

Philanthropy and Human Rights: Forging Common Ground

By Julie Gersten, American Jewish World Service, Program Officer - Education

Excerpted from Julie Gersten's Dissertation for Masters of Science in Human Rights 2008

While philanthropic foundations play a central role in addressing fundamental human rights issues from poverty to transitional justice, they have an uneasy relationship with the human rights framework, the essential components of which are accountability, transparency, and participation. Human rights establish a political contract between citizens, their government and the international community that is legally enforced. To have a right is to have a legal claim for a particular freedom or value against a government or institution that has a duty to ensure one's claim. Philanthropic foundations operate outside the legal framework of rights and duties; their work is voluntary. From a human rights perspective, this independence can raise concerns about the lack of accountability of foundations to the communities they affect, their legitimacy to operate without a democratic mandate, the effectiveness of their special-interest agendas and the sustainability of a philanthropic intervention.

Rather than address these concerns, the human rights framework has largely ignored the impact of philanthropic foundations. Foundations are expected to be funding sources, but are not analyzed for their role in promoting human rights. Similarly, foundations are often concerned with promoting human rights, but have largely failed to reflect on their role (or absence of a role) within the broader human rights framework. These gaps are highly problematic. The absence of analysis on philanthropic foundations has caused the human rights field to miss important opportunities to encourage greater accountability and create a more cohesive and collaborative international agenda for the realization of human rights. Additionally, this has created serious and problematic deficiencies in the accountability, legitimacy, effectiveness and sustainability of their work. These deficiencies can undermine the good intentions of philanthropists and cause real harm to beneficiaries of foundation support.

A human rights-based approach provides an important intervention into these challenges. It can guide philanthropic foundations to think far more ethically and deeply about their role and responsibilities, promoting greater accountability and legitimacy and a more principled and effective funding strategy. The rights-based approach has been championed by the United Nations and many international development agencies since the 1990s to promote greater effectiveness and accountability in aid delivery and development practice. It asks: what does it mean to fulfill a right to x (water, education, health, etc) instead of to meet a need for x? This approach demands accountability, participation and transparency; emphasizes culpability and the root-causes of challenges; works to strengthen the capabilities of individuals to realize their rights; promotes good governance and the rule of law; and emphasizes the universality and interdependence of rights.

Philanthropic foundations and the human rights framework both play significant roles in promoting human dignity and justice globally. Yet, failing to see opportunities for mutual reinforcement has inhibited both from realizing their full potential. Understanding how human rights and philanthropy intersect and reinforce one another and creating opportunities for dialogue and cooperation between human rights practitioners and philanthropic foundations will create a more successful response to global human rights challenges.