

International Human Rights Funders Group

Meeting Minutes

January 29-30, 2007, San Francisco, CA

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AGENDA

Semi-Annual Meeting – January 29-30, 2007

Crowne Plaza Union Square
Savoy Room
480 Sutter Street (between Stockton and Powell)
San Francisco, CA 94108

Migration, Immigration and Refugee Rights

The debate over immigration and the rights of migrant workers and refugees, both in the US and around the world, reveals just how distant the ideals of the Universal Declaration of Human Rights remain for huge segments of the world's population. As children, women, and men flee conflict, persecution, poverty or environmental devastation, they face a range of human rights violations. Asylum-seekers, refugees and migrants find themselves strangers in strange lands, often unable to form strong communities to claim their rights. They are excluded from citizenship, denied protections as workers, face sexual and economic slavery, and lack access to health care, education, safe housing or even safe drinking water. The conference will examine current trends in migration, immigration and refugee rights, explore recent developments in international human rights law, and assess how these trends can inform our grantmaking.

AGENDA AT-A-GLANCE

Monday, January 29, 2007

9:00-9:30am	Breakfast
9:30-9:45am	Welcome
9:45-12:00pm	Education plenary with experts and activists
12:00-1:30pm	Lunch
1:30-3:00pm	Member-sponsored sessions <ul style="list-style-type: none"> • 'Democratizing' the Middle East and North Africa: Grantmaking in the 'Age of Terror' • Detention, Rendition and Torture: Next Strategies for US Human Rights Advocates
3:00-3:30pm	<i>Break</i>
3:30-5:00pm	Membership Meeting
5:30-6:30pm	Cocktail reception
6:30-9:00pm	Dinner with the Chief Prosecutor of the International Criminal Court, Luis Moreno-Ocampo

Tuesday, January 30, 2007

8:30-9:00am	Breakfast
9:00-10:00am	Working Group meetings <ul style="list-style-type: none"> • Disability Rights • Human Rights and the Environment • Sexual Rights • US Human Rights
10:00-12:00pm	Networking workshop with fellow grantmakers
12:00- 1:00pm	Lunch ... and The Funders' Soapbox!
1:00- 2:30pm	Member-sponsored sessions <ul style="list-style-type: none"> • Blissful Bedfellows: Reproductive Justice and Human Rights • Grantmaking as a Human Right
2:30-3:00pm	<i>Break</i>
3:00-5:00pm	Member-sponsored sessions <ul style="list-style-type: none"> • A Perfect Storm: Trade and Immigration Policies Undermining Human Rights • Muslims in Europe and North America: Strategies to Increase Human Rights Protection and Civic Participation • A Global LGBT Movement

Monday, January 29

9:00-9:30am *Breakfast* *The Savoy*

9:30-9:45am *Welcome* *The Savoy*
John Kowal, Open Society Institute
Steve Riskin, U.S. Institute of Peace

9:45-12:00pm *Education panel:* *The Savoy*
Migration, Immigration and Refugee Rights
A panel of expert practitioners will examine the obstacles to and opportunities for promoting human rights for migrants, immigrants, IDPs, and refugees.

Facilitator: **Adrian Arena**, Oak Philanthropy, UK, Ltd

Speakers:

- [Chaloka Beyani](#), *Lecturer*, London School of Economics (London, UNITED KINGDOM)
- [Francis Deng](#), *Director*, Sudan Peace Support Project, U.S. Institute of Peace (Washington, DC, UNITED STATES)
- [Doris Meissner](#), *Senior Fellow*, Migration Policy Institute (Washington, DC, UNITED STATES)

12:00-1:30pm *Lunch and Discussion Groups* *The Savoy*
Interested members are invited to form discussion groups around issues, ideas, geographic interests, or continued exploration of the morning discussions.

1:30-3:00pm *Member-sponsored sessions* (meet concurrently)

'Democratizing' the Middle East and North Africa: *Russian Hill*
Grantmaking in the 'Age of Terror'

What are the challenges and successes of grantmaking in the Middle East and North Africa? The increased involvement of the US in the region has substantially impacted the ability of civil society organizations and charitable foundations to engage and provide support to groups in the Middle East and North Africa. These groups are increasingly viewed as the docile arm of the US. Particularly when addressing notions of democracy, freedom and women's rights, the challenges are major but the potential is great as well.

Session organizer: Zeina Zaatari (Program Officer, Global Fund for Women)

Speakers and facilitators:

- **Regan Ralph** (Executive Director, Fund for Global Human Rights)
- **Zeina Zaatari** (Program Officer, Global Fund for Women)

Detention, Rendition and Torture: Next strategies *The Savoy*
for US human rights advocates

In the run-up to the November election, the White House pushed through the Military Commissions Act, which legitimizes violations of human rights and due process. What are the new opportunities for domestic human rights advocacy in a changed political landscape? Invited NGO speakers

will discuss the Act's provisions, impact on domestic human rights advocacy, and remedies being sought by US human rights advocates.

Session organizer: US Human Rights Working Group

Facilitator: **Joseph Onek** (Special Counsel, Open Society Institute)

Speakers:

- **Pramila Jayapal** (Executive Director, Hate Free Zone)
- **Hina Shamsi** (Deputy Director & Senior Counsel, U.S. Law and Security Program, Human Rights First)

3:00-3:30pm *Break*

The Savoy

3:30-5:00pm **Membership Meeting**

Facilitator: **Michael J. Hirschhorn**, Jacob and Hilda Blaustein Foundation

5:30-6:30pm	Cocktail reception	30th Floor pre-function
6:30-9:00pm	Dinner with The Chief Prosecutor of the International Criminal Court, Luis Moreno-Ocampo	
	<i>Introduction by Donald M. Ferencz, The Planethood Foundation</i>	

Tuesday, January 30

8:30-9:00am *Breakfast*

The Savoy

9:00-10:00am **Working Group Meetings**

- **Disability Rights**

The Savoy

In December 2006, the UN General Assembly adopted the Convention on the Rights of Persons with Disabilities, the first human rights treaty of this century. The convention presents an opportune moment for funders to support a burgeoning and energized human rights constituency, and the advancement of the UN's institutional framework for human rights standards. Participants will discuss the outlines of an international disability rights fund that would support country-level disability organizations using rights-based approaches and the current search for a consultant to facilitate such a fund.

- **Human Rights and the Environment**

The Savoy

- **Sexual Rights**

Russian Hill

Future Challenges Facing Sexual Rights Advocates:

Sexual rights are often understood in a simple manner; freedom to access sex information, lack of discrimination based on sexual or gender orientation, access to sexual health care services, etc. This presentation will suggest next steps and future issues that confront sexual minorities on a daily basis, even in "enlightened" places like the San Francisco. Such issues to be discussed include child custody for S&M practitioners, protection of partners in polyamorous relationships, the creation of venues to practice their behavior, access to education, access to health care, and more.

Speaker:

Charles Moser (Professor and Chair of the Department of Sexual Medicine, Institute for Advanced Study of Human Sexuality)

- **US Human Rights**

Telegraph Hill

Interested colleagues will meet together to talk about our human rights grantmaking. This will include a discussion of the findings of the US Human Rights Fund's recent and valuable field assessment on capacity needs of domestic civil and human rights organizations. Supported by The Atlantic Philanthropies, the assessment examines how funders can support domestic civil and human rights work particularly in the areas of communications, policy advocacy, human rights framing, and self evaluation.

10:00-12:00pm Networking Workshop

The Savoy

After an introduction to migration, immigration, and refugee rights grantmaking, we will split into two groups, one focused on international and the other on domestic issues. **Taryn Higashi** from the Ford Foundation (*international*) and **Darane Petsod** from Grantmakers Concerned About Immigrant Rights (*domestic*) will facilitate workshop discussions among participants. Funders will have the opportunity to talk about the nitty-gritty of grantmaking strategy and exchange practices with other funders.

12:00-1:00pm

*Lunch ... and **The Funders' Soapbox!***

The Savoy

An opportunity to speak extemporaneously on philanthropic passions (people, projects or programs), promote a favorite organization, appeal for advice, etc.!

Facilitator: **Valentine Doyle**, Lawson Valentine Foundation

1:00-2:30pm

Members-sponsored sessions (meet concurrently)

Blissful Bedfellows: Reproductive Justice and Human Rights

The Savoy

This session will explore the ways in which young people and communities of color are situating their reproductive health and rights concerns within an overall struggle for human rights. Panelists will highlight the intersectional approach of the reproductive justice framework, including work that links reproductive health to human rights, sexual rights, immigrant rights, sex worker rights, and educational justice.

Session organizer: Mia Herndon (Director of Programs, Third Wave Foundation)

Facilitator: Holly Bartling (Program Officer, General Service Foundation)

Speakers:

- **Mia Herndon** (Director of Programs, Third Wave Foundation)
- **Leizel Thomas Rebugio** (Anti-Trafficking Project Director, National Asian Pacific American Women's Forum)

Grantmaking as a Human Right

Russian Hill

Many foundations fund international human rights but do not share the power or the right to make grantmaking decisions about one's own community in the Global South. A panel will explore the pros and cons of funders working with local grantmaking committees and whether/why it is a human right for them to develop solutions locally. Participants will break-up into small groups to solve real-life scenarios: 1) Managing a board hesitant to share grantmaking power and 2) Working with local

grantmaking committees who may have a different way of resolving issues.

Session organizer: Karen Ashmore, Lambi Fund of Haiti

Facilitator: José Artiga (Executive Director, Share Foundation)

Speakers:

- Karen Ashmore (Executive Director, Lambi Fund of Haiti)

2:30-3:00pm

Break

The Savoy

3:00-4:30pm

Members-sponsored sessions (meet concurrently)

A Perfect Storm: Trade and Immigration Policies Undermining Human Rights

The Savoy

Current US agriculture, trade and immigration policies force a familiar tale. Policies like the Farm Bill and NAFTA enable the dumping of subsidized farm products and food aid in developing country markets. Prices plummet and farming families lose their livelihoods. Family members make the precarious trip north and are often locked in a detention camp instead of receiving a warm welcome. A growing grassroots global movement seeks to dramatically change the global food system so that rural economies become viable and forced displacement is ended. Participants will map out specific social and economic rights and policies that protect rights to food, land, and water.

Session organizer and facilitator: Nikhil Aziz (Executive Director, Grassroots International)

Speakers:

- **Anuradaha Mittal** (Executive Director, The Oakland Institute)
- **Colin Rajah** (International Migrant Rights Program Coordinator, National Network for Immigrant and Refugee Rights)

Muslims in the U.S. and Europe: Strategies to Increase Human Rights Protection and Civic Participation

Telegraph Hill

With the London bombings and the focus of the war on terror in the US, the integration of Muslims in Europe and the US has become a hot topic. This session will discuss the dynamics of Muslim communities in both Europe and the United States. Session attendees will gain a better understanding of how countries and communities can utilize international human rights norms and laws to promote national policies and legislation that will increase the integration of Muslims.

Session organizer: Maria Teresa Rojas (Deputy Director of Grantmaking Strategies, Open Society Institute)

Facilitator: Mirna Adjami (Legal Officer, Equality & Citizenship, Open Society Justice Initiative)

Speakers:

- **Farhana Khera** (Executive Director, Muslim Advocates)
- **Nadia Roumani** (Fellow, University of Southern California's Center for Religion and Civic Culture)

A Global LGBT Movement

Russian Hill

In November 2006, a panel of high-level international human rights experts gathered in Yogyakarta, Indonesia, to issue a series of 26 principles articulating how sexual orientation and gender identity fit into international human rights, including housing, expression, health,

education, and others. The Yogyakarta Principles offer a framework to advocate for rights of sexual minorities and invite a critique of the human rights system. This workshop will provide attendees with an exclusive review of these principles, which have not been publicly released.

Session organizer: Andrew Park, Wellspring Advisors

Speaker:

- **Sonia Corrêa** (Co-chair of Sexuality Policy Watch, Coordinator, Sexual and Reproductive Health and Rights Program, DAWN)
- **Scott Long** (Director, Lesbian, Gay, Bisexual & Transgender Rights, Human Rights Watch)

Monday, January 29

Welcoming Remarks

Education Session: Migration, Immigration and Refugee Rights

Facilitator: **Adrian Arena**, Oak Philanthropy, UK, Ltd Speakers:

[Chaloka Beyani](#), Lecturer, London School of Economics (London, UNITED KINGDOM)

[Francis Deng](#), Director, Sudan Peace Support Project, U.S. Institute of Peace (Washington, DC, UNITED STATES)

[Doris Meissner](#), Senior Fellow, Migration Policy Institute (Washington, DC, UNITED STATES)

John Kowal, Open Society Institute, opened the session and stressed that the human rights dimension is key to tackling immigration and refugee rights. He noted that the attendees were interested in a range of issues and different approaches related to this subject. He then introduced Adrian Arena, the moderator of the panel.

Dr. Chaloka Beyoni described the international protection architecture and explained the terminology used in the field including: asylum seekers, refugee, internally displaced persons (IDP) and migrants.

- An *asylum seeker* is a putative refugee, comes into a state to seek asylum, or goes to diplomatic embassies, ships, etc.
- A *refugee* is someone who leaves his/her habitual residence due to conflict or persecution. Refugees are covered by the Refugee Convention of 1951 and the non-refoulement principle (protection from being returned to places where their lives or freedoms could be threatened) is central. The 1951 Refugee Convention defines refugee status, their rights and the legal obligations of states. In the African Union (AU) treaty on refugees the principle of non-refoulement is absolute.
- The term *IDP* is relatively new. Francis Deng constructed the current definition in the 1980s. IDPs are persons forced to flee within states (due to violence, natural disasters) and their status is governed by state sovereignty.
- A *migrant worker* is someone who is engaged in remunerative activity in a state of which they are not residents. There is no international regime protecting migrant workers. While the Convention on Migrant Workers has been ratified by 20 sending states, no receiving states have ratified. Migrants may remain within national borders or cross borders and can be both lawful and unlawful.

There are three international protection regimes:

- 1951 Convention Relating to the Status of Refugees

- Convention Governing the Specific Aspects of Refugee Problems in Africa; and
- The Cartagena Declaration on Refugees

These regimes protect the right of refugees to seek asylum, affirm the principle of non-refoulement, and ensure their ability to enjoy rights as human beings. Asylum status requires that the person faces a fear of persecution that can be validated. The human rights lens amplifies the right to seek asylum.

The Inter-American Court, African Court of Human Rights and the European Court of Human Rights give weight to family unification in processing asylum claims. The use of a human rights lens overrides national security concerns to protect the principle of non-refoulement. Chaloka noted several court cases denying asylum that resulted in claimants being sent back to their countries where they faced torture (Ramzi vs. Netherlands, 2nd decision, DRC vs. Netherlands). In these cases, NGOs have advocated for protection and helped prevent rendition of asylum seekers. The Committee Against Torture highlighted the case of Aziza vs. Sweden where the claimant would have been eligible for asylum, but other claimant actions excluded him or her from asylum status. In the case of Aziza, it was argued that he would face torture if sent back to Egypt. Sweden received assurance from Egypt that this would not happen, but he was, in fact, tortured upon his return. The case was brought against Sweden on the grounds that it breached the principle of non-refoulement.

Migrants have a precarious status, since they lack both the right to leave and the right to return to their countries of origin. Entry to another country is often not guaranteed and in many cases women have married foreign men who cannot join them. The European Court declared this illegal based on the non-discrimination principle.

The Inter-American Commission in 2003 considered a case about migrant workers, challenging a very important decision by the U.S. Supreme court that said migrants have no rights whatsoever. Mexico took the case to Inter-American Court based on the Declaration of the Rights of Man (of which the U.S. is a signatory). The case argued that what is important is not whether a person is lawful or unlawful, but that the country must protect their right to fair remuneration and working conditions due to the migrant's employment in that country. The 1993 Cairo Convention on Population and Development addresses this issue and the European Court considered a similar case which held France responsible for not putting in place measures to protect victims of trafficking.

Doris Meissner noted that her experiences have primarily been in the U.S. context working with immigrants and migrants. She then outlined the structure of her remarks: 1) Facts that provide the framework for the debate; 2) Key policy ideas; and 3) Comments on human rights implications.

Facts framing the debate

- The U.S. is a "nation of immigrants" that has experienced waves of immigration throughout history. However, large-scale immigration has happened only three times: westward expansion; industrialization; and now. The current wave began in the 1980s and like other peak times the catalyst was an economic transformation with the shift from manufacturing to the information industry. Throughout history, immigration has helped the U.S. adapt to sweeping changes.
- The U.S. economy is characterized by an aging demographic. The economy has tapped out new labor sources consisting primarily of older workers and immigrants. Increasingly, the economy is dependent on foreign labor.
- We see a skills gap in the current wave of immigration with large numbers of highly skilled and low-skilled workers, both undocumented and documented labor. The

occupational growth is also the largest for low-end service jobs and high-end technology jobs. At the low end are workers with less than a high school education are filling jobs that Americans do not want. At the high end, the focus is on science, math, and engineering-based fields, which are essential to economic competitiveness. Thirty percent of students in these fields are foreign-born, which raises long-term concerns about competitiveness.

- Immigration is a critical national asset vital to our economy and competitiveness, yet we often lack thoughtful policies. The immigration system is badly broken, the best illustration is the high-level of unauthorized immigration.
- Within the U.S. population, 12% (37 million people) foreign-born and can be categorized as naturalized citizens, immigrants with green cards, or immigrants here illegally.

Policies:

For 10 years the U.S. has invested heavily in border control *enforcement* (five-fold increases). At the same time, however, illegal entry has tripled. This focus of resources has been ineffective and results in human rights issues such as increased smuggling and deaths at the border. There is also the “locking in” phenomenon where migrants are unable move back and forth. At the same time, states and localities are passing legislation to control immigration, which was previously seen as solely a federal responsibility. The idea of an enforcement-only policy died with the election results in November 2006.

Comprehensive immigration reform requires a basic architecture and will need to address the following issues:

- Strengthening of border enforcement (also ports of entry, Canadian border)
- Rigorous employment enforcement – electronic verification
- Employers assured that if they concede to mandatory system then they will have access to flow of workers (temporary worker program); or
- Open immigration – employment-based immigration

The most controversial idea is to provide *amnesty* – this is usually a conversation stopper in the debate. Immigrants, although undocumented, are deeply embedded in communities and economies. Amnesty would resolve their limbo situation through the payment of heavy fines, and amnesty being contingent on criminal background checks and maintenance of employment.

Then we have to consider the questions around human rights:

- The design of a temporary worker program is critical and must address people’s rights and protection. Will the program be temporary or also provide an eventual path to legal status? Will workers be able to change jobs or must they remain with one employer? What would be the wage requirements, safety and health conditions, legal aid, rights defense, advice etc? A more international view of legal conventions and agreements would provide the necessary labor protections and rights.
- The design of a legalization program must be as inclusive as possible and clear on the essential question of criminality (i.e., what does it mean? Is it false documentation, outstanding orders of deportation?) Will it include an English language requirement?
- Do employer verification systems promote discrimination?
- The issue of birthright citizenship is another important issue for discussion. The current bias is to remove the birthright citizenship provision for temporary workers, though legal scholars believe the 14th Amendment protects this right. However, it could still be attacked legislatively.

Francis Deng began by noting that the dichotomy between refugees and IDPs is based solely on international borders. Generally, it is assumed that because IDPs live within a

state's borders, they are protected by that government. However, they are usually fleeing their own government and face continued persecution and attacks.

In international discussions, Francis seeks to help both sides understand one another. IDPs feel "that it is not our government. Our only crime is that we are poor. Nobody represents us in the government." On the other hand, in situations of civil conflict, government authorities complain that "those are not our people" or "they are killing our soldiers and must be dealt with." There is a vacuum of responsibility and crisis of identity. National frameworks are out of synch with the identities of different populations.

The crisis of IDPs primarily affects Africa, which helped persuade Francis to take up the position of Special Rapporteur on IDPs, particularly given the crisis in his home country, the Sudan. In 1987, there were 18 million IDPs worldwide. Today, there are 25-30 million on all continents – people uprooted, with no food, shelter, healthcare, education, or community. They face more enmity within borders than as refugees. During the Cold War, the issue of IDPs was invisible to the world. Human rights advocates have brought attention to the issue by challenging the principle of sovereignty in determining the rights of IDPs.

This vacuum requires international attention, but governments claim national sovereignty over this sensitive issue. The Committee on Human Rights was incrementally persuaded to consider IDPs, but did not want to go the traditional route of appointing a Special Rapporteur. Francis recommended continuing the Special Rapporteur role, as well as creating a framework of Guiding Principles. He noted that governments should be challenged to acknowledge the "Sovereignty as Responsibility" principle. Namely, that sovereignty is a positive concept of state action to protect its citizens. For a government, the protection of sovereignty is best served when states discharge their responsibilities. If states take no action, then the international community needs to intervene.

Francis described the work of the Eminent Persons Panel, a team of legal experts to help in developing these principles. The UN has no interest in the development of legal guidelines and new legal frameworks. Even the ICRC was afraid that new principles would erode existing principles. However, the UNHCR needs a sharp protection focus on the issue of IDPs that is governed by human rights law, refugee rights law, and humanitarian law.

Legal experts are focused on preventative measures (respect human rights tenets, managing conflict), response (protection and assistance), solutions (return, re-building). The AU is also interested in developing these regimes. Some suggested approaches are:

- 1) Institutional – Create UNHCR-type organization or adding to mandate of UNCHR or collaborative approach;
- 2) Country Missions can be used to plead with governments and donors; and
- 3) Humanitarian protection: This is an elusive concept that is very difficult to define. Who does it? NGO presence and humanitarian assistance helps provide protection.

The challenge is to engage governments on principles that they have accepted and help ensure enforcement. The root causes also need to be addressed, as the displaced highlight issues of discrimination, marginalization, and national identity.

Chaloka Beyani commented on the developments in the African Union (AU), including the discourse on terrorism. He discussed the process of post-conflict reconstruction in the Great Lakes region now underway and drew attention to the "Dar-es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Regions" that emerged from a meeting of African heads of state. There had been concerns that peace efforts were being approached in an ad hoc manner and there was strong interest in a more

comprehensive approach. Signed in December 2004, the pact focuses on peace and security, non-aggression, good governance, prevention of the illegal exploitation of natural resources, protection of IDPs, returnees and the identification of sexual violence as a distinct crime.

With regard to IDPs, the guiding principles on protection from and during displacement, return and reintegration, and rehabilitation were synthesized from existing international human rights instruments and conventions. The challenge is to make these principles binding. The AU sought to create structures and elaborate a legal framework. Governments realized they needed a system to stabilize IDP populations in the context of post conflict and peacebuilding. He noted there was an “inward looking” aspect to this interest on the part of countries, particularly since refugee populations can bring armed elements. Moreover, as democracy grows and more elections are held, those vying for power are increasingly turning to IDPs—because they vote.

Regarding human rights and accountability, he noted that regional systems, such as the Inter-American system, have produced a body of jurisprudence. Colombia, for example, has been held responsible for the massacre of IDPs. Africa has been particularly ambitious with an effort to establish a High Commission for IDPs linked to the African Human Rights Charter. He hoped that by July there will be a convention on the protection on IDPs.

He noted the continued relevance of the 1951 Refugee Convention, but that it has come under assault due to terrorism, describing such assaults as “an old argument in new language.” He reminded the group that no 9/11 attackers were refugees or asylum seekers and suggested that the Convention maintains a balance between protecting refugees and security for the state. He noted that those involved in political crimes (like the Nazis) and other criminals would not be eligible for refugee status.

Chaloka also highlighted institutional turf battles and competition for resources between UN agencies. He made the following points: UNHCR is not very involved in Europe or North America; terrorists cannot engage the refugee system because each case needs to be vetted and investigated; there is a need to clarify and “harmonize” the refugee claim system since each country has a different procedure and; the goal is to have a uniform process and procedure in place by 2010.

Discussion

One questioner asked Doris Meissner what role the human rights framework played in the internal deliberations at the Immigration and Naturalization Service (INS). She responded that the framework played a central role in the reform of the asylum system. It also played a role in levels of refugee admission, though this issue involved the State Department, other executive branch offices, and various committees on Capitol Hill. She noted that though the discourse is guided by human rights principles, such principles do not play a role when immigration policy is discussed, particularly as it relates to employment and enforcement. She noted that immigration is a “vertical” issue that cuts across many policy domains.

Another attendee asked Francis Deng how the philanthropic community could play a role in implementing the responsibility to protect principle. He noted that accountability remains elusive. As crimes continue in Darfur, it does a disservice to the victims to debate definitions. More importantly, people must go into the field and expose what is going on. Documenting the conditions and events is needed to support future prosecutions. People need to witness what is happening and let the world know.

One participant noted her frustration at the failure of the U.S. to act in Darfur and asked what actions might stimulate greater progress and help prevent future Darfurs. Francis noted the national identity crisis gripping Sudan, the vacuum of responsibility and the religious and ethnic divisions in the country. "People are waking up around the country and realizing they are not Arab." The marginalized are now challenging the existing order. He argued for empowering and supporting groups that are rising against the current situation and urged funders to help strengthen the forces for change. He suggested strengthening the South to demonstrate to the North that it cannot violate agreements as it has in the past. He urged assistance to rebel groups in Darfur—groups that are reacting to fundamental injustices.

One attendee asked about immigration projections to the U.S. over the next 10 years and expressed concern that the Free Trade Agreement will displace rural workers. Doris noted the U.S. will continue to need immigration, with most coming from Mexico, Central America and the Caribbean basin. The numbers of young people coming to the U.S. will peak in 10-15 years as the pressure for jobs in Mexico eases.

One participant asked about Native Americans living on reservations in border areas of the U.S. and Canada where sacred lands have been cut in two and where passports are an issue. Doris responded that a fence would not be built on that border. She acknowledged that the passport issue has become more complicated and said that the federal government is prepared to deal with the special case of indigenous lands and movement.

The issue of IDPs in New Orleans was also raised – should they be labeled IDPs or refugees and what is the feasibility of applying the IDP definition in the U.S.? Chaloka drew the distinction between IDP and refugee status. IDPs are caught up in a displacement and they often mix with those in the host community. In a natural disaster, such as New Orleans, everyone requires assistance. The issue of return is fundamental because it is linked to a resolution of the problem, reintegration, resettlement, assuming the causes of the disaster are removed. Francis agreed and noted that if IDPs view themselves as citizens, they may not need a special regime because they have the contacts and necessary access to address their needs. What is important is that IDPs meet the criteria for that status by having certain needs. Then they can call on the government and the international community for assistance.

Noting Francis' move from the UN (as the Special Representative) to the Brookings Institution, one attendee asked how funders, who "don't want to let the UN off the hook," could be supportive of both NGOs and UN Special Representatives. He noted that Special Representatives receive very little help from the UN and that he was able to do more through the Brookings Institution. Without Brookings support, his reports would have sat on the shelf with no impact. He emphasized the importance of a collaborative and broad-based approach to these pressing issues—and the importance of supporting both the UN and NGOs.

Francis noted his concern with the high level of talk about the Darfur conflict, but lack of action—an intensified search for peace is needed. He noted that different elements in the U.S. government have different approaches to Sudan. The State Department is engaging Khartoum in its effort in the war on terror. Other U.S. agencies want to take a more muscular approach and force their way into Sudan. In sum, he underscored the overall need to transform Sudan from a narrow-minded Islamic regime.

Lastly, an attendee asked about the IDP guiding principles outside of Africa. Francis noted the strong resistance in Asia to the guiding principles. Some governments see the principles

as a tool for foreign intervention with ulterior motives. China, viewing itself as too big, was not concerned with the principles and India did not feel the principles applied to their democratic country. Nonetheless, civil society has worked hard on this issue through work such as translating the principles. Francis noted that the process to making the principles legally binding would take too long, but thought that work, such as Chaloka's would help the principles become customary law.

Breakout sessions

'Democratizing the Middle East and North Africa: Grantmaking in the 'Age of Terror'

Speakers and facilitator: **Regan Ralph**, Fund for Global Human Rights **Zeina Zaatari**, Global Fund for Women

Zeina Zaatari reiterated the reasons for organizing this session and reminded the audience of the session's goals. She then went on to explain the region's geopolitical situation:

1. The impact of old and new *wars* (including the recent sectarian conflicts) on the ability to organize and work towards human rights (Iraq, Palestine, Lebanon, Sudan, Afghanistan, Algeria) in the region cannot be underestimated.
2. *Failed state projects* and autocratic regimes have failed to provide sustainable livings for most citizens, which also affects the ability to organize and mobilize the population for change.
3. The impact of economic *globalization* facilitated through free trade agreements (bilateral and trilateral), and free trade zones is increasing and affecting a larger sector of the population, increasing the gap between the rich and the poor and entrenching exploitation and labor right violations.
4. As part of globalization, the 'war on terror' has intensified the mechanisms of discipline that States previously used and they are now crossing borders rather easily with the exportation of prisoners and detention camps. Local governments also use the guise of the 'war on terror' to squash any kind of opposition. However, resistance to these processes is also growing enabled in part by new technology and cross-border methods of organizing.
5. The rise of fundamentalism with the failures of States has meant increased attacks on Islam in the western discourse and military.
6. The US role in the region presents a major challenge to work on human rights. Its imperial project supports the language of 'democracy' but impedes 'the practice of democracy' as is clear in the US sanctions against Palestine.
7. The role that funding agencies are playing currently in the Middle East and North Africa (MENA) is fraught with contradictions.

Regan Ralph addressed the challenges of grantmaking in the MENA and some success stories. She emphasized that despite the challenges, it is important to support independent groups. The three main areas of challenges include:

1. *Security*: Concerns for groups and funders' work, particularly when funding independent organizations that can be harassed by local governments.
2. *Communication*: Communicating is difficult in part due to language concerns (the need to for Arabic and French language facilities) as well as security. Governments have imposed restrictions and laws on certain types of speech and on various communication methods, particularly in Tunisia and Algeria. In addition, local governments along with the US have corrupted human rights language in the region.

3. *Political complexity*: Understanding the terrain in terms of international relationships and local government is important. The region requires significant time and resources to engage effectively.

Regan provided a few examples of successful grantmaking programs. These included bringing together groups from different sides, working on the same issue, like disappearances in Algeria, to collaborate. Another example she noted was organizations tackling the truth commissions in Morocco.

Discussion Points:

Challenges to grantmaking in the MENA:

- Local government regulations and restrictions on use of foreign grants.
- Lack of links between activists, researchers, and policy makers.
- Ability for people to travel within the region is difficult.
- Security risks associated with technology usage (blogging, my-space).
- History of orientalist relationships and writing and the dominance of stereotypes about people in MENA.
- Treasury guidelines and OFAC (Sanctions).

Successful grantmaking examples were shared by various foundations including the US Institute for Peace (project in Morocco on human rights and textbooks), Cloverleaf Foundation (income-generating projects by women in Afghanistan), V-Day (building networks and supporting regional meetings), IDRC (research and policy cross-communication), and OSI (long term partnerships).

Participants also shared successful grantmaking strategies. These included: hearing local voices and responding to local needs, working with local advisors, supporting groups outside capitals and main cities, providing long-term consistent support to build sustainability and impact, holding regional meetings, bringing delegates to speak at international conferences, building larger/longer relationships/partnerships and trust with groups, funding larger intermediaries, staying open to ways of funding locally-based programs with Diaspora communities, thinking of creative ways to send funds, and understanding the local NGO and funding laws.

Suggestions for next steps:

- Surveying funders about best practices
- Creating a list serve
- Holding thematic conference calls (led by a funder)
- Establishing an IHRFG working group
- Sharing evaluations of programs or projects in the region
- Mapping grantmakers working in the region
- Mapping organizations in the region (Is it already available? It would be good to share; Arab Fund for Human Rights probably did some research; OSI has done some)
- Exchanging grants lists around this issue
- Working more closely with the IHRFG Treasury Guidelines working group
- Reaching out to European funders who are working in this region

Volunteers to Coordinate:

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Detention, Rendition and Torture: Next strategies for human rights advocates

Facilitator: **Joe Onek**, Tides Foundation *Speakers:* **Pramila Jayapal**, Hate Free Zone **Hina Shamsi**, Human Rights First

This U.S. Human Rights Working Group-sponsored session featured an engaging discussion with NGO speakers on the implications of U.S. "war on terror" practices and policies on domestic human rights advocacy, with a special focus on the Military Commissions Act. The session also featured discussion on remedies being sought by US human rights advocates, the development of human rights strategies for cross-issue advocacy, and related funding approaches.

Joe Onek introduced the panel and gave participants an overview of the U.S. Administration's detention and deportation policies since 9/11, coining the term "law free zone" to describe the Administration's circumvention of both criminal law and the laws on war. Joe provided a brief overview of the challenges to the Administration's practices, including the June 2004 Supreme Court case affirming habeas corpus and the Supreme Court's 2006 Hamdan decision holding the proposed Commissions to be illegal and reaffirming that no one should be subject to cruel and degrading treatment. Responding to Administration requests, our "supine" Congress passed (1) the Detainee Treatment Act (restricting the availability of habeas corpus to those being held in Guantanamo) in December 2005, and, following the Hamdan decision, (2) the 2006 Military Commissions Act (MCA), which came very close to the powers sought by the Administration. Joe noted that there may be opportunities for reform and advocacy, as well as increased leeway for the courts to look at this legislation, now that there is Democratic leadership in Congress.

Hina Shamsi noted that the MCA is very broad and touches on many current issues, including the Administration's powers to detain and interrogate suspects, try them in a military rather than civilian system, and define enemy combatant. The MCA also restricts the role of the courts in cases regarding national security, including limiting the court from adjudicating cases using the Geneva Convention or taking appeals cases that turn on a matter of fact rather than law. The MCA also defines what military commissions can and cannot take into account, as well as permissible interrogation practices and standards of accountability for officials who violate them. The MCA's breadth is alarming. It functions as a Congressional stamp of approval for Administration practices, and its provisions are part of what is becoming the new normal (i.e., allowing evidence obtained through torture).

Pramila Jayapal discussed the impact these practices have had on people within their own communities. She felt the Administration's practices have created a two-tiered system of justice: one for citizens and one for non citizens. These practices have also had an impact on the detention lobby within the country – the Pacific Northwest Detention Center increased the number of its beds and already had one death inside.

Hina noted that the MCA restricts access to and the scope of the courts, and even though legal standards had stayed the same, leaves detainees with no access to *habeas corpus* procedures and unable to file civil lawsuits based on their treatment or status. The ability of the courts to use international human rights law is also being eroded. In a case Human Rights First filed on behalf of five Iraqis and four Afghans against Secretary Rumsfeld, the Administration argued that the Supreme Court does not have jurisdiction to hear the case because it contains claims under the Geneva Conventions and under the MCA no foreign source of law can be a basis of decision with respect to detention and interrogation issues. Joe pointed out that this reflects a backlash on gains made in recent years (i.e., abolishing

the juvenile death penalty) in which the Supreme Court cited the persuasive power of international law and norms.

Pramila echoed these findings, noting that the role of the courts is being stripped in the overall immigration context as well. She also showed very moving clips of testimony in Seattle from locally affected community members, highlighting the real-life personal impact and chilling effect of the Administration's policies and practices.

Hina highlighted the case of Ali Saleh Kahalah Al-Marri, a Qatari university student who was arrested in the U.S. and subject to solitary confinement for 17 months, and denied access to lawyers for three years. In this case, even though Al-Marri was a legal permanent resident of the U.S. and had never been near a battlefield, he was designated an enemy combatant and by the MCA would be taken out of the civilian trial system and subject to a criminal military proceeding. Under the rules of a combatant review status tribunal evidence obtained through torture is admissible, and he would be tried without the right to a lawyer or witnesses or access to evidence against him. The resolution of this case should clarify whether the MCA allows the government to hold detainees indefinitely or if at some point the Government must hold a full trial. This case also illustrates how human rights protections are being diluted and mixed in a very corrosive way with the laws of war.

Hina showed video clips, from popular culture and mainstream media programs such as the TV show *24*, portraying torture and illegal detention as effective. Human Rights First (HRF) has heard from interrogators that, having no training when put on the ground, they put into practice what they heard on *Law & Order* and in the movies. In an effort to address these unintended consequences, HRF has arranged for screenwriters to meet with the head of West Point, and is putting together training materials for interrogators.

Joe added that our practices of torture, rendition and detention have also hurt us on the national security front, harming our reputation abroad and at home, serving as recruiting posters for terrorists, and alienating potential allies. He recounted the incident of the U.S. arresting and torturing an Iranian-born and educated pilot who was later released after authorities confirmed he was not a terrorist. Upon his release, the authorities realized the value of his contacts with people in Iran working on the missiles program and requested his assistance, which he refused. Joe noted that the success of our national security effort depends on maximum cooperation from Islamic communities domestically and abroad, and that we cannot continue to alienate those who are in the best position to help us.

The speakers' remarks were followed by a lively and engaging discussion.

One participant asked about historical trends of torture, and how the human rights community reconciles its anti-torture campaign with the fact that these are historical practices (e.g. the U.S.'s School of the Americas). Hina responded that up until 2001, HRF did not do domestic work, but started to focus on U.S. practices because its international advocates were communicating that "you have to put your own house in order" before you advocate for better practices overseas. She said that when the U.S. engages in torture, it frays the fabric of an entire international system of human rights and humanitarian law.

A participant asked Pramila to comment on the campaigns or organizations that are not necessarily using litigation strategies but are doing community-based work. Pramila noted that people on the ground are not entirely aware of the MCA, and we need to build the groundswell of anger and protest we will need to change these policies. Much of Hate Free Zone's (HFZ) work has focused on building that awareness of a human rights framework, local empowerment, and improving media coverage. She cited the *Night of a Thousand*

Conversations being organized by the Rights Working Group and organizing community hearings on detention and deportation policies.

On the question of what specifically can be done, Joe mentioned proposed legislation restoring *habeas*. Hina added a note of caution regarding our expectations of Congress, and stressed the need to build broad support to give decision-makers cover to make potentially unpopular decisions. She also stressed the need to create an official record in Congress about these issues with oversight hearings asking difficult questions.

One attendee wondered who else was working on these issues and how funders interested in doing more could support their work. Pramila responded that building a grassroots movement is critical. She also noted that HFZ is, with U.S. Human Rights Fund support, partnering with the Seattle University School of Law on using human rights in litigation strategies and community organizing. She said it is hard to imagine how little people see human rights framing in what they are experiencing on the ground, and said there are a number of small and excellent attempts – they exist in every state – to enhance our domestic human rights network.

On comparisons between today and the McCarthy era of the 1950s, the point was made that we need to be more bipartisan, and that the dichotomy between human rights and security is a false one.

The question and answer period was followed by brief presentations by Steve Foster, Overbrook Foundation, and Rebecca Rittgers, The Atlantic Philanthropies, on their support for work in these areas. Among other grants, Steve highlighted Overbrook's support for the Vera Institute of Justice, which draws parallels between the U.S. prison system and practices in Abu Ghraib and Guantanamo. Rebecca discussed how Atlantic Philanthropies' approach to supporting outcome driven work and conduct very focused grantmaking has led them to provide support to help ensure capacity in the human rights field to protect rights, encourage debate, and impact federal policy in the "war on terror." AP has done a series of five-year, mostly general operations grants, encouraging groups to be aggressive, take risks, and utilize lobbying and communications strategies. Organizations Atlantic supports include the Brennan Center, Human Rights Watch, HRF, American Constitution Society, HFZ, and the National Immigrant Justice Project. Atlantic also funds work such as the ACLU's immigrant rights project and the Heartland Alliance's national detentions project.

For those interested in supporting these issues outside the U.S., one attendee noted that there has been some traction in Europe. Hina suggested that we need to look broadly at human rights and security, at what happens to U.S. standards and what this means for domestic advocacy strategies and work in the field. Joe added that even without clear legal victories, we can win through public outrage and opinion. Efforts to bring in the religious community and veterans were also flagged as important. Hina closed by saying that military leaders are one area where we are effectively bringing together human rights and security, but that getting into the Iraq issue is one of the difficulties HRF has had in extending their reach into the lower ranks of the military.

Membership Meeting

Facilitator: Michael Hirschhorn, Jacob and Hilda Blaustein Foundation

2006 Activities – Andrew Park

Please see the 2006 annual report in the meeting appendix for a full report on the 2006 activities of IHRFG

Membership: Andrew discussed the overall structure of the International Human Rights Funders Group (IHRFG) noting that IHRFG sends emails to 510 members who come from 250 institutions. Non-us members make up 20 percent of the membership.

Financial: IHRFG recently shifted its financial structure and is now a project of the Public Interest Projects (PIP). This allows IHRFG to access 5013c tax savings and accept credit card payments. IHRFG maintains a voluntary dues structure and is one of only five affinity groups to do so.

Institutional: The current institutional home for IHRFG is Wellspring Advisors, which is a philanthropic advisory firm. Wellspring provides in-kind support for office expenses and Andrew Park's role as Coordinator. Catherine Townsend serves as Administrator and a portion of her salary is reimbursed by IHRFG.

Leadership: The Steering Committee (SC) provides primary oversight for IHRFG activities. Two new members have recently joined the SC, Mona Khan from the Fund for Global Human Rights and Rebecca Rittgers from Atlantic Philanthropies. The SC meets more than any other affinity group's board holding meeting approximately once a month.

Covenings: IHRFG holds two meetings a year each lasting two days. This year is the first time that IHRFG has instituted a meal fee to help cover meeting costs. Members choose the overall meeting theme, which is reflected during the morning plenary sessions. During the afternoons, attendees choose between high-quality breakout sessions, which are organized by members and cover a range of human rights issues, both international and domestic.

Andrew then reviewed several other IHRFG events including Human Rights on the Hill, a convening held in 2005 that led to collaborative funding last year around US shadow reporting, a telephone briefing to discuss Lesbian, Gay, Bisexual and Transgender Issues at the UN Human Rights Committee and a briefing on Human Rights in the US in commemoration of International Human Rights Day.

2006 Financials and 2007 Budget – Catherine Townsend

Materials distributed at the meeting included a 2006 profit/loss statement, 2007 budget and a summary page of IHRFG membership and dues history. These documents can be found in the meeting appendix.

2006 Review:

- IHRFG's actual 2006 expenses came quite close to the budget projections, with some line items over and others under.
- Income fell \$12,000 short of the budget mainly due to the unrealized expectation that we could increase voluntary membership dues. However, members contributed higher than expected amounts to support the meetings. IHRFG is one of 5 affinity groups with a voluntary dues structure, which supports an open membership policy for all funders interested in human rights.
- IHRFG ended 2006 with an \$8,000 deficit, but has sufficient cash (about \$15,000) from past years to help cover this shortfall.

2007 Budget:

- The projected budget for 2007 is a little more than \$200,000. Of that, only about half is cash, while the remainder is in-kind contributions primarily from Wellspring.
- Since 2002, the budget has only increased \$90,000, yet membership has tripled and meeting attendance has increased significantly. In relation to other affinity groups,

IHRFG's budget is one of the smallest, despite the fact that it holds more meetings than any other group.

- For 2007, IHRFG anticipates that membership dues will remain flat and meal fees will help cover the expenses, as the catering for meetings is our largest expense.

Working groups

Disability Rights: John Taylor, Wellspring Advisors

In December, the group held a briefing about the Ad hoc Committee final draft of the Convention on the Rights of Persons with Disabilities. IHRFG and the Disability Funders Network hosted an off-the-record between funders, Ambassador Don Mackay, Chair of the Ad hoc Committee, and Simon Walker, Disability Advisor, Office of the High Commission of Human Rights.

John noted that this is a comprehensive convention. For anyone interested in learning more, Catherine Townsend of Wellspring Advisors has written a disability rights funders guide. In addition, a pooled fund around disability rights and the Convention is in the works and has a seed grant to fund a consultant to help launch the process.

Hearing from Frontline Activists: Shalini Nataraj, Global Fund for Women

This group was established to provide an opportunity for funders and activists (who cannot attend IHRFG meetings) to meet together when activists from around the world are visiting the US. The idea is to organize convenings of funders to meet with activists. The group had its first meeting in New York in 2005 and hopes to plan future events in 2007.

Human Rights and the Environment: Valentine Doyle, Lawson Valentine Foundation

Valentine explained that the group is loosely organized, but meets at each Semi-annual Meeting to discuss the intersection of human rights with issues such as environmental justice, sustainable food, and water. Members discuss the work they fund and possible future projects for collaboration.

Human Rights on the Hill: Conrad Martin, Stewart R. Mott Charitable Trust

This year a briefing will be held on March 7-8 to discuss human rights and the new Congress. Last year, IHRFG held the first Hill briefing, but this year's looks to be particularly exciting given the likely showdown between the Congress and the Administration. Conrad highlighted the likely speakers - a mix of members of Congress, policy experts and legislative staff directors at major human rights organizations. A portion of the meeting will be held jointly with the Peace and Security Funders Group, including a reception. IHRFG members should look for an agenda as well as suggested hotels in the coming weeks.

Sexual Rights: Heidi Dorow, Wellspring Advisors

Heidi explained that this group was recently formed, but organized a breakout session in July, a briefing on AIDS activism and developed a set of funding principle for sexual rights grantmaking. She also noted that this is a joint working group with Funders Concerned About AIDS, Funders for Lesbian and Gay Issues and Funders Network on Population, Reproductive Health & Rights.

Treasury Guidelines: Conrad Martin, Stewart R. Mott Charitable Trust

Conrad told the group that in 2005 IHRFG members coordinated a collaborative funding effort to support OMB Watch. In March, Steve Gunderson (President of the Council on Foundations) will be invited to attend Human Rights on the Hill and that will be another opportunity for IHRFG members to voice their opinions. Conrad suggested a telephone briefing to update members on recent developments. Katrin Wilde, from the Channel

Foundation, offered to liaise with Grantmakers Without Borders, particularly as they have a new advocacy staff member.

U.S. Human Rights: John Kowal, Open Society Institute

John noted that this group has been very active, but that there has been a change in leadership with the departures the previous leaders. The meeting tomorrow morning will focus on what people want, new leadership and the future direction of the group.

Leveraging Booklet

Michael Hirschhorn led the discussion on the need for IHRFG to look at the issue of leveraging – increasing the funding available for human rights. IHRFG has run out of the leveraging booklets produced in 2004 and needs to either update and/or produce a new publication on funding human rights. Michael mentioned two main ways that IHRFG seeks to “leverage” human rights funding: 1) Holding sessions at other funder and affinity group conference, such as Gw/OB and the European Foundation Centre; and 2) Producing publications to educate and persuade other funders to support human rights work.

After some discussion among the group, it was decided to try and update the current leveraging booklet with more recent examples and experiences of human rights funding. The idea was also broached of discussing the examples from the perspective of the funder rather than the human rights group. Helena Brykarz, consultant for the Skoll Foundation, volunteered to help coordinate an update of the booklet.

July Meeting – Ann Bastian, New World Foundation

Ann will be helping to craft the topic for the July 2007 meeting, which is broadly focused on economic, social and cultural rights and development. She noted how human rights can impact change and be a strategic tool – as the morning’s discussion exemplified. In her work with a group in Miami, Ann witnessed how issues of housing, economic development and global warming can intersect. After Katrina, we witnessed a new call for the “right to city” a right to return and the demand for adequate government response to disasters.

Ann proposed that we invite speakers to the July meeting who can discuss examples of human rights work where we can see the multiple connections of economic, social and cultural rights. She also focused on how international labor markets impact the structure of national labor regulations, immigration and the right to organize.

Small groups: Michael then asked attendees to break into small groups and discuss the July meeting topic as well as future meeting topic ideas.

Report backs

Future Meeting Topics

After coming back from small groups, members shared their ideas on future meeting topics, which included.

- Human rights and climate change
- Trade, globalization and human rights
- Movements/NGOs addressing globalization with a human rights approach
- Debt movement
- Right to food
- Resource rights (water, land etc) and privatization of the commons
- Transparency, natural resources, and indigenous rights
- Land and property rights, particularly with from a gender perspective
- Patents on indigenous medicines/food

- Human rights and education
- HIV/AIDS
- Corporate accountability
- Economic justice/economic rights
- Human rights and development (in US community development)
- Human rights and criminal justice
- Human rights versus ideology/bi-partisanship

Grantmaking practice:

- Funding/grantmaking in closed and undemocratic societies
- Funding networks effectively
- Foundations, asset-management and human rights

US only:

- Regaining the Soul of America
- US non-ratification of human rights treaties
- US South Forum and linkages with Global South

More general suggestion about the meetings:

- Incorporate diverse points of view and concerns through speakers from different schools of thoughts within rights pantheon: a unified circle of rights or a hierarchy.
- More examples of European and other international experiences with ESCR.

Dinner with Louis Moreno-Ocampo, Prosecutor of the International Criminal Court

Tuesday, January 30

Working Groups

Disability Rights Working Group

Catherine Townsend from Wellspring Advisors began the meeting by distributing several documents, including the text of the new disability rights treaty, a funders' guide to disability and a consultant job description for a position to launch a pooled fund around disability rights (located in the meeting appendix). She noted that in December the UN General Assembly adopted the new Convention on the Rights of Persons with Disabilities and that the Convention would be open for signature on March 30, 2007. As the newest human rights treaty of the 21st century, the Convention presents the NGO and funding communities with many new opportunities for advocacy and inclusion of persons with disabilities in human rights and development programs. Several of the participants represented public charities that support grassroots organizations and spoke about how they currently (or could) integrate disability issues into their current funding programs, which focus on marginalized populations.

Catherine highlighted different aspects of the Convention process, such as the high level of involvement of disabled people and UN Member States from the Global South in the negotiations. She also discussed human rights grantmaking strategies around the Convention, such as trainings, capacity-building and advocacy towards ratification,

implementation and monitoring. Details are available in the funders' guide (<http://www.ihrfg.org/members/disability.php>)

John Taylor updated the group about a possible pooled fund around disability rights. The pooled fund would likely support smaller, national or grassroots disability organizations that do not have access to larger funders, but will play a critical role in moving the rights of persons with disabilities forward using the Convention. The Fund for Global Human Rights received a seed grant to hire a consultant who will begin to develop such a fund and generate donor interest.

Participants asked whether a list serve existed to share information about the rights of persons with disabilities. Catherine has established the list and interested members can contact her at chtownsend@wellspringadvisors.com to be added.

Human Rights and the Environment

The group discussed a variety of ideas on what they would like to see happen. Such ideas included:

- An environmental case history in the new edition of the leveraging booklet;
- A removable insert to the booklet on environmental human rights issues for funders interested in this area;
- A web page (please note that the working group has a page at <http://www.ihrfg.org/members/environment.php>); and
- A booklet that explains the environmental and human rights framework with the following sections:
 - ❖ Overview of conservation's intersection with human rights
 - ❖ Indigenous people (including rights to land and sacred sites)
 - ❖ Sustainable agriculture and food issues
 - ❖ Food security
 - ❖ Environmental justice
 - ❖ Labor rights and working conditions
 - ❖ Clean water and air
 - ❖ Global warming
 - ❖ Corporate rights versus human rights
 - ❖ Corporate perpetrators versus government perpetrators
 - ❖ Free prior and informed consent

The group discussed several other issues. One participant noted that the American Association for the Advancement of Science hosts a listserve on Human Rights and the Environment. Mona Younis (former IHRFG coordinator) is there now, so gathering more information might be easier. Another participant encouraged funders to increase their collaboration. Participants then discussed strategies, such as lawsuits and boycotts.

US Human Rights

The working group started with a brief survey amongst the participants of what the needs are within the domestic human rights field. Responses included communications and media training; human rights message testing and public education; grassroots and community mobilization; training in human rights law and advocacy; exchanges with international advocates; evaluation skills; and coalition building across issue areas and local/regional/national/international divides.

Carol Schlitt, a consultant with the US Human Rights Fund, then provided an overview of the field assessment that she and two colleagues conducted for the Fund with the support of The Atlantic Philanthropies. Carol noted that they interviewed 38 organizations about their needs and capacities in four areas: human rights framing, policy advocacy, communications and evaluation. Half of the groups interviewed had applied for a grant to the US Human Rights Fund and the other half were grantees of The Atlantic Philanthropies. Together they comprised a diverse set of organizations that varied across region, size and issue focus.

The field assessment found four main conclusions: (1)there was a growing conviction that a strategic use of human rights framing and tools would strengthen advocacy in the long term, especially given that human rights resonates with youth and immigration and those most victimized; (2)strategic communications and research planning were the number one priority for strengthening the field; (3)advocacy training was most effective when it linked to specific issue areas; and (4)groups required participatory mechanisms for self evaluation.

Some of the suggestions that emerged through the assessment for funders in the area of communications included supporting both a common resource on communications (a communications think tank and/or hub) and development of opinion research on U.S. human rights that could be repeated at regular intervals. In reference to carrying out effective policy advocacy, groups expressed the need for time and space to strategize, and suggested that funders support retreats where advocates can share best practices and formulate affirmative strategies away from the pressures of campaign work. Advocates also felt that more funding should go towards grassroots groups, and expressed a need for training on legislative advocacy and campaign strategy that also included follow up technical assistance components. They felt that juvenile justice, living wage, and health care were issue areas that are poised for campaign style work.

The group then discussed the recommendations and findings. Many felt that communications is of prime importance, and developing a better understanding of how to strategically and effectively message U.S. human rights, as well as dignity and justice, is essential. Many also felt that the groups need to coordinate messages themselves for the broader public so that human rights are seen as a value ingrained in American culture. Others felt that the field requires a compilation of concrete examples, and suggested a new edition of case studies on U.S. human rights that discusses how to use human rights and implement it on the ground. Funders could help provide concrete data by adding questions to American Environics polling, and could play bring organizations together.

The discussion just scratched the surface. It was agreed that the Working Group will have a deeper and more structured conversation about these issue at the July meeting. It was also suggested that a conference call between now and then could be useful.

In response to a question about whether or not members can distribute the field assessment report to their grantees for feedback, Puja from the U.S. Human Rights Fund noted that the full report will be sent to donor partners by early summer and an executive summary will be made more widely available, but it has not yet finalized further distribution of the report.

With regard to the leadership of the US Human Rights Working Group, John Kowal suggested that Sophia Conroy (OSI) and Puja Dhawan (US Human Rights Fund) officially coordinate the group, which was unanimously agreed upon.

Sexual Rights Working Group

The Sexual Rights Working Group meeting featured a presentation by sexologist Charles Moser who is a Professor and Chair of the Department of Sexual Medicine at the Institute for the Advanced Study of Human Sexuality in San Francisco. Dr. Moser discussed discrimination based on sexual expression particularly as it relates to those who are involved in the leather and "kink" community in the United States. Dr. Moser reviewed several important historical legal cases involving legal prosecution of those involved in alternative sexual expression as well as efforts to declassify alternative sexual expression as "deviant" within the psychiatric community. He also talked about his experiences serving as an expert witness in cases involving job discrimination or child custody that involved individuals involved in alternative forms of sexual expression.

Those interested in joining the Sexual Rights listserve were encouraged to contact Heidi Dorow (hdorow@wellspringadvisors.com) at Wellspring Advisors.

Networking Workshop

Facilitator: Daranee Petsod, Grantmakers Concerned About Immigrant Rights

Andrew Park started the networking session by asking participants about their own immigration experience, revealing that one-third were first generation American and half were second generation Americans.

Daranee Petsod led the group discussion on funding for immigrant and refugee rights. She noted that most immigration and migration funders do not see themselves as human rights funders. This is often because boards feel that the human rights framework is too theoretical and narrow, and that, more fundamentally, there is little traction in using human rights language due to its lack of history in the US. Instead, many funders feel that the language of immigrant integration is more useful, appealing to a mainstream audience and framing the discussion as not only benefiting immigrants, but also essential to the continuing prosperity of our country.

Daranee noted that there are still a number of foundations that fund rights-based work, highlighting workers rights and workers centers. She added that while these projects often use the human rights framework to organize workers, many of whom come from countries where human rights resonate, they still do not communicate to their funders using human rights language. Participants from the audience then gave examples of workers centers that they support, including the Garment Workers Center and Filipino Workers Center, with Democracy and Workers Rights Center, the Coalition of Immokalee Workers, and various anti-trafficking organizations.

Daranee turned the discussion to the momentum behind immigration policy and achieving comprehensive immigration reform (CIR). Rebecca Rittgers from The Atlantic Philanthropies provided an overview of their approach. In an effort to enact CIR and change the related laws, Atlantic Philanthropies set up a (c)(4) coalition and has spent the last four years working to build a field network. It has put aside a few million dollars and told groups that they have to devise a strategy for achieving CIR before submitting a joint proposal. By submitting joint proposals, organizations are forced to recognize their respective capacities and the strengths and weaknesses they bring to the effort.

Maria Teresa Rojas then discussed the field building approach used by OSI. OSI has focused on policy reform and supporting efforts to connect regional and local groups to the national level. She noted their participation in the Four Freedoms Fund, as well as their efforts to

both connect criminal justice with immigrant rights law and support non-traditional alliance building. She emphasized the field building approach being carried out by Ford, Carnegie, and OSI: funding key organizations at national and local/regional/state levels and ensuring a stronger field that reinforces itself at each level of organizing and advocacy. She added that litigation was another approach used by some grantees, such as the World Organization Against Torture, which is doing critical work to expand the torture convention to apply to women refugees and women fleeing gender based abuses.

Daraneer continued the discussion by adding that aside from The Atlantic Philanthropies, OSI, Ford, and JEHT, few other national funders support work on detention and deportation. She asked funders to provide any related examples or other ways they are supporting immigrant and refugee rights. Examples included OSI's support for work on civil liberties and anti-torture (Sophia Conroy highlighted their grant to the Cato Institute, the Hate Free Zone and the Bill of Rights Defense Committee); Astrea's support of the Sylvia Rivera Law Project, which works on the intersection of immigration and transgendered issues; MacArthur's new program on governance and migration; efforts at Wellspring Advisors to connect LGBT asylum claims to immigration reform; and the US Human Rights Fund's support for the Border Network of Human Rights to use human rights documentation strategies within border communities.

Part of the workshop also involved a docket exchange. For the full docket details, please refer to the meeting appendix.

Lunch ... and The Funders' Soapbox!

Facilitator: Valentine Doyle, Lawson Valentine Foundation

The Funders' Soapbox is a time when attendees share a philanthropic passion (people, projects or programs), promote a favorite organization, and/or appeal for advice.

Karen Ashmore, Lambi Fund of Haiti introduced the Fund, whose mission is to assist the popular democratic movement in Haiti. The Fund supports efforts to strengthen civil society as a necessary foundation of democracy. It also supports community-based organizations that support the social and economic empowerment of the Haitian people. Current grants support grassroots efforts around women's rights, democracy and sustainable development. Deforestation, in particular, is a serious problem in Haiti. The Fund's program officers and members of its grantmaking committee are all Haitians living in Haiti. The Fund partners with global South organizations on peer to peer efforts (i.e., a partnership with the Greenbelt Movement in Kenya). It also seeks funding partners. For more information, contact Karen at info@lambifund.org or visit the website at <http://www.lambifund.org>.

Karen also spoke about the current work of Gw/oB in her capacity as the new Board chair. Gw/oB is transitioning from its fiscal sponsorship through Tides to an independent 501c3. It is forming a new Board and is implementing a new membership dues structure. Its next annual conference on social change philanthropy will take place June 7-9 in New York. Those interested in joining or in serving as a board member, should contact Katie Sternfels at Katie@gwob.net.

John Taylor of Wellspring Advisors updated members on the UN Convention on the Rights of People with Disabilities, formally adopted by the General Assembly in December 2006. There is much work ahead make the Convention's rights a reality, including the need to leverage resources for the implementation phase. Grassroots disability groups will have an important role to play, particularly when it comes to monitoring and reporting. A pooled

fund around disability rights to support the work of NGOs on this issue is currently in development. Those interested in learning more should contact John Taylor at jtaylor@wellspringadvisors.org. A funders' guide on this issue is also available at <http://www.ihrfg.org/members/disability.php>.

Evelyn Arce-White and Jose Maleido of International Funders for Indigenous People (IFIP) previewed two upcoming conferences on indigenous rights issues. On May 7-8, IFIP will host its annual conference at the San Francisco offices of the Levi Strauss Foundation. The conference's theme is "weaving a new path in philanthropy." It will be organized around three tracks: government/policy, best strategies/better grantmaking, and emerging issues. Session proposals will be accepted through February 19, and IFIP is seeking foundation sponsorships (including travel sponsorships for indigenous people). In November 2007, IFIP will host a donor conference in Mexico City, focusing on issues relating to Mexico and Central America. IFIP hopes to draw 150 donors and 50 grantees to this conference, which will include site visits. For more information on these two conferences, or to discuss sponsorship opportunities, contact IFIP at ifip@internationalfunders.org.

Peggy Law talked about the Working Group for Funding Media, which focuses on using media to amplify human rights voices from abroad. The Working Group operates from the premise that communications is an often ignored human right and that media visibility serves to protect and empower human rights advocates. The Group is particularly interested in strategic media, built on partnerships between activists and media (media should not be left just to journalists). For more information, contact Peggy at mediaproject@igc.org.

Brent Herbert-Copley, International Development Research Centre (IDRC) gave a brief overview of IDRC's work. Based in Ottawa, Canada, IDRC supports applied research in developing countries to help alleviate poverty and improve the lives of people in developing countries. IDRC is also looking for interesting research projects involving women's rights in developing countries. Recent projects focused on migration issues relating to the Thai/Burmese border and female Vietnamese migrants. For more information on IDRC's work, contact Brent at bherbert-copley@idrc.ca or visit the Centre's website at <http://idrc.ca>.

John Esterle of the Whitman Institute briefed the group on an International Convention on Human Rights Research Project, based at the Center for Global Challenges and the Law at Boalt Hall School of Law. The Institute provided a \$50,000 grant to help launch the project, "a nascent effort that aims to foster an ongoing dialogue process to create a new international human rights document... that will raise economic and social rights to the legal of civil and political rights." The project seeks to spark a debate on human rights today. The first drafting conference will take place in Berkeley in October 2007. For more information, contact Kirk Boyd at kirkboyd@ichr.org or John at john@thewhitmaninstitute.org.

Katie Wilson of the Guggenheim Foundation described the work of the Seed Saver Exchange, an effort to isolate and preserve non-genetically modified seeds. The Exchange is trying to buy a farm in Iowa sufficient for this purpose. For more information, Katie can be reached at kwilson@hfg.org.

Janet Haven of the Open Society Institute Information Program, based in Budapest, Hungary, distributed copies of "Secure NGO in a Box," a software kit designed to help NGOs to secure their online communications. The kit, available in a number of different languages, contains CDs with software and a user manual. For free copies of Secure NGO in a Box, contact Janet at jhaven@osieurope.org. The software and manuals are also available for download at <http://security.ngoinabox.org/>.

Steve Riskin of the US Institute for Peace noted the release of a new USIP publication, *Human Rights and Conflict: Exploring the Links between Rights, Law and Peacebuilding*, which was the theme of the Jan. 2006 IHRFG meeting. More information is available on the Institute's website: <http://www.usip.org/>. He also recommended a second recently published book by his colleague, Dr. Taylor Seybolt, entitled *Humanitarian Military Intervention: The Conditions for Success and Failure* (Oxford University Press).

Steve noted that USIP has a new grant initiative focusing on work in Sudan. He highlighted one grantee, the Sudan Organization Against Torture, which is mounting a public education program on a Bill of Rights included in the country's new interim constitution. Steve would be very interested in speaking with IHRFG members engaged in human rights grantmaking in Sudan. He can be reached at sriskin@usip.org.

Mary Estrin of the General Service Foundation described a recent conference of the Business Ethics Network that focused on the development of strategies to influence corporate activities that impact human rights (both inside and outside strategies). She is interested in starting a funders network to support similar efforts. Those interested in joining the discussion should contact Mary at marylestrin@earthlink.net.

Sarah Bell of the Philanthropy Workshop West talked about an upcoming Stopping Mass Atrocities Conference, which will be held at the University of California – Berkeley, Barrows Hall, on March 14, 2007. The conference will include an invitation-only strategy meeting. The conference organizers have secured most of the funding required but are still looking for funding partners. For more information, contact Sarah at dwsoffice@swigsf.com.

Shalini Nataraj of the Global Fund for Women briefed the group on a new project around reproductive rights in Central America. A week after the IHRFG conference, the Global Fund hosted a conference in Nicaragua to assess proposed bans on abortion in Central American countries and to develop strategies for future campaigns to tackle this growing threat. The Global Fund will publish a conference report, which should be available in late March. To obtain a copy of the report or to learn more about this effort, contact Shalini at shalini@globalfundforwomen.org.

Maha Alami of the Welfare Association, based in Amman, Jordan, described her organization's work on behalf of Palestinian refugees in the Gaza, West Bank and Lebanon, including a recent project to assist Palestinians stranded on the border of Iraq and Syria. Maha also noted the launch of a new scholarship fund for Palestinian medical students at the American University in Beirut. The organizers of the fund are looking to expand its grants pool. For more information, contact Maha at alamimaha@hotmail.com.

Brandee Butler of the MacArthur Foundation briefed the group on the launch of the Fund for War-Affected Children and Youth in Northern Uganda, a multi-donor fund that seeks to raise and disburse \$25 million over a ten-year period. There are currently four participating funders: MacArthur Foundation, Open Society Institute, Carnegie Corporation of New York, and the Hunt Alternatives Fund. Those interested in joining the Fund should contact Brandee at bbutler@macfound.org.

Member-sponsored sessions

Blissful Bedfellows: Reproductive Justice and Human Rights

Facilitator: **Holly Bartling**, General Service Foundation *Speakers:* **Mia Herndon**, Third Wave Foundation **Leizel Thomas Rebugio**, National Asian Pacific American Women's Forum

- This session explored the ways in which young people and communities of color are situating their reproductive health and rights concerns within an overall struggle for human rights. It highlighted the intersectional approach of the reproductive justice framework, including work that links reproductive health to human rights, sexual rights, immigrant rights, sex worker rights and educational justice.
- Both speakers mentioned examples from national campaigns for Asian/Pacific/Islander women being waged by National Asian Pacific American Women's Forum, regional work in the Southwest through the Young Women's Collaborative, and community based efforts led by young people of color nationally.
- The session then assessed the familiarity of the participants with the reproductive justice framework

For the complete presentations given, please see the meeting appendix.

Question and Answer

1. Groups use human rights and reproductive rights interchangeably, do we see a difference in the way they are using it? Are they using both or just one?

- Since the reproductive justice framework is based on human rights concepts, it's logical that the concepts are often used interchangeably. However, that use depends on the community context. Those with a progressive organizing or social justice context, may be increasingly be familiar with both frameworks. However many people don't speak or think about the issues in these categories at all.
- Immigrant communities are more likely to use a human rights framework given their familiarity with the concepts from their country of origin. Some indigenous communities are also more likely to use the human rights framework. Groups like the Los Angeles Indigenous People's Alliance have been actively creating an entry point for indigenous communities around reproductive justice issues.
- Human Rights is used much more within trafficking work, but trafficking work is often used as an entry point for talking about reproductive justice issues

2. Challenges and opportunities for introduction for reproductive rights and human rights within dockets?

- General Service Foundation: Just introduced reproductive justice into their docket language, but it's more about the work and not just language. The board had become frustrated with the singular focus on abortion as a reproductive rights agenda. The shift to reproductive justice created a more holistic and nuanced approach to the work.
- Tides Foundation and the Women's Foundation of California also have dockets rooted in reproductive justice principles.

3. Links with international movements?

- Trafficking and HIV/AIDS have been effective points of intersection for work and exchange internationally. Clearly there are serious ramifications internationally for the policies created in the U.S., BUT this is an area where they could be a great deal more bridge building and connections created.

4. Links with religious communities

- Religious Coalition for Reproductive Freedom & the Black Church Initiative
- Catholics for Free Choice

- Religious Institute on Sexual Morality, Justice and Healing

Grantmaking as a Human Right

Speakers: **Karen Ashmore**, Lamdi Fund of Haiti, **José Artiga**, Share Foundation

Karen began by asking attendees to introduce themselves and explain who is involved in grantmaking decisions at their institutions. A number of the participants came from public foundations with diffused decision-making, and several others came from private foundations with closed decision-making processes.

Karen then mentioned that the Universal Declaration of Human Rights argues for inclusive decision making in the article 27, which states that "Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits." She argued that grant decisions made in the North often require Southern grantees to bend. Is it possible for Northern funders to bend to meet Southern grantees needs?

José began his presentation with a story about receiving chocolate cake on his birthday every year. Everyone thought they were doing something nice, but in reality, José doesn't like chocolate. He posed the question this way: Are we, as funders, giving communities what they don't really like or need and are they accepting it because something is better than nothing? How can we make sure that our funding is really furthering the rights that are in the interest of the communities we are supporting rather than our own interests?

José posed two questions to the group:

- 1) How do we become educated, and how do we educate others, regarding the power dynamics of decision-making? Things to consider include: How far removed are you from your beneficiaries? How much do you engage in a dialogue with those beneficiaries on the process of decision-making?
- 2) How are we evaluating our funding? Are we using formal and informal mechanisms to receive input? Are we being too safe, staying too far within our comfort zone?

The group then engaged in a lively discussion. Several people challenged the appropriateness of designating stakeholder advised or directed grantmaking as a "human right". Most felt that involving communities in the funding process (gathering data, advising etc.) improved the quality of grantmaking and made grants more effective.

Some worried that framing it as a human right could in fact jeopardize grantmaking objectives. For example, if we are trying to support a minority group in advancement of their human rights, designating inclusive grantmaking as a human right could mean that the majority decides that the minority is not entitled to the same rights. Funders make choices about the issues we want to address, and it's important that, particularly in rights-based work, all voices are *not* included (i.e., those who believe Muslim Americans should not be entitled to the same rights as all other Americans).

Other participants noted the efficiencies (cost, time, effectiveness) that can be achieved through advisory boards, especially internationally. On the other hand, one attendee stated that it is more about the dialogue process than efficiencies – creating a bridge between the donors and the grantees. Engaging in a dialogue can enable the foundation to redefine, as necessary, the context and understanding of the issues.

Another attendee added that to be the most effective, efficiency must sometimes be lost. However, if the grants are better as a result, than efficiency hasn't been lost (making bad grants cheaply isn't more efficient than making good grants at a higher expense.)

Another participant raised the question about conflicts of interest when using advisors in grantmaking decisions. Are the advisors eligible to receive support? What incentive is there for an advisor to become an advisor is it precludes them from receiving grants? What other difficulties can arise when grantees become gatekeepers? Attendees responded in a variety of ways. Some funders allow advisors to receive grants, and had various closed door and open door ways of coming to those decisions. Others excluded advisors but helped identify funding at a different level, which eliminated such concerns.

The discussion moved on to the transition of advisor structures over time into independent grantmaking organizations, such as local women's funds becoming peers, or Greengrants Alliance funds becoming independent organizations. Attendees representing the Global Fund for Women noted the importance of leaving the door open for some groups to continue working with the Fund directly despite the growth of indigenous philanthropy.

Participants also discussed transparency. Some felt that transparency and accountability went together, and that peer accountability was particularly valuable. Private foundations have the ability to act on behalf of their grantees when accountability from the funder is in question. Another participant noted the importance of not getting carried away with the idea of transparency, because in some of the issues we fund, anonymity is essential to protect the grantees' safety, and to assure mobility and access.

Member-sponsored sessions

A Perfect Storm: Trade and Immigration Policies Undermining Human Rights

Facilitator: **Nikhil Aziz**, Grassroots International Service Foundation

Speakers: **Anuradha Mittal**, The Oakland Institute **Colin Rajah**, National Network for Immigrant and Refugee Rights

The session began with a participant exercise to determine where the items from lunch came from. The exercise demonstrated how globalized the food system is, and that it is also sometimes quite broken.

Anuradha Mittal: Anuradha noted that the impact of NAFTA has to be examined for its human rights implications; it has resulted in what is termed "freemarket famine." While parliamentarians in Canada, the US, and Mexico discuss the disasters caused by trade issues, they rarely connect the issue to migration and immigration. The basic question is "Why do people leave home?"

Mexico has been growing corn for 10,000 years. Corn is symbolic of Mexico itself, but after NAFTA, Mexico opened its borders to US corn. Anuradha explained that this has forced small farmers to compete with large, subsidized agri-businesses. A level playing field does not exist. She noted that farmers in the US receive \$10 billion in subsidies and that this cheap corn is dumped onto the Mexican market, and now constitutes one-third of all corn sold. This has caused a decline in wages and displaces 500 farmers every day. She concluded that these trade policies have resulted in incredible destitution. In 1997, 47% of Mexico's population was involved with agriculture, while only 18% is today and the market for those sellers is vanishing. The resulting displacement of farmers from their lands has created a

migration wave north. Since 2005, nearly 400 have died trying to cross the border. After NAFTA, the price of corn has risen sharply.

Anuradha then noted the example of El Salvador. Once CAFTA came into force, reports indicate that 700 people are leaving the country every day. In 1978, 81% of El Salvador's GDP came from agro-products, and 8% from remittances from abroad. Now, remittances account for 71% and agro-products only 6%. This has fueled a large market for cheap labor with people desperate to earn a living. The only industry that has flourished is maquilladoras, noted Anuradha. She argued that immigration policies must consider the impact of trade policies. In Africa, for example, trade policies have led to huge numbers of people trying to migrate on unsafe boats into Europe, resulting in a major human rights crisis.

Colin Rajah: Colin noted that any discussion about migration has to take into consideration the human rights framework. In fact, the Human Rights Council in Geneva has been considering migrant rights and how governments can cooperate together.

Since 1995, our national immigration discussion only considered the economic framework, said Colin. While lip service was paid to the rights of migrants, there were no legal tools or instruments to protect their rights. Colin highlighted that The Migrant Rights Convention has been ratified by 32 countries, but none of them are *receiving* countries. For a short time there was a trend to discuss the human rights aspects of migration, now the discussion has swung back to solely economic considerations.

Colin argued that a set of principles needs to be developed to govern trade and economic policies, since trade and labor are two sides of the same coin. In the EU and the US, debates on immigration reform only focus on the issue of "illegal immigration." In the EU, discussion turns to the huge African problem. The US sends the same message to Mexico and other Latin American countries – the focus is on managed migration, co-development, bi-lateral agreements between US/EU with neighboring states aimed at controlling migration in response to Northern States.

At the same time, hi-tech companies have lobbied for policies to allow skilled workers to temporarily migrate to the US on H1-B visas. However, their status is tied to employment. Otherwise stringent rights protections and promised wage levels become fluid for temporary workers. For example, the H2 visa program for agricultural workers does not provide for adequate policing of labor standards and fair wages. At the same time, the focus is on policing along the borders. This is also the case in Europe, where colonies of temporary workers are walled up. Colin noted that enforcement efforts have failed as illegal immigration has grown. Migration occurs in the most dangerous places. For example, since Operation Gatekeeper went into force in 1994 in the US, 5000 bodies have been found on the US/Mexico border. Colin participated in an emergency tour along the border where they visited the medical examiners office, which has yet to rent mobile refrigeration units to store bodies.

Colin argued that there is a need to develop advocacy strategies, mobilize youth and focus on disaster preparedness and mitigation. We need to develop a common advocacy platform. There needs to be strong opposition to CAFTA. Colin's organization has partnered with Grassroots International because of their strong expertise in advocacy and education.

Nikhil invited Karen Ashmore of the Lambi Fund to share information about their work in Haiti. She explained that cheap rice imports have caused farmers to migrate to Port-Au-Prince, which is becoming a giant shanty town. The Lambi Fund works with peasants to

build the agricultural economy so that they are not forced to migrate. The Fund focuses on training and capacity-building to help peasants develop business ideas and improve project management. For example, they collaborate with plantain farmers to grow and distribute their produce.

Discussion

- The impact of trade policies such as CAFTA, NAFTA, Plan Panama is an opportunity to educate people on the human rights issues involved.
- Have to fight the battle in the belly of the beast. We need to fund strategic coalitions that move beyond single issue advocacy. The political costs to governments supporting harmful trade policies must be very high.
- Tariffs are the only way to protect local farmers –more cross-border organizing and funding for such initiatives is needed.
- Undocumented workers are afraid to speak out, which is used to crush employee organizing. Since 9-11, the criminalization of the undocumented has been increasing. The economic reality is that we do need labor, when we talk about “managed flow”, the worker becomes commodified.
- WTO policies and privatization create push factors, in the discussion about guest worker programs, now there are moves to tax remittances.

Nikhil Aziz argued that our response must be to challenge these policies. In Africa, Mali is a leading example, taking bold, challenging steps. Movements like Via Campesina are growing, with 100 million members in five continents. Along with several other movements, they organized the Forum on Food Sovereignty in Mali. The concept of Food Sovereignty is being used to challenge trade policies and being made central to developing trade policies. Countries need to have the right to protect the rights and livelihoods of their farmers and consumers. Grassroots International (GRI) has been funding such initiatives of partners in Mexico, supporting movement-building and tri-lateral movements coming together to challenge agricultural policies such as NAFTA. GRI focuses on education and advocacy work here in the US, in collaboration with the National Family Farm Coalition, the Rural Coalition and the Federation of Southern Cooperatives, who have come together to advocate for better policies and reform the Farm Bill. Policies need to benefit small farmers in the Global South.

An AJWS attendee explained that in Latin America, they focus on land rights and sustainable agriculture. In addition to this focus in Africa and Asia, they work with migrants on measures to protect the rights of daily wage laborers in rural areas and in urban areas. In Central America, they work with community-based organizations, and this has resulted in a program of peer-led exchanges between countries. Community members visit others to learn and share sustainable agricultural techniques.

Colin noted that migration has become gendered. While women have always been part of migrant flows, they now constitute 50% of primary migrants, up from 20% in the early 1900s. This is because women are often small farmers, who are now being displaced at record rates. Also, when men migrate, families disintegrate and women must bear greater burdens. There is also an increasing commodification of women as sex workers.

Colin added that in 1954 US Food Aid was set up to dispose of surpluses and promote foreign policy interests. The US is the only country to insist that all food aid must come from the US, which increases costs by up to 100% and means that deliveries can take up to 6 months. The EU purchases 90% of its food aid in the region or country where it will be consumed and Canada devotes 50% of its budget to local procurement. The US food aid policy continues to be focused on funneling money back to the US economy benefiting US

farmers and companies, though the monetization of the aid often results in cuts in expenditures on education and health.

Other comments:

- Several entities focus on trade policy – FNTG, Our World is Not for Sale, International Forum on Globalization.
- We need to fund the intersections of trade, immigration and human rights.
- We need to maintain massive pressure on governments to prevent them from selling their citizens short.
- Initiatives such as the Big Box collaborative focused on Walmart, set goals and standards and monitor corporate standards, such as organic farming regulations.
- Supporting social movements is key, especially those focused on anti-globalization and food sovereignty. Convenings such as the World Social Forum are increasingly being used to have meetings around the edges.
- Very interesting coalitions are emerging in Africa and Latin America, such as the Gender and Trade Network in Africa.
- The Farm Bill is industrial, corporate, and not about small farmers in the US. The National Family Farms Coalition is doing good work, but will fail in the short term.
- The promotion of clean energy sources such as ethanol is problematic. This creates demand for corn for ethanol and third world countries will be forced to grow corn, increasing its price in countries where it remains a food staple.
- Small farmers constitute 80% of the world's poor and are predominantly women, living on less than \$1/day. There is a critical need for human rights standards in addressing their issues.

Muslims in the U.S. and Europe: Strategies to Increase Human Rights Protection and Civic Participation

Facilitator: **Mirna Adjami**, Open Society Justice Initiative

Speakers: **Farhana Khera**, Muslim Advocates **Nadia Roumani**, University of Southern California's Center for Religion and Civic Culture

The session was organized in three parts:

- Demographics of the Muslim communities;
 - Problems facing Muslim communities, including an overview of structural and capacity issues;
 - Solutions
-
- A post 9/11 world in the United States, and a growing "Islamophobic" environment in Europe, are creating increasing concerns about the treatment of Muslim communities.
 - The Muslim communities in U.S. and Europe are not monolithic, but encompass citizens, non-citizens, and recent immigrants. They also vary in their beliefs and practices. It's important to note the differences, as the approach to addressing the issues may differ.
 - When speaking about the integration of Muslims it is important to do so while protecting pluralism and fostering multiculturalism of these communities in the US and in Europe.
 - When it comes to human rights issues, in the U.S. parlance, we are dealing with civil and political rights, and political participation. In Europe, the tools available are the right to equality as a universal antidiscrimination norm and freedom of religion.

Demographics

Muslims in the U.S.

- There are approximately 5 million — 34% are South Asian, 26% are Arab, 20% African-American, 7% African, and 13% other.

- Largest concentrations are in New York, Chicago, Los Angeles, Detroit, and Dallas-Fort Worth/Houston
- 34% of the American-Muslim community is now U.S. born
- Only 20% frequently attend the mosque

Muslims in Europe

- There are approximately 9 million, not including Eastern Europe. They are concentrated in 6 countries: France (approx. 5 million); Germany (2 million); UK (1.6 million); Netherlands (500,000); Belgium (300,000).
- There are also significant numbers in Sweden, Denmark, Norway, Italy and Spain
- Within the Muslim community, the largest ethnic groups are North African, Turkish, and South Asian, specifically Pakistan (in that order).
- The UK is a good location to look at as a case study.
 - Muslims represent 3% of the population – the second largest faith group in Britain.
 - They are less diverse than Muslims in America—nearly 73% of Muslims are of South Asian decent, half of whom are from Pakistan.
 - The first migrant wave took place in the 1950s, with subsequent waves in the 1980s and 1990s. Many are from rural areas of South Asia and lack a formal education. They are also more geographically concentrated than Muslims in U.S.
 - Compared to U.S. Muslims, education levels tend to remain relatively low among second and third generation Muslims.
 - Muslims experience an 18% unemployment rate, triple the national average and even higher in urban centers, e.g., 59% in Birmingham
 - Mosques have a stronger role as the center of the community—80% attend the mosque regularly.

Problems

Europe: Muslims face difficult identity issues and often lack a sense of belonging due to discrimination and limited religious freedom. While freedom of religion and equality are guaranteed by UDHR, ICCPR, and the European Convention on Human Rights, they are often interpreted and applied very differently (particularly anti-discrimination laws)

United States: The problems facing Muslim citizens and non-citizens are very different in the U.S. due to government policies and conduct. Non-citizens' rights are under attack through the Patriot Act/SAFE Act. Citizens also experience FBI surveillance and interrogations and immigration enforcement in the form of the special registration for Muslims and closed immigration hearings. These conditions lead to increased fear of participation in civil life.

The 2004 Zogby/Project Maps poll found that 26% of Muslims said they were profiled and 57% of those polled cited that they or someone they know has experienced discrimination. In 2004, the Council on American-Islamic Relations (CAIR) processed 1,522 civil rights complaints, an increase of 49% from 2003. The largest increase was in the area of unreasonable arrests, comprising just over a quarter (26%) of all reported cases. The largest number of reported incidents took place in California (20%), followed by New York (10%), Arizona (9%) and Virginia (7%).

The American-Arab Anti-discrimination Committee also registered approximately 2,000 reports of discrimination in 2005, including cases of detention, deportations, racial profiling, and housing, school, and employment discrimination. In the U.S. there are some avenues for redress through civil rights and due process guarantees. All this has created an increased burden on organizations providing social services at the local level.

Solutions

Data collection: Conduct surveys that look at the impact of government policies on the ability of Muslims to access employment, housing, etc. Currently there are several demographic studies that are being done (Harvard's Islam and the West project), however, there needs to be additional statistics on impact on the community.

Community education:

- Fund collaborative work between lawyers and activists. There were uncoordinated efforts during the early stages of the Patriot Act, but there needs to be more coordination.
- Support programs that educate citizens and non-citizens on their rights. The ACLU conducted several rounds through mosques but given low mosque attendance in the U.S., alternative routes of community education are needed.
- Identify ways to address the need for surveillance in collaboration with the community, such as law enforcement task forces that include Muslims and provide recommendations.

Civic and political participation: Increase Muslim civic and political engagement, not just through know-your-rights trainings but also by increasing people's capacity to be engaged, which requires leadership and institutional development. There is a need to increase the human, institutional and financial capacity of Muslim organizations and build a generation of civic leaders.

Litigation

Europe

- Build the litigation capacity in the Muslim community by organizing lawyers; creating organizations to do litigation work and complaint data collection; learning techniques of to work with victims and increase their comfort level to submit complaints; and coordinating exchanges between U.S. and European advocates around issues of employment, housing, and education discrimination.
- Build public support through advocacy to change laws and policies (substantively or in terms of process and ensuring enforcement) by working in coalitions, and using strategies such as media and polling.

U.S.

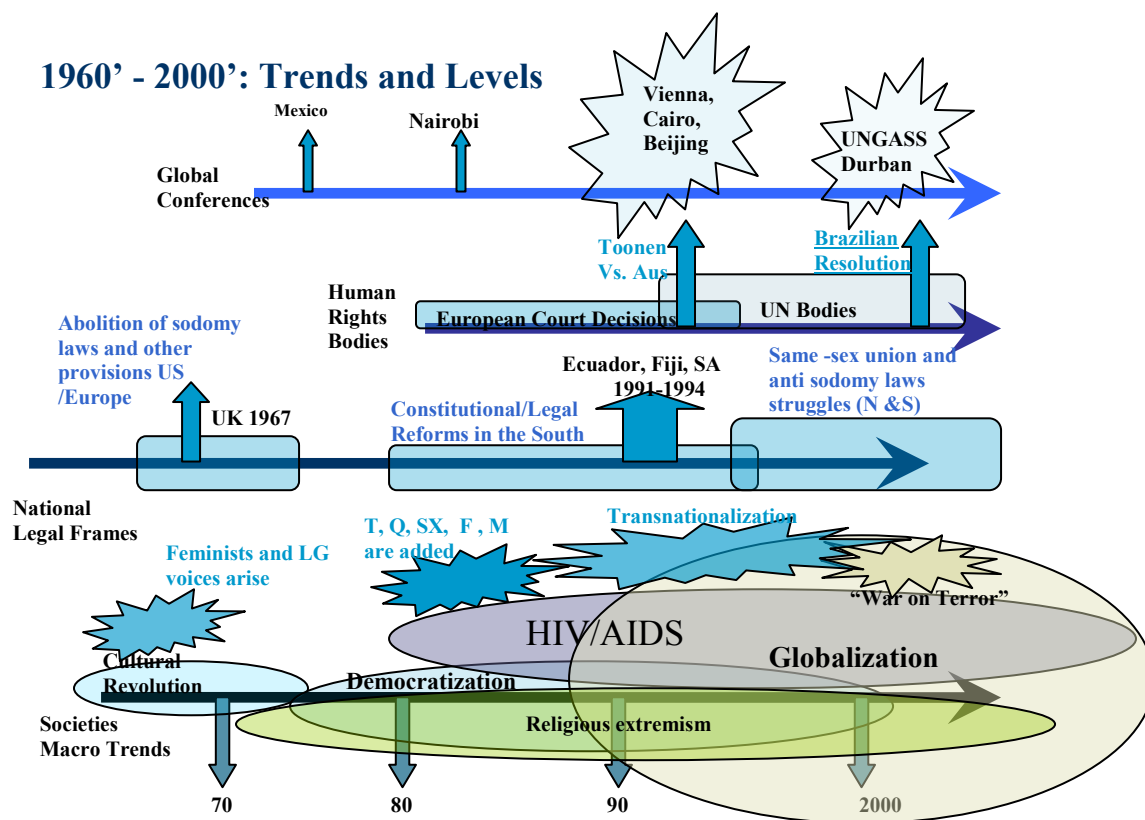
- Support litigation, which has been a critical part of rights protection, especially since 9/11 where the courts have struck down administration actions.
- Collect data (i.e. complaints) in a comprehensive way. There has not been a broad equal protection challenge to government policies that target the Muslim, Arab and South Asian communities, in part due to the lack of data to inform litigation decisions.

A Global LGBT Movement

Facilitator: **Andrew Park**, Wellspring Advisors, LLC

Speakers: **Sonia Corrêa**, DAWN **Scott Long**, Human Rights Watch

Andrew Park began the panel with a discussion of funding in the area of global LGBT rights. He defined the field as activism which seeks to affect international norms (UN, regional instruments, international law) and listed several groups with LGBT programs at the global level (International Commission of Jurists, International Service for Human Rights, Human Rights Watch, ARC International, ILGA, IGLHRC). Sonia Correa then reviewed the history of the global movement of sexuality using the following graphic:



Sonia showed a short film about the Brazil Resolution, available at <http://video.google.com/videoplay?docid=2633394257244375691&q=brazil+resolution&hl=en>. In 2003 Brazil introduced a resolution on sexual orientation and human rights at the UN Commission on Human Rights. The draft resolution expressed "deep concern at the occurrence of human rights violations all over the world against persons on the grounds of their sexual orientation" and called upon States to "promote and protect the human right of all persons regardless of their sexual orientation."

Brazil's initiative served as a focal point and mobilizing tool for NGOs around the world. In December 2003, activists from across the region attended an NGO strategy meeting (film created at that meeting). As a result of this and similar organizing efforts, more than 50 lesbian, gay, bisexual and transgender activists gathered at the 2004 session of the Commission to support the resolution. They came from countries as diverse as Argentina, Austria, Belgium, Brazil, Canada, Chile, China, Costa Rica, Croatia, the Dominican Republic, Fiji, Geneva, Germany, Guatemala, Honduras, India, Mexico, Nepal, Netherlands, Nigeria, Paraguay, Peru, Sierra Leone, South Africa, Sri Lanka, Sweden, Switzerland, the United Kingdom, the United States and Zimbabwe. This represented a dramatic increase from the small number of mostly Western-based individuals working on these issues at the Commission the previous year.

At the 2005 session, Brazil's resolution lapsed from the Commission agenda, but the increased awareness around sexual orientation and gender identity issues was reflected in the reports of Special Procedures, statements made by Foreign Ministers during the high-level segment, and State party interventions throughout the Commission, culminating in a statement delivered by New Zealand on behalf of 32 States cross-regionally.

Scott Long discussed local activism to support global activism in Egypt, Moscow, Poland, Nigeria and other countries. He discussed the need to document human rights abuses and efforts to report such abuses in Jamaica, Turkey and Nepal. He focused on several kinds of obstacles experiences by LGBT advocacy:

- discrediting the activist – “ad hominem” attacks
- “not our culture”
- controversy versus consensus
- exclusion of sexual minorities from UN process
- procedural roadblocks
- sexual rights versus sexual orientation versus gender

Scott then discussed the development of the Yogyakarta Principles. A key event in the development of the Principles was an international seminar that gathered many of these legal experts in Yogyakarta, Indonesia in November 2006. That seminar clarified the nature, scope and implementation of States’ human rights obligations in relation to sexual orientation and gender identity under existing human rights treaties and law. The Principles were developed and unanimously adopted by a distinguished group of human rights experts, from diverse regions and backgrounds, including judges, academics, a former UN High Commissioner for Human Rights, UN Special Procedures, members of treaty bodies, NGOs and others. The Rapporteur of the process, Professor Michael O’Flaherty, made an immense contribution to the drafting and revision of the Yogyakarta Principles.

The Principles affirm binding international legal standards with which all States must comply. These include extrajudicial executions, violence and torture, access to justice, privacy, non-discrimination, rights to freedom of expression and assembly, employment, health, education, immigration and refugee issues, public participation, and a variety of other rights.

Participants reviewed a copy of the principles available at www.yogyakartaprinciples.org.