise as a lawyer. That is why we will continue to deny such financial requests.

4.4.3. Employment law

Regularly, NGOs require assistance with issues of employment law. For general questions such as updating contracts and advice on obligations under employment law, the law firms are well equipped and pleased to assist. Incidentally, we have received a request that dealt with questions related to having to fire staff members or to reorganizing and downsizing organizations. In such instances, we have denied requests but we will continue to carefully consider such requests on a case-by-case basis. Of course, we aim to help NGOs, but we prefer not to do so with the power of our participating law firms at the expense of individual employees (who may not even have an attorney).

² PILnet is the Global Network for Public Interest Law and serves as a worldwide clearinghouse. See: www.pilnet.org.

4.4.5. Other

In the early stages of Pro Bono Connect, it was decided not to take on a request for setting up a foundation for an initiative related to teaching yoga to prison inmates. The reason for denying this request was that it was considered too simple a request; that Pro Bono Connect should focus on requests that would place a significant burden on NGOs and could not be dealt with by the NGO, but that were of fundamental importance to the NGO. As we continued to develop our criteria, we have concluded that (in any case during the pilot phase) this approach is too rigid and limiting. Therefore, on other occasions, we have taken on similar requests.

Furthermore, we bear in mind that even though an NGO might have a substantial budget, legal expenses could also be used for work that directly serves the cause. Therefore, we do not automatically exclude requests that could in theory be facilitated otherwise, but we evaluate this aspect on, again, a case-by-case basis.

4.5. NGOs/organizations that submitted a request

A total number of 42 organizations submitted a request with Pro Bono Connect. In Addendum II to this report, we have included a list with a brief description of the organizations that have submitted a request and have given us permission to provide this information. The list demonstrates a great variety between the types of NGOs/organizations.

Some organizations were large NGOs with a long history and well-known reputation, while other organizations were just starting and expanding. The list includes organizations that operate worldwide, in certain regions or countries, or only in the Netherlands. Most organizations were based or seated in the Netherlands, some in other jurisdictions.

Among other target groups, organizations worked for refugees, human rights defenders, journalists, children, disabled persons, and undocumented migrants. The public interest missions of the organizations varied from access to information, access to justice, the right to privacy, and freedom of the press, to inequality, discrimination, poverty, ending armed violence, and restorative justice, to environmental justice, sustainable development, and more.

Sometimes, a request does not come from a typical public interest NGO or organization, but still serves an important public interest. One such request came from a collective with a plan to stimulate a circular economy, by developing circular products (made from waste) and by providing services to organizations making a transition to more sustainable economic systems. At the time of the request, the collective was still exploring ways to get organized and in need of understanding the legal obligations they had under, among other things, environmental law.

Now, the collective is, together with Houthoff Buruma, working towards setting up a for-profit company under the name BeeBlue. We decided to make an exception for this start-up, because of its unique mission and innovative ideas for making this world a more sustainable place. In Box 1, Noor Buur (Co-founder of BeeBlue) and Freeke Heijne (Senior Associate at Houthoff Buruma) explain why their collaboration is so important to them.

BOX 1:

Houthoff Buruma helping BeeBlue to work towards a circular economy

“On a lucky day last December, my friend told me about Pro Bono Connect. Although BeeBlue is not an NGO, but a start-up company striving after a public benefit mission, we tried the best of our luck. Regarding the public purpose involved, Pro Bono Connect took our request into consideration, and remarkably quick and fluently BeeBlue and law firm Houthoff Buruma became a match. BeeBlue aims to put the theory of circular economy into practice by developing sustainable (consumer) products partly based on (organic) waste streams. We do so to contribute to change the ‘take-make-waste’ economy into an economic system facilitating positive societal and ecological values.

The law-firm & start-up match proved to be a cooperation of hearts and minds, since we share a belief that a positive entrepreneurial and collaborative mindset can contribute substantially in the shift towards a healthy and more sustainable economic system. Houthoff Buruma fully supports BeeBlue’s public benefit mission and acknowledges the strategic importance of our work. Hence, their lawyers dive into the details of how the work of BeeBlue is subject to environmental laws and regulations. Especially their advice on how BeeBlue can deal with the resulting liability and legal obligations in a practical way – incorporated in our day-to-day operations – is pivotal to the potential success of our mission. Considering the public benefit of this information, Houthoff Buruma and BeeBlue consider ways to make a larger public profit from the advice, by making the information available to others. Houthoff Buruma also strengthens BeeBlue’s organization by providing a legal entity and a framework to protect BeeBlue contractually in our (future) cooperation with partners.

Undeniably, the cooperation with Houthoff Buruma is sustainable, fun, and critical to BeeBlue’s success! Without Pro Bono Connect the high quality legal aid would not have been affordable for an organization as BeeBlue. Without this help, the legal vulnerability characterizing start-ups by nature, would otherwise also have been applicable to BeeBlue.”

- Noor Buur, Co-Founder of BeeBlue -

“The main reason for Houthoff Buruma to work with Pro Bono Connect is to provide legal assistance to those organizations that cannot afford it. We believe that if we help them with our legal experience, we indirectly support their legitimate and rightful causes, e.g. human rights protection and sustainability. More than we could have ever imagined, these organizations in fact support us. Not so much in terms of our status as benefactors, which in fact is quite unimportant, but by providing us the opportunity to expand our legal knowledge of new undeveloped and complex legal areas, which come along if you are making soap out of coffee grounds. Or beer out of left-over bread. Or bread out of beer (leftovers). That is not our or our client’s day-to-day business.

For BeeBlue – the great initiative that does this stuff – we needed a team of experts on environmental law, product liability, and corporate law. It appears that the Dutch legal system faces (and creates) obstacles where it concerns the circular economy and should continuously be updated in that regard. The amount of work we have done, does not come close to being affordable for BeeBlue, but is at the same time vital for their goal of creating a better and sustainable world.

In close cooperation with BeeBlue’s founders Robert-Willem Dol and Noor Buur we feel that our support to BeeBlue and its goals was much more direct than we would have thought. The same goes for many of the other beautiful projects we have done through Pro Bono Connect.”

- Freeke Heijne, Senior Associate Houthoff Buruma –

4.6. The requests

4.6.1. Legal advice on a wide variety of topics

Not only the organizations showed great diversity, but also the requests. Based on our acceptance criteria we can make a distinction between the requests that dealt with the issues and themes the organizations work on and those that help the organizations be organized better internally, so they have more hands free to work on the public interest goals they wish to achieve.

Most requests dealt with issues related to the latter category. For instance, we received 15 requests from organizations and start-ups regarding the governance of the organization, such as requests for assistance in setting up / restructuring foundations and for assistance in drafting Articles of Association. Several requests involved issues related to intellectual property and copyright, such as how to ensure brand protection in agreements, questions related to copyright protection of materials developed by organizations or available on their websites, and even a request from an organization that had been asked by a large corporation to change the name as allegedly it showed too much resemblance to that of the corporation.

Additionally, we received multiple requests for fiscal advice, including for help with obtaining an ANBI-status (or appealing the denial of such ANBI-status). A few requests dealt with privacy and ICT related issues, e.g. drafting a privacy statement for the website of an organization. And (without intending to be complete) there were request regarding collaboration with partners, how to deal with corruption at partners, and regulatory and compliance questions.

In the first category – requests dealing with the issues and themes organizations work on – the questions ranged from advice regarding administrative / environmental law and various EU law questions to refugee law and human rights law. One could think of questions about the compliance of certain legislation with the European Convention of Human Rights or the International Convention on Civil and Political Rights, or the applicability of (financial) criminal law in case of certain human rights violations.

4.6.2. Litigating with the help of Pro Bono Connect

Out of the 76 requests that Pro Bono Connect received, 11 dealt with questions related to litigation. In two instances, an organization asked for advice in Supreme Court litigation (*cassatie*), while another requested advice on the possibilities of litigation before the European Court of Human Rights. In several cases, general options of initiating proceedings (e.g. against the Dutch government) are currently being explored.

In one case, a non-profit organization was sued for alleged copyright infringement for the use of cartoons in their materials. The cartoonist had on previous occasion given permission to use these cartoons, but after several years had had a change of mind and demanded the organization deleted all cartoons ever used from its archive (including all paper publications that were now digitalized). The organization tried to negotiate a settlement, but no agreement was

“We would sincerely like to thank you for all your help in this. It was a very crucial and timely help, without which it would have been very difficult for us to frame our appeal effectively.”

– Creating Resources for Empowerment and Action Inc (CREA, a feminist human rights organisation based in New Delhi, India) –

reached, after which they were sued. The legal proceedings require that the organization be represented by an attorney. If they defend themselves without an attorney, the case will be decided as if the organization did not defend at all (*bij verstek*). However, the organization did not have the financial means for an attorney and is now represented by an attorney through Pro Bono Connect.

The Public Interest Litigation Project (PILP) submitted five of the 11 requests dealing with litigation (advice). Three of those were matched with Founding Members and two were not, due to issues of (business) conflict or lack of expertise. Still, in one of these two, Jelle Klaas (the PILP's Project Coordinator and the attorney in this case) is assisted behind the scenes by a lawyer the PILP engaged with through the Pro Bono Connect network. In this case, the PILP, the NJCM, and peace organizations PAX and Stop Wapenhandel appealed the granting of an arms trade license by the Dutch government to a Dutch company for a delivery to Egypt. According to these organizations, the license should not have been granted as the government had insufficiently taken the human rights consequences into consideration, especially given the concerns regarding Egypt's involvement in the blockade of Yemen.³

The PILP-cases that were matched with Founding Members involve such issues as the right to non-discrimination and the right of journalists to access information. All these PILP-cases are in a preparatory phase, which does not allow the PILP to provide more information. All, but one: the so-called "1F-case" (see Box 2 below for more information).

³ For more information see <https://pilpnjcm.nl/en/dossiers/arms-trade-and-human-rights/>.

BOX 2

The “1F-case”: a tort claim against the Dutch government in an Afghan asylum case

In this case, the PILP, De Brauw Blackstone Westbroek, and Marieke van Eik (asylum lawyer at Prakken D’Oliveira) have – on behalf of an Afghan asylum seeker and the NJCM – subpoenaed the Dutch government in a tort claim for breaching EU law. The state has submitted its written response and a court hearing is planned for August 2017. Jelle Klaas (the PILP) and Martijn Snoep (De Brauw) share with us their views on the case and their collaboration, but first an abstract of the case.

LEGAL BACKGROUND OF THE CASE

Article 1F of the 1951 UN Refugee Convention

In evaluating asylum applications, the Netherlands must take into consideration Article 1F of the Refugee Convention. This article prescribes that persons against whom there are serious reasons for considering that they have committed (essentially) war crimes and crimes against humanity, are excluded from refugee protection under the Refugee Convention.

Excluding Afghan asylum seekers by reversing the burden of proof

In 2000, the Dutch government published a report that resulted in the application of Article 1F in hundreds of Afghan asylum cases. This report from the Ministry of Foreign Affairs (*ambtsbericht*) provides information on the situation in communist Afghanistan in the 1980s/1990s. It concludes that all officers who at some point between 1978 and 1992 worked for the Afghan intelligence ministry and related service (KhAD/WAD), must have participated in arresting, interrogating and torturing victims. Based on this conclusion, Article 1F is applied to practically all Afghan asylum seekers who have worked as officers for the KhAD/WAD. It is then up to the asylum seeker to prove the opposite. That is, the asylum seeker must provide evidence that Article 1F does not apply to him. However, the evidence will only be accepted if it fits the framework as provided by the *ambtsbericht*. For example, someone who claims that he only worked in the mailroom or the technical department of the service will not be believed as according to the *ambtsbericht*, every single officer must have worked in the – paraphrased – torture departments, because allegedly that was the only way to be promoted in rank. Since the *ambtsbericht* came out, hundreds of Afghan asylum applications were denied and previous permits were withdrawn, in some cases after the asylum seeker had legally resided in the Netherlands for years. The *ambtsbericht* is highly criticized by numerous organizations and academics around the world, including the UNHCR.

Legal limbo

In many of the Afghan 1F-cases, the asylum seeker could also not be returned to Afghanistan because Article 3 of the European Convention on Human Rights prohibits expulsion if a person runs the risk of being subjected to torture or other inhuman treatment upon return. In other words, the Afghan 1F’ers could not stay, but could not leave either. At the same time, it turned out to be difficult to hold these alleged war criminals accountable for their acts. Thus far, only three Afghans have been criminally prosecuted, two of whom were convicted. In addition, when someone has been marked a “1F’er”, he / she also loses the right to housing, food, and work. Thus, the 1F’er ends up in a legal limbo in which he will largely rely on family or friends. In many cases, the 1F’er is the father of a family of which the family members did obtain refugee status and some even already Dutch nationality. In case they provide shelter to their father, the family members will be “punished” by being cut short on social benefits, even though they would otherwise be eligible.

The EU Court of Justice requires that individualized research is carried out

In *Germany/B. and D.* – a case in which Germany applied Article 1F to the asylum claims of two Kurds – the EU Court of Justice ruled that the state must carry out an individualized research into the specific circumstances of the case and it gives further guidance on what cannot be considered individualized research. Many legal scholars, lawyers and other experts are of the opinion that the Dutch test does not meet the standards of individualized research as set out by the Court.

Breach of EU Law by the Dutch state

In contrast, the Judicial Division of the Council of State, which is the highest court in migration and asylum law cases, has ruled that the Dutch test does comply with the standard as set out in *Germany/B. and D.* The Council of State refuses to submit cases to the EU Court of Justice for preliminary questions. The PILP, De Brauw and Attorney Van Eik argue that because of the Council of State's misinterpretation of *Germany/B. and D.* and its refusal to ask preliminary questions, the State is accountable for committing a tortuous act because of this breach of EU law.

JOINING FORCES WITH DE BRAUW

Jelle Klaas explains how the idea of trying the civil route and collaborating with De Brauw came about: "For years, numerous attempts were made to find a solution for the legal limbo, both legally and politically, all to no avail. In 2015, PILP was asked to look into this problem. We organized several brainstorm sessions with experts. During one of these sessions a lawyer remarked he had heard about the Traghetti-case, in which an Italian citizen sued the Italian government after which the Italian court asked preliminary questions to the EU Court of Justice. We realized this could be a possibility, but none of us had the expertise in EU law and state liability to be sure. And this is when De Brauw came into play."

Lawyers from De Brauw first wrote a thorough and extensive litigation advice on the question whether the state could be held responsible in court for the Council of State's refusal to ask preliminary questions to the Court of Justice. Martijn Snoep: "We became so fascinated by this problem and the human and legal aspects of it, that we offered to provide legal representation on a pro bono basis in the actual litigation."

Both De Brauw and the PILP realized that proceedings could not be initiated without an asylum law expert on board. "And we needed to find a suitable case of a client who would be willing to participate in this experiment", says Jelle. After having phrased the criteria for a case, the coalition was completed by adding Marieke van Eik to the team whose client it was on behalf of whom the subpoena was filed.

A CASE FOR PRO BONO COALITIONS

Jelle: "This is a situation that many thought was hopeless, but that has now been given another option." Jelle hopes this will be the first of many such collaborations: "It is a perfect example of what can be done if people from different legal backgrounds and with different expertise come together to work on a common cause. It is truly inspiring to work on this together. The fact that De Brauw does this on a pro bono basis allows for this case to be brought further than it would ever have come." Martijn adds: "It is truly inspiring to work with equally motivated lawyers from very different backgrounds than ours and to fight for achieving justice together."

For more information see: <https://pilpnjcm.nl/en/dossiers/afghans-the-1f-procedure/>

4.7. The Founding Members

4.7.1. Introduction

As said, there are 13 Founding Members. Two joined Pro Bono Connect in the summer of 2016. In alphabetical order, our Founding Members are:

- AKD
- Baker McKenzie
- Clifford Chance
- CMS Derks Star Busmann
- De Brauw Blackstone Westbroek
- DLA Piper
- HVG Law
- Houthoff Buruma
- Linklaters
- Loyens & Loeff
- Nauta Dutilh
- Simmon & Simmons
- Stibbe

4.7.2. Multiple requests for all Founding Members

All firms have accepted and have dealt with multiple requests, while some have taken on more than others. A few firms are interested in working on certain themes only or primarily. Other firms do not have certain expertise or only small departments in those areas of law. Then there are firms that do not wish to or cannot take on pro bono litigation, and some firms do not wish to take on controversial cases that potentially draw a lot of media attention. These factors mainly explain the differences in requests submitted to the firms.

4.7.2. Reasons for not taking on requests

When Founding Members refused to take on requests submitted to them, this was mostly because of possible conflicts of interest, including situations in which the subject or the organization were considered not to correspond with a firm's regular business. Other reasons were that a firm did not have the capacity at the time, that a deadline was too short, or that the request was too controversial/political/media-sensitive.

5. OTHER ACTIVITIES CARRIED OUT BY PRO BONO CONNECT

In this first half of the pilot, we laid a solid basis for the clearinghouse Pro Bono Connect. Of course, we had to spend a significant amount of time setting up shop; finding office space and office equipment, move offices, get our systems up and running efficiently, effectively, and safely etc. We also invested in professionalizing our promotion materials (flyers, business cards, website, banner) and we started improving our templates and forms with the help of a professional designer.

In January 2016, we held our soft launch. We also gave several talks during lunch sessions at some of the Founding Members' offices. We helped organize and participated in the 2016 European Pro Bono Forum, which was held in Amsterdam from 16-18 November. Lara Talsma wrote a report on the forum, which was published in NJCM's human rights quarterly (*Nederlands Tijdschrift voor de Mensenrechten, NTM/NJCM-Bulletin*).⁴ Following the Pro Bono Forum, we also appeared in an article in *Advocatenblad* on pro bono in the Netherlands (with quotes from Lamin Khadar, Pro Bono Associate at DLA Piper, and Alexandra Vader-de Rooy).⁵

With the establishment of Pro Bono Connect, it was decided to create an Advisory Committee that would serve as a sounding board for the Project Coordinator of Pro Bono Connect. Thus far, we have held three very fruitful meetings with the Advisory Committee, which – among other things – resulted in defining the criteria for taking on requests and during which we further fine-tuned the strategy of Pro Bono Connect. Please see Addendum I for the current composition of the Advisory Committee and an explanation on Advisory Committee membership.

“The patient’s privacy and medical confidentiality are under pressure and deserve protection. In order to achieve this optimally, Pro Bono Connect is helpful and much needed.”

– Vereniging Praktijkhoudende Huisartsen –

We had meetings and talks with the Founding Members with the purpose of further establishing our working relationship and share thoughts on the current state and future of the Dutch pro bono culture and Pro Bono Connect.

Additionally, we reached out and collaborated with foreign clearinghouse, such as PILnet and Trustlaw, as well as with the Dutch Pro Bono Club, which is a collaboration between several mid-sized to large law firms in the Netherlands that aim to collectively take on pro bono cases. In one instance, we referred a request to the Pro Bono Club and the Pro Bono Club also forwarded one request to us. Likewise, we frequently touch base with PILnet (see footnote 2) and Trustlaw⁶ on (referral of) requests and other organizational matters.

Most importantly, we reached out to NGOs by giving talks on the work of Pro Bono Connect (and the PILP) and by informing them about their possibilities of receiving pro bono legal aid. Thus far, we have spoken with dozens of NGOs and we will continue to reach out and think with them about how they can best achieve their goals by receiving legal assistance.

⁴ L.C. Talsma, 'Pro Bono in Europa en Nederland: Niet langer óf maar hóe. Verslag van het 10th Annual European Pro Bono Forum', *NTM/NJCM-Bull.* 2017, p. 115-119.

⁵ 'Voor de goede zaak. Pro Bono Cultuur in Nederland', *Advocatenblad* 15 december 2016, zie: <http://www.advocatenblad.nl/?p=93292>.

⁶ <http://www.trust.org/trustlaw/>.

REFLECTING ON PRO BONO CONNECT WITH JAN ANDRINGA (HVG LAW)

HVG Law is one of the law firms that have been highly supportive of Pro Bono Connect since its very beginning and that have one of the highest acceptance rates for requests. Jan Andringa (partner at HVG Law) is a great enthusiast of providing pro bono legal aid and of Pro Bono Connect. Good reasons for us to ask Jan about his vision for the Dutch pro bono culture and Pro Bono Connect's role in it.

Jan Andringa is very clear on the status of pro bono work in the Netherlands: "The Anglo-American countries are miles ahead of us when it comes to institutionalizing pro bono work and we might not even be able to catch up, but least of all we should make every effort." Within its CSR policy, HVG Law stimulates its employees to work on pro bono cases, because "our knowledge is our added value".

Jan was very pleased when Pro Bono Connect was initiated, as it proved a catalyzing factor in stimulating the pro bono culture within HVG Law. Before, cases were very dispersed and taken on through individual initiatives. Now, the work is more centralized and dealt with more professionally. According to Jan, the best and most structured requests come through Pro Bono Connect. Plus, Pro Bono Connect filters before submitting a request. This saves HVG Law a lot of time.

However, we are still far behind the Anglo-American standards. Jan: "To really anchor a pro bono culture within a law firm, the stimulus must be top-down. I believe that acknowledging that employees dedicate time to pro bono work is the first and most important step. People should be rewarded positively, and pro bono work should be part of bonus systems of law firms." Jan also feels that setting examples by giving attention to the good work done by fellow associates and partners is essential.

Jan envisions a much larger role for Pro Bono Connect in "proselytizing" pro bono work, and its contribution therein. "Pro Bono Connect should become a brand of its own; it should grow both in size and substance (i.e. more requests). Of course, this requires more financial means and more staff, but I hope it will head in this direction", Jan explains.

Jan also emphasizes the need for dedicated partners. He likes the idea of working towards a definition of pro bono work and guidance on what committing to pro bono work should look like. Jan suggests that developing a "Certificate of Proven Quality" might work well. Such a certificate shows that a firm is dedicated and delivers quality, without limiting the scope and flexibility of the firms. Pro Bono Connect should take the lead in this and perhaps get the Dutch Bar Association involved.

If it were up to Jan, Pro Bono Connect would soon become a solid phenomenon in the Dutch legal culture and expand to transnational requests, as well as non-legal assistance. Jan: "I believe there is a large market for other pro bono assistance, such as ICT, financial, and consultancy advice and I believe in the one-stop-shop principle. For me, Pro Bono Connect already has the professionalism and expertise to make it all happen!

6. PLANS FOR THE FUTURE OF PRO BONO CONNECT

The pilot phase runs until the end of 2018. The sheer number of requests and the enthusiastic responses from NGOs (even when they have not yet submitted a request), law firms and others have demonstrated that there is a need for Pro Bono Connect. In the 1.5 years to come, Pro Bono Connect will therefore make every effort to ensure that the project grows beyond the pilot. It will consolidate the work that has already been done and continue to improve and professionalize our infrastructure, materials, reach, etc.

“...Your professionalism and expertise has ensured that the establishment of the foundation was executed not only expediently and efficiently, but also with due consideration to the significance of the date of incorporation.”

– The Widow’s Foundation –

We plan to increase our marketing efforts so that more NGOs learn of our existence and are inclined to submit requests. We will continue to visit NGOs and clarify what we do and why. With that, we aim to more than double our request intake in the next 1.5 years.

Furthermore, Pro Bono Connect is in the process of developing workshops and training for lawyers and possibly NGOs. These workshops should provide lawyers with more insight in the human rights aspects of business, of providing legal aid on a pro bono basis, and of the issues that NGOs are working on and the obstacles they encounter in the process.

Pro Bono Connect also plans to organize a pro bono event in the winter of 2017/2018 for lawyers, NGOs and others who are interested.

ADDENDUM I: Current composition of the Advisory Committee

NGO representatives

- Ruth Kronenburg – Free Press Unlimited
- Jasper Teulings – Greenpeace International
- Anna Timmerman – Human Rights Watch

Law firm representatives

- Freeke Heijne – Houthoff Buruma
- Lamin Khadar – DLA Piper
- Harald Wiersema – Nauta Dutilh

Independent members

- Brianne McGonigle Leyh – Netherlands Institute of Human Rights (Utrecht University)
- Dirk Steen – Steen Consultancy
- [Vacancy]

Clarification:

*The Pro Bono Connect Project Plan (see footnote 1) includes the following agreements on membership of the Advisory Committee:

Membership of NGOs and law firms is limited to a term of two years. After two years, membership rotates to other law firms and NGOs. The Project Board could ask law firms and NGOs to put forward names of prospective representatives. If more than three law firms or NGOs put names forward, priority could be given to law firms or NGOs that were not represented in the previous two years. If this does not lead to a resolution, a decision may be made by drawing lots.

In addition to the representatives of law firms and NGOs, an NJCM representative and two independent advisors of high moral character and good reputation (such as legal experts and academics, the former National Ombudsman, a former Minister of Justice, retired lawyers or Judges, etc.) should have seat in the Advisory Committee. To ensure continuity and to avoid frequently having to search for suitable candidates, independent members should be appointed for three years.

**Until January 2017, Elsa van de Loo (Netherlands Institute for Human Rights) was a member of the Advisory Committee, but when she left the Netherlands Institute for Human Rights to start as an attorney at a law firm (not being one of the Founding Members), she stepped down and relinquished her position in the Advisory Committee. We are in the process of filling up the current vacancy.

ADDENDUM II: NGOs/organizations that have submitted a(n accepted) request

This is a list of the NGOs/organizations that have submitted a request with Pro Bono Connect and that Pro Bono Connect accepted. This list is not exhaustive and only includes the NGOs/organizations that have given express permission to be included.

NAME ORGANIZATION	DESCRIPTION
Action Aid www.actionaid.org/nl	An international organization working for a world free from poverty and justice. Action Aid helps people use their own power to fight poverty and injustice. In doing so, Action Aid works on the following themes: inequality, food and land rights, women's rights, democratic governance, education, emergencies & conflict, climate change, HIV & AIDS, and youth.
Amnesty International www.amnesty.nl	An international organization that fights abuses of human rights worldwide through detailed research and determined campaigning. Amnesty brings torturers to justice, changes oppressive laws, and frees people jailed just for voicing their opinion. Amnesty campaigns and lobbies for a world where human rights are enjoyed by all.
Article 1 Collective www.article1collective.org	Article 1 Collective envisions a world in which the principles of human dignity and equality, enshrined in Article 1 of the Universal Declaration of Human Rights, are enjoyed by all. It holds violators of international law and human rights to account and combat impunity.
ASKV / Steunpunt vluchtelingen www.askv.nl	ASKV/Steunpunt Vluchtelingen is a Dutch foundation that stands up for refugees and displaced asylum seekers. ASKV strives for a dignified life for all refugees in the Netherlands, including those who do not yet possess a residence permit. ASKV offers judicial and social support, such as education and shelter.
Bee Blue www.wearebeeblue.com	Bee Blue is a collective of entrepreneurs, which develop products and services that have a structural positive impact on society, nature and the economy.
Bits of Freedom www.bof.nl	Bits of Freedom is a Dutch civil rights movement that defends the right to freedom and privacy on the internet. Its goal: an internet accessible for everyone where everyone can share digital information and where private communication stays private.

Stichting Bretels

www.stichtingbretels.nl

Stichting Bretels is a foundation that supports children who are going to, or already have, lost one or both parents. It provides for tailor-made plans per family and facilitates plenary meetings for adults and children so that they can support each other in difficult times.

Bytes for All

content.bytesforall.pk

Bytes for All, Pakistan, is a human rights organization and research think tank with a focus on information and communication technologies (ICTs). Bytes for All conducts research for evidence-based policy advocacy and capacity building of human rights defenders on their digital security, online safety & privacy.

Burgerrechtenvereniging Vrijbit

www.vrijbit.nl

A Dutch organization that stands up for the right to privacy, free communication and access to information.

Creating Resources for Empowerment and Action Inc. (CREA)

www.creaworld.org

A feminist human rights organization based in New Delhi, India. It is led by Southern feminists and works at the grassroots, national, regional and international levels. CREA works to advance the rights of women and girls, and the sexual and reproductive freedoms of all people.

Delitelabs

www.delitelabs.com

Delitelabs' goal is to support aspiring entrepreneurs – all in vulnerable positions, such as newcomers – in developing and realizing professional projects and thus activating entrepreneurial spirit.

Doorbraak

www.doorbraak.eu

Doorbraak is a movement with as its main goal to organize people in order to build up power for successful protest against capitalism and for more equality and freedom on all fronts.

Fairwork

www.fairwork.nu

FairWork is a Dutch organization that combats modern-day slavery in the Netherlands. The organization supports victims and organizes campaigns, trainings and spreads knowledge. It signals and guides victims of human trafficking.

Free Press Unlimited

www.freepressunlimited.org/nl

Free Press Unlimited is a foundation that strives for access to reliable information for all. It helps local journalists in war- and conflict zones so that these journalists can supply the public with reliable information.

Greenpeace International

www.greenpeace.org

Greenpeace is an independent global campaigning organization that acts to change attitudes and behaviour, to protect and conserve the

environment and to promote peace. It exposes environmental criminals, and challenges governments and corporations to ensure that they safeguard the environment and our future.

International Federation of Medical Students' Association (IFMSA)

www.ifmsa.nl

The IFMSA is an international platform for medical students with initiatives that aim to develop Global Health in the society and improve personal development for future professionals in health care.

Justice and Peace

www.justiceandpeace.nl

Justice and Peace is a Dutch foundation that improves access to social, economic and environmental justice by supporting the work of and providing protection of human rights defenders.

Stichting Landelijk Ongedocumenteerden Steunpunt (LOS)

www.stichtinglos.nl

The LOS foundation is a knowledge center for people and organizations that offer help to migrants that do not have residence permits in the Netherlands. LOS works for the acknowledgment of the basic rights of these migrants and their children.

Niketan

www.niketan.nl

An organization that supports children with disabilities in Bangladesh. Niketan offers care-professionals and local governments an opportunity to improve their health care systems for these people and to make sure they enjoy education.

Nederlands Juristen Comité voor de Mensenrechten (NJCM)

www.njcm.nl

The NJCM is the (independent) Dutch section of the International Commission of Jurists. Its main goal is to protect and promote human rights in the Netherlands. The NJCM monitors new legislation and government (foreign) policies on its complaints with human rights. It lobbies the national government and international human rights institutions, organizes seminars on current issues and engages in public debates on human rights in the Netherlands.

Stichting De Noordzee

www.noordzee.nl

A foundation that works for the protection and sustainable use of the North Sea (*Noordzee*). Its key themes are: protect nature, clean sea, sustainable fishery, and green energy.

NSGK – In1School

www.in1school.nl

In1School is a project by the Dutch Foundation for Disabled Children (*NSGK*). It exposes the unequal treatment of children in school and combats violations of the right to inclusive education.

One to Share

www.onetoshare.nl

OnetoShare is a foundation, which is constantly on the look out for inspiring charity initiatives that contribute to a sustainable earth. The main idea: share 1 percent of your net-income with a charity project you find important.

PAX

www.paxforpeace.nl

PAX works to build just and peaceful societies across the globe. It strives to protect civilians against acts of war, to end armed violence, and to build a just peace.

Privacy First

www.privacyfirst.nl

An independent foundation with the aim to preserve and promote the right to privacy. It aims to have rights related to privacy enshrined in law in a proper way. To this end, Privacy First is active in the areas of political lobbying, legal action and litigation, knowledge transfer and public campaigns.

Public Interest Litigation Project (PILP)

www.pilpnjcm.nl

A project by the NJCM with as main aim to have a public impact through strategic legal procedures in the area of human rights. The selected cases the PILP takes on always deal with human rights and serve the public interest.

Restorative Justice Nederland (RJN)

www.restorativejustice.nl

Restorative Justice Nederland serves as an innovation and knowledge center for restorative justice. It focuses on criminal law and other areas of law where restorative actions add value.

Stichting Secret Garden

www.stichtingsecretgarden.nl

Secret Garden is a foundation for and by LGBTQI persons with an ethnic-cultural background located in Amsterdam. Secret Garden provides social/societal, judicial, psychological support and guidance to this group of people.

Steenvlinder B.V.

www.steenvlinder.nl

A business that builds and renovates buildings in an organic natural manner: organic transformation. Steenvlinder stresses the importance of sustainable treatment of old buildings and forgotten locations. It uses the help of inhabitants and local users.

Travellers United Nederland

www.travellersunitednederland.nl

A foundation that protects the rights of people living in trailer parks. Travellers United Nederland strives for equal treatment and non-discrimination. It combats the 'extinction policy' of the Dutch government, which essentially entails that all locations where Travellers house, will eventually disappear.

**Vereniging Praktijkhoudende
Huisartsen**
www.vphuisartsen.nl

An association of general practitioners that aims to preserve the core values in the practice, without jeopardizing the developments of modern-day time. It wishes to maximize the position of general practitioners in the healthcare system.

WedoWe
www.wedowe.org

WedoWe is a global community advancing initiatives/projects with a measurable social impact that improve the world. It does so through workshops, by making events, and through videos.

The Widow's Foundation
www.thewidowsfoundation.nl

The Widow's Foundation exists solely to empower, advise and support widows through complex legal, financial and healthcare challenges during the grieving process.