

International Human Rights Funders Group

Meeting Minutes

July 16-17, 2007, New York, NY

Agenda	2
Monday, July 16	10
Welcoming Remarks	10
Opening plenary: Breaking the Links in the Long Chain of Slavery	10
Member-sponsored sessions	12
Advocacy 2.0: New Technologies and Human Rights Defenders	12
More than Money: South-South and Peer-Peer Capacity Building	14
Working Groups	16
Disability Rights Working Group	16
Human Rights and the Environment	17
Sexual Rights	17
US Human Rights	18
Dinner with Stephen Lewis, former UN Special Envoy for HIV/AIDS in Africa and Director, Stephen Lewis Foundation	20
Tuesday, July 17	21
Membership Meeting	21
Lunch ... and The Funders' Soapbox!	23
Member-sponsored sessions	24
Human Rights at Home & Abroad: The CERD Shadow Reporting Process	24
Strategies for Advancing the Human Right to Health	27
Member-sponsored sessions	29
Building Binational Labor Justice	29
Information as a Human Right: Defending the Right to Know	31

Agenda - Semi-Annual Meeting – July 16-17, 2007

New York University School of Law
Lipton Hall - 108 West Third Street
(Between Sullivan & Macdougall)
New York, NY 10012

Human Rights, Development, and Economic, Social and Cultural Rights

There is a growing sentiment that a new framework is needed to address human rights and development. Advocacy for rights often takes place in the context of grinding poverty, environmental degradation, gender discrimination and labor exploitation. This meeting will explore various aspects of "rights-based approaches" to civil and political issues as well as economic, social and cultural goals. Funders will discuss specific rights, capacity building strategies, as well as divergent points of view within the human rights community concerning advocacy priorities.

AGENDA AT-A-GLANCE

Monday – July 16

9:00-9:30am	Breakfast
9:30-10:00am	Welcome
10:00-12:00pm	Opening Plenary: <i>Breaking the Links in the Long Chain of Slavery</i>
12:00-1:30pm	Networking Lunch & Discussion Groups
1:30-3:00pm	Member-Sponsored Sessions <ul style="list-style-type: none">• <i>Advocacy 2.0: New Technologies and Human Rights Defenders</i>• <i>More than Money: South-South and Peer-Peer Capacity Building</i>
3:00-3:15pm	Break
3:15-5:00pm	Working Groups Meet
5:00-5:30pm	Pre-Evening Events Break
5:30-6:30pm	Cocktail Reception
6:30-9:00pm	Dinner with Stephen Lewis , former UN Special Envoy for HIV/AIDS in Africa and Director, Stephen Lewis Foundation

Tuesday – July 17

8:15-9:00am	Breakfast and IHRFG Membership Meeting
9:00-10:30am	Member-Sponsored Sessions <ul style="list-style-type: none">• <i>Human Rights at Home & Abroad: The CERD Shadow Reporting Process</i>• <i>Strategies for Advancing the Human Right to Health</i>
10:30-10:45am	Break

10:45-12:15pm	<p>Member-Sponsored Sessions</p> <ul style="list-style-type: none"> • <i>Building Binational Labor Justice</i> • <i>Information as a Human Right: Defending the Right to Know</i>
12:15-1:15pm	Lunch ... and The Funders' Soapbox!
1:15-3:15pm	<p>Closing Plenary Discussion of Economic, Social, and Cultural Rights (ESCR) with Philip Alston, Professor of Law (NYU) and former Chair of the UN Committee on ESCR, and Aryeh Neier, President of the Open Society Institute and former Executive Director of Human Rights Watch. Gay McDougall, UN Independent Expert on Minority Issues and Scholar in Residence (Washington College of Law at American University), will moderate.</p>

DETAILED AGENDA

Monday, July 16

9:00-9:30	<i>Breakfast</i>	<i>Lipton Hall</i>
9:30-10:00	<p>Welcome</p> <p>Mona Khan, Fund for Global Human Rights Rebecca Rittgers, The Atlantic Philanthropies</p>	<i>Lipton Hall</i>
10:00-12:00	<p>Opening Plenary: <i>Breaking the Links in the Long Chain of Slavery</i></p> <p>Article Four of the Universal Declaration of Human Rights states, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." Although slavery has long been officially abolished, it still shockingly afflicts an estimated 27 million people worldwide. Bloomberg Markets published a detailed story in December 2006 linking modern day slavery to the production of our cars, and a recently released documentary film shows how forced labor is used in the sugar we cook with. This session explores the ways in which advancing transparency and integrity in corporate supply chains, strengthening government trade and human rights policies, and coordinating efforts between NGOs are helping to break this chain of archaic tyranny.</p> <p><i>Session Organizer and Facilitator:</i> Penny Fujiko Willgerodt, Vice President, Rockefeller Philanthropy Advisors</p> <p><i>Speakers:</i></p> <ul style="list-style-type: none"> • Bama Athreya, Executive Director, International Labor Rights Fund • Bill Haney, Partner, Uncommon Productions and Director/Producer of <i>The Price of Sugar</i> • Patricia Jurewicz, Associate Director (Corporate Social Responsibility Program), As You Sow 	<i>Lipton Hall</i>
12:00-1:30pm	<p><i>Networking Lunch and Discussion Groups</i></p> <p><i>Continuation of Opening Plenary Discussion</i> Upon conclusion of the opening plenary, panelists will gather for an informal roundtable lunch to continue the discussion.</p>	<i>Lipton Hall</i>

Discussion of the U.S. Treasury Guidelines

Join Grantmakers Without Border's Advocacy Coordinator, **Vanessa Dick**, and Executive Director, **John Harvey**, for a discussion about current policies affecting international grantmaking. Topics will include the US Department of the Treasury's Anti-Terrorism Financing Guidelines, the Risk Matrix for the Charitable Sector, the Pension Protection Act, and the European Commission's Code of Conduct for NGOs.

How can evaluation be meaningful?

Mona Khan (Program Officer, Fund for Global Human Rights) will organize a participant-driven discussion on creative ways of assessing grantee and donor effectiveness.

Overview and Discussion of LGBT Funders Research Report Release

Discussion with **Robert Espinoza** (Director of Research & Communications, Funders for Lesbian and Gay Issues) about FLGI's first-ever report on global LGBTI grantmaking in the Global South and East.

Welcome to New Attendees of the Semi-Annual Meeting

IHRFG Steering Committee member **Michael Hirschhorn** (President, Jacob and Hilda Blaustein Foundation) will convene a roundtable welcome discussion of folks new to IHRFG meetings.

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

Advocacy 2.0: New Technologies and Human Rights Defenders

How do mobile phones, blogs, YouTube, Google Maps, censorship circumvention tools and secure databases converge? All have become the tools of human rights defenders seeking to coordinate networks, amplify voices operating outside mainstream channels, and communicate information in a variety of formats to a broad, multi-lingual audience. Familiarity with the tools and tactics of technically inventive human rights defenders is increasingly important for funders, particularly those supporting organizations in repressive or semi-repressive countries. Panelists will discuss both concrete examples of effective uses of new technologies, as well as some of the challenges involved with introducing these tactics to human rights organizations.

Session organizer and Facilitator: **Janet Haven**, Program Manager, Civil Society Communications Project of the Open Society Institute's Information Program

Speakers:

- **Stephanie Hankey** (Director, Tactical Technology Collective)
- **Ethan Zuckerman** (Co-Founder and Co-Director, Global Voices Online)

More than Money: South-South and Peer-Peer Capacity Building

Many emerging human rights organizations in the Global South operate in isolation and have insufficient access to the financial and technical resources that would make their work more effective.

This session will explore ways that human rights funders can support their grantees to enhance their skills and develop effective strategies by learning from the experiences of other activists. Participants also will have the opportunity to share their approaches to conducting and/or funding capacity building opportunities.

Session organizer and Facilitator: **Mary Anne Stein**, President, Moriah Fund

Speakers:

- **David Mattingly** (Program Officer, Fund for Global Human Rights)
- **Nancy L. Pearson** (Program Manager, New Tactics in Human Rights Project of the Center for Victims of Torture)

3:00-3:15pm *Break*

3:15-5:00pm *Working Groups Meet*

- **Disability Rights**
- **Human Rights and the Environment**
- **Sexual Rights**
 - ***Microbicides: Why the hype?***
A discussion with guests Adrienne Germain (International Women's Health Coalition) and Mitchell Warren (AIDS Vaccine Advocacy Coalition). Facilitated by Mary-Shannon Ryan (Funders Concerned About AIDS).
- **US Human Rights**
 - ***Funding Opportunities for US Human Rights Messaging and Communications***
This session will feature discussion on domestic human rights messaging and communications funding opportunities and challenges. We will discuss members' interests for next steps and a status and learning update from the US Human Rights Fund.

5:00-5:30pm *Pre-Evening Events Break*

5:30-6:30pm **Cocktail reception**

6:30-9:00pm **Dinner with Stephen Lewis, former UN Special Envoy for HIV/AIDS in Africa and Director of the Stephen Lewis Foundation**

with an introduction by Ruth W. Messinger, President of American Jewish World Service

Tuesday, July 17

8:15-9:00am *Breakfast and IHRFG Membership Meeting* *Lipton Hall*
Facilitator: **Michael J. Hirschhorn**, Jacob and Hilda Blaustein Foundation

9:00-10:30am ***Members-sponsored sessions*** (meet concurrently)

Human Rights at Home & Abroad: The CERD Shadow Reporting Process

Building on prior U.S. Human Rights Working Group discussions on re-linking domestic human rights and international advocacy, this session will focus on national and local efforts around the U.N.'s upcoming review of U.S. compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Invited speakers will highlight plans to engage local, state, and national NGOs in the shadow reporting process and advocacy in Geneva, and discuss tangible outcomes and key lessons learned that domestic human rights advocates can integrate into their advocacy for community based action, policy and legal changes at home.

Session organizer: **Sophia Conroy** (Senior Program Associate, Open Society Institute) and **Puja Dhawan** (Program Officer, U.S. Human Rights Fund)

Facilitator: **Steve Foster** (President, Overbrook Foundation)

Speakers:

- **Lisa Crooms** (Professor of Law, Howard University Law School)
- **Ramona Ortega** (Co-Director of Human Rights Project, Urban Justice Center)

Strategies for Advancing the Human Right to Health

In the past few years, the right to health has moved from an abstraction to a tool of analysis and action to press for the development of sustainable health systems in the developing world that meet the needs of people in an equitable, non-discriminatory and effective way. This session will review how right to health strategies are being employed to address the health workforce crisis in the developing world, to reduce death in childbirth and to have community health programs themselves become a vehicle for advancing the rights of the poor.

Session organizer: **Anne Stetson**, Trustee, John Merck Fund

Facilitator: **Leonard S. Rubenstein, JD** (Executive Director, Physicians for Human Rights)

Speakers:

- **Lynn Freedman** (Professor of Clinical Population and Family Health, Columbia University Mailman School of Public Health)
- **Dr. Joia Mukherjee** (Medical Director, Partners in Health)

10:30-10:45pm *Break*

10:45-12:35pm ***Members-sponsored sessions*** (meet concurrently)

Building Binational Labor Justice

Every year, hundreds of thousands of migrant workers leave behind their homes and families to travel to the U.S. only to face exploitation and discrimination in the workplace. It is nearly impossible for undocumented migrant and "guest" workers, who by definition have no permanent home in the U.S., to fight the problems they face without a source of support for those battles in their home country. There is increasing recognition among labor lawyers and advocates defending the rights of migrant workers in the United States and Mexico (whose nationals comprise the largest group of migrants in the U.S.) of the need to understand the legal systems of both nations and to collaborate in coordinated cross-border outreach, organizing, litigation, and advocacy campaigns. On this panel, we will hear three advocates describe their successful binational strategies for defending the labor rights and human rights of migrant workers from Mexico in the U.S. They also will describe a collaborative Bi-national Labor Justice Initiative which is growing out of their experiences. This is critical work in light of a possible expansion of "guest" worker programs in the United States and the increase in temporary worker programs in other developed countries.

Session organizers: The Funders Network on Trade and Globalization; Grantmakers Concerned with Immigrants and Refugee Rights

Facilitator:

Taryn Higashi (Deputy Director of the Human Rights Unit and Program Officer for Migrant Rights and Policy, Ford Foundation)

Speakers:

- **Alejandra Ancheita** (Director, Project for Economic, Social and Cultural Rights [PRODESC])
- **Rachel Micah-Jones** (Executive Director, Centro de los Derechos del Migrante/Center for Migrant Rights)
- **Baldemar Velásquez** (Founder, Farm Labor Organizing Committee [FLOC])

Information as a Human Right: Defending the Right to Know

In the last decades of the 20th Century, there has been growing acknowledgment and even grudging respect for the role of an informed citizenry in democracy, and better understanding of information as fundamental to democracy. Public access to information is essential to government accountability and full citizen participation. And the fundamental freedoms -- speech, the press and assembly -- depend on the free flow of information to the people. Invited speakers will discuss the role of information and how we secure the right to know, from the legal cases documenting human rights abuses to laws of public access to government-held data.

Session organizers: **Conrad Martin** (Executive Director, Stewart R. Mott Charitable Trust); **Steven Gerber** (Program Officer, MacArthur Foundation); **Sophia Conroy** (Senior Program Associate, Open Society Institute)

Facilitator: **Kate Doyle** (Senior Analyst and Director of the Mexico Project, the National Security Archive in Washington, DC)

Speakers:

- **Patrick Ball** (CTO and Director of the Human Rights Program, Benetech Initiative)
- **Trudy Peterson** (Consulting Archivist)

12:15-1:15pm

Lunch ... and The Funders' Soapbox!

Lipton Hall

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

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

1:15-3:15pm

**Closing Plenary Discussion:
*Economic, Social and Political Rights***

Lipton Hall

The Universal Declaration of Human Rights includes civil and political rights as well as economic, social and cultural (ESC) rights. Aryeh Neier has argued that while civil and political rights can be articulated in a universal manner which uphold common principles of democracy and limits on state power, ESC rights entail fluctuating and unstable criteria for human rights. He argues that advocacy for such rights is difficult and may actually undermine the true democratic expression of citizens in an open society. As a leading global thinker, Philip Alston has developed theories of the progressive realization of ESC rights and argues that ESC rights are a predicate to the full realization of civil and political rights.

Facilitator: **Gay McDougall**, UN Independent Expert on Minority Issues, and Scholar in Residence (Washington College of Law)

Speakers:

- **Philip Alston**
 - John Norton Pomeroy Professor of Law, NYU School of Law
 - UN Special Rapporteur, Extrajudicial, Summary and Arbitrary Executions
 - Former Chair, UN Committee on Economic, Social and Cultural Rights
- **Aryeh Neier**
 - President, Soros Foundations and Open Society Institute
 - Former Executive Director, American Civil Liberties Union
 - Founding Executive Director, Human Rights Watch

MEETING LOGISTICS

Eligibility:

This meeting is only open to grantmakers. Current IHRFG members and individuals eligible for membership may attend the Semi-annual Meetings. IHRFG membership is open to staff, consultants and trustees of private foundations, public charities that devote 50 percent of their program budget to grantmaking, corporate foundations and community giving programs, governmental giving programs, faith-based giving programs, philanthropic advocacy, and support organizations and individual philanthropists with significant giving programs.

IHRFG dues are voluntary, apply to member institutions (not individuals), and based on foundation size. While we strongly encourage the contribution of dues, the full benefits of IHRFG membership remain open to all, regardless of contribution.

Costs and Registration:

Registration for the meeting will be \$80 to cover the cost of breakfast and lunch on both days. For registration information, please go to our new online registration service that can be accessed at <http://www.regonline.com/ihrfg-07-2007>. We encourage the attendance of grantmaking staff at all levels as well as grantmakers interested in exploring human rights. If you would like to attend but cannot pay the meal fee, please contact Addison Smith at IHRFG.

The **deadline to register** for the meeting is **Friday, June 29th**.

Accommodations:

IHRFG has not blocked any hotel rooms this year, but here are some suggested accommodations...

Closest hotel to the meeting space (2 minute walk):

Washington Square Hotel

103 Waverly Pl. at Washington Square West
(800) 222-0418
www.wshotel.com

**Hotels within a walking distance of around 15 minutes
(price and amenities vary):**

Bowery Hotel

335 Bowery (@ 3rd St.)
(212) 505-9100
www.theboweryhotel.com

Holiday Inn Downtown

138 Lafayette Street
New York, New York 10013
(212) 966-8898

Clarion - Solita Soho Hotel

159 Grand Street
(212) 925-3600

W New York Union Square

201 Park Avenue South
New York, New York 10003
(212) 253-9119

Monday, July 16

Welcoming Remarks

Opening plenary: Breaking the Links in the Long Chain of Slavery

Facilitator: **Penny Fujiko Willgerodt**, Vice President, Rockefeller Philanthropy Advisors
Speakers:

Bama Athreya, Executive Director, International Labor Rights Fund

Bill Haney, Partner, Uncommon Productions and Director/Producer of The Price of Sugar

Patricia Jurewicz, Associate Director (Corporate Social Responsibility Program), As You Sow

Helpful links related to the session

Speaker organizational and film websites:

www.ilrf.org

www.asyousow.org

www.rockpa.org

www.uncommonproductions.com

www.thepriceofsugar.com

In addition, the speakers noted the strategy of voting proxies as a way to push an issue and compliment grant giving. The link to As You Sow's guide on how to set up guidelines and vote proxies is located at: <http://www.asyousow.org/csr/proxyvoting.shtml>

Bloomberg article "The Secret World of Modern Slavery": <http://www.business-humanrights.org/Documents/Modern%20Slavery%20Bloomberg%20report%20Dec%2006.pdf>

Penny Willgerodt opened the session by noting that the panelists would be discussing complex problems, whose solutions require addressing the root causes.

Patricia Jurewicz noted that the ILO estimates that there are between 10 and 14 million forced laborers, including child laborers, workers in debt bondage, and victims of trafficking. Exact numbers are difficult to determine, since victims are undocumented and have no access to mechanisms to ensure rights. Nearly 60% of forced labor is used to make consumer products, and forced labor is prevalent in the production of commonly used commodities. For example, forced labor is used in the extraction and production of pig iron, a \$ 9.5 billion industry, as well as in cocoa cultivation and harvesting (\$200 million annually) and tungsten extraction and processing (\$20 million/month).

Bill Henley began by screening a clip of his latest documentary, the "Price of Sugar," which will open in theaters in the US in August. The project began after he set up a small health foundation and met the priest featured in the documentary while implementing projects. In the Dominican Republic (DR), multiple generations of Haitians are stateless. Millions of Haitians lack access to healthcare due to lack of papers and very little is known about the Haitians who are brought to the DR to work in the sugar fields.

Due to the success of the powerful sugar lobby, protectionism highly distorts the economics of importing sugar from the DR. 100% of Dominican sugar is exported to the US and the US

pays up to one and a half times the world market price. The DR then imports processed sugar back from US.

Sugar producers go to great lengths to mask human rights violations. For example, the filming of the documentary helped reduce the number of armed guards, and a moratorium was passed on bringing Haitians across the border. The filmmakers were also threatened with lawsuits by US lobbyists claiming the film is an attack on Dominican nationalism. There are some legislators (Jim McGovern, Lantos) who are willing to challenge the sugar industry on these issues.

Bama Athreya noted that the use of forced labor occurs in a number of agricultural processes and in the mining of commodities. For human rights documentation purposes, the ILRF has found that stories require a systematic basis of data. They have found that the pig iron, cotton, coffee and cocoa industries use forced child labor.

Congressional legislation from 1930 prohibits the import of products of forced labor. ILRC has brought a number of cases under this law, and under bi-lateral treaties and trade agreements. Under NAFTA, in principle, trade preference programs protect US consumers against forced labor. However, tremendous bureaucratic challenges remain.

A number of companies now have socially responsible practices – 79 companies have code of conducts. This is due, in part, to the negative publicity that Nike and Gap experienced in the 1990 over use of child labor. Consumer pressure led both companies to develop very strict no-child labor laws, but all companies need to get on board. Increased consumer attention, transparency and accountability are still needed.

Many companies now have monitors who examine supply chain practices and third party auditors. However, factories can easily maintain several sets of books to fool auditors. While there's been a sea change in level of transparency and accountability, consumer pressure will drive future change. For example, Coca-Cola and Hershey buy the sugar, but are not involved in the production. Privately held companies such as Cargill and ADM have little brand recognition to enable consumer activism. That pressure needs to start 2-3 tiers out. Change requires consumer activism and advocacy around fair trade, anti-trafficking, organic and labor certifications. For example, Home Depot was pressured to buy certified product by outside activist pressure as well as by engaging with the companies.

Bama also noted what hasn't worked. The "No Dirty Gold" and "Conflict-free Diamonds" campaigns have been fairly successful, but chocolate companies made promises and then asked for extensions. The lack of monitors means that ensuring compliance is a problem. It is important to link up with the grassroots human rights movement and foster networking between groups on the ground and large human rights actors to address the issues. Human Rights Watch and Amnesty International are both involved in promoting media tools to engage the public on labor issues.

Due to its small staff, ILRC partners with grassroots organizations. For example, when Bloomberg broke the article about the connection of the US auto industry to the use of forced labor in steel production in Brazil, little changed on the ground. ILRC's ally in Brazil continued to work to leverage this negative attention for real change. However, since the workers are undocumented they cannot access local courts to advocate for their rights.

In India in Andhra Pradesh, the issue of bonded child labor in cotton (Monsato, Uni-lever, etc.) was highlighted in 2001. Activists and groups on the ground in the villages linked up to hold corporations accountable. They collected data over several years helping to convince

Monsanto, the biggest owner of hybrid cottonseed, to develop a CSR program and hire a staff person. When ILRC partners on the ground brought out a new report detailing abuses, Monsanto flew a corporate VP to ILRC's office. They were honest with the progress they had made and had not made. This indicates real progress.

What else can be done? What other helpful roles can philanthropy play? What can we do as citizens and taxpayers?

- Support research and documentation. Create a database of industry players, private owners, and hedge funds. Help watchdog organizations trace the investment chain. "Where is abuse happening and who is buying their products?"
- Pressure Congress. One example, the Dominican sugar trade, is "an arena ripe to put pressure," as all Dominican sugar is sold to just two US companies.
- Get more companies to adopt codes of conduct. File shareholder resolutions. Industry-wide adaptation of codes of conduct is important, as most companies do not have to bear costs of verification on their own.
- Advance understanding of global corporate responsibility as a human rights issue. Support "ratcheting up" of campaigns. The real fight is for fundamental human rights.
- Support coordinated grassroots action toward "building a worldwide movement."
- Encourage funders who support specific issue areas (such as education) to see the links between labor and their core issues (i.e., kids working do not attend school).

Where do you see signs of success?

- Monsanto, a global giant, is now conducting a "global risk assessment" of labor practices at all its operations worldwide. "Imagine that our modest advocacy efforts sparked all that!"
- History shows that consciousness and values can change with concerted effort, especially when consumers start to see it's in their best interests.
- It's important to recognize the role of courageous grassroots organizations.

The panelists also explained the use of various terminologies to describe this issue. International Labor Organization (ILO) uses "coerced labor." Many activists use "forced labor." To capture the public's attention, "modern day slavery" is often used.

Member-sponsored sessions

Advocacy 2.0: New Technologies and Human Rights Defenders

Speakers and facilitator: **Janet Haven**, Open Society Institute *Speakers:* **Stephanie Hankey**, Tactical Technology Collective, **Ethan Zuckerman**, Global Voices Online

Ethan Zuckerman began by noting that mixing technology and advocacy is a very powerful approach. Great work is being done in countries where political repression is high. For example, Tunisian activists used geographic mapping to promote rights, combining data from Google maps and data on the location of secret prisons. In Bahrain, Google maps showing that large chunks of public land had been designated as private palace grounds brought pressure on the government to address the issue. In China, activists use Flickr and other technologies such as proxy servers to evade government censors and share human rights information. While many governments try to censor activists, they are reluctant to block the Internet outright, so activists continue to use evolving technologies to stay one step ahead of government surveillance.

Interestingly, the level of web repression is a function of offline censorship and the level of web use in any given country. Some activists used “mirror sites” to evade web blocking.

Citizen advocacy is growing. YouTube is an accessible tool for showing human rights videos. However, a context is needed for any information, pictures, and documentation presented to the public. Ethan urged attendees to explore the potential of eblogger, Twitter, Flickr, Google maps, YouTube and others as potential human rights advocacy tools. He also suggested that participants check out tools that allow users to track which websites are blocked in a particular country. RSF produces a handbook for bloggers and cyber-dissidents (located at http://www.rsf.org/rubrique.php3?id_rubrique=542)

Stephanie Hankey highlighted the important need for donors to assess their needs for information security and make sure they are not endangering activists by using unsecured modes of communication. Donors should also ask if and how advocates use technology. How should technology be integrated with traditional advocacy work? How does one help activists become more comfortable with using technology tools? How can technology be incorporated into advocacy work from the beginning, rather than as an after-thought?

Donors need to trust activists to tell them what they need in terms of technology, but the activists may need technical assistance in developing expertise. Donors must also be willing to build expertise in the human rights movement over time and support the training of activists to use technology in rights promotion. Technology can be a powerful community-organizing tool and an effective means for communication across borders and regions.

A key challenge is how to reach constituents given minimal access to the Internet for many people, low literacy rates in many countries, and diversity of languages around the globe. Mobile phones, which are increasingly common, can be a powerful advocacy tool, as are pictures/photographs and the use of SMS language (such as a symbol that indicates an activist has been arrested) that illiterate people can learn to use. SMS can be used to gather reports on vote monitoring for several locations and mobile phones can be used to call radio stations in real time to report police and other violence. Mobile phones can be used to coordinate campaigns, as well. The Interactive Voice Response tool can be set up with all kinds of information for illiterate populations. Another tool involves services that help activists post videos online such as Flickr or YouTube.

However, we also need to be very careful in using technology. For example, Yahoo, which owns Flickr, released data to the Chinese government about a particular activist's communications that led to that individual's arrest. Technology is continually vulnerable to hackers and release of information online can endanger lives if appropriate precautions are not taken. When we use the web, we leave behind the IP address of our computer, which can be used by others to track our location. People can use “proxies” (using intermediary sites) to avoid detection. Also, technologies are constantly being developed to breach information security tools, so donors and activists must always be vigilant about security issues. Activists often need help understanding where and how they may expose themselves to danger through use of technology, and learn to protect themselves as well as critical human rights data.

Practical tips:

- NGO-in-a-Box (on Frontline's website) provides software and tools to help people assess their information security and vulnerabilities.
- Mobile phones are now being used to send money to activists in various countries. Money can reach activists through systems using phone cards such as modaphone and safari.com.

- Skype uses a very good encryption system and is a great tool for those whose landlines may be monitored.
- There is open source software that is free, such as MARTUS, which allows you to encrypt a human rights report and e-mail it to a remote database.
- There is a wealth of advocacy tools in the US, such as disposable email accounts and blogs.

More than Money: South-South and Peer-Peer Capacity Building

Facilitator: **Mary Anne Stein**, Moriah Fund *Speakers:* **David Mattingly**, Fund for Global Human Rights, **Nancy L. Pearson**, New Tactics in Human Rights Project of the Center for Victims of Torture

Mary Ann Stein, moderator, asked the speakers to respond to several questions.

How did you come to see capacity- building as part of your grantmaking and program work?

Nancy Pearson from New Tactics Initiative of the Center for Victims of Torture (CVT), replied that capacity building is a corner stone for the treatment and rehabilitation work that CVT does with torture victims. It is difficult to facilitate sharing of best practices to build the capacities of organizations across human rights movements because a common language does not exist. Lawyers have a common language, so legal tactics get transmitted rapidly, but other tactics don't. New Tactics aims to build the capacity of activists to communicate about strategies so that they can be transmitted across movements and across regions. One result of their capacity building work is a tactical map that gives people a bird's eye view of what's happening on their terrain. Since they are in the trenches, activists are often deprived of a broader perspective.

David Mattingly from the Fund for Global Human Rights (FGHR) stated that the FGHR makes small grants to human rights groups—mostly general support funding. In the course of their work, it became clear that they also needed to provide training, financial management, organizational development, and technical assistance on management information systems so that grantees could do their work more effectively. Also, many FGHR grantees operate in isolation and can be more effective if they have access to a broader community of activists.

The FGHR identified capacity building needs by developing a checklist of different areas of organizational growth and development. This tool allowed grantees to identify gaps in their skill sets that ranged from organizational development challenges to issues of strategic thinking, judgment, etc.

Why is "Peer to Peer," "South to South" in your approach?

Nancy explained that it is an inspirational approach. As people share what they have done successfully, it provides a sense of hope. Usually discussions among activists are about dire situations. This approach has inherent credibility. The people who are sharing tactical successes have actually carried them out. When another advocate has a question, they can answer it because they did it. Finally, it is an opportunity for network building among activists groups that often work in isolation.

David noted that local activists understand the context and needs for local organizations, and they have the buy-in from the local human rights community. In his experience the most effective route to capacity building is facilitating on-going mentoring relationships between organizations. One-time trainings with international experts don't work.

What are the approaches that you apply?

David explained that FGHR facilitates mentoring relationships between experienced organizations and fledgling groups. He mentioned an example of an Argentine forensic anthropology organization working with a local Mexican organization to investigate disappearances of women.

FGHR has also focused on building the capacity for policy advocacy skills in Mexico. They convened a steering committee of Mexican human rights and women's rights activists to design a training project that included on-going mentoring to help groups develop policy proposals, build alliances within the human rights community, and learn how to use the media to generate public support. Participating groups develop their own policy proposals which the FGHR then funds them to implement. FGHR has a full-time project coordinator working out of Mexico City mentoring the groups.

Nancy explained that the New Tactics Initiative has four interlinking approaches: 1) Face-to-face trainings in both regional and international symposiums. She believes that cross regional and cross issue fertilization gets people to realize that their tactics can jump regions and cultures; 2) Tactical notebooks, which are case studies for each issue discussed during the symposia that become guides that people can use. Notebooks include tactics for intervention, prevention, reparations, or building human rights cultures in institutions. 3) Information Communication Technology to keep activists connected. They are launching a New Tactics website that has user-driven interactive tools. 4) Sub-grants for specific work growing out of the symposia, such as translations of materials and other implementation work.

Discussion

The group discussed the challenges for bringing groups together across regions. David mentioned that the steering committee of Mexican activists helped ensure that the right groups were represented and that competition and politics didn't compromise the process.

Both panelists agreed that the very process of sharing and talking about tactics and challenges constitutes leadership development. Often this is the first opportunity for activists to articulate their processes. FGHR targets the mid-level staff for capacity building, not the organizational leadership, and they require that an agreement is signed by the director and the participants to ensure buy-in.

Evaluation is an ongoing challenge. While there is a lot of anecdotal information, it will take a long time to measure the impact. It is possible to develop indicators, together with each participating organization, that define what they would want to achieve and how they know if they are making interim progress toward achieving that goal.

There was also discussion of a new framework for doing human rights work which goes beyond shaming governments toward on-the-ground strategizing about how to make policy change.

Working Groups

Disability Rights Working Group

Facilitator: **Diana Samarasan**, Consultant Fund for Global Human Rights—Disability Rights Initiative *Speaker:* **Gerard Quinn**, Prof. National University of Ireland, Galway; disability rights and economic, social, cultural rights expert; father of a child with a disability

Gerard Quinn began the session by summarizing the unique nature of the new UN Convention on the Rights of Persons with Disabilities (CRPD) and the opportunity that it presents to human rights funders. He structured his comments around three themes: 1. Disability as a Human Rights issue; 2. the Treaty as a driver of worldwide reform; 3. Roadblocks to reform and why engagement now is timely.

Gerard explained that the modern disability rights movement seeks to ensure full personhood to persons with disabilities (PWDs). Rather than ‘subjects,’ PWDs are still largely treated as ‘objects’ to be handled through social programs. Too often we discount the humanity of PWDs: they are seen as ‘worth’ less than others, considered incapable of making their own choices, and hidden from the mainstream. In this context, he discussed the significance of the new treaty. Symbolically, it embodies a paradigm shift from viewing PWDs as ‘objects’ of care to ‘subjects’ with rights. Second, the treaty mirrors the reality of the lives of PWDs to ask probing questions and commit to a process of change. Thirdly, the CRPD is a trigger for law reform to be driven by the active participation of civil society. It also offers a new reading on the interdependence of rights.

Gerard pointed out that until now, most governments address disability with passive measures providing minimal social support rather than active measures to ensure participation and autonomy. This approach is expensive and has not worked. Coupled with the relative political impotency of disabled civil society, most PWDs focus on struggling to survive. To address these roadblocks, the treaty drafters framed a matrix for domestic reform. The CRPD requires: a ‘focal point’ within governments for implementation; a conference of States Parties to share best practices; and the involvement of Disabled People’s Organizations (DPOs) in implementation and monitoring. In short, the treaty indicates the architecture for change. The task for donors is to support the energy behind this architecture for change so that it can assume a momentum of its own.

Diana then updated the group on the progress of the pooled Disability Rights Fund—an innovation which bridges donors and activists to leverage the opportunities presented by the Convention to support realization of rights at country level. Diana walked participants through the Framework document for the Fund, discussing mission, scope, and governance. She emphasized the proposed governance structure, which integrates PWDs into decision-making, and noted that this structure allows the Fund to be conducted in a manner that is true to the spirit and letter of the Convention which requires the involvement of DPOs in policy formation that affects them.

The group discussed how the Fund could ensure that it addresses the intersections between disability and other issues, such as gender, race, and sexuality. Incorporating the principles of the Convention—which will be referenced in selecting advisors—in guidelines for grantmaking was suggested as one way that this could occur.

Two attendees discussed ways that various funds share information on potential grantees for due diligence but also as a way to fund groups from different angles. Others raised the possibility of utilizing donors in an advisory rather than a decision-making capacity, in essence switching the composition of the advisory and grantmaking committees and giving PWDs the main decision-making role.

Another attendee suggested looking at the funds set up by OSI for lessons learned, in particular the importance of having a network of local advisors. The Decade programs and other regional structures addressing disability rights were referenced as one way to (informally) support such a network.

One attendee discussed the importance of slightly larger grants in the context of disability to address the additional technical supports needed. The difficulty of communicating the need for greater resources for administrative/governance meetings was mentioned, and participants felt that this was part of the broader educational role of the Fund.

Overall, the group expressed that the session was very informative and that they were supportive of the Fund. Diana will integrate grantmaker comments along with other stakeholder comments into a new draft Framework document.

Human Rights and the Environment

Attendees: Ana Araujo, Nikhil Aziz, Talia Bilodeau, Valentine Doyle (moderator), Theresa Fay-Bustillos, Josh Mailman, Shalini Nataraj, Myles Taylor

Specific issues discussed: mining, toxics dumping, sugar cane growing and its toxic residue, civil and political rights of ESCR activists, tree-planting, need to protect traditional knowledge of the rainforest and other places, trade agreements.

Larger issues: Movement building, sustainable livelihoods, resource rights

Processes for funders discussed: Making a block grant to a docket of small grassroots groups, fostering collaborations between different movements, bringing in the human rights aspect of everything, requiring an environmental component to all grants (there's no need to fight for social change if there's no planet), not pushing our agendas on NGOs or forcing them into boxes but being flexible.

Sexual Rights

Microbicides: Why the hype?

This informational session, coordinated by Funders Concerned About AIDS (FCAA), discussed the past, present, and future of microbicides (topical products that can potentially reduce the risk of HIV and other STDs). The session also provided funders with a better understanding of how this potential technological development could impact their grantee communities and populations most vulnerable to HIV/AIDS.

Adrienne Germain, President of the International Women's Health Coalition, shared her expertise and experience to explain why women want a microbicide, how the early days of this research is different from other areas with real human subjects, and spoke about the broad social, political, and cultural context and rights issues of microbicide development leading up to today. Mitchell Warren, Executive Director of the AIDS Vaccine Advocacy Coalition, provided the "reality check" of the hype surrounding microbicides and, from the

more scientific perspective, explained what we know now, what we will know, and when we will know it.

The discussion touched on issues such as dissemination, delivery and access; preparing, protecting, and actively involving communities; and creating necessary infrastructure and foundation now within those communities in need. It was also emphasized that while investment in HIV/AIDS prevention science is a critical piece of a complex effort to meet the needs of those infected and affected to ultimately eradicate the disease, funders can and should continue supporting efforts to address the underlying conditions that contribute to the driving of the epidemic, particularly in socially marginalized populations. This can be done, in part, by insuring that communities can best utilize the effective prevention technologies and interventions we have now.

US Human Rights

The working session began with participants introducing themselves and noting what has inspired them about domestic human rights work.

Puja Dhawan, US Human Rights Fund, presented the Fund's work to date and challenges and opportunities it has identified in the U.S. human rights field. The Fund has a dual mission: supporting U.S. human rights work and organizations that promote the application of human rights within the U.S., coupled with raising interest and awareness amongst donors about U.S. human rights work in order to help increase overall support for the movement. The Fund completed its third docket in June 2007 and has made about \$3million in grants to 37 organizations. It takes a field building approach to its grantmaking. Rather than focusing on particular issue areas or regions, it focuses on core strategic functions, including: communications, human rights training and education, regional and national networks, and strategic thinking and advocacy.

On lessons learned, Puja noted that the Steering Committee and staff are continually struck by the overall interest in U.S. human rights work and the high demand for support relative to limited available resources. For example, in its first year, the Fund received nearly 350 LOIs for a docket that ultimately made 17 grants. Moreover, the Fund has been pleased with the heightened level of coordination between groups, as evidenced by increasing membership in regional and national networks and the participation of U.S. social justice organizations in the UN shadow reporting process (ICCPR, CAT and CERD). Finally, the Fund has noted an increasing range of domestic human rights advocacy efforts, including work on Gulf Coast restoration, immigrant rights, workers rights and juvenile justice.

Puja highlighted the challenges that remain in the domestic human rights field. The number and capacity of human rights educators and training remains limited relative to the demand and interest amongst U.S. social justice groups. Most domestic human rights advocates identify communications and messaging skills as their primary capacity need. Although the Fund and other donors have supported opinion research work and field wide collaboration that will enhance organizations' ability to carry out coordinated communications work, the field still requires more in depth opinion research on various demographic groups and may benefit from focusing on one or two issue areas that are most primed for a campaign with a human rights message. Finally, lack of funding is a central challenge of the field, as is the need to explain and demonstrate the impact human rights can have on domestic social justice work, given its long term nature.

Discussion

One attendee asked whether comprehensive data exists on domestic human rights work and related funding more broadly. It is hard to track this information because of the inconsistent definition of domestic human rights. Possible value and uses of such data were discussed, and the group agreed it would be useful to track the extent to which domestic social justice advocates are relying on a human rights standards and framing and the type of funding that they are receiving, and wondered if it would be possible to – as a start – track that information amongst IHRFG membership and their grantees.

Ann Beeson responded to a question about how using human rights changed work at the ACLU. In its incorporation of human rights into its domestic work, the ACLU did not take on new issues, but decided which of its issues (immigration, women's rights, national security, racial justice) would most benefit from human rights tools and framework, and began to use these in addition to ongoing domestic approaches. She said it was hard to measure what impact human rights had on the organization's work as a whole, given it formed just one piece of their overall approach. Litigation was considered the venue least ready for a human rights approach because, despite the value of a comparative law approach, it is not yet possible to win a legal claim based on human rights standards.

Participants discussed successes and the value of using human rights in organizing and advocacy efforts and in getting lawyers to raise the issue. The potential use of human rights in domestic labor advocacy was discussed, illustrating one value of human rights – pulling issues together (worker's rights, freedom of association).

A range of ideas regarding the legal sector were discussed. Judicial trainings were given high value, and Justice Ginsburg's statements on the importance of receiving briefs with references to human rights was noted. One participant has observed an increasing interest amongst state-level judges in the types of trainings that the American Society for International Law (ASIL) provides in international law for policy makers and state judges. The question was raised whether there are other venues in which to reach state-level judges on international law. Suggestions were also made to lobby the American Bar Association on course requirements in law schools and advocating for international law courses to be part of standard accreditation. Some also thought there should be efforts to centralize clinical work that focuses on domestic human rights work and encourage collaboration between relevant law school clinics and domestic human rights advocates.

The idea that funders support white papers on human rights was also raised, as a way to increase the promotion of human rights in the U.S. The conservative base – arguably more sophisticated in its understanding of the potential power of human rights in domestic advocacy – has engaged in a powerful campaign against it. It was noted that many U.S. funders are not thinking about how human rights pertains to U.S. social justice work, and the question was raised as to how to engage issue-based funders to support this work.

The lack of awareness of how international standards have been used in other countries and what difference they have made was also discussed. Meeting participants agreed that many advocates would benefit from trainings with activists in other parts of the world, along with the opportunity to share strategies and different approaches to social justice work. ESCR Net is having a convening in Kenya next year and hopes U.S. economic-rights advocates will attend – Monette Zard will share further information.

The meeting ended with a discussion about the most useful roles for the US Human Rights Group to play. Participants suggested that there be periodic conference calls in which the group explores co-funding opportunities, promising grantees, and interesting work people

are discovering individually. Between meetings and more generally, it was agreed members should utilize the listserve to share proposals and interesting developments in the field.

Preparation for the January 2008 IHRFG meeting was also discussed. It was recommended that each member come prepared to discuss one or two organizations that she or he could not fund or fully fund, and/or grants that exemplify promising domestic human rights work. In addition, it was suggested that each member prepare for circulation in advance of the meeting an information sheet on their human rights-related funding priorities and docket. Working Group co-coordinators Puja Dhawan and Sophia Conroy will follow up with Working Group members on next steps.

Dinner with Stephen Lewis, former UN Special Envoy for HIV/AIDS in Africa and Director, Stephen Lewis Foundation

Stephen Lewis opened by stating that health is considered a human right in every country except the United States. Economic and social rights, in general, should be recognized as human rights in the US as well. Due to the HIV/AIDS pandemic, African countries will never meet the United Nations Millennium Development Goals. He insisted that the focus must be on saving individual lives rather than on numbers and statistics.

He noted two of the most important problems caused by HIV/AIDS: increased gender inequity and the plight of children.

Gender: Even though women are disproportionately affected due to sexual violence, there has been no progress in the pandemic with women. Sexual entitlement fuels violence against women. The virus continues to rob women (and others) of their right to health.

Children: The AIDS pandemic hurts an enormous proportion of children. Although transmission of virus from mother to child can be cut by 99%, only 11% of women have access to these medications. He noted that AIDS forces many grandparents to raise their orphaned grandchildren. Lewis highlighted that education is the only way to stop AIDS.

Lewis declared that AIDS must be recognized as a human rights issue and government priorities must change. The United States, for example, needs to shift its fiscal focus. It spends \$10 billion a month on the war in Iraq, but will not contribute this amount towards AIDS in a full year.

Lewis noted several strategies that are needed:

- Working towards preventative technologies for HIV/AIDS;
- Connecting the issues of HIV, violence and microcredit;
- Supporting women-led and organized groups, based on the ground;
- Sustaining hope through continued political pressure. Our leaders make the right gestures, but they are simply gestures and nothing changes; and
- Directing funding towards activities that save lives. The human rights you care about are those that allow people to lead healthy and productive lives. Documentary efforts should be a tiny part of a grantmaking portfolio.

Finally, Lewis noted that the Treatment Action Campaign (TAC) has used courts more brilliantly than any other social struggle. TAC understood tenacity and that the legal work was but a part of a relentless effort.

Tuesday, July 17

Membership Meeting

Facilitator: Michael Hirschhorn, Jacob and Hilda Blaustein Foundation

Andrew Park explained that the membership meeting is an opportunity for IHRFG members to participate in decision-making and provide vital feedback needed for meeting innovations. Using feedback solicited from the membership at past meetings, IHRFG instituted several changes. First, member-sponsored sessions may have no more than two speakers. Attendees felt that the quality of the sessions would be improved if each speaker had more time to share their expertise and attendees had more ample discussion time. Second, report backs have been eliminated entirely. The attendees at this session agreed that these have been helpful changes and should help shape future meetings.

RAPID REPORT: Human Rights on the Hill (Report on Attendance, Budget and THANK YOU to our HROTH working group)

Conrad Martin (Stewart R. Mott Charitable Trust) reported that the Human Rights on the Hill meetings grew out of a Funders' Soapbox discussion and have become part of the regular IHRFG meeting schedule. The meetings will be held biannually, though in the first year (2006) the meeting was off-cycle with the Congressional calendar and an additional meeting was held in 2007. The next meeting will be held after the 2008 elections, most likely the first week of March in 2009.

2007 meeting

- Organized as a joint meeting between the Peace and Security Funders Network and IHRFG, about 65 funders attended.
- The cost was \$5,200. IHRFG is grateful to the Stewart R. Mott Charitable Trust, which generously covered most of the cost.
- Held just after the new Congress began, the organizers were pleased to have top legislators speak on the most pressing topics of today, including several who came directly from negotiations on the Democratic position about the Iraq war.
- Congressman Conyers (D-MI), who attended the cocktail reception, has expressed interest in developing a deeper relationship with IHRFG.
- Attendees highlighted the many areas where human rights funders might collaborate with those working on the Hill, particularly young progressive staffers and the Congressional Human Rights Caucus.

REPORT: 2007 Financials (first 2 quarters)

- The total 2007 projected budget is \$211K with about half covered by an in-kind contribution from Wellspring Advisors, the institutional home of IHRFG.
- So far this year, IHRFG has received \$118K in income (cash and in-kind) and spent \$94K.
- Andrew encouraged those who have not yet paid voluntary dues to considering doing so.
- Michael noted that IHRFG recently shifted its fiscal home to Public Interest Projects to provide IHRFG with greater flexibility, such as the acceptance of credit cards.

RAPID REPORT: January meeting (Attendance and Budget)

- More than 80 members attended the January meeting in San Francisco.

- The total cost was just over \$31,000. The Levis Strauss Foundation made a generous contribution of \$10,000 and members' fees to cover food costs helped cover all but about \$5,000 of the catering costs.

REPORT: Planning for Geneva meeting

John Kowal (Open Society Institute) explained that the first Geneva trip took place in 2005 with the participation of about 20 US and European funders. Since then, several of the European funders have become more active in IHRFG. The trip included visits with the Office of the High Commissioner of Human Rights, UN treaty bodies and NGOs. John noted that the trip helped educate funders, but also provide quality networking time with colleagues.

John, along with Adrian Arena (Oak), Julia Greenberg (AJWS), and Jessica Wrenn (AJWS), will soon begin planning and are looking for a focus group of additional IHRFG members to help. The trip will build upon the 2005 meeting, but not duplicate it. The International Service for Human Rights (ISHR) will help organize and handle the logistics. The 2008 meeting will likely be organized around various themes, such as mass atrocity, so that participants can hear from a variety of actors on particular issues.

Mary Ann Stein (Moriah Fund), a 2005 participant, noted that the trip was a wonderful experience and encouraged people to consider participating. Shalini Nataraj (Global Fund for Women) explained that Louise Arbour spent more than 90 minutes with the group and is looking forward to future meetings. Others suggested that IHRFG might collaborate with the European Foundation Centre (EFC) to help publicize the event and perhaps schedule the trip to coincide with the EFC conference.

MEMBERSHIP DECISION: 2008 meeting topics

IHRFG conducts a laborious process to determine the semi-annual meeting topics. During the meetings, members are surveyed for their topics ideas. The Steering Committee then narrows down the list for an on-line member survey. This year, however, the survey results showed that members found the topics equally desirous. Therefore, IHRFG conducted an additional survey during this meeting. Unfortunately, that survey's results also showed an almost equal preference for the topics, which are:

- Human rights and climate change
- Trade, globalization and human rights
- Resource rights and the privatization of the commons
- Land and property rights (particularly with a gender perspective)

Therefore, the membership asked the Steering Committee to select the two topics for 2008. It was suggested that perhaps the other two topics could be used as themes for 2009.

NEW STEERING COMMITTEE MEMBERS

Michael Hirschhorn explained that IHRFG is looking for members interested in joining the IHRFG Steering Committee. About 10 people have already expressed interest and he was delighted at the diversity of the individuals in terms of the types of funders (corporate, family etc) and their geographic location. Anyone interested in possibly joining the Steering Committee should contact a current SC member.

NEXT TASK: JANUARY 2008 MEETING

- The call for member-sponsored sessions will go out sometime after Labor Day. IHRFG received 16 proposals and accepted 6 for the July meeting.

- Mona Khan (Fund for Global Human Rights) highlighted that while she found the meetings incredibly productive and useful, the inclusion of activists from the Global South would add an important voice to the meetings. Others noted that the rule barring fundraising during the meetings limits the time activists can spend with attendees and could make the cost of the travel difficult to justify. There was some discussion on ways to overcome this problem and the desire to keep the IHRFG meeting free from solicitations. All agreed, however, that if we're funding the movement, we should hear from the leaders of it.

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.

Heather Lord, Greentree Foundation introduced herself and the John Hay Whitney Foundation. They host world leaders for conferences and high-level meetings at their 400 acre Manhasset estate (<http://www.ictj.org/static/Essentials/GreentreeBrochure.pdf>). They do not have a public presence, but she encouraged IHRFG members to keep the estate in mind if they are organizing such meetings.

A representative of the **Neighborhood Funders Group** explained that it supports community-based efforts to improve economic and social conditions in low-income neighborhoods. NFG and IHRFG will conduct a joint phone call on August 2 to follow up on work initiated around Wal-mart.

John Harvey, Grantmakers Without Borders announced that they will be hiring a part-time membership coordinator in the Bay area. He introduced the group to the first-ever community foundation in the occupied territories of the West Bank – the Dalia Community Foundation.

Sue Simon, Sexual Rights Project, Open Society Institute briefed the group about three initiatives on public health and human rights in Southern and East Africa: 1) Sex-worker human rights training to provide concrete tools to pursue legal and human rights protections; monitor abuses, and use lawsuits to promote rights. 2) Small HIV zero prevalence probe on Males Having Sex with Males (MSM) to do a meta-analysis. There is very little data on MSM due to criminalization, therefore there is lack of services and they don't have the needed tools to push back; 3) East Africa project that will map LGBT health and rights concerns and problems. Several donors are looking into the possibility of creating a pooled fund to have more core funding available to these groups. They will be creating two listservs: one for East Africa and the other for the continent as a whole.

Conrad Martin, Stewart R. Mott Charitable Trust noted that there will be a meeting of the Peace and Security Working Group in NY on October 17th.

Janet Shenk, Panta Rhea Foundation updated the group on Walmart Watch. It's developed robust tools to fight the "big box" entities – for shareholder action for foundations, university endowments. She also highlighted the Responsible Endowment Coalition (<http://www.endowmentethics.org/>), which is a student voice in investment and proxies voting.

Mona Khan, Fund for Global Human Rights briefed the group about the Citizenship Rights in Africa Initiative (<http://www.citizenshiprightsinafrica.org/>). There are several regional activities around the right to identity in Africa.

Kolu Zigbi, Jessie Smith-Noyes Foundation said that there will be a briefing on September 5 prior to the Farm Aid Concert, organized by Farm Aid and grassroots activists around food policy in the state and city of New York. The briefing is for NY Regional Association of Grantmakers to learn more about the concept of food sovereignty.

Diana Samarasan, Disability Rights Fund spoke about the fact that persons with disabilities constitute 10% of the world's population. 80% are in the developing world and they make up 20% of the world's poor. The DRF will begin grantmaking in 2008.

Morris Lipson, Sigrid Rausing Trust (SRT) let everyone know that there is a new fund that OSI, MacArthur and SRT set up to provide legal aid for journalists and media outlets worldwide. They have hired the first senior lawyer and are also interested in exploring setting up a similar fund to address worldwide impunity.

Member-sponsored sessions

Human Rights at Home & Abroad: The CERD Shadow Reporting Process

Facilitator: Steve Foster, Overbrook Foundation *Speakers:* **Lisa Crooms**, Howard University Law School **Ramona Ortega**, Urban Justice Center

Steve Foster introduced the session by describing the work of the US Human Rights Fund, a strategic, field building initiative that aims to promote human rights in the United States and increase support for domestic human rights advocacy and organizing. Launched in July 2005, the Fund uses a combination of grantmaking and educational programming to help address cross-cutting needs of the US human rights field and broaden knowledge of and support for this work. Nine foundations currently participate in the Fund.

The Fund recently conducted an assessment of the US human rights field. It found (1) a "sense of inevitability" regarding the application of human rights domestically and (2) frustration that US human rights groups are not working as effectively as they could.

A recent example of collaboration in the field is the shadow reporting process now under way with respect to US compliance with the UN Convention on Ending All Forms of Racial Discrimination (CERD). The session was designed to describe how that process is working.

Ramona Ortega explained that the US is new to the area of shadow reporting because it hasn't signed on to many UN treaties. Signatories to UN treaties are required to file official compliance reports that are typically "boring." Shadow reports are unofficial, alternative reports that can provide helpful additional detail to help the commission assess an official government report. The goal is "to provide texture to the analysis." It's an important tool to keep governments accountable. Other tools include "shaming" governments through press conferences, human rights documentation and recourse to special rapporteurs.

Normally, reporting occurs every 5 years. This is the second reporting process under CERD.

Lisa Crooms described her participation, over the past two years, in efforts to create a coordinated CERD shadow process. They built on earlier shadow reporting efforts under the Convention Against Torture (CAT) and the International Convention on Civil and Political Rights (ICPR), which brought large number of US activists to Geneva. Once there, they organized formal and informal briefings for committee staff.

Lisa believes that the briefings enabled the committee to ask more pointed questions of US government. It also helped to shape advocacy strategies once the US activists returned home. Just recently, for instance, the Chicago city council enacted a definition of torture for police brutality cases that mirrors the international human rights definition.

The US activists and some of the people they represent (including victims of torture), wondering if a trip to Geneva would make any difference, were “pleasantly surprised” by the experience and were persuaded it would be worth another try.

Lisa noted that the upcoming CERD process “will involve a lot more people” and “will be a lot dicier.” Participants will not necessarily share the same analysis of what racial discrimination is. There are concerns about competition with natural allies. Coordination will therefore be essential. There is only one rapporteur for CERD, and therefore only target for lobbying efforts. On the other hand, there is real power in submitting one report representing the views of potentially more than a hundred groups.

Steve asked about the recent experience in Chicago and the interplay of federal, state and local responsibilities. Lisa explained that, under the Constitution, treaties are the supreme law of the land – trumping both federal and state law. We also have a federal system that assigns different (but overlapping) responsibilities to the state and federal governments. Education, for example, is typically a state function. But the Thirteenth, Fourteenth and Fifteenth Amendments to the US Constitution, passed after the Civil War, created new federal responsibilities that limited states’ rights.

Lisa added that “states’ rights” carry a fair amount of baggage. But a lot of activism also happens at the state and local level. She asked whether UN treaties can be used to advance a kinder, gentler states’ rights.

Ramona said that the question of how far you can push this at the local and state level will be tested in the courts. (She noted that CERD’s General Recommendation 17 requires that states or political divisions be made aware of the requirements of CERD and enforce them.) The value of a strategy of implementing international treaties at the state and local level is that it combines law and action. It’s important to have this work done on the ground. It may also be helpful to bypass the federal level.

Steve asked the panelists why IHRFG members should be interested in US human rights work? Why not focus on international abuses like Guantanamo? Lisa replied that getting our own house in order would make it less likely that we would have a government that violates, or tolerates the violation, of human rights abroad. She added that some people fall into a kind of exceptionalism when they say that the kinds of human rights violations that occur in the US are not “real” human rights violations.

Lisa added that it would be good if people were disabused of the notion that the US Constitution is such a powerful articulation of affirmative rights (as opposed to negative rights). Look at racial justice law: the Supreme Court recently ushered in the new era of a “colorblind” Constitution. The intent doctrine in racial discrimination cases says you can’t look at structural racism or disparate impact – you have to prove actual intent to

discriminate. International documents have a different approach. They affirm a continuing duty to address effects of racism.

Polling data commissioned by the Opportunity Agenda shows that people believe there is a right to health care. Limiting the conversation to the Bill of Rights is unnecessarily restrictive.

Ramona said that human rights advocacy engages different people, fewer elites, in the process. Also, given the US's role in the global economy, what we do here can have a huge impact on transnational workers rights. The traditional civil rights framework isn't fully addressing the problems we face at home. That's why many people feel the need for something new.

Lisa agreed. We need a change in discourse – from “international human rights” to “human rights.” The State Department shouldn't be taking the lead on reporting on human rights compliance. It should be the Justice Department. Why aren't they on the hot seat being held accountable?

Steve asked what opportunities lay ahead under the upcoming CERD reporting process. Ramona said there will be a high level of coordination nationally with pockets of local coordination as well. There is planning ongoing at the local level to identify issues with a racial element (which includes virtually all social justice work). Local chapters working together on local agendas that will feed into national report but also have value in terms of local advocacy. In New York City, for example, activists are pushing for a city council hearing. Some progressive local politicians, not invited to the national table, can have a role here. The CERD shadow reporting process allows us to put racial justice on the national agenda. This creates huge strategic media opportunities.

Steve asked for examples of concrete results. Lisa replied that some people in the movement feel they are penalized for their focus on movement building rather than the generation of immediate policy outcomes. But to get results, you need to bring more people more into the room. The US human rights movement is only a few years old. If you look at where other movements were after 5 years (*e.g.*, the reproductive rights and environmentalist movements), it wouldn't look so different.

Ramona added that the field has built some interesting new models (*e.g.*, the passage of CEDAW in San Francisco, spearheaded by WILD) and has tried to replicate them. When New York passed a similar resolution, it went a step further to require changes in the way the city operates. The New York measure requires data collection and city agencies to be proactive rather than wait for claims of discrimination. It mandates human rights impact assessments modeled on environmental impact statements.

A new idea gaining traction is the passing of a local ordinance to frame domestic violence as a form of torture, again with reference to international human rights standards. Other opportunities to incorporate human rights norms into domestic advocacy include health care, housing and education. We should look to smaller jurisdictions (*e.g.*, Eugene, Oregon) for early successes. It's a lot harder and a lot more expensive to effect change in large cities like New York.

Ramona further pointed out that many funders do not want organizations to lobby, even though the law allows it. But how can you achieve policy change if you can't lobby?

In closing, Steve noted that the CERD shadow reporting process, scheduled for 2008, will coincide with anti-affirmative action ballot measures in a number of states and ongoing efforts to formulate a response to the June 2007 Supreme Court rulings on school integration. The panelists agreed that these would present new opportunities for advocacy – opportunities to “bring it all together.”

Strategies for Advancing the Human Right to Health

Facilitator: **Leonard S. Rubenstein**, JD, Physicians for Human Rights Speakers: **Lynn Freedman** Columbia University Mailman School of Public Health **Dr. Joia Mukherjee**, Partners in Health

The facilitator, **Len Rubenstein**, noted that never in history has there been such an investment in global health. Not only is there the Global Fund, but there are other bi- and international efforts. However, money is not enough when it lacks the apparatus of human rights advocacy. Human rights are based on principles of dignity, and the right to health is similar to civil and political rights. Yet, there is no documentation or monitoring and we lack civil society organization that are able to ensure that the funds are spent appropriately.

Rubenstein argued that we are still stuck in the vertical approach of tackling single diseases and need a sustainable infrastructure for, say, obstetrics, or for clean water so children don't die of disease. In many countries the greatest obstacle is not the lack of drugs but the lack of health workers.

In the 70s, there was a movement of “health for all,” but it never came to much. There is a discontinuity between the amount of need and support for civil society, which has to respond to the need.

Lynn Freeman, Columbia University Mailman School of Public Health explained that she came from the women's human rights movement, working on issues of the right to health, especially maternal mortality (improving maternal health is Millennium Development Goal #5).

As background: half a million women die every year in pregnancy or childbirth. Hundreds of thousands of babies die or are stillborn. About 95% of these are in sub-Saharan Africa or South Asia. In Sierra Leone, a woman has a one in six chance of dying in childbirth or pregnancy. While in Sweden, the safest country, it is one in thirty thousand. Freeman noted that there are also huge disparities within countries. Since maternal mortality is almost entirely avoidable, so it is not a public health question in wealthy countries.

It is a key fact that to survive a complication during childbirth you usually need access to simple services at the lowest level – Emergency Obstetric Care (EmOC). But the great challenge is that EmOC can't be delivered in a vertical program like immunizations – you need a functioning health care system. How can you ensure availability and equity?

Health systems are not just a technical problem: marginalization by the health system is part of the experience of being poor. Poverty is not just a lack of money, but a particular type of interaction with the structures of power. The ability to make a claim to health care is an aspect of citizenship.

A human rights analysis can help us address maternal mortality at many levels. In Ayacucho, Peru, maternal mortality is 800/100,000 live births. (In the wealthiest quartile of Peru it's 132/100,000.) A joint program of Columbia University and CARE worked to establish a dynamic of accountability – not only to the hierarchy above, as there had been before, but also to the communities the health care system served. In Ayacucho the system

inaugurated a rights-based approach. Ayacucho went from 35% to 80% “met need”, while a similar community with only a technical approach went from 32% to only 35% met need.

Freeman noted that there is potentially a great role for foundation human rights funding here. Funding needs to move to SWApS, or Sector-Wide Approaches. Direct budget support is still inadequate, because most of the money goes directly into government budgets. Funding is now moving away from being procedure-based (“you must do these four things”) to performance-based (“you must reach these targets”). In the Indian national rural health system an evaluation showed a spending rate of 2% over a \$2.2 billion program. Equity is lost when local elites capture the system; it takes pressure to get people to take redistribution seriously.

Joia Mukherjee, Partners in Health noted that she was glad to see people interested in rights, not just charity. Most of her staff live in the communities they serve, in Russia, Peru, Haiti, Mexico, Rwanda, or Lesotho and most have no secondary education. They use a community-based approach.

She explained that she is an AIDS doctor, but doesn’t care at all about AIDS. It is a way into the health system. Within a year or two of the first AIDS cases in San Francisco and New York in 1981 it was clear that AIDS would be a disease of marginalized populations – first, gay men, then babies born to “promiscuous and drug-addicted mothers.”

In 1984, she worked in a rural community in Uganda. AIDS prevalence then was 35%, but among those 20-40 years old (reproductive age) it was 60%. The primary schools were training kids aged 10-14 to be peer educators –their peers were selected as leaders. They took a three-week course on how AIDS is transmitted and how to prevent it. They knew that a lot of them, especially the girls, would be infected by age 18. Many of their teachers were dying. After the training, they asked the children what they thought the main five risks of AIDS were. They identified the number one risk as – *poverty* teaching her how poverty constrains the choices individual can make about sex.

Since they had no money for school, girls would take money from a man for a relationship. From their point of view, it’s not a bad choice when the alternatives are to be a servant for life or to risk rape, as opposed to a relationship with a man you know.

She highlighted that social and economic rights are at the greatest risk: school won’t be free, there are no jobs, no housing. This affects men too. For example, often times men have to migrate. In South Africa under apartheid, black men could not bring their families with them.

Mukherjee explained that she started her career in public health, treating HIV in resource-poor settings. Treatment was available, but nobody was giving it to the poor. The emphasis was on prevention. She began treating patients in Haiti, where AIDS had come through sex tourism. At the time there was a 4H rule for people not to take blood donations from: No homosexuals, hemophiliacs, heroin users or Haitians.

The Global Fund came to be, and then there was money for AIDS. However, her organization said, “We’re never again going to put a dime into a charity hospital.” Human rights demands that this be in the public sector. Nobody came for AIDS testing – because the public sector had been so stripped of resources that you couldn’t implement HIV work without big changes: get rid of user fees, pay good salaries, treat malaria and diarrhea as well as HIV/AIDS, and do Caesareans. Some say those are “not AIDS related” but they’re necessary and part of the whole fabric.

Discussion

One attendee noted a funder who said to NGOs “we have a hundred thousand that has to go to an AIDS project,” even where the desperate need was for breast cancer treatments or pre-and post-natal care. You *have* to have a rights-based approach to get past that.

Another wondered that the panelists had not mentioned disabilities. There’s a possibility here for coordination with the disability rights movement. People with disabilities are 10% of the world’s population, and 80% of them are in developing countries. They are 20% of the poor, and they get HIV/AIDS at three times the rate of non-disabled people.

Mukherjee noted that children with disabilities are essentially shut-ins. They need people in the community to say “come and see the little boy who doesn’t get out of bed.” In England, maternal and child mortality were enormously helped by home visitors.

Another attendee highlighted the fact that the whole discussion had been about access to health *care*. What about situations where toxic dumping or oil contamination endangers health, and pursuing the right to health involves getting the bad actors to stop?

Freeman highlighted the disparities in the US, as African-American rates of HIV/AIDS are disproportionately higher than the overall US population.

Rubenstein added that there are disparities between whites and blacks in the US. Mental health problems in black youth often lead to jail time and the issue is not viewed as a health care problem.

We need two additions to the health sector. 1) Advocate for resources, and 2) A vision of an ideal *system*.

Mukherjee added: “Do we have to rob Peter to pay Paul? Peter’s been robbed for years.”

Member-sponsored sessions

Building Binational Labor Justice

Facilitator: **Taryn Higashi**, Ford Foundation

Speakers: **Alejandra Ancheita**, Project for Economic, Social and Cultural Rights [PRODESC], **Rachel Micah-Jones**, Centro de los Derechos del Migrante/Center for Migrant Rights, **Baldemar Velásquez**, Farm Labor Organizing Committee [FLOC]

The three organizations presenting discussed a joint initiative to work on the labor and human rights of migrant and guest workers. The initiative includes litigation, education and organizing strategies and attempts to work on behalf of its constituents simultaneously in both Mexico and the United States because guest workers suffer human rights violations both in their country of origin and destination. The objective is to build a network of activists to organize, educate and defend the rights of workers in the US and Mexico. The Mexican government has an interest in the initiative because up to 50% of the government’s budget comes from remittance-based income.

One of project’s goals is leadership development. The first step of the initiative will be to train 15 activists from both the US and Mexico. Partners educate new leaders using new strategies to protect the rights of immigrant workers, preparing cases, facilitating and

participating in convenings. This initiative, though focused now on farm workers, does include other low-wage workers (such as welders, landscapers, restaurant workers).

Organizing efforts will not emphasize high-profile strikes, boycotts and demonstrations. Guest workers need the ability to negotiate directly with people in positions of power so that they know and can defend their own rights; on-the-ground labor organizing will be a primary focus. FLOC, for example, negotiated the first collective bargaining agreement for guest workers, and its Monterrey office trains guest workers on their rights before they depart for the US. It seeks to aggressively expand its organizing work.

Working models of agreements for relations between employers and guest workers are necessary, but binding agreements can be as effective, since changing regulatory or legal frameworks can be too time-consuming. The agreement with Campbell Soup, for example, allows workers to file grievances from either side of the border and there is a process for prompt and binding resolution.

A core function of the initiative is to educate migrant workers living in Mexico about recruiters. Recruiters are people hired by businesses in the US to find workers in Mexico. They charge workers between \$800 and \$1500 in processing, application and visa fees that should be no more than \$350.

Expanding the current guest worker program expands corruption. Unaddressed, it would allow current abuses to not only remain in place, but would increase money flow into the illegal system of recruiters as the population of guest workers in the US increases. The various versions of immigration reform bills considered by the House and Senate do not address recruitment reforms.

Step two will be to strengthen the legal network and pursue five cases to reinforce the notion that labor rights are human rights. A coordinated campaign with cases brought before the Mexican judicial system and the Inter-American Commission is necessary when different groups separately file cases against the same company. Coordination increases the likelihood of success and the impact of the ruling.

Better conditions for human rights defenders are critical for the initiative. Underfunded human rights defenders are the public face of the cases. They're exposed to lethal violence – the police are often partners of the criminals and cannot be relied upon for protection. The judicial system, too, is often corrupt. Body guards are bought off and cell phones are tracked. Public vigilance and scrutiny help protect their safety. Scrutiny is increased when efforts, successes and initiatives are made newsworthy.

The relationship between the initiative and traditional environmental organizations is fairly limited. Environmental health concerns related to pesticides and child and maternal health are known and a focus of advocacy and guestworker education. The initiative hopes to force producers to follow safe practices on both sides of the border. Currently, US organizations can force producers to adopt practices in the US, but the producers continue to use unsafe chemicals south of the border. Even though human, labor and environmental rights are interlinked, organizations tend to attack different issues with different sets of strategies, and funding constraints generally allow them to focus only on issues core to their mission.

A newer focus of the initiative will be the Gulf Coast. Huge numbers of workers were

recruited and these workers paid dearly for the promised jobs. US companies contract with Mexican recruiters to find workers. Often workers sign over the deeds to their homes to secure a job, and then they arrive to find that in actuality, no jobs exist. A model could be developed here that would strengthen guestworker labor and human rights.

Information as a Human Right: Defending the Right to Know

Facilitator: **Kate Doyle**, National Security Archive

Speakers: **Patrick Ball**, Benetech Initiative **Trudy Peterson** Consulting Archivist; former acting archivist of the United States

This session featured an engaging discussion with NGO speakers on the role of information in democracy and how we secure the right to know – from legal cases documenting human rights abuses to laws of public access to government-held data. The panel was well received and there was enthusiastic “post-panel chatter” about follow-up and the importance of this work.

**DISCLAIMER: These are rough working notes and have not been fact-checked by the panelists.*

Kate Doyle introduced the panel and discussed why freedom of information and the right to know are fundamental elements of a democratic society. She illustrated with a few stories how official secrecy and silence can obscure deeds of the past and damage the ability for accountability, and gave participants an overview of freedom of information (FOI) legislation.

The first freedom of information law in the US was signed in 1966 by a reluctant Lyndon Johnson. Following Watergate, the “secret” bombing of Cambodia, and revelations of CIA assassination attempts and surveillance, the law was strengthened significantly in the late 1970s into the clumsy but useful tool we have today. The passage of FOI legislation internationally accelerated post-Cold War, allowing access to files on police activities in Eastern Europe, Apartheid in South Africa, and death squads in Latin America. October 2006 saw an important ruling on the right to know as a legal right. The Inter-American Court of Human Rights ruled in a case in Chile (appealing a ruling by the Chilean court denying access to information on a logging company) that the Chilean court violated the right to know, and that Chileans’ human rights were violated by not having a FOI law. Doyle gave compelling examples of successful and engaging use of FOI laws in Mexico and India, illustrating how freedom of information movements around the world have been creative and innovative in order to explain and utilize this right to know in regions where much of the population is illiterate.

Trudy Peterson then discussed the framework of law and of record that affect rights and the ability to exercise rights around the world. At the end of the day, what a country is left with is its records: government, NGOs, religious, business, individual papers, those created in the course of police interrogations and meetings by commissions and tribunals. When the people who prepared these records are dead, we are left with the records.

The national framework of the right to information includes: (1) archives laws on what the government is required to save; (2) FOI laws; and (3) privacy and data protection laws. These may interact with each other in various ways depending on the country. In Hong Kong, for example, there is a FOI law but no archives law (one can access government data, but the government is not required to save data.) In Guatemala there is an archives law (perhaps the worst one in the world), but no FOI or privacy protection laws. We need to look at the quality and implementation of these laws. In addition, there are specialized laws,

e.g. laws that Congress passes which have unintended consequences regarding access to information and privacy (e.g. HIPA in the U.S.).

Peterson also discussed how these laws can affect other areas, such as property law and evidence. She noted that, in his "principles against impunity," jurist Juan Méndez noted that (a) records must be preserved, and (b) access should be provided in the context of protecting the privacy of victims or witnesses or innocent bystanders whose information was swept up by the government.

Peterson identified four project types funders might encounter: (a) issue-specific project in a single country; (b) country-project looking at a systemic records problem; (c) thematic project over multiple countries (e.g. comparing and contrasting police archives in different countries); and (d) looking at international organizations, e.g. temporary international criminal tribunals.

Peterson identified important aspects of archiving including: surveys to determine the location of the desired information and who has access; saving information in a repository; working with search tags and descriptions to describe records so that they can be accessed (description is a slow but critical intellectual process); actually reviewing information page-by-page; and preserving and securing the information for the future.

Patrick Ball delivered a presentation on "Information, Knowledge and Truth: Replacing Secrecy, Ignorance and Myth in the Wake of Atrocity."

Ball noted that he has worked in many countries such as El Salvador, Ethiopia, Haiti, South Africa, Kosovo, Sri Lanka, Burma, and Liberia, and has observed the hunger people have in transitional societies to know the truth. We can disagree on interpretation, but a commonly held basis of facts is essential to society. Often a sense of grievance over the past provides an excuse for the perpetration of violence. If we are to break this, we have to provide the basis for moving from collection of information and analysis to create knowledge to the education of society to create common truths.

Ball works on statistics, gleaning useful information from immense amounts of data from piles of records often recovered often from insecure physical locations. In addition to official records, useful information can also come from social memory – data from grave markers, for example, can allow researchers to create a baseline of mortality – and allow the researcher to place an argument about the past on much more realistic footing.

Ball discussed how to go from information to knowledge. Do we know only a fraction or most of what is true? Confusing observation and reality can invert history. He also discussed how raw information can mislead understanding and the danger of relying on one source of information. He discussed how adequate information and appropriate analysis can change history and lead to profound transformations of society.

For example, in looking only at the number of reported killings and disappearances in Guatemala, he has found that in the worst years none were reported. Looking broader and deeper tells a different story. It used to be that if you got in a taxi and asked a Guatemalan what happened there in the 1980s he/she would say 'the army saved us from Communism.' Now if you ask, the answer is that 'the army committed genocide against the Indians.' Analysis of information can create knowledge and shared truth that violence begets violence and the rule of law is the only answer for a peaceful and democratic society.

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

A question was asked regarding government contracts to private entities and how these affect the right to know and accountability possibilities. Doyle responded that currently almost no laws require private companies to produce documents, and this cutting-edge issue is one of the most debated and lively topics in international right to know meetings around the world. Peterson added that the extent of the records depends on the contract vehicle, and that contracts can stipulate whether the entity must provide the government with extensive data or just a summary report. Ball added that human rights advocates often have to “reverse-engineer” information that was not kept or is not available by trying to figure out likely indicators and measuring those. For example, to estimate the amount of prisoners in China, advocates could measure the amount of food the system is buying, waste it is producing, geographic area it uses, and transportation records. A group in India has estimated the number of people disappeared in the Punjab by analyzing the amount of charcoal police are buying to burn the bodies. Peterson added that the issue of health records is also on the nexus of access vs. privacy – and that this is the only area where Bush has made a statement on privacy.

Conrad Martin, one of the panel organizers, said that this panel previews the importance of information to the human rights movement. In the U.S. we are beginning to lose the idea that information is property of the people and not the state. This is an extremely under-funded area and the organizations operate on very small budgets relative to the value of the information released. He hopes to organize a follow-up one day cross-sector discussion, to include funders from the Peace and Security Funders Group and others.

The question of the Treasury guidelines was raised, and Doyle remarked that information on that program could be a wonderful FOIA project. Despite all of our challenges, key tools of our democracy such as FOIA still function. Peterson suggested checking the schedule by which the records of the Treasury Department are supposed to go to the national archive – which could provide another source of leverage.

Ball spoke about strong cryptography tools which allow human rights advocates to build a database, save this onto an encrypted disk, and store it – the next time the advocate connects to the internet on that computer – on servers around the world. The tool is used in about 80 countries around the world. The U.S. State Department loves it and funds training groups in Africa to use it. The tool was designed to save human rights information, and not to be helpful for point-to-point communications, but what would we do if we discovered a terrorist organization was using this tool?

It was remarked that the right-to-know effort in the U.S. is part of a broader international effort and that an important focus of foundations should include this international community of openness advocates –freedom of information networks, openness networks, cross-national and international partnerships. We should identify these coalitions and networks and find out who the strong partners are. Another participant flagged the OpenTheGovernment.org coalition as one strong partner, and suggested that identifying partners requires looking beyond the headlines. For example, the exposure of U.S. Vice President Dick Cheney’s effort to create a fourth branch of government was the work of Stephen Aftergood of the Federation of American Scientists. The American Library Association is often a hero for the position that the presumption should be the right to know and declassification. In funding, we should look behind the headlines and at issues fundamental to openness.

To the question of what advice the speakers have as we look towards emerging from the Bush Administration, Doyle said the pinnacle of the National Security Archive’s work was

when Executive Director Tom Blanton went on the Colbert Report. She suggested looking at what groups are doing by coalition in the U.S., and added that when one steps outside the U.S. and supports other ways of information and society, very often information about the U.S. emerges. Supporting the international right to know movement helps reinforce the right to know and openness at home. Peterson added that terribly important initiatives are focused on pushing the World Bank and other international organizations to be more open, which will require pressure from the outside. She emphasized that we cannot write the story of the 20th Century unless we know what these organizations were doing, and we need to support archives for ICC tribunals, peace tribunals, etc. Ball stressed that information we are able to acquire on the Bush Administration's tenure probably won't cover big gaps regarding rendition flights, lost White House emails, Guantanamo detainees, killings in Iraq and Afghanistan, and denial of protestors rights. Let's reverse engineer these. Ball said it would be a great delight to turn these tools to the U.S., but this takes research in collecting information, statistics, datamining and assembling this information together in an open and meaningful way.

One participant added that reverse engineering is a neat idea but that a range of simple technologies can also be applied so this isn't always needed. Doyle agreed, stressing the creativity in openness advocates who might not necessarily identify as such, for whom the ability to access information in their communities has had a huge effect on whether they can do their work or not.

One participant asked about the possibilities and limitations of collecting and using information in the middle of a conflict situation versus afterwards – using Sri Lanka as an example. Ball, who worked in Sri Lanka since 2001, described how from the early 1980s about 3,000 testimonies had been collected and stored in a box and when this was opened up and shown to him termites had eaten them, and reiterated the importance of making electronic copies of documents and preserving them on an international network of servers. There is tension about whether to wait or collect and use information now, but the duration of time that groups have to preserve data can be more of a concern. Victim testimony – paper, thumb prints, photos, various documents (birth certificates etc) – should be collected as contemporaneously as possible, kept in hard copy and scanned, and gotten out of the country. One can predict the success of truth commissions largely by the quality of work done during the conflict.

In closing, Conrad Martin announced that session organizers will follow-up with participants later this year regarding next steps around this issue, such as organizing a full-day workshop for funders to explore how small grants can make a big bang in this field and complement their ongoing work. If there is more interest, we could also create an ongoing IHRFG working group and listserve on information as a human right.