

International Human Rights Funders Group Meeting Minutes July 10-12, 2006, New York, NY

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AGENDA

Semi-Annual Meeting – July 10-12, 2006

Monday - Tuesday

Columbia University Faculty House
400 West 117th Street
New York, NY 10027
Phone: (212) 854-1200

Wednesday

Columbia University
Jerome L. Greene Hall (Law School)
435 West 116th Street
New York, NY 10027

Human Rights and Armed Conflict

One of the greatest challenges facing human rights activists today is the goal of advancing human rights in countries and regions in the throes of armed conflict, weak security environments and a breakdown of the rule of law. In such unstable settings, where women, children and the displaced are particularly vulnerable, human rights defenders, both local and international, must confront immediate threats to the right to peace and physical integrity, including genocide. In doing so, they must also be mindful of the longer-term need to prepare the ground for strengthening respect for human rights as societies emerge from violent conflict.

A special thanks to our collaborative partners for this event: Funders Concerned about AIDS, Funders for Lesbian and Gay Issues, Funders Network on Population, Reproductive Health and Rights, NYRAG, Peace and Security Funders Group

AGENDA AT-A-GLANCE

Monday, July 10, 2006

8:30-9:00am	Breakfast
9:00-9:15am	Welcome
9:15-12:00pm	Human Rights and Armed Conflict
12:00-12:15pm	Welcome from Columbia University
12:15-1:00pm	Lunch Discussion Groups
1:00-2:15pm	Working group and affinity group meetings
	<ul style="list-style-type: none"> • Disability rights • Human Rights and the Environment • Peace and Security Funders Group • Sexual Rights
2:15-2:30pm	<i>Break</i>
2:30-4:00pm	Grantmaking practice sessions: <ul style="list-style-type: none"> • Defining Human Rights Funding • Finding and Funding Talent: International Human Rights Fellowships • Using Advisors to Strengthen Grantmaking
4:00-4:30pm	Session summaries
4:30-5:30pm	Documentary film, Human Rights Jeopardy or informal networking
5:30-6:30pm	Cocktail reception

6:30-9:00pm Dinner with Mark Malloch Brown, The Deputy Secretary-General of the United Nations

Tuesday, July 11, 2006

9:00-9:30am	Breakfast
9:30-11:30am	Risk and Responsibility: Providing Effective Support in Conflict-Affected Areas
11:30-11:45am	<i>Break</i>
11:45-1:00pm	Lunch ... and The Funders' Soapbox!
1:00-2:30pm	Membership Meeting
2:30-2:45pm	<i>Break</i>
2:45-4:15pm	Breakout sessions <ul style="list-style-type: none"> • Human Rights on the Hill • Racial Profiling at Home and Abroad: A Comparative Perspective • The Struggle to End Sexual Violence in War
4:15-4:30pm	Session summaries
7:00pm	Informal dinner – Radio Perfecto

Wednesday, July 12, 2006

9:00-9:30am Breakfast

9:30-12:15pm	Breakout sessions: <ul style="list-style-type: none"> • Measuring What Matters: Evaluating the Impact of Human Rights Organizations • Re-linking Domestic Human Rights and International Advocacy • Sex, Lies and the Prostitution Pledge 	12:15-1:00pm 1:00-1:15pm 1:15-3:00pm	Box lunch and session summaries Welcome from Columbia Law School Moving the Mountain: Can the UN Uphold Human Rights?
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A special thanks to IHRFG members who have contributed additional support for this event:

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|--|----------------------------|
| • Astraea Lesbian Foundation for Justice | • Open Society Institute |
| • JEHT Foundation | • Schooner Foundation |
| • King Baudouin Foundation | • The Overbrook Foundation |
| • Mertz Gilmore Foundation | |

Monday, July 10

8:30-9:00am	<i>Breakfast</i>	<i>Dewitt Clinton Dining Room</i>
9:00-9:15am	Welcome Valentine Doyle, Lawson Valentine Foundation Julia Greenberg, American Jewish World Service	<i>Dewitt Clinton Dining Room</i>
9:15-12:00pm	Education panel: Human Rights and Armed Conflict A panel of human rights practitioners with extensive experience in war-torn settings will examine the obstacles to and opportunities for promoting human rights amid violent conflict involving both state and non-state actors. <i>Facilitator: Steve Riskin, US Institute of Peace</i> <i>Speakers:</i> <ul style="list-style-type: none"> • Mark Schneider, Senior Vice President; Special Adviser on Latin America, International Crisis Group (Washington, DC, UNITED STATES) • Ekaterina Sokirianskaia, Analyst, Memorial Human Rights Center and Assistant Professor, Grozny State University (Nazran, RUSSIA) • Bukeni Tete Waruzi, Director, AJEDI-Ka/Projet Enfants Soldats (Uvira, DEMOCRATIC REPUBLIC OF THE CONGO) 	<i>Dewitt Clinton Dining Room</i>
12:00-12:15pm	Welcome from Lee Bollinger, President of Columbia University	<i>Dewitt Clinton Dining Room</i>
12:15-1:00pm	Lunch and Discussion Groups Interested members are invited to form discussion groups around issues, ideas, geographic interests, or continued exploration of the morning discussions.	<i>Dewitt Clinton Dining Room</i>
1:00-2:15pm	Working group and affinity group meetings (meet concurrently) Disability rights At recent IHRFG meetings, leading activists in the field have joined us to speak about the drafting of a UN treaty on the rights of persons with disabilities. Building and moving forward on these conversations, we will begin discussion about a possible pooled fund to support grassroots disabled persons organizations (DPOs) around the world working to secure ratification, implementation and monitoring of the soon-to-be completed convention.	<i>Stevens Room</i>

Facilitator: John Taylor, Wellspring Advisors, LLC
Rapporteur: Catherine Townsend

Human Rights and the Environment

Dewitt Clinton Dining Room

Join this brainstorming discussion on how human rights and environmental grantmakers can work together to strengthen both movements.

Facilitator and rapporteur: Valentine Doyle, Lawson Valentine Foundation

Peace and Security Funders Group

Harison Room

Facilitator and rapporteur: Katherine Magraw, Peace and Security Funders Group

Sexual Rights

Dewitt Clinton Dining Room

The Sexual Rights Working Group explores the relationship between sexual rights issues as they intersect with women's rights, the right to health, the right to self-expression, and the right to be free from torture, to name a few. The intersectional nature of these rights means that the working group is open to funders from a variety of different affinity groups including; Funders for Lesbian and Gay Issues, Funders Concerned about AIDS, and the Funders Network for Population, Reproductive Health and Rights. We will be discussing future activities of the working group.

Facilitator: Heidi Dorow, Wellspring Advisors, LLC

Rapporteur: Katrin Wilde, Channel Foundation

2:15-2:30pm *Break*

Dewitt Clinton Dining Room

2:30-4:00pm ***Grantmaking practice breakouts sessions*** (meet concurrently)

Defining Human Rights Funding

Harison Room

Does the lack of a concise definition of human rights funding help or hinder growth of the field? Human rights can be a value, a method, an analysis and a goal. Though they denote very different patterns of funding and activism, these distinctions are rarely ever made explicit. This session will embark upon the difficult task of constructing a functional and descriptive definition of human rights funding.

Facilitator: **Andrew Park**, Wellspring Advisors, LLC *Speakers:* **Mona Khan**, Fund for Global Human Rights **Mona Younis**, Mertz Gilmore Foundation

Rapporteur: Ann Strimov, Wellspring Advisors, LLC

Finding and Funding Talent: International Human Rights Fellowships

Stevens Room

This session will explore three different types of human rights fellowships and discuss how we can continue to bring new talent into the field. The panel will discuss ways of supporting international human rights fellows with a discussion period to follow.

Facilitator: **Cheryl Dorsey**, Echoing Green *Speakers:* **Karen Colvard**, Harry Frank Guggenheim Foundation **Dr. J. Paul Martin**, Center for the Study of Human Rights at Columbia University **Karen Tse**, International Bridges To Justice

Rapporteur: TBA

Using Advisors to Strengthen Grantmaking

Dewitt Clinton Dining Room

How can we incorporate the voices of those closest to the issues and most affected by our grantmaking? How can we ensure that our grants are responsive to the needs of distant communities? This session will explore advisor-driven grantmaking and highlight how collaboration can benefit both the grantmaker and the advisor. Participants will gain an understanding of the challenges and rewards of using advisors, and take away concrete examples of

how to develop and manage advisory networks to enhance grantmaking and increase impact.

Facilitator: **Michelle Coffey**, Tides Foundation *Speakers:* **Chet Tchozewski**, Global Greengrants Fund **Shalini Nataraj**, Global Fund for Women
Rapporteur: Michelle Coffey, Tides Foundation

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|--------------------|--|---|
| 4:00-4:30pm | Session summaries - Rapporteurs | <i>Harison Room</i> |
| 4:30-5:30pm | <p><i>Attendees may choose between the following:</i></p> <ul style="list-style-type: none"> • Documentary - Outlawed: Extraordinary Rendition, Torture and Disappearances in the "War on Terror" • Article 24 - Human Rights Jeopardy | <p><i>Stevens Room</i></p> <p><i>Harison Room</i></p> |

5:30-6:30pm	Cocktail reception	<i>Randolph</i>
6:30-9:00pm	Dinner with Mark Malloch Brown, The Deputy Secretary-General of the United Nations	<i>Harison Room</i>

Tuesday, July 11

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|---------------------|---|-----------------------------------|
| 9:00-9:30am | <i>Breakfast</i> | <i>Dewitt Clinton Dining Room</i> |
| 9:30-11:30am | <p>Networking Panel: Human Rights and Armed Conflict</p> <p>Amid violent conflict, as civil society breaks down, every normal funding procedure—oversight, communication, finding local partners to distribute the money, and even just getting the money to the location—is suddenly much more difficult. This panel of IHRFG funders will discuss both funding strategies and approaches to overcoming the practical problems of funding in conflict zones.</p> <p><i>Facilitator:</i> Julia Greenberg, American Jewish World Service</p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> • Andrew Anderson, Frontline International Foundation for the Protection of Human Rights Defenders (Dublin, IRELAND) • Patricia Karam, US Institute of Peace (Washington, DC, UNITED STATES) • Julie Shaw, Urgent Action Fund for Women's Human Rights (Boulder CO, UNITED STATES) • Eva Zillén, The Kvinna till Kvinna Foundation (The Woman to Woman Foundation) (Stockholm, SWEDEN) | <i>Dewitt Clinton Dining Room</i> |
| 11:30-11:45am | <i>Break</i> | <i>Dewitt Clinton Dining Room</i> |
| 11:45-1:00pm | <p><i>Lunch ... and The Funders' Soapbox!</i></p> <p>An opportunity to speak extemporaneously on philanthropic passions (people, projects or programs), promote a favorite organization, appeal for advice, etc.!</p> <p><i>Facilitator:</i> Valentine Doyle, Lawson Valentine Foundation</p> | <i>Dewitt Clinton Dining Room</i> |
| 1:00-2:30pm | <p>Membership Meeting</p> <p><i>Facilitator:</i> Michael J. Hirschhorn, Jacob and Hilda Blaustein Foundation</p> | <i>Dewitt Clinton Dining Room</i> |
| 2:30-2:45pm | <i>Break</i> | <i>Dewitt Clinton Dining Room</i> |

2:45-4:15pm Breakout sessions (meet concurrently)

Human Rights on the Hill

Stevens Room

This session will provide an overview of human rights issues—both in the US and internationally—looming before Congress. Panelists will discuss lessons learned from recent legislative successes, such as the McCain Amendment, and less successful endeavors. The panel will also examine where human rights concerns will sit on the Congressional agenda before and after the fall elections.

Facilitator: **Conrad Martin**, Stewart R. Mott Charitable Trust

Speakers: **Salih Booker**, Global Rights **Lorelei Kelly**, The White House Project **Hans-Joachim Hogrefe**, Human Rights Congressional Caucus

Rapporteur: Ann Strimov, Wellspring Advisors, LLC

Racial Profiling at Home and Abroad: A Comparative Perspective

Harison Room

While the issue of racial profiling by law enforcement has been widely documented in the US and the UK, there is limited awareness and data on its prevalence in Europe. Extensive documentation of police abuse of minorities has not yet translated into a broader effort to address pervasive disproportion in everyday street encounters. Drawing on the UK and US experience, the panel will examine emerging evidence of ethnic profiling in Europe; review the strategies and challenges of addressing the issue in the public sphere, police institutions and in policy-making bodies at both the national and regional levels.

Facilitator: **Rachel Neild**, Open Society Justice Initiative *Speakers:* **Rebekah Delsol**, Open Society Justice Initiative **Harry Dolan**, Grand Rapids Police Department **Philip Gounev**, Center for the Study of Democracy

Rapporteur: TBA

The Struggle to End Sexual Violence in War

Dewitt Clinton Dining Room

Parties to internal armed conflict during the past 25 years have deliberately employed sexual violence as a tactic to terrorize populations. Two leading experts working at the intersection of human rights and humanitarian concerns will discuss new initiatives to prevent gender-based violence in armed conflict. Participants will not only learn about the appalling scope of rape in recent wars, underscoring an ominous, still unchecked trend, but will discuss what grantmakers can do to support ending sexual violence.

Facilitator: **Larry Cox**, Amnesty International *Speakers:* **Jennifer Leaning**, Harvard Humanitarian Initiative (HHI) Harvard School of Public Health **Susannah Sirkin**, Physicians for Human Rights **Beth Vann**, JSI Research & Training Institute

Rapporteur: **Debra Schultz**, Open Society Institute

4:15-4:30pm Session summaries - Rapporteurs

Dewitt Clinton Dining Room

5:30 p.m.

Informal dinner at Radio Perfecto Uptown

1187 Amsterdam Avenue (between 118th and 119th), (212) 932-0707

Wednesday, July 12

NOTE: TODAY'S MEETING WILL BE HELD AT THE COLUMBIA LAW SCHOOL

Jerome L. Greene Hall is located at 435 West 116th Street

9:00-9:30am *Breakfast*

Jerome Greene Lobby

9:30-12:15pm Breakout sessions (meet concurrently)

Measuring What Matters: Evaluating the Impact of Human Rights Organizations

Room 107

Human rights organizations have resisted efforts to measure the impact of their work, oftentimes for good reason. An exaggerated focus on numbers and quantifiable measures of success may overlook the essence of effective human rights activism. Yet, human rights organizations owe it to themselves and their constituencies to understand how well they fulfill their missions. The session will present the state-of-the-debate on applying impact evaluation to human rights work, highlight the experience of human rights activists and funders with such assessment, and ask participants to create and apply evaluation tools to case studies.

Facilitator: **Regan Ralph**, Fund for Global Human Rights *Speakers:* **Fernande Raine**, Carr Center for Human Rights Policy **Yumi Sera**, Grants Facility for Indigenous Peoples, World Bank

Rapporteur: Ann Strimov, Wellspring Advisors, LLC

Re-linking Domestic Human Rights and International Advocacy

Room 807

This session will continue the discussion of the January IHRFG meeting of the US Human Rights Working Group. Invited NGO speakers will discuss their renewed engagement with the international human rights arena as part of their domestic advocacy (with a particular focus on the use of human rights mechanisms to supplement community-based work), the value of this re-engagement, and US groups' interest in and capacity for it. The second part of the working session will include a presentation of case studies and discussion of best practices and challenges in domestic human rights grantmaking.

Facilitator: **John R. Taylor**, Wellspring Advisors, LLC *Speakers:* **Lucas Benitez**, Coalition of Immokalee Workers **Bernardine Dohrn**, Midwest Coalition for Human Rights **Cindy Sohoo**, Bringing Human Rights Home, Human Rights Institute, Columbia Law School

Rapporteur: Judith Le, US Human Rights Fund, Public Interest Projects

Sex, Lies and the Prostitution Pledge

Room 701 (Case Lounge)

Sex work is criminalized in some countries, regulated in others, and tolerated in most. Looking at governmental responses to prostitution through a human rights lens, raises questions related to the labor, health, and safety rights of sex workers themselves as well as the rights of those seeking sexual services to be free of governmental intervention into intimate personal matters. How would using a human rights-based framework provide an alternative moral lens to examine issues of sex work and trafficking? What are the human rights of sex workers? This panel will explore these timely issues, the US government's 'anti-prostitution pledge', and the conflation of prostitution and trafficking.

Facilitator: **Andrew Park**, Wellspring Advisors, LLC *Speakers:* **Rebekah Diller**, Brennan Center for Justice at NYU School of Law **Jodi L. Jacobson**, Center for Health and Gender Equity (CHANGE) **Ann Jordan**, Initiative Against Trafficking in Persons, Global Rights **Alice M. Miller**, Mailman School of Public Health, Columbia University **Juhu Thukral**, Sex Workers Project at the Urban Justice Center

Rapporteur: Katrin Wilde, Channel Foundation

12:15-1:00pm **Box lunch and Session summaries - Rapporteurs** *Room 106*

1:00- 1:15pm **Welcome from Jose Alvarez**, *Professor of International Law and Diplomacy, Columbia Law School* *Room 106*

1:15- 3:00pm **Moving the Mountain: Can the UN Uphold Human Rights?** *Room 106*

The United Nations serves as the primary deliberative and implementing body for international human rights treaties. The newly formed Human Rights Council, meeting for the first time in June 2006, and the new Convention on the Rights of People with Disabilities are just two of the major developments in human rights activism. This panel will provide an inside look at these reforms and developments within the UN.

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

Speakers:

- **Philip Alston**, *Special Rapporteur, Extrajudicial, Summary, or Arbitrary Executions, Special Advisor to the United Nations on the Millennium Development Goals (New York, UNITED STATES)*
- **Craig Mokhiber**, *Acting Director, Office of the High Commissioner for Human Rights (New York, UNITED STATES)*

Monday, July 10

Welcoming Remarks

I. Education Session: "Human Rights and Armed Conflict"

Facilitator: **Steve Riskin**, US Institute of Peace

Speakers:

- **Mark Schneider**, *Senior Vice President; Special Adviser on Latin America*, International Crisis Group (Washington, DC, UNITED STATES)
- **Ekaterina Sokirianskaia**, *Analyst*, Memorial Human Rights Center and Assistant Professor, Grozny State University (Nazran, RUSSIA)
- **Bukeni Tete Waruzi**, *Director*, AJEDI-Ka/Projet Enfants Soldats (Uvira, DEMOCRATIC REPUBLIC OF THE CONGO)

Mark Schneider from **the International Crisis Group** explained that the conflict in Colombia is now four decades old, and human rights violations are both consequences and drivers of the conflict. ICG has offered policy reform recommendations needed to stop the civil conflict and prevent future human rights abuses. Even though President Uribe has made people feel safer, serious problems remain, including paramilitary violence, drug trafficking, and victimization of the rural poor. The US government's policy on fighting drug trafficking has failed. There has actually been an increase in the production and distribution of drugs (Colombia produces 90% of the cocaine in the US). And, a large number of human rights activists and indigenous leaders have been killed; more than any other country. Colombia leads the world in abductions, though the number has gone down.

Four crises are at play:

- 1) Violations of international humanitarian laws by all sides, including government forces and guerillas (patterns of arbitrary detention, torture, kidnapping, homicides, terrorist attacks, forced displacement, recruitment of boys and girls).
- 2) A lack of government accountability for the majority of abuses which are committed by their armed forces.
- 3) A culture of impunity the perpetrators remain unpunished where even when abuses are exposed. Until 2004, the bulk of massacres were the work of the paramilitary. Last year army units killed eight people in the Peace Community of San Jose de Apartado. Two thousand leaders have confessed to war crimes, but they still don't have to give up the land they stole, disclose the structure of their organizations or disclose the whereabouts of the disappeared. ICG has issued a report on Colombia's "Justice and Peace Law," saying it provides neither justice nor peace.
- 4) A looming humanitarian crisis: Beyond those killed, some 5,400 kidnap victims are still missing and there are 2.9 million internally displaced persons. Many of these are rural poor, indigenous or Afro-Colombians, which could result in the elimination of some of the smaller indigenous groups in Colombia. 75% are women and children under the age of 15, forced to move as a result of the violence. Both the paramilitary and the government deny them assistance, because the other side could appropriate the aid. All sides maintain themselves through cocaine. Where the rule of law is unable to hold violators accountable, minorities, children and women are most vulnerable.

Primary recommendations are:

- Reinstate the mandate of the UNHCR, which expires on September 30. It also needs to be expanded to include reporting on human rights abuses. The Colombian government

wants to end it completely or to limit it to technical assistance, rather than human rights;

- Focus on the government's response to the constitutional court's order on demobilization; and
- Develop a comprehensive peace strategy in neglected rural areas and address rural poverty and other underlying causes of this conflict.

Ekaterina Sokirianskaia from the **Memorial Human Rights Center** noted that one of the strongest jihadist movements in the world has emerged from the fight for independence in Chechnya. The Russian government has effectively used the threat of terrorism to avoid responding to Chechen demands for autonomy, and to divert scrutiny from their failed policy. She identified four major phases of the conflict.

First phase (1999-2000): Full-blown military conflict, indiscriminate bombing of settlements, forced migration, death of thousands, refugees targeted by government bombing. Grozny is officially 78% destroyed. Somewhere between 6,500 and 10,000 people died during this phase.

Second phase (2000-2002): Mass indiscriminate use of violence against the population. Independent press denied access to Chechnya and indiscriminate violence by the Russian military, including house-to-house check-ups, detention, torture, disappearances of young men. (Since then, mass graves have been found.) Russia is headed back toward totalitarianism.

Third phase (2003): Wide-scale forced disappearances, use of paramilitaries to launch "counter-terrorism" operations and perpetrate widespread violence, as well as to penetrate Chechen society by using local people as informants and sending them to their home towns where they perpetrated human rights abuses. This made it much harder than before to find the perpetrators. They created a climate of absolute fear where people were afraid of reprisal and unwilling to report violations even to sympathetic outsiders. NGOs are still trying to provide independent reports on torture and forced disappearances and filing cases at the European Court on Human Rights (180 cases are waiting to be heard). Memorial could monitor only 25-30% of Chechen territory.

In 2003, the Russian government began pursuing a policy of "Chechenization," transferring government functions to ethnic Chechens to pursue "anti-terrorism." They could penetrate society better than Russians. They practiced such new patterns as hostage-taking of alleged combatants' relatives to persuade the fighter to surrender voluntarily. Local security services detained young men, persuaded them to change sides for amnesty, and then sent them home to penetrate their villages and expose their colleagues. The movement is no longer just separatist, but intra-Chechen. There is a very strong tradition of vendetta in the Caucasus.

Fourth phase (2004): Reduced number of disappearances. Now young men go to jail on fabricated charges based on forced confessions. Twenty-five years in a Russian prison will breed true local terrorism.

In Russia, the Chechen conflict is a strong factor in the return to totalitarianism. The Russian government controls the press, has essentially abolished the federalist system (thereby consolidating its political control), and is bringing civil society increasingly under tight state control. The war is now spilling out into neighboring Ingushetia, which was a peaceful republic until 1999.

The first Chechen cases will come before the ICC in 2006. There must be payment of compensation, but the government must also change, or fines will be just a tax on human rights violations.

Primary recommendations:

- 1) Political: The Chechen conflict is a separatist one, and it requires a political solution that includes moderate separatist leaders.
- 2) Justice:
 - Systematic documentation of human rights abuses;
 - Challenge to the government's abuses of power by the international community; and
 - Improvements to the Chechen judiciary system work to document and report on past and current human rights abuses, investigate war crimes and stop the practice of fabricated charges.
- 3) Education and Capacity Building
 - Chechen youth need access to education to build leadership and promote human rights and the rule of law. They also need an alternative to joining armed movements. Children 14 and under are now a lost generation; death has become banal to them.
 - There is an urgent need for psycho-social care for the traumatized populations of Chechnya. Trauma can destroy the meaning in life, and some will join the jihadists to regain it.

The current Russian government leaders crave power and international prestige, so the international community should play on their desire for international acceptance as a tool to challenge human rights abuses.

Bukeni Waruzi from **Ajedi-Ka (DRC)** discussed the dire situation in the Congo. The Eastern Congo is very militarized. Since 1998, about 30,000 child soldiers have been recruited. Thousands of demobilized children have rejoined the army for financial reasons. Making matters worse, there are no programs to help children heal and adjust to life back in society. Many children still have arms, have no access to education and must find a way to survive. The demobilization, disarmament and reintegration program (DDR) has been suspended for lack of funds, even though \$200 million was raised by the World Bank and other international donors. It is unclear what has happened to these funds.

About 19,000 children have been demobilized and returned to their families, but since 1998 about 30,000 additional children have been recruited. Reintegration is very difficult. The children have acquired the skill of killing, and nothing is done for healing. The children are left with no support and no opportunity for schooling.

The spread of HIV/AIDS has a direct link to the conflict. Treatment, counseling and other services are unavailable in the east. Many girls become pregnant while in armed camps and are left to fend for themselves.

There is a major gap between UN resolutions and policy developments, and what actually happens in the field. The UN Security Council adopted ten resolutions for civilians and children in Congo, but nothing has come of them on the ground. For example, Resolution 1612 was passed calling for monitoring and reporting on children in conflict, but so far it has had no impact in addressing the ongoing recruitment and related violence in the Congo.

In civil society, churches, NGOs and CBOs are playing a big role in human rights education. For example, Ajedi-Ka took a human rights education film on tour to villages, where people did not realize the recruiting child soldiers was a human rights violation.

The International Criminal Court (ICC) is an important mechanism for justice, but in the current culture of impunity in the DRC, it is unclear if the ICC can deliver or meet the expectations of local populations. Unfortunately, the African Union has not yet developed into an effective mechanism for pursuing human rights violators.

Recommendations:

- Civil society, largely churches, community-based groups, and NGOs, should emphasize human rights education, and encourage parents to resist the voluntary recruitment of child soldiers. There is a general lack of awareness concerning human rights (including the Convention on the Rights of the Child), and the harmful effects of child soldier recruitment.
- The international community should advocate for long-term funding for reintegration of child soldiers and for processes/mechanisms to hold human rights violators accountable. Solutions need to be local and adapted to the issues and challenges specific to a province. For example, in Ituri province, the conflict is driven by the fight over natural resources.
- It's important to engage religious leaders in promoting peace, justice and reconciliation since 90% of Congolese are Christian.
- International organizations should avoid having pre-established plans and priorities and design their programs and assistance based on the actual needs on the ground.

There is still a long way to go with human rights in the DRC. It is not just the illiterate who need education but also government officials.

Question and answers:

Q: Poverty and coincidence could lead young men in Colombia to any of the different groups: the army, the paramilitary or the guerillas. There is not a big difference between oppressor and oppressed.

MS: There are differences between those groups and the paramilitary. Some paramilitary go back to the late 80s or early 90s, linked to drug trafficking or landowners. The EZLN (Ejército Zapatista de Liberación Nacional) has more urban origins, while the FARC (Fuerzas Armadas Revolucionarias de Colombia) was more rural. The military also were more rural. Foot soldiers were generally poor and working class.

Q: How do you continue doing human rights work when it seems to be going nowhere?

ES: We just continue to work. There is a level of frustration among the population against human rights workers. Recommendation: support international organizations that work in Russia and Chechnya.

MS: In Colombia, if you begin to deal with rural poverty, you could undermine support of the guerilla groups and help those who have no option but to grow coca. Why keep working on human rights? It's not just to prevent future abuse, but to give hope to victims now. The OHCHR is more powerful today, though not enough. Continual pressure is vital.

BW: Why do we work? In DRC there's still so much that needs to be done. Human rights means justice. There is a campaign going: "Without elections there is no peace." We say yes, but elections aren't enough. We need justice and accountability. I can tell you why I continue. I've been arrested twice and beaten twice. We are working voluntarily, not paid. My family keeps asking me "Why continue?" In the camps, people can be killed and no one can touch the killers. We need this kind of courage if this is to change.

The ICC is a new institution, facing difficulties. The big question is, "Do victims know they are victims?" Not every Congolese thinks child soldiers are victims.

Q: What is the relation of the small arms trade with these conflicts?

MS: There are 78,000 weapons unaccounted for in Colombia. I wouldn't focus on them as a cause. The source is the militaries who sell them—the Nicaraguan army and the contras.

Q: Often there is no desire by the participants to end the conflict. Have some conflicts that have been resolved offer lessons? And to MS – how do you end rural poverty?

ES: There are stakeholders who profiteer in each war. There is a shadow economy with shadow revenue from oil. In the Chechen Republic, the military needs to justify the exercise, and if there are not enough terrorists, they go after innocent people. The Federal forces are paid by the fight, so they stage fights.

BW: It's hard to generalize in the DRC. In the Northern DRC, conflict comes from the economy. People are fighting over natural resources: gold and petroleum. In the southern DRC, fear of the future causes the fighting. "We can't be sure the election will go well, so we don't want to be dissolved."

MS: In the case of Colombia, revenues from drug trade are a major factor, especially for the paramilitary and the FARC. The EZLN has managed to stay relatively apart from drug traffic. In Central America, it is possible for the Left to participate, since political restrictions on them were lifted. But in Colombia the Left still fears that if the paramilitary still are controlling political power they'll be victims of death squads if they give up their weapons.

There must be a change in the perception that the government doesn't care about rural poverty. The World Bank has made a strong argument in its report "Beyond the City" advocating rural governance.

Q: How much do local religious leaders solve or perpetuate problems? In Russia, the leadership of the Orthodox Church leadership has said that human rights are a foreign construct. How can funding international groups be squared with that? Do you think the UN presence is one you can trust?

ES: In Chechnya there are different layers of conflict: federal Chechen, ethnic Chechen, pro- and anti-Federal groups. The new movement sometimes conflicts with traditional Muslim beliefs and the State is siding with traditional believers. They may be seeing NGOs as foreign interferences. There is anti-Americanism in Russia, so US support may make the work harder. However, Russia desires international prestige as part of the G8. They want to demonize the West, but also be a part of it. It can be effective to play on this embarrassment.

MS: The Catholic Church is generally a very proactive force in Colombia. One section is very effective with local peace communities. The national church is generally more conservative. I agree totally with international influence. International pressure is crucial—the situation in Darfur would be hopeless without it.

There has never been a UN presence in Colombia, other than the UNDP and OHCHR. If we ever get a UN peacekeeping force in Colombia, that would be a sign that the conflict is coming to an end.

BW: In the DRC, the faith-based community is very important. 90% of Congolese are believers, especially Roman Catholic, then Protestant. The church has a big office, but no office of child protection.

Q: What is your message to funders who are guided by impact and seeing results?

MS: It's essential to keep funding locally. To the degree that we promote peace, we promote human rights. To the degree that we promote peace, we promote government.

BW: Message to funders? Please increase what you give. I was about to leave, but this year, we just have received our first funding. We expect nothing from the government, everything from you.

II. Working Group and Affinity Group meetings

Disability Rights Working Group

Facilitator: John Taylor, Wellspring Advisors, LLC (New York, NY)

John Taylor started the meeting by distributing several documents (located in the meeting appendix). Two of the documents provided background information on the current process of the Ad Hoc Committee drafting the Convention on the Rights of Persons with Disabilities. One introduced a pooled fund to support disability rights along with a field mapping.

A treaty, comprehensive in scope, will likely be finalized this August, though several of the most contentious issues remain outstanding. Such issues include the definition of disability, the right to experience sexuality, the equal provision of sexual and reproductive rights services, and monitoring and international cooperation mechanisms. One attendee asked whether the Convention would only enforce negative rights and pointed out the weakness of such an approach. In fact, the current draft both restricts nation state activity (i.e., anti-discrimination) and requires states to fulfill certain requirements (i.e., promote participation in mainstream sporting activities as well as opportunities for disability-specific sporting and recreation). Certain articles, such as the right to education, are quite detailed.

John emphasized the deep participation and impact of the disability rights movement on the drafting and the energy that the drafting has added to the disability rights field. While NGOs have been involved from the start of the drafting, their participation has grown from just 12 organizations to more than 60 at the last ad hoc meeting. In fact, some NGO staff members have been integrated into their national delegations.

The Convention has provided an amazing catalyst for movement building. The drafting has empowered persons with disabilities to advocate on their own behalf. The movement's slogan "Nothing about us without us" reflects this empowerment. By definition DPOs (Disabled Persons' Organizations) are membership organizations controlled at the board and

decision-making levels by persons with disabilities. John believes that part of the impressive participation of persons with disabilities is also related to recovery. Advocacy can form a critical component of recovery as they are part and parcel of an emphasis on *ability* rather than the *disability*.

The group briefly discussed the field mapping of disability rights organizations. One participant wondered whether national human rights institutions should be included as they are primary actors in setting disability policy. Participants also discussed the diversity of the disability field and how the movement reconciles the differences among persons with disabilities. John pointed out that the first draft of the field mapping had separated out “issue” organizations such as the World Blind Union. After consulting key players in the field, however, this distinction was eliminated, as most of these organizations have broadened their advocacy beyond their membership base.

One participant spoke about the value of an interagency task force for disabilities at the UN and how such a committee could help implement standards throughout all UN agencies. Such a body does not yet exist for disability rights.

The group then discussed a possible pooled fund and the major issues that interested donors would need to discuss. Such questions include the types of organizations to be funded (i.e., only DPOs), the time period of the fund (i.e., 3 years or based on dollar amount raised), the minimum amount needed to launch (\$3 million or more optimistically \$5 million). John discussed hiring a consultant and asked for any suggestions that people might have.

Human Rights and the Environment

Facilitator: Valentine Doyle, Lawson Valentine Foundation (Hartford, CT)

Several attendees discussed the intersection of these two areas. One attendee highlighted the treatment of the Crimean Tatars, who cannot even acquire the rights of non-indigenous people, much less the rights particular to their communities. How do you classify the effects of an oil spill on indigenous culture? Under economic rights? ECSR?

One participant noted that in some regions, governments see environmental work as harmless. For example, we can do human rights work in China by calling it environmental work. Several of the participants noted that they will be attending the Human Rights and the Environment Institute at EGA this fall.

Peace and Security Funders Group

Facilitator: Katherine Macgraw, Peace and Security Funders Group (Charlottesville, VA)

This discussion group started with the understanding that freedom from fear for one’s physical safety is a basic human right, without which other human rights often are threatened or taken away. It has also, unfortunately, been amply demonstrated, that governments pursue “security” for some, at the expense of human rights for others and that human rights concerns are sometimes sidelined in the effort to prevent conflict and promote security.

The discussion was structured around four related issues or topics:

1. Areas of intersection between the human rights agenda and promotion of peace and security;

2. Sharing of information about the programs represented in the room and a discussion of the overlaps;
3. Identification of areas that suffer from lack of attention, from either NGOs or funders, particularly urgent situations or new opportunities that might serve multiple purposes.
4. Ways that we might reach out to others—as a group or individually—to recruit others where we need partners or additional resources.

The group discussed how human rights issues are deeply implicated in different phases of conflict. For example, the violation of rights is often a warning sign of impending conflict. At the end of a conflict in the urgency to reach agreement to stop the bullets, human rights concerns are sometimes sidelined, increasing the chances of renewed conflict.

The group also discussed how the US 'war on terrorism' had raised new human rights issues since the current Administration has promoted a reinterpretation of the US Constitution under which the President's inherent powers in this war are essentially unlimited. The legal framework promoted gives the President the right, if he so wishes, not only to ignore Congress and the courts, but also to deceive them and the public for the sake of national security.

The Compton Foundation, Open Society Institute, US Institute of Peace, Guggenheim Foundation, Mott Foundation and others presented the parts of their grantmaking programs that lay at the nexus of human rights and peace. However, the words 'human rights' do not always appear in the program descriptions because that would encourage applications that are outside the specific focus of the program. However, this does not mean that human rights are not an important objective and consideration in the grant selection.

Some members wondered why funders haven't invested more time and resources in battling the Administration's assault on human rights (both at home and abroad) in the name of enhancing US security.

The group generally agreed that there is enormous overlap between the two areas of funding and that we should be more conscious of trying to further efforts in both areas. The funder affinity group, the Peace and Security Funders Group, was recommended for those interested in pursuing peace and conflict issues more directly. Several participants who are active in both groups, IHRFG and PSFG, spoke about the virtues of their dual affiliations.

Sexual Rights Working Group

Facilitator: Heidi Dorow, Wellspring Advisors, LLC (New York, NY)

In advance of the group's first public event, the panel on "Sex, Lies and the Prostitution Pledge," members of the Sexual Rights Working Group met to discuss its goals and how it should operate. Many new people joined.

Goals

The group concluded that the goals of the working group are to:

- Share resources, proposals, information;
- Educate ourselves and other funders about sexual rights; and
- Convince more funders to join us in funding this critical area.

The hope is to help bring clarity to the work, and foster better ways to talk about it. Noting that the field itself is still evolving, that there isn't an international treaty yet, and that

several working definitions of sexual rights exist, the group decided to focus on developing a Statement of Principles for funders interested in this area.

Urgent need: Several people spoke about the urgent needs in this area. One funder mentioned that most of their LGBTQ rapid response grants are in the areas of security and protection and that they need more partners. Other noted that they have been funding in this area for 20 years (although not using the framework) and that these were some of the most requested grants from different countries.

Intersections: Most importantly, many people emphasized that sexual rights provide a strategic clarity that examines the intersections between groups and issues. Several people emphasized that a sexual rights framework is useful for grantmaking because it offers a larger umbrella with which to work on issues, and includes reproductive rights and freedom from violence, as well as a whole host of LGBT issues. As someone pointed out, the intersections are important because we're not necessarily coming from an already-informed sexual rights perspective.

Important questions for consideration

- What are we hoping would change as a result of actions by this group?
- What does the "Big Tent" of sexual rights exclude?
- What is applicable across the board?
- How do we get tools to other funders? By what mechanisms?
- How do we speak to those not already converted?
- How can we make better grants? Leverage resources?
- How can we spearhead more pragmatic activism?
- How can we help focus advocacy to share compelling stories?

Caveats

- Follow the lead of grassroots groups.
- Ensure that trans and non gender-conforming folks don't fall outside the cracks and are not conflated with lesbians and gay men. Be aware that they are already over-sexualized as a population.

Future Plans

- Draft Statement of Principles that will be circulated for feedback;
- September funder briefing on AIDS activism;
- Expert advisors on conference calls for funder education;
- Convening by Funders for Gay and Lesbian Issues in February;
- Engagement in mainstream forums like the COF; and
- Plan for high profile events like the 2008 anniversary of the UDHR.

Potential Resources to Share

- "Sex Worker Health and Rights: Where is the Funding?" (http://www.soros.org/initiatives/health/focus/sharp/articles_publications/publications/where_20060719/where.pdf). This includes the American Jewish World Service "Funding Guidelines for HIV Prevention and Care Programs for Sex Worker Organizations and Anti-Trafficking Initiatives."
- Results of OSI mapping work in Thailand

Joining the Working Group: Anyone interested in joining the Sexual Rights Working Group listserv should email Heidi Dorow at hdorow@wellspringadvisors.com.

III. Breakout sessions

Defining Human Rights Funding

Facilitator: **Andrew Park**, Wellspring Advisors, LLC *Speakers:* **Mona Khan**, Fund for Global Human Rights, **Mona Younis**, Mertz Gilmore Foundation

The session began with Andrew Park asking participants how they define human rights grantmaking. Julia Greenberg shared that AJWS' mission is mobilizing grassroots human rights groups to gain access to economic and social rights and to connect to national human rights institutions. Human rights grantmaking for AJWS is, therefore, about supporting and building the capacity of local initiatives that link into the international human rights apparatus, thereby strengthening the human rights movement as a whole. Stephen Foster said that Overbrook, on the other hand, has not gone into any great effort to define human rights or to develop funding criteria, instead relying on how grantees talk about what they do to gauge their commitment to human rights. Coro Weiss added that a human rights definition has to be elastic. Work does not necessarily need to mention human rights in order to be human rights work or for supporting the work to be human rights funding.

The diversity of responses led Andrew to introduce his concept of 'exclusive inclusivity.' The problem with the lack of a definition for human rights funding is that its all-inclusive nature actually excludes funders. Funders question what human rights encompass and the ambiguity, therefore, inhibits many funders from engaging in rights grantmaking. The nebulous nature of human rights grantmaking causes donors outside the field to either (1) perceive the human rights movement as too broad to comprehend or strategically engage with, or (2) assume that they're already funding in the area because it is so broad and lacks any clear parameters. In the interest of overcoming this barrier and broadening the constituency of human rights funders, Andrew suggested constructing a definition for human rights funders, not activists. He made clear that something can be human rights funding and not be human rights activism. The point is not to impose a definition of human rights on grantees, but rather to create a definition of human rights funding that is flexible but clear.

Mona Younis responded to this challenge by presenting her matrix of human rights grantmaking. She echoed the point that human rights funding is virtually everything, but it isn't one thing. Capturing the diversity and the specificity is what funders have the most trouble doing. Yet, human rights funding does have shape, contours, limits, and meaning. Fleshing out these parameters requires that we ask several key questions:

- What is human rights funding and what are the strategies?
- What does human rights bring that nothing else brings?
- What are the various incarnations of human rights work?
- What does human rights grantmaking share with other programs?

These questions led Mona to construct a chart laying out various permutations of human rights grantmaking (see appendix for chart details)

After leading participants through possibilities encapsulated by the chart, Mona concluded that grantmaking, which is uniquely and strongly human rights funding, is a combination of 3A, 3B, and 3C. This doesn't mean that this is the only way of supporting human rights work. Funding combinations that include any of the 3's also constitutes supporting human rights work. Mona pointed out that the tricky part is what human rights grantmaking shares with other fields: out of 27 possible combinations, which don't qualify as "human rights funding"?

After this more theoretical exercise, Mona Khan offered an example of how to operationalize a definition of human rights grantmaking. She presented the Fund for Global Human Rights as an example of what it looks like when you fund according to a definition of human rights. Because the Fund's broad mandate is to strengthen human rights groups and movements over time, it needed to determine what it funds and what it doesn't fund. In response, the staff came together to create an internal definition: the Fund for Global Human Rights supports human rights organizations and social movements that are seeking to challenge structures of power that violate rights. This includes seeking remedies for past abuses and means of preventing future ones.

The Fund operates according to 3 overarching strategies:

- Creating greater space for women in human rights activism;
- Providing sustainable funding to strengthen local groups; and
- In environments of extreme poverty, beginning to support groups' efforts around economic, social, and cultural issues as potential tools for their work.

Beyond the internal definition and core strategies, the Fund has numerous other indicators for determining whether to or how to support an organization. How a group articulates its vision, its level of sophistication, and the repressive context in which it is operating are all factors that legitimize and shape the Fund's engagement. Mona also pointed out that it is important to make our values known as funders because many organizations make assumptions about what funders will or will not support.

The nature of the session topic and the presentations garnered myriad responses from participants. Many people felt uncomfortable with defining human rights grantmaking, while others thought it was inappropriate for the IHRFG to create a definition of human rights as doing so signified a type of grantmaker imperialism. It was pointed out, for example, that in many contexts, "human rights" is perceived as a Western/Northern construct and that Eastern/Southern groups don't identify with the term; international mechanisms have zero relevance to many groups on the ground.

Despite these apprehensions, many people in the room supported the endeavor. The purpose of the definition exercise crystallized toward the end of the meeting. The presenters clarified that the human rights movement does not have a problem with this: activists from North and South alike know what they are doing. Funders, on the other hand, cannot define what we do, and this is potentially hazardous to both the grantmaking and human rights fields. Until we can articulate a definition as a field, is human rights funding as legitimate as other fields of funding? A nuanced but clear understanding is what is needed—one that leaves room to fund human rights as a value but not as a mechanism or as a mechanism but not as a value.

Andrew concluded that the next step in this process is to create a baseline study that will serve as a funders' guide to funding human rights, both domestically and internationally. With a planned release around the 60th anniversary of the UDHR, the study's long-term goal would be to catalyze an authentic representation of human rights funding within the Council on Foundations' grantmaking taxonomy.

Using Advisors to Strengthen Grantmaking

Facilitator: **Michelle Coffey**, Tides Foundation *Speakers:* **Chet Tchozewski**, Global Greengrants Fund
Shalini Nataraj, Global Fund for Women

Minutes not yet submitted – see appendix for PowerPoint presentation.

Finding and Funding Talent: International Human Rights Fellowships

Facilitator: **Cheryl Dorsey**, Echoing Green *Speakers:* **Karen Colvard**, Harry Frank Guggenheim Foundation **Dr. J. Paul Martin**, Center for the Study of Human Rights at Columbia University **Karen Tse**, International Bridges To Justice

This session explored three different types of human rights fellowships and also considered how to continue to bring new talent into the field. Fellowship programs identify young or unrecognized talent and provide important leadership development opportunities to young and emerging leaders. They also provide the opportunity for project-specific work and study. Fellowship participants gain content expertise, management experience, and leadership skills and have the ability to be evaluated and tracked during the fellowship program for future leadership potential.

Those assembled first heard from **Karen Colvard** of the Guggenheim Foundation. The Foundation makes research grants to individuals who are studying aspects of problems related to violence, aggression and dominance. These studies often engage human rights issues like state violence, gender subordination, hate crimes, war trauma, etc. **J. Paul Martin** then talked about the Center for Human Rights' two programs. The Columbia Human Rights Advocates Program provides advanced training, networking, and outreach activities for proven human rights leaders from countries most in need. The TMF Fellowship Program enables graduating Columbia seniors to work for one year in the human rights field. Students work for six months with an NGO in an industrialized country and six months with an NGO in a developing country. **Cheryl Dorsey** discussed the Echoing Green Fellowship program which provides seed capital and technical support to emerging "social entrepreneurs" around the world who are developing innovative ideas and organizations for positive social change. Almost one-third of Echoing Green's Fellows are doing human and civil rights work.

The representatives from the three programs discussed some of the key issues facing fellowship programs, especially those involving human rights activists and emerging leaders:

- The deep and enduring value of peer-to-peer learning and networking;
- The importance of the fellowship alumni network for information sharing and support (and the difficulties in supporting such a network over the long term);
- Outreach and recruitment—creating a pipeline of talent—is also critical but labor and resource intensive;
- The Fellowship experience is an important leadership development tool that can increase the capacity of a field;
- Individualized/customized attention to and support of fellows is resource intensive but an important component for ensuring a rich fellowship experience; and
- Funding at the fellowship level contains an inherent level of risk—risk to the individual who may be engaging in highly controversial and innovative work as well as risk to the fellowship program, i.e., risk of project failure. The need for a level of risk tolerance in this type of work was understood. Yet the opportunity to study and learn from "failures" was considered valuable.

The group heard from, last, **Karen Tse**, Founder and Executive Director, of International Bridges to Justice (IBJ), and a 2002 Echoing Green Fellow. IBJ is a Geneva-based human rights organization formed in 2000 that addresses the legal needs of Asia's citizens. IBJ works with the governments of Cambodia, China, and Vietnam to assist them in strengthening their rapidly expanding legal aid systems. Karen relayed her experiences as a human rights activist and Echoing Green fellow, mirroring many of the comments of the

other participants. While she valued the financial and technical support provided by Echoing Green, she spoke at length at the importance of belonging to the fellowship community and having access to a like-minded community of social change agents. She discussed briefly a new international human rights fellowship program that she is currently forming at IBJ which is modeled after the Echoing Green Fellowship. In researching ways to best train a new pipeline of legal aid lawyers, Karen settled on the fellowship model as an effective approach to leadership development, training, and dissemination of the IBJ philosophy and approach.

IV. Dinner with Mark Malloch Brown, The Deputy Secretary-General of the United Nations

Note: this is a summary of the Deputy Secretary-General's remarks and is in no way a transcript of the talk.

Mark Malloch Brown began by noting that the United Nations human rights apparatus is a critical institution that bridges NGOs and governments. In the proposals to member states at the 2005 World Summit, it was stressed that security, development and human rights form the three pillars on which the work of the United Nations must be based.

As part of the Secretary-general's broader United Nations reform agenda, the UN sought to use the historic opportunity to obtain approval also for the creation of the Human Rights Council, thereby providing institutional balance across these three broad pillars of the UN. The newly-created Human Rights Council is therefore a key institution, together with the Security Council and Economic and Social Council (ECOSOC).

Along with the creation of the Human Rights Council, another key reform achievement has been the establishment of a Peacebuilding Commission to deal with failing states.

In the world of multilateral compromise, where it is often very difficult to get all 192 member states to agree on even minor changes, Malloch Brown said that he believes the results in having these major reforms agreed to exceeded expectations.

In reviewing the human rights-related reforms, he noted three primary changes:

1. **The strengthening of the Office of the High Commissioner for Human Rights (OHCHR)** through the doubling of resources over the next five years, an increased field presence with human rights monitors, and the ability to tackle human rights capacity building within states.
2. **The recognition of "Responsibility to Protect" as a guiding principle.** Malloch Brown noted that this achievement is likely to be tested in places such as Darfur and the question remains whether it can and will be implemented.
3. **The creation of a new Human Rights Council** that requires a vote of at least half of the total General Assembly membership for a States' election to the Council. He noted that he was not unsympathetic to the US position that would have required a two-thirds vote, but that the election requirement, along with anonymous elections, had already had a deterrent effect on preventing the nomination of certain countries. The best parts of the old Commission have been maintained, such as the special procedures.

The United States and the United Nations

Malloch Brown commented on his recent remarks that had received significant press. He noted that the 'positive version' of his statements stressed that we cannot have an effective

United Nations without strong US participation: the US has been a critical, visionary component of what has made the UN work well, not least in the important area of human rights. Malloch Brown believes that the US/UN relationship is indispensable.

Changing nature of global public policy

Malloch Brown stressed that there are no longer only national issues. Our world is driving towards multilateral cooperation on everything from avian flu to counter- terrorism- tackling these and other issues requires an unwavering commitment to multilateralism, even if it is not always an easy path to take.

The Deputy Secretary-General then answered several questions from attendees expanding on his comments.

Tuesday, July 11

II. Networking Session: “Risk and Responsibility: Providing Effective Support in Conflict-Affected Areas”

Facilitator: **Julia Greenberg**, American Jewish World Service (US)

Speakers:

- **Andrew Anderson**, Frontline Foundation for the Protection of Human Rights Defenders (Ireland)
- **Patricia Karam**, US Institute of Peace (US/Iraq)
- **Julie Shaw**, Urgent Action Fund for Women’s Human Rights (US)
- **Eva Zillén**, Kvinna til Kvinna (Sweden)

Julia Greenberg explained that despite the fact that the most egregious human rights violations occur in conflict zones, donors are reticent to go there for a host of reasons—such as the security of staff and grantees. Each panelist then provided an overview of their organization and grantmaking program:

Andrew Anderson of the **Frontline Foundation for the Protection of Human Rights Defenders (Frontline)** explained that his organization emerged in response to the 1998 gathering of several hundred human rights defenders (HRDs) in Paris, France, to commemorate the 50th Anniversary of the UDHR and the adoption of the UN Declaration on Human Rights Defenders (adopted 9 Dec 1998). After the conference failed to provide ongoing practical support to HRDs, Mary Lawlor and others founded Frontline.

- Frontline supports HRDs with small grants (mostly for protection and security); fellowships and internships that provide respite from the daily dangers of their in-country work and professional skills development; the provision of ‘official’ HRD identity cards that activists use with local authorities to demonstrate their connection to international networks; and advocacy support such as help with publicity or asylum cases.
- Frontline’s agenda is based on the expressed needs of HRDs and they place a great deal of trust in defenders’ ability to decide what’s best for them and what they most need.
- Like the UN Special Rapporteur on Human Rights Defenders, Hina Jilani, Frontline defines HRD broadly. They prefer to err on the side of inclusion than exclusion, whereas States are interested in narrowing the definition of who is protected. Frontline also recognizes that individuals may not self-define as a HRD, but as long as they are being persecuted because of their work on behalf of others’, they qualify for Frontline’s support.

Patricia Karam of the **US Institute of Peace (USIP)** explained that USIP is funded entirely by Congress with a total budget of \$10 million, 25 percent of which is allotted for their grantmaking to Iraqi NGOs. She emphasized the ways in which USIP has been flexible in order to support Iraqi civil society particularly disability rights groups.

- USIP began its grantmaking in Iraq by conducting a discreet survey of Iraqi NGOs and a 'donor mapping' for the country. They then identified the gaps and needs and solicited proposals.
- The survey helped them identify several major issues including intercommunal relations, the legacy of the past, organizational capacity building, training and policy work.
- USIP is very proactive and targeted in its grantmaking, keeping their focus on lasting change and avoiding 'haphazardism' in funding.
- They have made more than 50 grants, at least half of which went to women's NGOs.
- USIP is very flexible in order to protect their grantees' security recognizing that being funded by the US is a security risk for Iraqis. They often pay out grants in cash, since going to the bank is dangerous. They do not necessarily require receipts, as they are often impossible to obtain. Nor do they require that grantees acknowledge USIP as a donor, and they do not publish their grantee list anywhere.

Julie Shaw presented **Urgent Action Fund for Women's Human Rights'** (UAF) Rapid Response Grantmaking Program. She explained that UAF arose out of the women's funding movement and the obvious lack of funding available to enable women activists to make rapid, strategic interventions especially in situations of armed conflict and escalating violence. The Rapid Response Grantmaking model responds to all requests within 72 hours, 365 days/year, getting money to activists fast. UAF has two operations—one in the US and one in Africa. UAF's grantmaking falls into four categories:

- Responses to all stages of armed conflict, escalating violence or politically volatile situation. UAF is especially attentive during the pre- and post-conflict stages. They often support women who are trying to join the negotiating table.
- Establishment of legal and legislative precedents for women's human rights. Restrictive reproductive rights and religious laws present major challenges for women human rights defenders (WHRDs).
- Protection and security for WHRDs comprises 40-45% of UAF's grantmaking (partly because so few funders fund this area), ranging from evacuation to cell phones to trainings to bars on windows, secure transportation, etc.
- "Sustaining Activism" has recently emerged as a new category for UAF, inspired by the findings of *Rising Up in Response: Women's Rights Activism in Conflict*, their first publication.

Eva Zillén told the story of how **Kvinna til Kvinna** (KtK), or Woman to Woman, was founded in 1993 by Swedish women peace activists who became very involved with the conflict in ex-Yugoslavia. They knew that there was capacity on the ground because they had many personal contacts with women activists in the region, but there was no money for their projects. At first, individual Swedes gave small donations because they believed in the work of the Balkan women. Their grants are now larger, but that first money also carried the message that people 'out there' knew what was happening and cared. Donors should not forget how important witnessing is.

- KtK began with a focus on peacebuilding, rather than women. The shift resulted after all the participants at all of the meetings turned out to be women.

- KtK takes considerable time to make grant decisions, but also funds for the long-term. Sometimes a grant begins as capacity-building support and then shifts to general support, but KtK seeks to get to know the grantee first.
- KtK tries learn from their grantees and value their work highly, producing a series of publications based on lessons learned from grantees. The publications are then used as advocacy tools.

JG: How do we define security funding?

EZ: We have to look beyond common perceptions of security and ask ourselves, 'What kind of threats are grantees facing? How do those threats differ for male and female activists?' KtK believes that psychosocial support is a peacebuilding activity and a component of supporting grantees' security because they cannot get to the next stage of conflict resolution without healing. Discussion groups are often a transformative place for activists. For example, KtK supported a group of Palestinian women in the West Bank to engage in group therapy. Over time participants moved from feeling hateful and powerless to reconnecting with life.

AA: Often we think of security grants as supporting the evacuation of activists. Frontline sees evacuation as a failure, in some ways, because the real goal of security grantmaking is to enable activists to continue their work, and enlarge the spaces in which they can work.

- Security for activists often involves IT support and cellular communications as communication between activists and with the outside world is sometimes impossible without cell phones.
- Frontline has also created an international human rights defender ID card, which looks official and explains that an individual is registered with Frontline and is protected by the UN Declaration on Human Rights Defenders. Using the ID cards, imprisoned activists in Nepal were able to convince guards to allow recognized human rights organizations to visit them.
- Therefore, protection can also be put into practice through international networking, demonstrating to perpetrators that consequences will follow from harming HRDs.
- Rest and relaxation is also an important component of protecting activists, and Frontline has established a good working relationship with the Irish government to obtain visas on very short notice to bring activists there to rest. They've also set up regular 6-month fellowships and internships to give activists an opportunity to leave their current location for awhile and network/skill build.

PK: In Iraq, admitting that you are funded by the US government is a security risk, so USIP does not require their grantees to acknowledge USIP, and the grantee list confidential. Being overtly political is very dangerous in Iraq, so USIP is promoting 'issue-based conflict resolution' through its funding of disability rights organizations. Because disability rights have already been included in Iraq's Constitution (Article 32), USIP is funding a campaign to promote the disability dialogue. Since the work is relatively non-controversial, Kurdish and Arab NGOs can work together on it, establishing important links between divided communities.

JS: Health care is a serious issue for many women activists as well. Because HRDs are generally not supported by their governments, they do not have access to health care.

JG: How do you identify potential grantees in conflict areas?

JS: Primarily through word of mouth. UAF's Board spreads the word through their international networks, then grantees speak to one another about where they get funding. UAF's small staff also conducts outreach trips to areas where knowledge of UAF is limited.

PK: Donors tend to fund the same groups, so it's helpful to move beyond the usual suspects. USIP does this through connecting with people already working in Iraq, 'brick and mortar' funders and other networks and partners. In Iraq, non-Americans tend to know a wider range of potential grantees.

JG: What does security and protection grantmaking actually look like? How do you conduct your due diligence? How do you actually get money to grantees?

AA: Supporting HRDs in armed conflict can be messy and you have to be flexible and be creative. For example, Frontline wanted to support an HRD in Liberia who was in prison when the rebel forces took over. The guards and most of the prisoners all fled and he was trying to evaluate what the safest option would be for him. Frontline always defers to the activist to know their context and make the most informed decision about the appropriate actions to take. After failing to find refuge in the US Embassy, the activist decided that the safest way for him to leave the country would be to take a small boat. Since the country did not have a functioning bank system, Frontline sent a wire to a bank in Liberia. With the help of an Irish nun and a bank manager in Monrovia, a willing friend then delivered the cash to the activist clandestinely.

He also added that for Frontline due diligence means ensuring that they do not say no when they could have helped. They would prefer to say yes to someone who didn't really need the support than say no to someone who really did.

EZ: Eva agreed that creativity is important to get money to activists during times of conflict, and also that we have to be flexible in terms of our reporting requirements. We cannot make ludicrous demands on activists who are operating in the midst of armed violence. We must understand what is and is not reasonable or possible for reporting while still being thorough.

Many donors may be reluctant to give grants in the post-conflict stage because States often levy very high taxes to replenish their coffers during this time. Eva urged grantmakers to pay the taxes to help support adequate health care and social security structures that ultimately support activists.

PK: Patricia noted the very real security threats that activists face and offered four recommendations: 1) Localize operations and hire all local staff. 2) Recognize that e-communications may be the only communication option. 3) Modify payment mechanisms since it's dangerous for groups to pick up cash at the bank. 4) Use advisors with local knowledge and intimately understand the context to review proposals. 5) Recognize that due diligence is an issue. Try to meet all your grantees and communicate with other donors about them.

JG: How do you demonstrate effectiveness when confidentiality is an issue?

JS: Our donors are very understanding about this issue. The details of all Security and Protection Grants are kept confidential until activists tell us that the danger to them has passed.

AA: International regulations governing philanthropy often give information on particular groups/people to governments who are hostile to their activism. Increasingly, governments are attacking international human rights funding as an effective way to monitor and control their civil society.

JG: How does advocacy fit in with your grantmaking?

AA: We advocate for HRDs on various levels: 1) We provide internship opportunities for HRDs to work with Hina Jilani, the UN Special Rapporteur on Human Rights Defenders and other offices. 2) Frontline successfully pressured the Irish government to use their EU presidency to push through legislation in support of HRDs.

JS: UAF collects information from HRDs around the world about their strategies and shares that with as many activists as possible to help build capacity. UAF, KtK and Frontline have been collaborating on a security and protection research/documentation project. The study looks at threats confronting HRDs in Colombia, Algeria, Serbia, Bosnia, and the DRC, which represent four distinct contexts: outright war and violent conflict, religious extremism, repressive governments, and organized criminal activity (post-conflict). The final result will be a security manual for activists, as well as useful documentation for funders, human rights advocates and policymakers.

Question and answers:

One audience member emphasized that individuals can also provide significant support through small, non-deductible gifts that can pay for the monthly living expenses of activists (like a sponsorship program). This is based on the personal interest of individuals and does not require much reporting. He noted a “babushka” fund in Russia.

Another participant added that US businesses can make non-deductible donations of services which are then reported as a profit loss and thus serve businesses as equivalents to tax deductions as well as good will advertising.

Q: How are the Treasury Guidelines impacting this type of grantmaking?

EZ: Whatever comes out of the US is replicated in Europe. The EU is proposing the Treasury Guidelines to the letter, although Sweden is against such a policy. If the guidelines become law in Europe, none of the groups that KtK funds would be eligible anymore. Keep in mind that many human rights groups/activists cannot register or keep a permanent address for security reasons.

JS: We need to look at this issue on multiple levels. First, we have the guidelines themselves, but we also need to recognize the harassment and impact on different foundations. Small international funders like UAF are the hardest hit, as we do not have lawyers on staff, etc.

We need to network, network, network among one another to combat this global phenomenon. UAF is working closely with Cordaid in The Netherlands on a project to look at the impact of this kind of legislation in Europe.

Q: How can USIP justify funding disability rights advocacy when bombs are exploding on a daily basis?

PK: It is important to remember that the level of outright violence varies throughout the country at any one time. We cannot defer all other causes until violence ceases everywhere. Funding issue-based conflict resolution and the application of international standards

regarding disability rights is appropriate both because we are constrained by the violence and because no one sees it as a controversial issue. Therefore, more gains can be made.

In response to a later question, Patricia added that USIP is very clear with grantees that they will be accepting US funding from Congress. They do not publicize grants or require grantees to do so and they employ local staff. They have never had a grant refused.

Q: How do you determine the administrative cost and size of small grants?

AA: Frontline's maximum grant is €6,000 and the average grant is €3,000. The real cost of making these grants includes more than just the grantmaking staff, since the whole staff is involved in the grants work.

Measuring impact is difficult, but Frontline sees a connection between the level of threat faced by an activist and the work's effectiveness. Therefore, in focusing support on the most threatened HRDs, Frontline believes it enables the most effective work to take place.

EZ: KtK doesn't promise that they can provide quantitative results, but instead seeks to change laws and show different ways of measuring success.

Q: What happens when the human rights defender becomes the problem (i.e., puts others in danger)?

JS: The last thing they think about is their own protection and therefore, that of others. UAF will discuss the dangers with the activist and suggest protection. Contacts in the region are critical for alerting us to these issues so that we can work behind the scenes.

II. 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.

Stephanie Smith, Compton Foundation: Stephanie asked for help with their new program area focusing on Peace & Security (<http://www.comptonfoundation.org/peace.html>). They are looking for possible grantees in peace operations and human security, demobilization/ disarmament/ repatriation (DDR), security sector reform, police reform, and transitional justice. They also have grant dollars to fund convenings. Their deadline is December 7, 2006.

John Harvey, Grantmakers Without Borders: John said that he was worried about China noting that 25 percent of particulate matter in Los Angeles is traceable to China. He urged grantmakers to engage with China and noted that Gw/oB distributes a newsletter entitled "China Philanthropy News."

Steve Riskin, United States Institute of Peace: Steve shared the websites of Monday's plenary speakers: Mark Schneider and ICG, www.crisisgroup.org, Bukeni Waruzi and AJEDI-Ka www.ajedika.org/ and Ekaterina Sokirianskaya and Memorial <http://www.memo.ru/eng/>.

USIP is reorganizing and looking for grantees in Iraq, Colombia, Nigeria, Iran and Pakistan. This involves a mapping of grantmakers in these countries and Steve is working on Iran. USIP also runs a fellowship program that enables outstanding scholars, policymakers, journalists, and other professionals to conduct research on important issues concerning international conflict and peace while in residence at USIP. He urged attendees to check out

the USIP website at www.usip.org. In addition, USIP will be publishing a soon-to-be released book on Human Rights and Armed Conflict.

Don Ferencz, The Planethood Foundation: Don introduced himself and the work of The Planethood Foundation, which funds projects related to the ICC. He asked whether any of the attendees were familiar with the work of the Crimes of War Project and if so, asked them to share their experiences with him.

Carmen Roca, International Development Research Centre (IDRC): Carmen invited the group to an event in Buenos Aires on August 27-31 on Women's Rights and Decentralization. For more information, contact Carmen at croca@idrc.ca.

Sophia Conroy, Open Society Institute: Sophia invited attendees to join an event on Thursday, July 13th. The US Justice Fund and Justice Initiative will be holding an event on "Protecting Fundamental Rights in the "War on Terror"—Perspectives from the United States and Europe." The event will be held from noon until 1:45p.m. and lunch will be served.

Matthew Emry, American Jewish World Service: Matthew urged IHRFG to reduce the amount of packaging in the lunches. He then highlighted the need for increased "generational" funding that focuses on youth and the elderly. He noted the need for more youth-led programming for sustainable solutions. He also shared the website of the Women's Commission for Refugee Children and Women, <http://www.womenscommission.org/>, which has valuable reports on youth involvement in armed conflict and highlights the voices of youth.

Katherine Macgraw, Peace and Security Funders Group (PSFG): Katherine shared that she is the new Executive Director and noted the overlaps in the work of IHRFG and PSFG. She invited attendees to check out their new website at <http://www.peaceandsecurity.org> and to attend the annual meeting in Atlanta on September 18-20, 2006.

Debra Schultz, Open Society Institute: Debra discussed the need for accountability for women's human rights. OSI supports women's rights advocacy using international, regional, and national mechanisms. Additionally, they will focus on "engendering transitional justice," using the post-conflict window of opportunity to advocate for women's rights in reconstructing post-war states and in justice institutions like truth and reconciliation commissions and the ICC. Under the theme of "Strategic Support for the Global Women's Movement," they are looking at three major avenues:

- Financial sustainability, including innovative women's funds, like the Slovak-Czech Women's Fund;
- Multigenerational leadership issues; and
- Encouraging partnerships with other social movements.

Holly Bartling, General Service Foundation (GSF): Holly told the group that GSF had recently produced a report on a series of grants it made to encourage the engagement of new constituencies. The program emerged out frustration that within GSF's funding areas—human rights, reproductive health, and the environment—organizations weren't doing enough to reach out to new allies and build stronger coalitions. This experimental program provided seed funds for a variety of creative and innovative outreach strategies that are documented in the report, which can be found at <http://www.generalservice.org/EITF%20Report%20reduced%20size.pdf>.

In addition, she highlighted the need for funding in Mexico and noted that there is a critical opportunity to fund human rights organizations that are having difficulty raising money. She noted that GSF is interested in networking with other organizations that are already funding in Mexico or have an interest to do so in the future.

Karen Colvard, The Harry Frank Guggenheim Foundation: Karen wanted to draw attention to Trust Africa, which is a new African foundation that promotes peace, economic prosperity, and social justice throughout the continent. They accept small donations and Karen urged people to consider giving a donation (not foundations, but grantmakers personally!).

Chet Tchozewski, Global Greengrants Fund: Chet highlighted that Global Greengrants is organizing a donor tour to Peru in September to explore the impact of extractive industries on the environment and indigenous people.

III. Membership Meeting

Facilitator: Michael Hirschhorn, Jacob and Hilda Blaustein Foundation

Financial Summary for 2005:	
2005 Income:	\$203,000 (\$102,000 in-kind)
2005 Expenses:	\$199,000
Membership summary	
Total:	476
Non-US members:	80 (17%)
Organizations represented:	235

1. Fiscal Sponsorship for IHRFG

Andrew Park, Wellspring Advisors, LLC, discussed the need to establish a financial relationship with a fiscal sponsor. IHRFG's current financial arrangement (established in 2002 with the Philanthropic Ventures Foundation) does not provide fiscal sponsorship or project-status to IHRFG. IHRFG is looking to establish a clearer relationship with another entity that can provide fiscal sponsorship and additional capabilities including increased financial oversight, use of nonprofit tax status and acceptance of credit cards for payments. After discussion and research, Andrew proposed Public Interest Projects or Rockefeller Philanthropy Advisors, both based in New York. He asked participants to speak with him or another Steering Committee if they had had experience with either of these organizations.

2. Meeting with Steve Gunderson – August 22 or 23rd

Andrew proposed two dates to meet with Steve Gunderson, the new(er) President of the Council on Foundations. IHRFG members interested in joining a meeting that will take place in New York should contact Andrew.

3. Meeting Cycle – What should our meeting cycle be?

Attendees discussed the various meeting dates of IHRFG and the challenges posed by scheduling three meetings a year.

Meeting	Current Dates	Location	Member discussion
Semi-annual #1	2 nd week in January	San Francisco	Most participants supported moving the meeting to the last weekend in January. This would allow IHRFG to avoid MacWorld

			(scheduled every year at the same time) and also facilitate increased participation by European funders (given the previous dates' proximity to New Year's day).
Semi-annual #2	2 nd week in July	New York	OK as is.
HR on the Hill	Spring – even years	D.C.	Conrad Martin discussed the need to move the meeting to the early spring directly after the Congressional elections. This would provide the meeting participants with a framework of the congressional agenda moving forward. Some suggested that IHRFG combine its meeting with those of other affinity groups, particularly the Peace and Security Funders Group.
UN	Spring – odd years	Geneva	Planning for a 2007 meeting has not yet moved forward. Heidi Dorow volunteered to email interested members again. A new organizer for the meeting is needed, as John Kowal is on sabbatical. Julia Greenberg suggested that the program should be changed, as participants learned what worked and didn't in 2005.

4. Meeting Content and Format

Attendees broke up into small groups to address two issues:

- 1) Evaluate the general meeting format (i.e., plenary/breakouts, number of days, etc); and
- 2) The next big thing they think that IHRFG should undertake.

Consensus feedback on meeting format

- **Return to two-day meetings:** The consensus favored two-day meetings as more "practical" and felt that three days are too long and "fragmented." Some ideas to make the third day more valuable included site visits, skills training etc.
- **Schedule shorter sessions:** Participants said that three hour panels are too long and should be shortened.
- **Provide more networking opportunities:** Several groups suggested building in more time (or down time) for networking and opportunities to discuss collaborative funding.
- **Create space for increased discussion time:** Participants emphasized the importance of learning through discussion and suggested curtailing the number of "talking heads."
- **Continue inviting activists:** Members valued the presence of activists on the panels and hope that this trend will continue.

Some additional ideas included:

- Explore new topics such as gender refugees and migration, youth-led/multi-generational efforts, ICC, faith and human rights.
- More aggressive outreach to get people to meeting.
- Hold just two concurrent breakout sessions.
- Circulate participants' information beforehand with background (*note: IHRFG attempted this at a previous meeting, but very few participants submitted the information before the meeting*).

- Consider balance of junior and senior staff members.
- Change locations of meeting to different cities, countries.

Feedback on next big thing:

- Several participants stressed the desire to reinvigorate efforts around the Treasury Guidelines, providing up-to-date information to members, opportunities for members' voices to be heard and alliances with European funders.
- Design nuts and bolts workshops—practical workshops on Treasury Guidelines, evaluation, and HR grantmaking 101 for new funders.
- Increase outreach to and influence on different grantmakers/unlikely constituencies such as small and family foundations, corporate foundations, affinity groups, and religious, health, environment, and elder care organizations.
- Submit more sessions at other philanthropic conferences. Hold joint meetings with other affinity groups.
- Define human rights funding and produce intersectional toolkit.
- Take delegations to conflict zones

4. Meeting Content and Format

- January 2007 meeting**—Topic: Migration, Immigration and Refugee Rights
- July 2007 meeting**—Topic: ESCR, Development and Human Rights
- Geneva delegation in 2007**—see table above
- Human rights on the Hill**—see table above

5. Member to member communication

Andrew explained that some members have requested increased distribution of announcements, which are currently included in Human Rights in the News. We have a "Soapbox" on the website that can be used by members to share items, such as requests for support from grantees. Do members wish to also have a non-moderated list serve?

Participants overwhelming did NOT want additional email or non-moderated list serves.

6. January 2006 Meeting Costs

Andrew told the group that food is the primary driver of higher meeting costs. In 2006, IHRFG will have provided more than 1000 meals in six locations in three cities.

Participants discussed a "meal charge" and what that might mean for attendance. Most agreed that charging for the cost of food would be reasonable and several members did not think it would be a barrier to participation. Members suggested several alternative payment ideas including a sliding scale based on number of participants, scholarships, charging those who register and do not attend and allowing people to attend and not eat. Andrew added that participation at a dinner could be a separate charge processed via members' credit cards.

INCOME

In kind: \$3,820
Contributions: \$5,510
TOTAL: \$9,330

EXPENSE

Postage/printing: \$ 640
AV: \$ 3,300
Catering: \$13,500
Space: \$ 1,400
Travel & lodging: \$ 8,500
TOTAL: \$27,340

7. Brainstorm for the 60th Anniversary of the Universal Declaration and Human Rights Funder Education.

The group had insufficient time to discuss this agenda item.

IV. Breakout sessions

Human Rights on the Hill

Facilitator: Conrad Martin, Stewart R. Mott Charitable Trust *Speakers:* **Salih Booker**, Global Rights, **Lorelei Kelly**, The White House Project, **Hans-Joachim Hogrefe**, Human Rights Congressional Caucus

Salih Booker reflected on the intersections between Congress and the advocacy and philanthropic communities. Before becoming the head of Global Rights, Salih promoted a rights-based agenda from all three vantage points. He advocated on the Hill against Apartheid in South Africa, served as a staffer on the House Foreign Relations Committee, channeled resources to local groups on the ground in Africa at the Ford Foundation, and led Africa Action, a DC-based NGO working to change US-Africa relations to promote political, economic, and social justice in Africa. Given his experiences working in all three sectors, Salih provided important insights into the opportunities and challenges for pushing the human rights agenda in Congress.

Salih identified four issues that the human rights advocacy and grantmaking communities could advance and potentially gain traction on in Congress:

- *War on Terror:* Congress understands that there needs to be a thorough examination of the rights-effacing effects of US counterterrorism policies (i.e., methods of interrogation, state secrets, wiretapping, due process, etc.) The nexus between ethical and national security concerns could provide a greater opening for human rights in Congress.
- *Transitional Justice:* Issues relating to countries emerging out of conflict also provide a strong common ground between Congress and the human rights community.
- *Genocide in Darfur:* Congress was the first legislature to label the atrocities in Darfur genocide. The advocacy community should shift its focus off the administration and back onto Congress to reignite the initial urgency of the House and Senate to get things done.
- *LGBT rights:* As courts throughout the country are weighing in on gay rights, promoting them effectively in Congress requires getting back to the big picture and tying them back to a human rights framework (rather than remaining fixated on marriage).

Salih pointed out that the majority of members of the House of Representatives are members of the Congressional Human Rights Caucus (CHRC). While he acknowledged that the popularity of human rights is undeniably a good thing, he challenged the grantmaking and advocacy communities to capitalize on this buy-in and push Congress to dig deeper and approach more issues through a human rights lens, including economic and social issues.

As head of the CHRC, **Hans Hogrefe** expanded on Salih's challenge by providing insight into the history, purpose, and work of the Caucus. Founded in 1983, the CHRC is a voluntary, bipartisan working group comprised of members of Congress. The Caucus system was created to enhance cooperation between members of Congress; provide them with pertinent, balanced, and expert information; and serve as a liaison between Congress and NGOs. With the Universal Declaration of Human Rights as its guiding mandate, the Caucus focuses on both civil/political and economic/social rights. Hans noted that members generally fall into two categories: (1) conservatives largely driven by religious convictions; and (2) liberals rooted in a civil rights tradition. These two constituencies may have nothing in common on the domestic front, but find common ground in their commitment to human rights. The Caucus focuses exclusively on international human rights issues—not human rights at home.

Hans illuminated the challenges and opportunities for promoting human rights on the Hill by describing two paradigmatic shifts that shaped the Caucus' current structure. The first significant change occurred with the 1994 "Gingrich Revolution." His "lean government" campaign, aimed at toppling the power base of the Democratic majority, led to the end of many Caucuses, which were sources of inspiration and information for Democrats and Republicans alike. The Caucuses that survived are now limited in their ability to raise money, access Congressional resources, or maintain office space or staff.

The second paradigm shift occurred after the events of 9/11. The Bush administration's policies politicized the work of the Caucus. Today, the most immediate human rights question before Congress is how it should respond to the recent Supreme Court decision against military commissions. The Administration is pressuring Congress to reinstitute the commissions, which will prove a tough fight for human rights.

Lorelei Kelly discussed ways in which the philanthropic community can supplement or even replace government funding to Caucuses to ensure the system's legitimacy and survival. She echoed Hans' assertion that efforts to eliminate the Caucus system constitute targeted attacks on Congressional bipartisanship, progressive thinking, the dissemination of professional-level information, and civil society access. She labeled the Republican revolution "the lobotomy of Congress," and highlighted the disheartening disconnect between the think-tank and philanthropy worlds and Congress. Lorelei described Congress as an old-fashioned Cold War fossil that can't handle or process the immense amount of information coming at it from all directions. The Caucus system was set up to absorb and interpret this information in a non-political way. In its absence, conservatives have hired lobbyists to put forth their interpretation of the truth and promote policy recommendations.

In light of these vast challenges, Lorelei urged the human rights community to dive into tackling national security issues to help save human rights from its policy ghetto. If the grantmaking and human rights communities don't come together to resurrect the United States as a beacon of human rights, the consequences could be dire and irreversible. The progressive side needs more cohesion and help from strange bedfellows, including the military. Sophisticated strategic thinking, convening, and networking are absolutely essential to infusing human rights back into Congress in a substantive way.

Overall, the panel presented several key points:

- There is a huge gap between values and priorities in Congress.
- The eradication of the Caucus system has made Congress "dumb on purpose," eliminating the infrastructure of bipartisan expertise.
- The grantmaking community has the opportunity to replace the resources that have been stripped from the Caucus system, thereby rebuilding a crucial source of information, policy promotion, and collaboration.
- Donors and activists must join forces to bring together disconnected participants and identify individuals on the Hill who will take the time to listen and collaborate.
- The human rights advocacy community has failed to take better advantage of opportunities to engage Congress. Donors could make the introductions between advocacy groups and think tanks to help them facilitate the "ask" so that the information they produce is not only relevant, but can also feed into and bolster the CHRC.

Racial Profiling at Home and Abroad: A Comparative Perspective

Facilitator: **Rachel Neild**, Open Society Justice Initiative *Speakers:* **Rebekah Delsol**, Open Society Justice Initiative **Harry Dolan**, Grand Rapids Police Department **Philip Gounev**, Center for the Study of Democracy

While the issue of racial profiling by law enforcement has been widely documented in the United States and the United Kingdom, there is limited awareness and less data on its prevalence in Europe. Extensive documentation of police abuse of minorities has not yet translated into a broader effort to address pervasive disproportion in everyday street encounters. In the current context of concern with terrorism, the need to address police relations with Europe's largely Muslim minorities becomes more urgent. Drawing on the UK and USA experience, this panel, convened by the Open Society Justice Initiative, examined emerging evidence of ethnic profiling in Europe, and reviewed strategies for and challenges of addressing the issue in the public sphere, and with police institutions and in policy-making bodies at both the national and regional levels.

Rachel Neild, a Senior Advisor on National Criminal Justice Reform with the Open Society Justice Initiative, provided an overview of the Ethnic Profiling project since its inception in 2005. She outlined main practices that have been identified, especially in the context of counter terrorism (data mining, stop and search, and monitoring 'radicalization'). She also presented the project's three main strategies for countering ethnic profiling: increasing awareness and understanding of the problem; advocating for norms banning profiling at the national and regional level in the EU; and capacity building for the adoption of constructive police-minority relations and policies to identify and address profiling practices.

Rebekah Delsol, a Justice Initiative consultant and project manager, provided an overview of ethnic profiling and profiling practices drawing on UK research that demonstrates disproportionality in police stops. Post 9/11 witnessed increase in support for the practice of ethnic profiling. Delsol focused in particular on the remedies that have been developed in the UK which include increased research to better understand the use and dynamics of stop and search practices; the promotion of promising practices in UK police forces; improving the conduct of police stops; and other innovations such as reaching out to young people through text messages.

Philip Gounev, a policy analyst with the Center for the Study of Democracy in Bulgaria, presented the results of a study in Bulgaria with a comparative analysis of findings in Hungary and Spain. The findings indicate that Roma and immigrant groups are disproportionately stopped by the police. More telling is the finding that Roma are likely to be physically and verbally abused during such stops. Findings also show extensive vehicle stops of all Bulgarians, despite the lack of any systems to assess the impact and effectiveness of these police actions. As follow up to this research, the justice initiative in partnership with representatives from each country are proposing a three country study that will improve community relations, internal monitoring, and develop complaints mechanisms.

Chief Harry Dolan of the Grand Rapids Police Department provided his own view on profiling based on his personal experience as police chief of Grand Rapids where community concerns led to police investigation and study of whether profiling was being practiced. The police department initiated its own effort at gathering data on possible profiling by the police. Dolan shared the initiatives he has developed for addressing perceptions of profiling such as recording stops, video cameras in cars, and data gathering by the police. Those measures remain in place even though the evidence gathered showed no or marginal (benign) likelihood of stopping African Americans or Hispanics. He noted that taking steps

to address profiling, even when none was detected, had enhanced police-community dialogue and supported police efforts to tackle crime.

The Struggle to End Sexual Violence in War

Facilitator: **Larry Cox**, Amnesty International USA *Speakers:* **Jennifer Leaning**, Harvard Humanitarian Initiative (HHI) Harvard School of Public Health **Susannah Sirkin**, Physicians for Human Rights **Beth Vann**, JSI Research & Training Institute

Larry Cox opened the session by noting that one of the most alarming situations in human rights is the torture of women, often in the form of sexual violence as a deliberate strategy of war.

Susannah Sirkin presented an overview of the problem and responses to date. Noting that the session was taking place on July 11, the anniversary of the Srebrenica massacre, Susannah pointed out that the rape of between 20,000 to 50,000 women in Bosnia was a turning point in the international community's recognition of the scope of the problem. The International Criminal Tribunal for the former Yugoslavia first prosecuted rape as a war crime. Though the ICC continues to seek to prosecute rape as a war crime, it has had difficulty gathering evidence.

Global violence against women causes more death and disabilities than cancer, malaria, war, and traffic injuries combined. One in five women will be raped. In Rwanda, over one half million women were raped during the genocide. Dealing with women's rights in general will be necessary to deal with rape in war. Minimizing risk is an appropriate short-term response, but it is not acceptable as a long-term human rights strategy.

Susannah called for funders and women's groups to see beyond women only as rape victims. We must see sexual violence in conflict within a human rights framework. Among problems with current responses are:

- Poor coordination;
- No systematic data collection;
- Huge domestic legal hurdles (e.g., sharia law);
- Minimal international prosecutions; and
- Lack of funding: UNFPA's June 2006 report noted that \$8.5 million out of \$100 million were spent on protection.

Jennifer Leaning noted that there is a persistent gap between international norms, and behavior. She highlighted the fact that while mass rape is accelerating, there is little intervention to address sexual violence in current conflicts.

She argued provocatively and convincingly that rape is not inevitable in all war contexts. Mass rape in current conflicts has a particular character that needs to be strategically analyzed in light of specific military objectives. We must historicize and contextualize this moment—the nature of war *now*:

- Settings for mass rape are very similar with attacks concentrated on sparse, rural populations. Most people wait to leave until the last minute.
- Assailants are unopposed in these villages.
- Women in the villages put up little resistance. Men run and women stay behind to slow down attackers.
- Women are especially vulnerable because of their reproductive functions. Pregnancy and caring for small children encumber running.
- Women and girls are major targets but boys and men are victims too.

- Rape causes local and regional community breakdowns and is the most potent inducer of forced migration.
- Fighters in these contexts are poorly equipped and trained non-state actors acting in isolation, making it difficult to create safety for civilian populations. This promotes anonymity and exacerbates impunity.

Jennifer argued that there are ways to interrupt mass rape by supporting surveillance and protection. It is necessary to use guerrilla tactics and think outside the box. We must empower women by improving communications (through the use of cell phones and other technology) to reduce their anonymity and vulnerability. Women can then be provided with transport to enable them to escape isolated and dangerous situations. It is also possible to disable assailants by sabotaging fuel transport systems.

Jennifer called on funders to support field testing of innovative ideas and her presentation generated interest and lively discussion among participating funders.

Beth Vann (a public health researcher for critical assessment of humanitarian responses to sexual violence) has worked on sexual violence in conflict in 19 countries. She also called for sexual violence to be addressed as a human rights violation. In order to respond effectively to sexual violence in conflict situations, four basic components must be present:

- healthcare;
- emotional support;
- security; and
- legal justice

She is involved in an effort to establish a global advocacy campaign to stop rape in war.

Question and Answers:

LC: What is the biggest obstacle to progress on this issue?

SS: First, there must be multilateral protection in the hottest phase of war. Currently there is a lack of political will. Second, women must be provided with appropriate support so that they can mobilize on the ground.

JL: Political will is absent because of a dearth of good ideas. Outrage can be mobilized because there are some guerilla tactics that can work.

Q: Jennifer, are your ideas are at the implementation stage?

JL: A number of groups are coming to the same conclusions, e.g. Kate Gilmore of Amnesty told her about the model project to help Brazilian street kids with the use of cellphones. These ideas need to be field tested but they are very close to implementation.

One attendee argued that the lack of accountability for sexual harassment by UN troops promotes impunity. He described the types of grants that AJWS and the Women's Commission have funded:

- Minimum Initial Service package (MISP): Education, Prevention and Response.
- Economic programs for women in IDP camps to prevent their need to go out to earn money (e.g., by collecting firewood, which places them in vulnerable situations).
- Research on why boys rape. It is necessary to address the underlying socioeconomic and cultural factors to address prevention.

In response to a question about how to get women on the ground to speak out, Susannah described work in Liberia that was able to access and enlist women's secret societies.

Another participant urged funders and advocates to build on and coordinate with efforts underway, such as UNIFEM's work on UN Resolution 1325 and the Global Trust Fund Against Violence Against Women.

Wednesday, July 12

I. Breakout Sessions

Measuring What Matters: Evaluating the Impact of Human Rights Organizations

Facilitator: **Regan Ralph**, Fund for Global Human Rights *Speakers:* **Fernande Raine**, Carr Center for Human Rights Policy **Yumi Sera**, Grants Facility for Indigenous Peoples, World Bank

Regan Ralph began the session by breaking participants up into three groups representing the individual donor, the foundation, and the NGO, respectively. Each group was asked to answer two questions: (1) why and where does evaluation make sense? and (2) what do you hope to learn from the evaluation and to what end?

After deliberation, each group reported back with its findings. The group representing the individual donor pointed out that ideology may shape an individual's judgment and that evaluation, therefore, might be highly anecdotal rather than guided by indicators or measurement tools. Individual philanthropists may take a shorter, less sustainable view than foundations because they feel a more immediate need to see their money's impact. However, other participants thought that individual donors may be more willing to sacrifice the need for immediate results and instead focus on empowering people they trust.

The group representing the foundation believed that its primary motivations for evaluation include: the use of money in a balanced way, education, strategic decision-making, and help for grantees to improve their work (i.e., being more effective at what they do by setting expectations for success). From the foundation perspective, evaluation applies to both the foundation and its grantees. Foundations want to have a positive standing in society because of the quality of work they support. Simultaneously, they want to use evaluations to empower their grantees to step back from their work and gain an objective and strategic view. While the group agreed that the engagement and leadership of well-respected foundations in the development of human rights evaluation tools can positively influence and shape the process, members also expressed the worry that the obsession with or imposition of indicators could lead to a 'dumbing down' of human rights activism (in the sense that organizations would focus on reaching these predetermined benchmarks rather than striving towards broader strategic goals that may not be quantifiable or easily measurable).

For the NGO group, two main questions shape evaluation: (1) are we effective in what we want to achieve? and (2) how are we being perceived by the constituency we serve? The group invented a fake NGO (promoting service provision and advocating sex worker rights) to brainstorm key concerns. Participants highlighted the importance of avoiding the tendency of evaluations to scrutinize day-to-day activities rather than examining larger issues. Within the context of their NGO, they identified destigmatization as an example of an intermediate goal that is difficult to measure. An important concern that emerged was distinguishing between the value-added impact of their particular NGO and the work of

other organizations operating in the same field (i.e., how can the difference between these efforts be measured?). This segued into conversations around competition, causality, and collaboration. Do causality and evaluation make sense in the human rights context when so much positive change is achieved through collaboration?

After these initial breakouts, **Fernande and Yumi** addressed the participants. Yumi had managed two evaluations for her small grants program at the World Bank. She also conducted a pilot evaluation for a grants portfolio she manages around indigenous people's issues. Yumi exposed the group to a variety of measurement resources and urged participants to look to development evaluation resources as a reference point for constructing a human rights evaluation mechanism. Fernande shared her background as a historian, consultant, founder of her own NGO, and former Executive Director of Harvard's Carr Center on Human Rights Policy into tackling issues of human rights evaluation. As head of the center's program on measuring human rights, she has been looking at the field from the academic and practitioner perspectives (rather than from the view of the grantmaking community). Fernande spoke of lessons learned from her experiences running the measurement program, including two meetings that brought together human rights practitioners with experts from other, more traditionally quantifiable fields to discuss evaluation.

After interactive presentations and subsequent conversations, several key ideas emerged:

- Collaborative processes work best when first constructing human rights measurement mechanisms. Some thought that evaluations are really about "making the problem go away" and partnerships allow stakeholders to work together to craft more effective indicators.
- The biggest challenge to tackling human rights measurement is aligning the conversation with the right goals. The discourse needs to shift from evaluations as a donor requirement to evaluations as a tool to better understand and remedy the problems we're working to solve.

The pressure of measurement is very much a power issue, causing evaluation to be easily misinterpreted as an outside imposition on human rights experts who have dedicated their lives to achieving social change. Respect for expertise, vision, and instinct is crucial in any evaluation endeavor, and space for these immeasurable but key features of human rights work must be carved out in every measurement tool. The pressure to measure can also create incentives to generate false or flawed information to meet indicators. An overemphasis on metric measurements may cause practitioners to downplay the range of their activities that fall outside metrics.

Good evaluation deconstructs the false dichotomy between qualitative and quantitative information and weaves the numbers and anecdotes together. Causality and change are two specific challenges to creating appropriate evaluation mechanisms for human rights work. Due to the often clandestine and highly political nature of human rights work, many groups need to maintain a low profile and avoid causality: a group's claim of responsibility for a human rights success could jeopardize its work, safety, and the wellbeing of its target constituency. The need to shift objectives is also a challenge for evaluation, since the context of human rights work can change dramatically, causing groups to alter their strategies accordingly.

Yumi provided a list of resources for human rights measurement and evaluation tools (see appendix). She also led the group through a case study to gauge how participants would envision an evaluation. Everyone agreed that evaluation must be framed as a strategic exercise that grows out of grantees' self-identified needs and is tailored to their

circumstances and capacities. There is no one-size-fits-all formula. We need to value what we measure rather than measure what we value.

Several innovative approaches to evaluation and measurement were discussed. One attendee mentioned resilience science—the concept that progress in the natural sciences can parallel or influence social sciences—as a possible new lens through which to approach evaluation. Tactical mapping, or bringing NGOs together to tackle intersecting relationships, also emerged as another possible starting point. This led to the idea of potentially bringing together social justice leaders from both the civil/political and economic/social fields in a retreat setting to think creatively and develop an evaluation system.

Overall, the key messages of the session were:

- Don't look for a one-size-fits-all methodology for measurement;
- Let evaluation come from the grantee and emerge from the field;
- Avoid imposition; try to find a creative way to encourage partnerships, problem-solving, and strategic thinking among grantees; and
- Many human rights organizations are desperate for quantitative indicators for the issues they're combating. As funders, we can support processes to develop hybrid approaches that blend the quantitative and the anecdotal in an authentic way.

Re-linking Domestic Human Rights and International Advocacy

Facilitator: **John R. Taylor**, Wellspring Advisors, LLC *Speakers:* **Lucas Benitez**, Coalition of Immokalee Workers **Bernardine Dohrn**, Midwest Coalition for Human Rights **Cindy Sohoo**, Bringing Human Rights Home, Human Rights Institute, Columbia Law School

Part 1: A conversation with NGO speakers

John Taylor convened the breakout session, providing a brief background on US human rights work and funding.

Bernardine Dohrn, Director of the Children and Family Justice Center at Northwestern University School of Law and Associate Clinical Professor at the Bluhm Legal Clinic, provided an overview of the *Burge* Case, which attempts to redress torture in Chicago prisons. She grouped the case's development into three waves of action: (1) the classification of specific incidents as torture; (2) the death penalty debate within in Illinois during the late 1980s that brought attention to the confessions obtained from four of the Burge torture victims; and (3) the creation of an international human rights network working in conjunction with the Chicago Coalition on Police Torture to document and redress torture in Chicago prisons.

The *Burge* case originated nearly thirty years earlier when John Burge was appointed commander of the Chicago police department. His appointment coincided with reports of recurring torture of black prisoners leading to a public outcry against the abuses. Although Burge was fired, he was never charged with criminal conduct and still retains his police pension. Dohrn noted that eleven federal cases are currently pending regarding incidents of police torture in Chicago, and included allegations of electric shock, suffocation, Russian roulette, and beatings.

By the late 1980s, the number of reported cases of torture in Chicago prisons had grown from fifty to ninety. This increase coincided with an Illinois anti-death penalty campaign that had gained increased public support. The anti-death penalty campaign led to increased scrutiny of those on death row, including the Death Row 10—African American men who had confessed after Burge tortured them. To highlight the discriminatory practices of the death penalty, these advocates began working in conjunction with the campaign against torture in Chicago prisons. Through their efforts, four Burge victims on death row received pardons.

Dohrn provided a brief history of the Chicago Coalition on Police Torture. The Coalition has recorded over 192 cases of torture, presenting some of its cases to the Inter-American Commission on Human Rights (IACHR) and the Committee against Torture (CAT). Earlier this year, the CAT referenced the lack of prosecution surrounding the Chicago torture incidents in its Concluding Observations and Recommendations. In addition, a report reviewing the torture allegations by Edward Egan, a special reporter appointed by a Chicago judge in 2002, was released early this July.

Lucas Benitez, co-founder of the Coalition of Immokalee Workers (CIW), spoke about the labor movement in Florida and his organization's use of human rights. Benitez noted that CIW is a grassroots group that represents over 4,000 workers in Immokalee, Florida. The organization was founded to address the "deplorable conditions" of Florida farm workers. He outlined three categories of rights that were violated on a daily basis in Immokalee: 1) the right to a dignified wage; 2) the right to organize; and 3) the right to live free from the oppression of threats. CIW organized around a human rights framework, not only because many of its community members had already been exposed to human rights in their home countries, but also because domestic protections offered almost no legal rights to the immigrant farm workers. In 1993, CIW began its first local campaign, organizing workers into hunger strikes and rallies, and in 1995 it held its first general strike in which 3,000 workers planned a work-stoppage to fight for higher wages.

Benitez then discussed CIW's success in pressuring Taco Bell to take responsibility for improving farm workers' working conditions. He described the evolving nature of the agricultural industry, noting that produce was increasingly being distributed to big buyers such as Walmart and fast food giants. Recognizing their ability to dictate industry standards, CIW decided to target these entities and advocate that they be held accountable to prevailing labor practices and wages. They launched a nationwide boycott against Taco Bell because its parent company, Yum Brands, is the nation's largest fast food conglomerate and owns other brands such as A&W, Long John Silver, and Kentucky Fried Chicken. Through the boycott, CIW formed critical alliances with student groups and churches, and successfully brought joint pressure against Yum Brands to partner with CIW to improve wages and working conditions for Florida farm workers. Yum Brands agreed to increase the amount it pays for Florida tomatoes and to pass the increase directly into Florida farm workers' wages. It is also agreed to revoke its contract with buyers if an incident of forced labor occurs on a farm.

Benitez noted that the Taco Bell campaign included a hearing before the Inter-American Commission. In support of these efforts, a wide range of human rights organizations also submitted a related amicus letter. This support placed pressure not only on Taco Bell, but the entire fast food industry. CIW has now launched a campaign against McDonalds and seeks to force its compliance with prevailing labor practices and wages. CIW members have met with the company's shareholders and the Norwegian Petroleum Fund, which holds large investments in many US fast food chains. It next plans to speak with the International Labor Organization in Geneva on the circumstances of agricultural workers in the US.

Cynthia Soohoo, Director, Bringing Human Rights Home Project, Human Rights Institute, Columbia Law School, began by briefly describing the work of the Bringing Human Rights Home Project. BHRH encourages US compliance with international human rights law through the use of international and regional human rights mechanisms, as well as through the development of joint strategies to use human rights and comparative foreign law in US courts. BHRH currently has a network of over 80 attorneys who come together twice a year to share strategies on integrating international law into domestic courts. BHRH's goal is to

provide technical assistance to domestic human rights advocates, foster linkages between organizations, and develop common messages on human rights issues.

In the past, BHRH has partnered with the Center for Constitutional Rights to encourage the use of the United Nations' treaty monitoring system by US NGO's. Currently, BHRH is organizing more targeted trainings that focus on using human rights in state court litigation, and is publishing a book on the history of the human rights movement in the US. Finally, Soohoo provided an overview of the shadow reporting process before the CAT. Over eighty NGOs coordinated efforts to document US compliance with articles of torture, providing BHRH an important opportunity to increase American awareness of human rights in the US. The final shadow report, presented in Geneva, highlighted the link between domestic and overseas torture and brought praise from the Committee. BHRH also hired a communications firm to speak to the press. Ultimately, increased awareness of the coalition's success at CAT mobilized over 142 organizations to advocate for the expanded use of a human rights framework.

Question and Answers:

In response to a question about the use of human rights mechanisms by the Chicago Coalition on Police Torture, Dohrn reviewed the case that was presented before the IACHR. The petition included demands for a response by the US government on police impunity in the Chicago torture cases. Due to the press attention, the US responded immediately and released a statement regarding the torture. The Coalition also presented the case to the Special Rapporteur on Torture and made plans to testify in front of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination. The international recognition was extremely empowering for both the victims and their families.

Finally, Dohrn added that the Center had four goals for the campaign: (1) end impunity by the police officers involved; (2) establish a reparations campaign to provide funds for a domestic center for victims of torture; (3) start new trials for the 24 people remaining in prison; and (4) create a chain of accountability.

Taylor asked Benitez to clarify whether the objective of CIW's campaigns was to secure greater corporate accountability or if it was geared towards addressing the system of US law. Benitez stated that within the current national and local political climate there were limited possibilities to change laws in order to protect the rights of farm workers. Moreover, the current laws that do exist are poor and not enforced. For example, in Florida there is one Department of Labor inspector for the entire state, while state worker standards do not yet include provisions for overtime pay, the right to organize, or the right to health insurance. However, CIW has partnered with the Department of Justice's Civil Rights Commission to bring federal court cases against agricultural employers for modern-day slavery. This anti-slavery campaign seeks to provide awareness and assistance to the federal prosecution of slavery rings.

Benitez clarified the workers' salary system stating that agricultural or pick wages were often converted by employers to a minimum wage, resulting in underpayment of workers. He also added that CIW has approximately 4,000 members representing fifteen percent of Florida's farmworkers.

In response to a question regarding the potential impact of a successful McDonald's campaign, Benitez stated that an agreement between the fast food giant and CIW would spurn the fast food industry into action. In addition, like the contract with Yum Brands, McDonalds would also be required to provide leadership on workers' conditions.

Part 2: Discussion of best practices and challenges in domestic human rights grantmaking

Stephen Foster introduced and moderated this part of the session.

Puja Dhawan, US Human Rights Fund, Public Interest Projects, gave an update on the results of the US Human Rights Fund's first grantmaking cycle. She noted that over 350 LOI's had been received, ranging in issue area, organizational sector and region. A total of \$52.7 million was requested for funding, compared to the \$1.7 million awarded in grants to groups.

Dhawan also spoke on the broader human rights movement, summarizing feedback obtained from the USHRF's grant making cycle. Several needs of the US human rights field were outlined including: training and education in human rights work; space to convene and network; broader and strategic use of US human rights in policy and legal arenas; shared human rights messaging strategies within and across issue areas; media training and coordination; and awareness building of human rights within popular, legal, and political culture. She provided several sample funding strategies to advance US human rights work.

Foster commented that interest in the Fund demonstrated both the needs and challenges of providing support for the domestic human rights movement. He stated that these organizations needed greater support, and that donors must strategize ways to raise awareness and support for this work. Foster encouraged issue-based funders to learn about the opportunities and challenges of a human rights framework, and to adopt techniques to support grantee use of human rights within their overall advocacy and organizing. He emphasized that human rights not only provided an additional tool to highlight social justice issues, but also allowed funders to use a collective strategy to build the social justice field.

Regarding how social justice groups could integrate a human rights framework, Foster stated that funders needed to make a larger effort to listen to the needs of their grantees. He noted that because many organizations faced budgetary limitations, groups frequently used language that they felt funders wanted to hear. Foster recommended that organizations approach human rights funding with greater openness. This in turn would allow for an expansion in human rights work that could eventually lead to an integration of human rights principles into the social justice field.

Taylor added that funders would benefit from reading a compilation of case studies on domestic human rights work. He also felt that integrating human rights into domestic social justice work would open up avenues for advocacy and reveal the effectiveness of using an international arena to place pressure on the US Government.

Regarding the lack of funding for grassroots human rights groups, Foster stated that due to its limited amount of funding, the USHRF decided to strategically support organizations that could provide training and partnering opportunities to grassroots groups—capacity providers—but could not fund them directly. He stressed the importance of educating donor partners on supporting grassroots human rights work, noting that it serves a critical foundation for policy and legal change.

In response to a question about the difference between a human rights and social justice approach, Foster discussed how a mutual understanding on human rights uses could promote unity amongst issue groups. Dhawan added that human rights should not be seen as a parallel movement, but a framework to be integrated into the overall social justice movement.

Sex, Lies and the Prostitution Pledge

Facilitator: **Andrew Park**, Wellspring Advisors, LLC *Speakers:* **Rebekah Diller**, Brennan Center for Justice at NYU School of Law **Jodi L. Jacobson**, Center for Health and Gender Equity (CHANGE) **Ann Jordan**, Initiative Against Trafficking in Persons, Global Rights **Alice M. Miller**, Mailman School of Public Health, Columbia University **Juhu Thukral**, Sex Workers Project at the Urban Justice Center
Rapporteur: Katrin Wilde, Channel Foundation

Ann Jordan from Global Rights placed the debate in historical context noting that narratives began to conflate prostitution with trafficking as early as the 19th century during the hysteria around the “white slave” trade. Already then, she contended, legislation was less interested in the causes of trafficking than with the notion of abolishment and the control of movement and migration as a solution.

Jordan explained that the 2000 UN Protocol on Trafficking held that women, men or children can be trafficked and that prostitution doesn’t in and of itself mean trafficking. Thus, it rejected the 1949 Convention and covers all forms of forced labor.

The 2003 law containing the anti-prostitution pledge means that all U.S. and Non-U.S. recipients of government aid must sign a statement saying that do not promote or support advocates for the legalization of prostitution.

In her research, U.S. officials have never interpreted what this means, so NGOs remain unsure about what they can and cannot do. One interpretation holds that “you can organize for human rights and public health but not for supporting legalization.” She explained that in the administration’s eyes, an organized group of sex workers is anathema because the group members view themselves as participating in a form of labor. The pledge has not yet been directly challenged by anti-trafficking organizations since most of them are very small. NGOs are self-censoring, though, and have removed language from their websites.

A major concern is how the anti-trafficking money is getting spent. \$400 million is being spent globally and the Office of Refugee Resettlement is dispensing \$5-10 million domestically. The U.S. Conference of Catholic Bishops is a major sub-grantor and, of course, they can’t provide services, especially legal services to victims. At the moment, the right wing project has been successful in funding lots of organizations set up to “rescue” women. Overall, Jordan emphasized the need for evidence-driven policy and a human rights framework in approaching the problem of trafficking.

Ali Miller, Columbia University

Miller stated that this debate is a clash between the anti-trafficking world (with competing morality issues) and the health and human rights world. The politics of prostitution and right-wing morality have taken over the debate to the point that President Bush himself mentioned sex trafficking at the UN in Sept. 2003.

Miller called attention to the disconnect between the human rights world and the public health world and stressed the question of silence within the traditional human rights world about this issue. Miller suggested that “health and human rights” used to be a substream of human rights but has grown in part because of the HIV/AIDS activist movement which, over the last 15 years, has emphasized the participation of the people most affected by HIV/AIDS and policy: sex workers. Later, there was an increasing movement to incorporate Christian organizations into AIDS work and treatment. Whereupon, treatment and prevention became “abstinence only” in 2003. Unfortunately, the politics of prostitution have taken over a large stream of money—the PEPFAR \$15 billion pledge.

Miller mentioned the Sonagachi project working with sex workers in India. The project demonstrated the importance of the ability to organize as a key element in AIDS education projects, especially to break down systems of stigmatization. The project revealed that things like police abuse, public visibility and the inability to save money (because they can't use banks), were all much more important to sex workers than how many condoms were handed out. The workers advocated for safer conditions but the most effective prevention programs have been running afoul of morality. When they turned toward the human rights world, Miller suggested, sex worker rights advocates found silence, and so the anti-trafficking world moved the debate.

There is also a battle at the UN, since the UN Protocol on Trafficking lacks a supervisory monitoring body. Miller pointed out that several UN treaty bodies have been looking at how sex workers face additional violence and discrimination because of their situation. The Special Rapporteur on Violence Against Women's first report on trafficking mentioned how women are made more vulnerable across sectors. Then, a year ago, the Special Rapporteur on Trafficking wrote about "ending demand" and prostitution once again fell within the definition of trafficking. Miller stated that international law is actually neutral on how governments should respond and on what it means to buy and sell sex.

In terms of traditional human rights organizations, Miller mentioned that HRW changed their framework to look at abuse against sex workers and their greater vulnerability to abuse. But for the most part these matters have been undocumented and uncommented upon in the traditional human rights world. Basically, the health and human rights movement had not dealt with politics, and those using a labor framework and looking at "forced prostitution" were not talking to the human rights activists.

In terms of a rights-based anti-trafficking strategy, Miller suggested we need to think about going beyond "stopping a harm" to:

1. The participation of people most affected in defining the harm, developing the policies and evaluating their effectiveness.
2. Actions that stop the harm and also change the conditions that gave rise to the harm, for instance national laws around migration.
3. We should ground our claims in international human rights standards to condemn the harm and be sure to use accountability mechanisms.

Miller stressed that we must ask ourselves whether anti-trafficking projects are rights-based and whether the marginalized are in a better place afterwards.

Juhu Thukral from the Urban Justice Center characterized the work of the Urban Justice Center as an attempt to create a non-judgmental atmosphere for its work with sex workers. They do not have a stated position on prostitution as such and the project focuses on removing people from situations of harassment and arrest and into services and economic opportunities. The Center has found that people go in and out of sex work through out their lives and also that, for the most part, women who are sex workers get arrested and deported and are still in debt – leaving them vulnerable to being re-trafficked. The Center has been trying to do community education and create a good curriculum for police officers.

Jodi Jacobson from CHANGE suggested that we uncover evidence and point out the gaps between the current policy, existing law and actual conditions. She emphasized that we need to examine the confluence of fundamentalist religious and corporate ideologies that denies people access to drugs. For instance, PEPFAR is funneling far more money than

before to AIDS work but since it's going through faith-based groups, it is engendering de-facto discrimination.

She emphasized that we need to be aware that the problem is not only the current administration but also the underlying ideologies and the system being put in place. Beyond this current administration, these ideologies are changing public health work. Nobody knows what the pledge means, Jacobson stressed: no policy exists on paper. The lack of clarity has a huge impact because people are self-censoring. Trusted programs are being shut down. There have been increased raids around the time that the U.S. State Department Trafficking in Persons (TIP) report is published. Public health folks are seen as informants. Projects related to "empowerment" are seen as pro-legalization of prostitution.

Jacobson suggested that we articulate a proactive position. She suggested that we need to start at a place that says that sex workers are human beings who have rights. Many organizations refer to sex workers as if they are not women with rights. A proactive approach should include gathering evidence, exposure of the gaps, and mobilization. We definitely need to document the effects of the anti-prostitution pledge—work that is apparently already occurring in New Delhi where they are uncovering problems in South Asia and Southeast Asia.

Rebekah Diller, NYU School of Law Brennan Center for Justice, spoke about two lawsuits challenging the anti-prostitution pledge, both focused on First Amendment rights and made the following three points.

- Organizations should not have to adopt a political view in order to accept government funds.
- The "compelled speech doctrine" states that the government cannot require you to say something.
- The government should not be able to tell an organization what they can or cannot do with money they receive from private sources (like foundations).

Amongst others, OSI and Pathfinders International brought the NY Federal Court case. The ruling stated that the law is unconstitutionally vague if one can promote health but not organizing. The judge decided that the pledge violates the rights of the plaintiffs. Now there are "grudging attitudes" towards complying. Interaction and other NGOs would like to see how they could obtain relief for all their members.

At the time of the panel, Diller and others were still waiting for a final decision in the DC Federal Court case, where DKT International is the plaintiff and waiting to see if the government appeals. The lawsuits took the issue out of the shadows and made clear that the pledge is not just about prostitution but about how and to what extent the government can condition funds. Diller stressed that litigation can serve important role but doesn't affect foreign NGOs since they are not covered by the First Amendment.

Question and answers:

One attendee wondered which organizations were receiving the anti-trafficking money. Panelists responded that it was going to proselytizing organizations like Beverly LaHaye's Concerned Women of America.

Another participant mentioned Francoise Girard's article, which points out that this "debate", has historically always been about regulating women's sexuality, about control and repression and reproductive ideology. "Good women" are emphasized precisely in order to keep "bad women" in their place.

When asked about the Patriot Act, and whether trafficking is seen as security threat rather than as a human rights violation, Miller responded that this characterization suggests the ways that these policies are about the increased surveillance abilities of the government.

One participant suggested that organized campaigns could change the public perception of sex worker rights issues in addition to documenting abuse. The panel ended on the question of “how do we get the media to cover this? To do rapid response?” We need to keep in mind that we’re not going to get the policy makers without the public and thus we need to do a lot more public education about the importance of these issues and of placing them within a human rights framework.

II. Moving the Mountain: Can the UN Uphold Human Rights?

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

Speakers:

- **Philip Alston**, *Special Rapporteur, Extrajudicial, Summary, or Arbitrary Executions, Special Advisor to the United Nations on the Millennium Development Goals* (New York, UNITED STATES)
- **Craig Mokhiber**, *Acting Director, Office of the High Commissioner for Human Rights* (New York, UNITED STATES)

Michael Hirschhorn, President of Jacob and Hilda Blaustein Foundation, introduced the session by reading an excerpt from a speech delivered by his grandfather who was involved in the formation of the United Nations. His grandfather recounted his experiences with the creation of the Universal Declaration of Human Rights including the articles relating to economic, social and cultural rights.

Craig Mokhiber, Acting Director, Office of the High Commissioner for Human Rights discussed the reform process that began at the UN two years ago with the goal being to strengthen the UN. The Human Rights Council was eventually set up as a replacement to the Commission that had lost its credibility. The challenge in creating the Human Rights Council was to stay focused, take the position of the victim, and recognize that there isn’t one country that doesn’t have serious human rights problems, which require immediate action. This had to be done in spite of the lack of resources provided to human rights issues—just 1% of the UN’s budget goes to address human rights. He asked whether the human rights community is willing to significantly increase funding. They also had to address the growing power imbalance between activists and government agencies that prevent scrutiny, and the false dichotomy between rights and security. The Office of the High Commissioner of Human Rights (OHCHR) is thus trying to shift more attention to the concept of human security—freedom from fear, freedom from want.

The Security Council wanted a mandate for a new, stronger human rights body, but they also wanted to retain the Commission’s positive aspects (like the role of NGOs, independent special rapporteurs, investigators, etc). At the same time, they needed to introduce new innovations to address past problems of the Commission, such as its lack of credibility. They wanted to strengthen the OHCHR, which resulted in a doubling of the office’s budget to implement her plan of action, affirmed her role at the Security Council, and raised the stature of human rights mandates.

The Council’s institutional standing was elevated to a subsidiary body of the General Assembly. While the Commission only met once year in Geneva, the Council will meet several times a year to deal progressively with the issues. Member states must compete to

join the Council and a country may be suspended of its rights. Universal periodic review will assess each State's fulfillment of its human rights obligations. The reform dealt with the question of selectivity and did not dilute the role of NGOs in the Council's work.

The OHCHR has already met several goalposts. The Council has already met twice, adopting the Convention on Enforced Disappearances and the Declaration on the Rights of Indigenous Peoples. They have agreed on the broad outlines of the universal periodic review mechanism and on positive steps to address the five pressing human rights issues (occupied Palestine territory, Darfur, incitement to hatred and violence on base on race, human rights defenders, human rights migrants). The Council also adopted a resolution calling for a new optional protocol on torture and hostage-taking.

The OHCHR's biggest step forward was the World Summit in September of 2005. Even though the North American media twisted the outcome of Summit, it was successful in several regards. There were 50 references to human rights in 40 paragraphs, establishing human rights as a third pillar (in addition to development and security). This raised human rights above archaic notions of statehood, and proposed enforcement action under the UN Charter.

Philip Alston, Special Rapporteur, Extrajudicial, Summary, or Arbitrary Executions, and Special Advisor to the United Nations on the Millennium Development Goals suggested that in order to discuss the role of the UN in human rights, it was crucial to understand its function. He outlined the three most common functions of the UN. First, the UN is an actor within the world community. While this is how it is most commonly perceived, it is really the smallest part of its job. Second, the UN is a forum that provides an opportunity for issues to be raised (such as the Human Rights Council). This forum, of course, does not guarantee an outcome, but it provides a platform for further discussion. Third, the UN acts as a catalyst. Alston identified this as its most important function.

Given the vast array of issues that arise with complex dynamics, the UN provides the forum and legitimacy for diplomatic mechanisms. It provides a degree of authority to the normative discourse. This process of the discourse and action is the real contribution that the UN makes on a vast number of issues.

Alston then discussed the role of the special procedures and rapporteurs (more than 40 expert groups and individuals). The job of the rapporteur first arose as a response to the disappearances in Argentina and has resulted in thematic mechanisms based on economic and social issues as well, right to food, housing, trafficking, prostitution, etc. Although the Special Rapporteurs are appointed, the UN provides only minimal funding and manpower, despite the importance of financial support. With funding, a rapporteur's impact can be increased and their informative reporting can strengthen the hand of domestic groups on their respective issues.

Alston believes that since, by definition, the human rights law is vague, it is not possible to write a detailed universal code of conduct. It's also difficult to have the Universal Declaration of Human Rights interpreted the same way in different contexts. The challenge is for the international community to set up organizations that can define legal phrases and set up procedural guarantees (e.g., death penalty isn't illegal under international law, but procedural guarantees to stop the execution of juveniles could be established).

He concluded by discussing the role that rapporteurs can play in establishing such parameters. The Human Rights Council has the potential to make a difference, even though many seem to be working to undermine the procedures (e.g., by seeking to have special

rapporteurs appointed by regional groups). The Human Rights Council should be overt and transparent with an active and mobilized civil society. If that happens, there is a good chance that a stronger system would emerge. Alston believes that we are at a crossroads, and called for increased professionalism within the human rights movement.

Question and Answers:

Q: What is the difference between the old Commission and the new Council what is difference and how it will be able to act?

A: The Council meets periodically throughout the year and can deal in a phased way with a crisis, can take up an issue and make demands, and can do field investigations. It also allows the Council to set up emergency special sessions, and mandates that there are lower thresholds to establish those sessions.

Q: How do we get copies of the reports?

A: Reports by Professor Alston in his role as rapporteur can be found on the website <http://www.extrajudicialexecutions.org>. The UN website is much more difficult to navigate and does not make reports available in easy to access formats.

Q: How does the Council select which crisis to address when politics drive so many decisions?

A: The Council deals with every country in the world. When decisions are made by *States*, they determine when action needs to be taken. They engage experts, NGOs, specialists in the secretariat, etc. The big dilemma that is that crises are relative, though ideally every country should be considered. They also need to be able to demand access to countries on the "A list" where rapporteurs can't get in.

Q: How do you ensure that rapporteurs are well funded over the long-term?

A: Given the changing personnel, there may not be a global solution. They aren't well funded currently and need to be. There's a lot of discussion as to where can the UN put its money as well as a discussion as to whether rapportuers should be full time.

Q: How does the Council deal with singling out certain countries? For example, the selective treatment of Israel.

A: Numerically, from the number of resolutions passed, it appears that Israel was the subject of many of the votes at the new HR Council. However, even though it seemed that Israel was singled out, it is still good that the reasoning was based on compliance with human rights standards. The disappointing thing was the lack of criticism of other governmental actions such as Darfur, Guantánamo, etc. This will be the test of selectivity.

In fact there are no special procedures with regard to Israel, though there is one focused on the Occupied Territories. Therefore, one can not say that enforcement against Israel is stronger than other governments.

Q: Given our previous session about evaluating the effectiveness of grantees and NGOs, is this something the UN has focused on at all?

A: The evaluation bug has infected the UN too. Clearly it is a difficult area that they don't want to address but need to. The evaluation needs to start in response to various recommendations that were made and then evaluate the outcome. You've got to prioritize four to five issues that you want to evaluate and then come back in two years to review.

Q: What is annual budget for rapporteurs and can you identify particular experts who are under resourced ones and could make a difference? Are there any ideas for a coordinating committee for rapporteurs? Where are the funding opportunities for this kind of work?

A: The crux of this is a lack of funding. There is no salary for rapporteurs and they are usually provided with one or one and a half staff members per mandate, despite the need for more sophisticated legal analysis. Additionally, the rapporteurs only come together once a year, so there is almost no communication among them about tactics, strategies, evaluation, communications, etc to maximize impact. It's a diffuse effort and that's very problematic. In short, there needs to be a project that would enable rapporteurs interested in systemic reform to come together and together map out a way forward. In terms of particularly under resourced areas, training should be a target area, as not all rapporteurs have the background or skills necessary.

Q: Given the 300 million indigenous people, are there discussions taking place to consider the indigenous people's voice?

A: This is a rising issue in the UN. For example, the forum on indigenous issues continues to be one of the greatest human rights success stories.

Q: Is sexual orientation being addressed at the UN level?

A: This is a very complicated issue with many new frontiers and there is unfinished normative work in this area. There is an obsessive reaction from a wide range of developing countries, but the Council has to address the problem of whether these are crimes based on sexual orientation or hate crimes. The UN human rights experts are now working to determine how these issues ought to be treated and this could make a big difference in the future.