

Meeting Minutes:
January 10-11, 2005, San Francisco, CA

Monday, January 10	2
Welcoming Remarks	2
I. "Four More Years: Implications for Human Rights in the U.S. and Around the World"	3
II. Human Rights Education Session: "Building Human Rights Constituencies"	11
III. Cross-Cutting Working Groups - Breakouts	19
Working Group 1: Challenges in International Grantmaking: An update on the regulatory framework	19
Working Group 2: Get Off Your Assets!	21
Working Group 3: Leveraging New Funds to Support Human Rights	24
Tuesday, July 13	26
IV. Business Meeting	26
V. Networking Session: "Funding the Engagement of New Constituencies"	31
VI. Lunch ... and The Funders' Soapbox!	39
VII. Programmatic Working Groups - Overview	41
Working Group 1: Disability Rights	43
Working Group 2: Fund for Global Human Rights - Beyond Grantmaking	45
Working Group 3: U.S. Human Rights	46

Monday, January 10

Welcoming Remarks

Kari Suzuki Bardy, Otto Bremer Foundation

Good Morning! I am Kari Suzuki Bardy, Program Officer with the Otto Bremer Foundation in St. Paul, Minnesota as well as one of the newest sub-committee members. It is an honor to be here today. On behalf of the International Human Rights Funders Group (which we affectionately call FROG), I would like to welcome all of you.

Certainly 2005 begins with a mix of joy and tragedy but with great care, compassion, and a profound opportunity for international solidarity. We are fortunate to have such an incredible panel of guests with us today—whose efforts on behalf of building human rights constituencies will give us a tremendous opportunity to learn from. We thank you for being here with us.

As I look around the room today, I see some familiar faces but I would also like to note that we have 30 first-time attendees with us as well. I would encourage you to introduce yourself during the Funders Soapbox at lunch tomorrow.

At this time, I would like to introduce the other Steering Committee Members: This group worked really hard to plan, coordinate, and execute this meeting in the efforts of advancing the human rights agenda.

Valentine Doyle, (Lawson Valentine Foundation)
Michael J. Hirschhorn, (Jacob and Hilda Blaustein Foundation)
John Kowal (Open Society Institute) —who is not able to be with us today
Shalini Nataraj (Reebok Human Rights Foundation)
Steven Riskin (U.S. Institute of Peace)
John Taylor (Wellspring Advisors)
Mona Younis (Mertz Gilmore Foundation)

I would like to extend a very special Thank You to Mona whose position has been generously underwritten by the Mertz Gilmore Foundation. We thank you for your hard work, commitment and steadfast dedication to this group.

There will be a lot of information covered over the next two days. If you have any questions or concerns during the meeting, please feel free to ask myself or any other SC member.

I would also like to introduce Catherine Townsend (IHRFG Administrator) and thank both Catherine and Paul Bennett (Assistant) who could not be with us at the meeting. Thank you for your tireless work and commitment to making this meeting possible.

[Kari then explained meeting materials and logistics]

Evening Event and Dinner:

We are so delighted that San Francisco Mayor Gavin Newsom has accepted our invitation to address our members. Since 1998, when San Francisco became the first major U.S. city to incorporate an international treaty, the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), into city law. Human Rights advocates from across the county have seen San Francisco as a pioneer. The Mayor's own bold positions on a number of human rights concerns (i.e., the gay marriage bill, housing for the homeless, and

labor rights during the recent hotel workers' strike) mean we will be hearing about a number of important human rights issues. Afterwards, we will hang out together and enjoy each others' company.

I. "Four More Years: Implications for Human Rights in the U.S. and Around the World"

Facilitator: Alan Jenkins, Ford Foundation

Speakers:

- **Elisa Massimino** *Director*, Human Rights First (Washington, DC)
- **Juan E. Méndez** *President*, International Center for Transitional Justice (New York, NY)

Alan Jenkins introduced the two speakers then asked them to each speak briefly about what they saw as the key implications for human rights in the U.S. and around the world of a second Bush Administration.

Juan Méndez (JM), International Center for Transitional Justice

The U.S. reaction to the assault on our civil liberties has been more effective and stronger than expected. In fact, the election was a great mobilization of opinion and showed that one of every two Americans are not very happy with the way things are going. I think it's encouraging that those responses by our civil society organizations constitute building blocks to help us build a strong human rights movement.

On the other hand, the U.S. is currently not an actor in the promotion and protection of human rights abroad. While the U.S. courts have been important in the past for setting important precedents for human rights protection, they are no longer as important. Similarly, the US Congress was an important forum to highlight concerns over violations in foreign countries, but it no longer serves such a purpose. However, it would be a mistake to shift the strategic attention away from the courts and other U.S. institutions, because we need to retain the focus of them and on the U.S. Congress to prevent losing ground on human rights.

The public has not abandoned the human rights idea, even though the Bush Administration shows no interest in promoting or protecting human rights abroad. Its policies are actually even worse than abandonment: the Administration blatantly uses human rights rhetoric to justify military intervention. In my UN role as Special Advisor on Prevention of Genocide I have held meetings with NGOs in which some voices have expressed confidence that what they and the U.S. government have decided constituted genocide in Darfur is a legitimate reason for military intervention. This is splitting the human rights movement in dangerous ways.

The Hussein and Taliban regimes were indefensible, but the justification for intervention in Iraq changed from weapons of mass destruction to battling Al-Qaeda and then finally to the need to promote democracy and human rights. When democracy and human rights are used in this vein, their currency is cheapened. At the same time, even if the U.S. is intent on improving human rights conditions it does itself a disservice by not being able to be an example.

If the U.S. refuses to criticize its friend, because they provide support for the "war on terror," then it lacks authority when it criticizes non-friendly regimes.

The U.S. is now exhibiting three behaviors: exceptionalism, militarism and contempt for international law and institutions.

Exceptionalism means that the U.S. is unilaterally rewriting international human rights law and humanitarian law. And in fact, in practice, it's not applying these standards to its own actions. There is no acknowledgement of accountability to human rights. U.S. officials openly show contempt for international human rights law. When the world must act without U.S. support on human rights issues, it weakens international organizations, which then becomes a self-fulfilling prophecy as their weakness diminishes their effectiveness. The hostility to the International Criminal Court (ICC) may become a self-inflicting wound to the Bush Administration if they are serious about Darfur. The Administration will soon have to choose between its ill-conceived hostility to the ICC and its professed desire to bring the perpetrators of genocide in Darfur to justice.

Even though the reasons for this hostility to the ICC continue to be as ill-founded and silly as they always were, the Administration has succeeded in conveying to the public the notion that this institution is an obscure threat to US soldiers. It is sad that such a clearly wrong-headed position does not even get a serious discussion in this country and the Administration gets away with a flawed policy.

Beyond the International Community of Inquiry (ICI) for Darfur, there is very lukewarm participation by the U.S. in many of the most important international fora for human rights protection – the U.S. virtually plays no role on these discussions. Instead, it contributes to the politicization of the UN Commission on Human Rights and other regional bodies dedicated to human rights around the world.

Militarism: We all agree on the need to fight terrorism and we may even agree that an appropriate approach to it may be treating it as a war. What is strange is the refusal to consider any arrangement that would look at long-term political solutions for and root causes of terrorism and attempt to address them through ways other than military means. In the case of the war in Afghanistan a plausible *casus belli* of self-defense could arguably be made, since the 9-11 attackers were being harbored there. We can discuss the effectiveness, the strategic soundness and the judiciousness of turning the struggle against terrorism into a war, but with respect to Afghanistan the legal basis is not absent, as it definitely is in Iraq. In both cases, however, it is important to question a strategic course that only seems to reproduce the conditions for the re-emergence of new terrorist threats by breeding hatred of the U.S. among new generations of affected people.

Contempt for International Law: The Administration has gone even further in its militaristic path. If we are going to wage war, at least we should be willing to abide by the laws of war. Instead, our government refuses to investigate the Pentagon's actions—there's little serious investigation of who's responsible for the many reports of injuries to civilians in combat operations in Afghanistan and Iraq. The Pentagon planners seem to ignore the international legal obligation not to direct attacks against civilian targets and to minimize harm to civilians when attacking legitimate military targets. In fact, they don't even count civilian casualties, which must be done according to international humanitarian law.

Consequences for human rights work abroad: In terms of human rights work abroad in the next several years, I have a few thoughts. The continuing strength of human rights organizations will depend on their ability to remain at the forefront of criticizing the U.S. government for its own human rights record, which provides US-based organizations with respectability around the world. They need to compensate for the loss of the U.S. government's role in human rights. They need to work to help transform other governments

and regional organizations into strong proponents of human rights, so that new and effective partnerships can be built for their work as human rights advocates. They also need to expand their work on economic, social and cultural rights as well as to focus more effectively on violations of rights of vulnerable populations.

We need to strengthen grassroots organizations and the big human rights organizations at the same time. We need to build a constituency for the human rights movement, but we also need to support the organizations that have a proven record of raising awareness and shaping public policy through professionalism and media-oriented strategies. It would be a mistake to create a dichotomy between these two approaches.

Around the world, there is much work to be done. Uganda has asked for the ICC to intervene. Regarding the Democratic Republic of Congo, where the ICC already has jurisdiction, the Security Council discussed a text, which the US objected to simply because it mentioned the ICC. Given U.S. hostility to the ICC, it is fair to ask if the U.S. is truly in favor of accountability for serious human rights crimes. That commitment will be tested on Darfur very soon: Are we going to have impunity in Sudan or cling to this ideological view that undermines the only institution available that can help break the cycle of impunity?

Morocco may be the first country in the Arab world to have formed a truth commission to investigate the crimes of the past thirty years. What's taking place there is a very significant development in the region, yet the U.S. plays no part at all in these developments. Perhaps that's why it is happening and why it is significant. The push for the creation of a Cambodian Tribunal is another example. There's got to be a way to establish the tribunal and finally bring justice to this country in accordance with international law.

In Colombia, the paramilitary troops are demobilizing. With strong support from the Bush Administration, President Uribe wants to allow them to disarm without accounting for the many human rights crimes they have committed. Fortunately, Colombian and international human rights organizations are holding the line and insisting on accountability. Their ability to succeed in this endeavor is critical to justice for the victims and to prospects for a lasting peace. For human rights groups, this is an early test. Impunity should not prevail.

The Indonesian and East Timorese governments have created a joint "truth and friendship" commission with the intent of undermining a special committee of experts that the UN has been asked to create for purposes of organizing trials for the crimes of the period immediately prior to independence. It is a blatant, hypocritical attempt to undermine accountability while using the language of peace and human rights. Human rights organizations have a task to see that this plan does not succeed.

We must defend our hard-fought achievements obtained over the last several decades. It may not be possible to continue winning all our battles during the next four years, but we should find in our own history the fortitude and confidence to ensure that the enemies of human rights do not set back the clock. In the meantime, we need to have a serious strategy to consolidate our gains while we hold the line.

Elisa Massimino (EM), Human Rights First

We have to understand the profound nature of the challenge and how it's different from past challenges. You'll be talking about building human rights constituencies later in the day and while this is still crucial and necessary, we don't even have settled principles or standards. It's urgent that we consolidate those gains and hold the line on human rights principles.

I recently sat for nine hours in the Senate Judiciary Committee listening to the confirmation hearing for our next Attorney General who was having difficulty saying that the President did not have the authority to violate the laws of war. It's hard to know what the limits would be. If the government can claim to be above and outside the law, and if the President has the authority to override laws passed by the Congress, it's completely antithetical to the whole idea of universal human rights.

Prior to the election, people speculated that the Administration might be more moderate in a second term. However, Rumsfeld is staying and consolidating power. Some people at CIA want to disassociate themselves from the Pentagon. We're hearing about assassination squads. The nomination of Gonzales shows they think they can weather the torture scandal. Haynes, General Counsel at the Pentagon, really lacks moderation, despite that he's being appointed to a lifetime post. Powell's departure is another indication.

The fact that John Bolton—sworn enemy of the ICC – was passed over for Deputy Secretary of State is possibly a silver lining, but I don't think we can draw broader conclusions from that development. What does this all mean for four more years?

In terms of the potential for consolidating constituencies and building constituencies, there is an opening to grow the growing but passive human rights constituency. Human Rights First (HRF) had a live blog on the Gonzales nomination process with a few hundred people participating. And we now have the capacity to target a particular Senator's constituents and inform them about their Senator's views to spur them to action

To build new constituencies, we can reach out to broader constituencies, sometimes, strange bed fellows. For example, military lawyers have been appalled by the rejection of Geneva Conventions, and Powell's predictions about the possible consequences have come true. There are also an increasing number of religious groups who care about certain human rights issues. We can carefully find common ground with them without giving up our principle position on the full protection of all rights. Another group we have been reaching out to is security experts, most of whom reject the argument that security and rights is a zero sum game. Degrading rights protections is not the way to increasing security. Most of the major security challenges facing the nation can be addressed in a way that is rights-neutral.

Navigating new constituencies is difficult—each has its own challenges and takes time and long-term investment to cultivate, which is difficult to consider during a crisis. Taking instructions from Mona to focus on positive, we can look at the overreaching of the administration as an opportunity to connect disparate groups together and also get the courts to push back.

For example: Judge Robertson in D.C. shut down the military tribunals. Physicians for Human Rights filed a brief against the conditions at Guantánamo Bay and most of the signatories were doctors. Congress has largely been asleep during all of this, though I'm not sure if this is a good or a bad thing. Sometimes when it wakes up regarding rights, the results are not great. One bright spot is language we got included in the Defense Department Authorization bill, sponsored by Sen. Durbin, which reiterates that no person in U.S. custody should be tortured or treated inhumanely. Of course, that's already U.S. law. There are also some important reporting requirements for the Pentagon.

Just want to mention a few possible vehicles for mobilizing constituencies:

- Preventive detention: Congress may get into the fray on this issue. Since the Administration may not moderate, we can raise the consciousness of people if they know what is happening.
- This year the U.S. will submit its long overdue report on its compliance with the Convention against Torture. The U.S. will have to defend its policies before an international panel of experts. This may be a way to draw international and domestic groups together
- Domestic and international groups are coming together to strategize about how to bring the Optional Protocol to the Torture Convention (establishes the system of periodic investigations and visits to detention centers) into force. While the U.S. tried to block this treaty from going forward, and there is no chance it would now ratify it, once a sufficient number of other countries sign on, it will be a useful tool in highlighting the continued resistance by the U.S. to outside monitoring of its overseas detention facilities.
- Criminal jurisdiction over torture—many have never heard of the domestic laws that were required before the U.S. could ratify the Convention Against torture, but it only applies outside the U.S. They cannot apply the statute to Abu-Ghraib since those places are considered outside the U.S. Attorney General Ashcroft actually argued that the statute cannot be applied at Abu Ghraib or other military installations, since those facilities are considered to be “inside” the U.S. for purposes of the criminal law. Some of the same people who committed the abuses came out of U.S. prisons. The abuses migrated from the U.S. to Iraq. We need to have an internal/external understanding of the law.

The Pentagon’s bid to invest in gulags has already been criticized by some Senators and that’s another place for an opening to get Americans to recognize basic standards. The U.S. Constitution was a model for the international human rights framework. One way of talking to Americans about essential human rights is to use the Constitution, a cherished and wholly American document. Refugee protection is a looming battle.

Questions and Answers

Question: Both speakers mentioned articles in the *American Prospect* and Juan, you mentioned publishing in law journals, but how do we get the message out to a broader audience? A second question relates to the issue of nominations—how do we deal with them? And can you talk more about refugee protections?

EM: In the recent *American Prospect* issue on human rights, we were not really targeting the main constituencies—but the existing and too passive small group that reads it. We should be doing more with the military and religious groups. HRW was emboldened by the commitment of the military lawyers to go out with ads in Stars and Stripes and other military publications. It’s difficult, though. To build a relationship in a deep way, we need to help launch and support these efforts and then take a back seat and not be publicly associated with it. All of us want to claim to be making a difference, so it’s hard not to be in the limelight. With the religious groups, the evangelicals, we sometimes need to go through surrogates as they don’t necessarily agree with the full slate of issues [that we support]. But Sunday services are a great vehicle to get the message out.

On judicial nominations, I think most people are prepared for the worst. The Administration is not going to ratchet down its attempts to nominate right-wing radicals—it’s going to be a matter of prioritization among bad nominees.

JM: Encouraging “realism” in the nomination process (i.e., the Democratic opposition withholds criticism because of the certainty of approval) cheapens the whole idea of the hearing process. With respect to mass media, we definitely should use it to send our message to the general public. More targeted and less massive publications are also important, however. Law review articles are important as they create a legal response by the legal community to this assault on civil liberties that we are witnessing. In 2002, I spoke at a conference of the 7th Circuit and was surprised that most magistrates had quite probing questions for the authors of the Patriot Act.

If you read the newspaper, articles about human rights are incredibly well researched and have stood the test of time. The Op-ed this week by Mark Danner in the *New York Times*, for example, had all the information there. But only a tiny portion of the American public reads newspapers - they watch television. So it's easy to distort news and throw clichés around...that's not to say we can't use the media, but I'm not sure how.

EM: You're right about TV, which is another challenge. Another place where they're discussed in a negative way is on shows like the O'Reilly Factor and Kennedy and Combs. For example, they are discussing why Saddam Hussein doesn't deserve a fair trial. I think it's important to do these shows—yes, they control the agenda and everything about it. Some say the best thing to do is pretend they don't exist and reasonable people can disagree on how to approach these shows. I think we need to be there. These shows play dirty, and I learned the hard way that if you want to be on the show, you can't be too effective in the pre-interview or they will pass you over and get someone who's easier to beat up on. The key is to create a kernel of doubt about what's right in the viewers' minds. It's a slow, painful process, but it's these shows that generate the water cooler conversations the next day.

The current trends with “refugee reform” remind me of the wave of anti-immigrant sentiment in 1996. The political dynamic (struggling economy, fears of terrorism, rising xenophobia) is very similar to the lead up to the enactment of the last big immigration enforcement bill. While we succeeded in walking Congress back from some of the worst asylum provisions in the intelligence reform bill. The right wing talk shows are talking about the “border out of control”—we have a perfect storm. It's a huge challenge for organizations already juggling so much to now have to focus so much on the U.S. Chair of the House Judicial Committee has said he will put the anti-immigrant law on the agenda.

AJ: Gonzales is about as moderate we would likely get for an Attorney General, yet he's a nightmare on human rights. He's also split coalitions as a Latino—we need to build solidarity between coalitions. Unfortunately, someone that may be really good on most rights issues may not be good on torture.

Comment: Corporations have a vested interest in human rights violations. There is a connection between natural resources and human rights violations. Iraq is opening up and giving U.S. corporations priority. How are we dealing with this?

JM: This work is in its infancy. We have not yet figured out how to bring in business types into partnerships with human rights institutions. We immediately think of these corporations as enemies, so it's difficult to turn around and ask these people to be allies. The business community can be a potential ally if we deal with them in an open, honest way.

EM: We need to win the argument that protecting human rights provides stability for nation states. If stability is created through repression, many think that's OK. Take Indonesia

under Suharto, for example. It runs counter to the argument that more stability is ensured through repression. We need to make that case.

Question: It's been argued that the gay marriage issue caused Bush's reelection. If that is true, then the advancement of a rather narrow issue has set back social movements of all sorts in the U.S. and globally. You talked about making strange bedfellows, but where's the intersection of the progressive movement to ensure that advancement happens for all issues?

JM: I think we need to focus on non-discrimination as a general principle in human rights law and also as a guideline in building a decent society. Combining professionalism with building constituencies is difficult in the US, because the terrain of struggle for certain social issues is so charged with the language of rights. Non-discrimination, however, is something over which it is easier to find agreement.

EM: I agree that non-discrimination is a good place to start. But also inherent in your question is whether there should be an "engineering" of the movement—do we make sure that certain arguments get raised only in the right cases? We need to have strategies, but let's not kid ourselves of any supra management. The most urgent thing is to build the movement and constituencies.

Question: In terms of respect for UN conventions, etc. you talked about the Europeans taking on more substantive roles, for example, as well as the NGO community stepping forward. How do you think this is unfolding?

JM: I don't see a whole lot of strategic thinking by foreign countries. With respect to UN and regional institutions, we need to focus on building credible, working mechanisms and making effective decisions that states abide by. It's a slow and difficult movement, but it does produce results. I think strengthening state responsibility mechanisms is also important—we need to have impartial bodies of that sort. Not sexy, but they are strategic. Democratic governments are keen on those things and developing relationships with the NGO community to create and strengthen these institutions is important. The demonstration effect (of governments showing they are willing to accept decisions by impartial international bodies charged with hearing human rights complaints) is extremely important: it goes a long way in creating a "culture of compliance" with human rights standards.

Question: It is clear that the U.S. government is no longer a viable actor/ally in the human rights movement, but in some cases, such as Dafur, they are playing a role. How do we work with allies in the State Department?

JM: In some regions of the world, even the Bush administration is playing a good role, but everywhere people are shying away from siding with the U.S. Even in Sudan, U.S.' role is diminished with Iraq forming the lens through which U.S. actions are viewed in most parts of the world. Right now, it is better if the State Department and the U.S. keeps its distance from a cause.

EM: We need the current Administration as one of our constituents. We need to find ways to convince people in the State Department who have a bureaucratic commitment to particular goals that it may be impossible to achieve their objectives if the Administration insists on taking positions antithetical to the international system in other areas. Violating human rights may undermine their ability to achieve goals on another agenda. We need to have advocates within the Administration.

Question: There is a shift in the role the U.S. has, which is a significant development. There's a clear double-standard for calling for human rights standards abroad. Is there a different way to define leadership? Other parts of the world are much more global in their leadership approach. Can the framework be defined in a different way?

JM: The dialogue is happening. It always took place, and was always difficult with cultural divisions but is made more difficult now as the human rights movement around the world, as I see it, is affected by a wave of anti-Americanism—yet another way in which the attitudes of the Bush Administration (militarism, exceptionalism and contempt for international law and institutions) is hurting the human rights movement worldwide. It has the potential of widening the gap between local human rights groups and international human rights organizations. The human rights movement itself has channels of communication that have not been broken and can help compensate for this trend.

AJ: The last decade of world conferences, International Conference on Population and Development, the World Social Forum, the World Conference Against Racism, Beijing, made a huge difference in reshaping the human rights movement. It created humility in how U.S. organizations see their role in the world.

Question: 30% of land disputes involve indigenous people. In the name of the environment, lands are being taken from indigenous people. How do we create accountability for some of these conservation groups?

EM: It's an interesting issue, but one I don't know anything about. Environment and conservation organizations have come under increased pressure. For example, how do we create a dialogue on immigration before it becomes outright conflict? There must be a better way, but I don't know enough about it to comment.

JM: I also have limited experience with this issue. Some have thought that human rights and the environment were perfect matches for indigenous people's rights. It's simplistic and idealistic to assume that's the case. Both issues are counter-crossed by the need for development. I think thus far we've focused on where the match was easy and avoided the hard cases and the desire for development versus conservation.

AJ: Some of the most interesting human rights work is combining indigenous stewardship and human rights. Affirmative mechanisms of stewardship are being created. The work of the Indian Law Resource Center is particularly good.

Question: There are large constituencies within the U.S. on torture, discrimination against women, custodial abuse, etc. How can we build relationships between domestic and international human rights groups to mobilize a constituency in the U.S.? There seems to be a separation of international human rights and local groups. How can we close that gap? There's lots of opportunity if we can.

EM: On torture and prison abuse, there are practical connections between domestic and international issues. We have to find the common ground in principles and then translate that into concrete actions. Abu-Ghraib relates to prison abuse in U.S. prisons. The agenda is broad enough to expand goals in both areas. Internationally, the Bush Administration's approach to the war on terror has given the green light to many governments to become more repressive. We now have groups in those countries helping U.S. human rights groups to work to change these policies. U.S. groups are now using tactics that colleagues in other countries have been using against their governments. No one knows better than Juan

Mendez that U.S. support for rights violating governments is not something the Bush Administration invented. We need to create cognitive dissonance in the minds of Americans who believe that if the U.S. does it, it must be good.

Question: Since November, in Washington, I feel like a poached frog. There's been so many extraordinary developments, where's the outrage? JAG lawyers are the best supporters. There need to be multiple constituencies. We've seen complete acquiescence in face of these outrageous confirmations—how do we turn up the outrage?

EM: The Democrats will express outrage to the extent that they are hearing it from their constituencies. The media is a big ally in this. However, we need to frame the issues with the right story written at the time, with the right frame. We need to ensure that members of Congress know what is happening.

There also is a security/rights dichotomy. If we allow this framework to prevail (that is, how many rights will you give up to gain security), rights will lose every time. We need to demonstrate as concretely as possible how this is a false dichotomy. We need to highlight the long list of rights-neutral security measures that have not been implemented and expose the fallacy that it's a zero sum gain. The outrage will come—if it isn't tempered by fear.

II. Human Rights Education Session: "Building Human Rights Constituencies"

Facilitator: Regan Ralph, Fund for Global Human Rights

Speakers:

- **Jotaka Eaddy** *Domestic Program Coordinator*, Grassroots Education & Mobilization, National Coalition to Abolish the Death Penalty (Washington, DC)
- **Eitan Felner** *Executive Director*, Center for Economic and Social Rights (Madrid, SPAIN)
- **Bobby Muller** *President*, Vietnam Veterans of America Foundation and *Co-founder*, International Campaign to Ban Landmines (Washington, DC)

Regan Ralph (RR), Fund for Global Human Rights: Human rights are often seen as the province of a small group—academics, professionals, etc. There are consequences when human rights are not connected to social movements. The Nigerian human rights lawyers, Chidi Anselm Odinkalu, recently wrote of this problem in Africa in an article for the Carnegie Council on Ethics and International Affairs. Human rights work has become the province of a small group. There is the risk of increasing "elitification" of human rights activism, as compared with the anti-apartheid movement. Parts of the world have known many successful popularly-based movements, but today Nigerians think of a relatively small number of organizations in terms of human rights and often think of other parts of the world rather than fellow Nigerians.

In a conversation with Physicians for Human Rights, they told me about their opposition to the Gonzales nomination. 180 doctors, who work with refugees who were tortured, wrote a letter cautioning against the nomination, which is great, but imagine the power of a broader constituency, including the mobilization of broad based support

Jotaka Eaddy (JE), National Coalition to Abolish the Death Penalty

I'm going to talk about the juvenile death penalty and use it as example of building a human rights constituency. We saw a roadmap of how to abolish the juvenile death

penalty—get individual states to abolish it. We won in the conservative state of South Dakota.

I'm a youth activist—I'm 25 turning 26. It was very important to have young people talking about the issue. We needed to include young people who have a moral authority on this issue. Our main goal was to abolish the death penalty, and the secondary one was to enable young people to advocate on that and other issues.

We invested in these people, not only to speak out on the death penalty, but on a range of human rights issues. By empowering young people, we left an infrastructure of activists that are organized and mobilized for death penalty work and other social justice issues. It also helps young people mobilize a broader (not just youth) constituency in South Dakota. I think it's important not to run in, seek your agenda and leave. I'm still in contact with some of these young people, and now that they're graduates, they want to do human rights work or anti-death penalty work and want to find jobs in social justice. This experience also invigorates young people because they see they made a difference.

A person from Washington DC can't just go into South Dakota, but these young people could be ambassadors for us. Mobilizing is a lot of grunt work. You start with two young people who then get ten friends to work on the issue. We also found that it was very important to get materials to them such as flyers, posters etc. Groups didn't have money in their budgets even for supplies, and money made a huge difference. Once they had the resources to support their work, they supplied the creative energy to make their own signs etc. When the issue heated up, their numbers had multiplied and we saw a large amount of ad hoc work on campuses. We'd go back to schools where we'd met with two, and now there'd be 15-30 students working on the issue.

In summary, what did we hope to achieve? 1) Abolish the juvenile death penalty in South Dakota but 2) also build a movement for long-term activism and understanding of human rights violations.

Bobby Muller (BM), Vietnam Veterans of America Foundation, International Campaign to Ban Landmines

I think it's important to remain clear-eyed and actually understand the lay of the land and not be delusional about what we are dealing with. I want to take down some of the myths of the Campaign to Ban Landmines Nobel Peace Prize.

Everybody was wowed and saw the Campaign through rose-colored glasses. It's been romanticized—"citizens brought governments to their knees and the Internet mobilized them all." The Campaign involved lots of smoke and mirrors—perhaps more than we want to admit. However, it showed in fact that things could be accomplished that could not be accomplished.

- 1) We started the Campaign with the U.S. in a leadership position—you need true political strength. We went to the senior member of the Appropriations Committee, Patrick Leahy from Vermont. He met me, though I had no political clout. I said, "You've created a fund for those wounded by landmines, but we have to go upstream. Will you help?" He said, "I'll do it, but it'll take years." The fact that we got a five-term Senator to lead this was very powerful, as he then went to colleagues and convinced them to support it. He had images in his own mind of people who'd been blown up, and he'd present this with tears in his eyes. He presented a bill that outlawed the U.S. export of land mines, and he got support. The next year, he got an extension of the ban—the Senate voted 100 to zero.

The U.S. was the first country to ban the traffic. That vote inspired other countries to follow suit.

- 2) The military didn't take it seriously and had no expectations that the campaign could capture the attraction of a larger audience, so they didn't oppose us.
- 3) Over the next several years, we built upon these successes. We had a bipartisan coalition. Each year we upped the ante to put major restrictions on land mines. We put MILLIONS OF DOLLARS behind the campaign. We hired Republican and Democratic lobbyists. We got called the sleaze team because we hired them, but we got traction and moved the agenda forward. All the time, Leahy's support was critical—he leaned on Clinton unmercifully, said he'd denounce him on the Senate floor.
- 4) We used an existing UN treaty on conventional weapons [Treaty on Certain Conventional Weapons or CCW]. It took years of effort that culminated in a consensus requirement, the UN Antipersonnel Mine Ban Treaty.

At that point, Lloyd Axworthy, the Canadian Prime Minister, invited all countries that were serious about this to Canada. The critical components were: 1) Political leadership of Leahy and Axworthy; 2) working the editorial boards and placing the issue in personal terms—putting a face on the tragedy; and 3) winning the support of cultural icons, such as Sheryl Crow. We had concerts—famous performers let us come on stage to recruit for the cause. Resonance in the cultural sector was very valuable. The actual Peace prize ceremony was boring, but the concert afterwards was seen by more than 100 million people.

Eitan Felner (EF), Center for Economic and Social Rights

I'm going to be speaking about my experience as head of B'Tselem, an Israeli organization speaking out on the rights of the "other" where a majority of the Jewish majority viewed Palestinians as the "enemy." I never told my dentist where I worked—an Israeli organization working for Palestinians! Most of Israel considered us traitors because we felt Palestinians also have rights. How did we build a constituency among Israelis?

For many years, we gathered information on the details of the worst violations of human rights in the occupied territories, and disseminated them both in Israel and internationally. We met with diplomats and international media all over the world, but in spite of our successes, after about ten years we realized that we were not successful in shifting Israeli policy.

In countries where there are claims of human rights violations, the government denies them. Amnesty International said that torture is the one violation that governments will always deny, but Israel proved them wrong. They were demolishing houses and leaving whole families—the elderly and children—homeless because of the acts of an individual. They didn't deny them but justified them, so the usual strategy of writing reports wasn't effective. And not only the government, but the general public, also justified them.

We thought we had an enlightened occupation and a democracy that could still violate rights. How do we "disturb the peace," in the words of Vaclav Havel? To reach and engage a wider audience, one of the tools we used was our newsletter as a newspaper insert:

- 250,000 copies were distributed in national and local newspapers. For the last issue, 500,000 households—almost a quarter of the population of Israel received it. This was the first time ever that most of them saw a human rights publication. We didn't just use legal standards, but well-known photographers.
- The inserts were designed to engage Israeli public in a manner they were not normally engaged. It was one of the first human rights publications that channeled peoples'

frustration to help them become active and feel that they are part of the social movement.

Questions and Answers

RR: Normally, you need a constituency to get political attention. Bobby, you didn't have it to get your political clout. How did you create the impression of constituency with your smoke and mirrors?

BM: The best things we ever did we did before we had a constituency. I came out of the Vietnam War and spent a year in a hospital and was pissed off. I got a journalist, Phil Jehlen, interested. Vietnam vets were shafted. We got no kind of benefits that our forefathers got. Once the *Washington Post* made the commitment to get us out of there, the *Times* picked it up. All a sudden I'm doing TV shows. There was a void—no one else was speaking to these concerns. Getting to the natural sympathy that these media could provide, we got a bit of traction in the Congress. Meanwhile, I don't have a dollar to my name and an office that's rat-infested. We had nothing, but media support created the ability to create something. People think I'm a highfalutin kind of guy.

The irony was that when we got a constituency it became harder to operate. We lost our edge. Vets insisted on process, statements etc. We lost the ability to move quickly. It got harder for me to go on network TV the same afternoon and make a statement. But we did build up the grassroots constituency, working with Veterans in Ohio. Seven members of the Veterans' Affairs Committee came from Ohio. We lined up Vets from Ohio, got local coverage of them speaking out and then things changed. As we worked to translate concerns that we could connect to people, we continued to work the hell out of the elites.

The Internet is really changing things. I'm doing this because of the promise that the Internet provides. For the Alliance for the Security, we hired the Dean Campaign web master. He made a nobody from Vermont the frontrunner. The concept of meet-ups to discuss concerns has worked and worked big time. It's a power that's evolving that we don't have our hands around, which provides incredible promise.

RR: Jotaka, what makes a constituency powerful? What made it work in South Dakota? What did you get them to do? What did people have to be ready to do?

JE: It's a myth that you need 100,000 people to start change—one passionate person can. When we started, I thought we needed 500 people at the capital to write letters and so on. But maybe it's better to have 50 well-trained, well-organized people. We get to work with smaller numbers, then train them to train others to do the work.

A lot of the young people that we worked with had never had that investment made in them before. No one had ever come to their campus and talked to them before about making a difference. Most of those involved were 40-45 and skeptical about young people with green hair. We wanted young people to be involved, but some doubted their potential. If we can show youth can make a difference, they'll be happy to let us participate. They needed 36 votes to win in the state legislature. The young people were credited by the lobbyists for picking up three votes. When a reporter spoke to them, they were right on message—the U.S. was the only country still executing 15-16-year-olds.

Training is so important. When young people get a question from reporter, they can be on message. I can't stress the materials and resource provision enough. We provided "Student Action Packs," boxes, cloth, spray paint and poster-board. They'd create posters and put up messages on campus, get profiled in local and state newspapers.

One legislator, Sean O'Brien, in South Dakota was not with us on the issue and said "I can't vote for this." A college student in his district visited with him, left him information and helped convince him when he quoted the U.S. record of human rights on juvenile death penalty. One thing that moved him was the U.S.'s isolation, in company with other countries we don't like. He didn't think these executions were happening in the U.S. He was outraged to learn that they were happening here. The legislature said—we're not going to be like this and we want to distance ourselves from the U.S. position.

Now as adults in South Dakota move toward abolition of the death penalty, they feel they can't do it without the participation of young people.

RR: Eitan, how does the political context complicate efforts to mobilize?

EF: We worked on two levels: 1) tried to build a wider audience using tools like the newsletter or a music video with well-known singers on checkpoints and what happens there; and we also 2) targeted opinion makers. We took elite opinion makers in a bullet-proof jeep, to show them what was actually happening at the checkpoints. They'd then write op-ed pieces for the paper.

We also did a guide for soldiers with IDF [Israeli Defense Force] about what they are supposed to do at the checkpoints. The guidelines are good; the problem is that they are not usually enforced. We also got whistleblowers to engage in dialogue with B'Tselem (or exchange of monologues). Or in many cases soldiers themselves would tell their stories of things they'd seen, and we could go there and take testimony. Lastly, we did a music video distributed on the Internet via major Israeli websites, so thousands saw it daily. (200,000 Israelis viewed these videos). It helped add hundreds of people to mailing list and volunteer rolls.

There are obvious constraints; if you look at evening news we were not that successful. I think it's very important. We started working trying to build constituencies for human rights. There are limits to "write it and change will happen." I think there's a "fetishism" of the human rights report. However, there is a similar danger with constituencies: When do we build them? What kind? What are the trade-offs when people say "We need all this process?"

For example, we wondered whether we should build student chapters for promoting human rights like those of Amnesty International. Instead we created non-official chapters and they worked with other groups. We help coordinate and facilitate their work and even provided some financial support, but the chapters remained independent.

In terms of ways to mobilize constituencies, I think we need to be more targeted as to whom, and how. For example, to change policy we can also use peer pressure. There is a globalization of constituencies. For years, the Israeli Supreme Court wouldn't address the issue of whether the security service was using torture that was illegal by international law. They'd only do it case by case. B'Tselem used pressure from French judges to help influence Israeli judges to tackle this issue. They asked their peers, "How can you present yourselves as protectors of human rights?" When Justice Barak came to Yale, we got Yale law students to ask him questions about cases. In 1999, the Israeli Supreme Court decided that these methods were illegal.

If building constituencies is important, in which contexts? We need to identify which constituencies and be very strategic about whether it's important to mobilize constituencies

or work with politicians. What is the leverage that different actors have? The women's rights and gay rights movements have usually been more successful in reaching their own community. For general human rights organizations, it's often more difficult to build broader constituencies. We face inherent limitations when we're inclusive of all and not just an "in" group. For a general human rights group like BTselem working on the human rights of "the other," it's hard to mobilize people.

Questions and Answers

Question: Bobby, would it happen today? Now that Leahy's in the minority and Bush is president, would it have the same outcome? Given the current political reality, would you be as strong proponent of an elite strategy?

BM: I wake up wondering how to make a difference. I don't need to be righteous; I've been that. I need to make a difference. I've been friends with John Kerry for 33 years and I was rocked by the allegations that this war hero, who had fought in Vietnam and worked on the same issues when we returned home, was somehow un-American. John Kerry and I came out of the same dynamic. We testified before the same committees. There's a different America out there than I knew—their values are just wrong. I'm not talking about red-necks who say "nuke 'em." We're talking about community leaders, corporate leaders. We regard people as disposable in other countries—we are so much better than other people out there. That's a values problem. They have no clue about what's going on about the war on terrorism. The majority of women in America believed that Hussein was connected to 9/11. Facts no longer matter. I increasingly encounter people with belief structures, facts be damned. I can't imagine a more Orwellian time than we have now. We need to recognize it and learn how to transverse it.

How many of you have you seen "Fog of War?" The rest of you have to see that documentary! McNamara said that in 1967 he wrote a memo to LBJ that "We have lost this war." They knew that in '67, but it went on because of a political construct that's the same as today—"America has committed itself." They held to it even though millions of people took to the streets, students were shot. In 1972 Nixon expanded the war and still got re-elected with the largest mandate in U.S. history. We were 10,000 miles away. Now we are not fighting 10,000 miles away, we are fighting here. The political reality now is greatly different from ten years ago.

We're not a country, but an ideology. The U.S. is willing to stay with a failed policy despite massive disagreement. I don't say it to be depressing, but to be realistic. The political reality is greatly different. I'm a very strong advocate for coalition building, working both sides of the aisle

Question: I've just returned from India. I'm terrified, because we have no clue how the rest of the world sees us or their reality. Muslims have become the devil personified. It's amazing how little interest and involvement there is with people outside this country and we have no clear idea of how that it being perceived. George Bush has got what he wanted. There is increasingly limited patience with American arrogance in the world. And Israel is right in that mold. It seems to me we're on a suicide mission. We need to wake up and pay attention to the constituencies outside this country who are losing patience with the U.S. Those who are simply against suicide bombers are on a suicide mission.

Question: The tsunami has caused a huge outpouring of assistance and relief by Americans, so it's not that these values don't exist. It isn't uniform that American's don't care about other countries. We do care when it's a disaster. We need to understand fear

and the role that plays. How do we build upon what exists rather than demonizing the American people?

EF: I'm hearing the frustration. Israel as a society suffers from the syndrome of an abused people—they've been victimized themselves. Because the Jewish people and individual Israelis have been victims so many times, as often happens with abused children, they often see themselves as the victims even when they're the perpetrators. I think this is what's happening here.

I would suggest that organizations working domestically should look at strategies of NGOs in Israel and other countries and see how they've coped with the tensions between security and human rights. We have to make sure we don't diminish the genuine concerns that people have.

BM: I don't deny that the American people have the right values when others are being victimized. Tom DeLay said, "Some see occupied territory, I see Israel." There are 20 million here who are Christian Zionists because they want Armageddon. You've got these crazy people acting out their religious beliefs to try to bring about the end of the world.

When Kerry held himself up as a combat veteran, the Swift Boat Veterans suddenly came out. They recruited this guy who took Kerry down with the help of \$5 million in Ohio spent on ads. They're going to attack Kerry and redefine patriotism. So what will happen when the Iraqi veterans return?

The anti-war movement is a political construct that we have to engage politically. We've gotta put a stake through their heart. They will rewrite the history of Vietnam and claim that America failed to stay its course. We need to find courage, recognize it, and stand up for it. I know that's not where you folks go, maybe it can be an extracurricular project.

Question: Let's talk more about popular culture and media: Once you create public awareness, how do you channel it? How do you direct celebrities towards legislative action?

BM: Take Sheryl Crow, one of our artists in Vietnam. I got a letter from Ted Turner, if we get her to do our benefit concert we'll get promoted. It was about the celebrity aspect.

Question: We know that there are not red and blue states, but purple states. I look at the work in South Dakota—Daschle voted out, Thune comes in, yet Jotaka gets a victory framed around human rights. Where else can we work at the state and local level? I do concede, Bobby, that there's hard work to be done nationally.

Question: A question to all three panelists regarding how the U.S. is seen elsewhere. Because in the Vietnam War, Americans withdrew out of self-interest—the body bags. Self-interest is a very powerful motivator. How did self-interest operate on the campaigns you've been talking about? To what extent can we see change if there isn't self-interest? How do we respond differently to tsunami and Iraq body counts?

Question: There's a broad respect for human life here, but the definition of human beings keeps changing. Are we in a movement-building stage here? And is there a tension between single-issue human rights constituencies and broad change? Given the talk of a "non-profit industrial complex?" Are they unintentionally helping to promote changing definitions of human?

Question: What economic interests are being advanced by this ideology? We see media consolidation, the privation of social security. Ideology is connected to these economic interests, which are again connected to this view. Democrats and Republicans are not that different, as Democrats are left responding to the Republican agenda. What will it take to shift this country back to a world view of human rights and justice and nondiscrimination and equal opportunity?

BM: You must read "*What's the Matter with Kansas?*"

There's talk that Bush will inevitably bring back the draft. Medical people will be vulnerable until age 45. Others are draftable until age 36. That's the kind of self-interest that gets people's attention—we got more attention for that than anything else. The Selective Service system has already set up a process and this gets people attention. Americans don't want their family members to be drafted.

One of the keys to success is to focus a campaign on limited objectives that are easy to pull off. The Land Mine campaign had three objectives: Outlaw the weapon, help the victims, clean up the land. If you support those three, you're a member of the campaign. The International Campaign to Ban Landmines didn't even exist [no 501(c)3] when we won the Nobel Prize—who do you write the check to? You need to do whatever you can do in your organization to further the cause. The Campaign communicated and coordinated a clear objective. If you can clearly specify it, it can work.

EF: Once you reach a wide audience, how do you mobilize? You have to be specific either in terms of the constituency or the campaign. Millions, no. But you can mobilize thousands on specific issues. For example, we worked to change the unfair distribution of water. We took hundreds of Israelis to villages in West Bank and Israeli singers to make the case about that discrimination. We reached the most influential newspaper because of the actions and connected the media to build the constituency.

About Self-interest: with human rights and security we have to be careful. On the one hand, you have to show the policy-makers who believe in torture why that won't work and why collective means of punishment are short-sighted. It can also be a double-sword. You can always recruit a security expert who will say that the destruction of houses is not a deterrent and then the military can bring in three additional experts. There's a tension with this approach. You lose part of the whole idea of human rights, which goes beyond "What's in it for me?" We must say torture is wrong because it's wrong.

Much of this discussion resonated with the previous one about trying to deal with the Bush administration. In terms of global violations of human rights, most victims are not concerned with security from terrorism, or from the kind of policies that the U.S. has in Abu-Ghraib or Guantánamo. It's crucial for U.S. funders not to lose perspective about all the other issues around the world. For millions of people, security means having food or a home. Because of the backlash in the U.S. there is the tendency to focus on civil and political rights, but there's a synergy between both.

JE: We have purple states, not red or blue. We need to avoid seeing an either/or country, in terms of human rights work. People said we were crazy to go into such a conservative state as South Dakota and push a progressive policy. You can't just look at legislators' party affiliation and avoid those states. There are many different states in which we can win in.

We also went into Wyoming, New Mexico, New York, Kansas, and Texas. Many issues are coming out about the flaws in the death penalty system. It may come apart on its own. We

can't go in claiming failure, but have to recognize that in every state there is a constituency and ask, "How can you get to these people?" About two percent of the U.S. reads the *New York Times*. You have to get to the people who are putting those politicians in office. Some of them represent only about 5,000 people. You can affect that by getting an article in a local newspaper.

Another strategy is to tell individual stories, which get the local communities involved and outraged and they become the movement.

American identity is very involved with self-interest. The U.S. delegation at the U.N. was quietly supporting our work. They were tired of being hounded about this. They said that the U.S. Supreme Court may save us from ourselves. I think we need self-reflection rather than self-interest. Do we really want our image to be one of this barbaric practice? We want our citizens to be treated the same way as we treat others. We need to move in incremental steps and will look at mental illness next. You build upon short-term goals and constituencies that were already built and look to them for the next phase. We can use the international community to isolate the U.S. In the Simmons decision, part of what got a lot of attention was the international attention.

What recommendations would we have to create a broad-based constituency? Perhaps we need 25 years, but we need to understand and recognize that it's going to take time. One of the perks of doing this work at age 25 is that I think I can see the end of it. There's this pressure to pull the rabbit out of the hat, but we must first create the environment where the change can happen. Investing in human rights training/media work for activists is critical. Get resources to people on the ground and get in the trenches. Encourage your organizations to invest in young people—let them do the work, not necessarily just typing the notes, I've done that work and benefited from it, but there's more. Allow them to be advocates and active voices. Ten years from now you won't have to train the activists, you'll have them.

III. Cross-Cutting Working Groups - Breakouts

Working Group 1: Challenges in International Grantmaking: An update on the regulatory framework

Facilitator: Conrad Martin, Stewart R. Mott Charitable Trust

Guest presenter: Kay Guinane, Counsel, Nonprofit Advocacy Project, OMB Watch, (Washington, D.C.)

The focus of this session was on the Treasury Guidelines and efforts of the Treasury Guidelines Working Group. Conrad noted the difficulty and frustration in "moving this issue forward," suggesting that "we need to become operational." He mentioned a consultant who has prepared a proposal entitled, "Fighting Terrorism and Saving Charities." Another suggestion was to get supportive Senators to write to Treasury Secretary Snow about this issue.

Conrad also pointed out that there is real concern at the Council on Foundations, which has been centrally involved in coordinating a response to the guidelines, not to "piss people off." But why should we be concerned about this as we tackle such a critical issue?

Kay provided some general background, noting that there are three documents of concern:

- 1) The Patriot Act, which has little direct impact on grantmaking;

- 2) The Treasury Department guidelines which are currently voluntary; and
- 3) Executive Order #13224 <http://www.state.gov/s/ct/rls/fs/2002/16181.htm>. This order is vague, we are not legally required to check the terrorism lists and the definition of "terrorist" or "terrorism" is unclear.

With regard to the Treasury Department guidelines, Kay noted that they came without public discussion and are inconsistent with IRS regulations. Also, if an organization is charged under these guidelines, it has no rights to find out on what evidence the government is basing its case. One must apply for a license to defend oneself from the agency that shut you down. This has had a chilling impact on organizations, with some storing information on floppy disks and taking them off site out of fear that the government will confiscate computers.

In 2003, the Office of Foreign Assets Control (OFAC) sought input from the public. The Office came up with some frivolous guidelines like the requirement that board members of an organization must attend board meetings. Many in the field object to the government's involvement in defining "best practices." Government has oversight and sets regulations, but it is not and should not be in the "best practices business."

The guidelines have a chilling effect, threatening the right of association. Kay mentioned one incident in which an organization was closed down, apparently for receiving calls from Africa from HAMAS.

In April 2004, the Treasury Department held a meeting with outside groups to discuss the guidelines. The Department (including top officials) acknowledged there are problems with the guidelines and expressed interest in revising the guidelines and engaging groups in the process. The groups agreed to do it though not on an individual basis. The group told Treasury that they would prepare guidelines as a sector. Subsequently, there was back and forth among the groups and a draft was submitted to Chip Ponzi at Treasury who promised to respond to the draft in January.

The working group is unstructured and involves a collection of international grantmakers committed to the issue. It is held together by conference calls, but cannot really be expected to produce a coherent strategy. Kay noted that this issue is "everyone's 11th priority out of ten, but we cannot ignore it." Unfortunately, resources to get the job done right have not been forthcoming. There have been a couple of forums held at Georgetown. Even the Heritage Foundation is critical of the guidelines.

Conrad noted that there is no consensus on strategy yet and suggested that a "strategy and outreach group" be formed and that the TSD, a consulting group, be engaged to help. This group wrote a proposal to help "on spec." The strategy being suggested is based on a set of core values. The first is that charities play an important role in the elimination of conditions that promote terrorism. But one participant in the session found this approach troubling, noting that it accepts the government's framework on this issue. "If we debate on the basis of this framework, we have lost. This framework will come back to bite us." Conrad responded by saying that we have to deal with *real politik*. The second value on which this approach is based is that charities are not the arms of government.

Conrad thought the goal should be to get the guidelines withdrawn because they prevent peace negotiations and impede efforts to prevent terrorism—fighting the view of the Treasury Department that charities are part of the problem. Framing is an important part of the issue. We need to do education and media work to show philanthropy is a positive thing. We need to get TSD or similar groups to help us on this. We need to do more fact-finding

and engage lobbyists to be able to “fight smart.” There is a need to look at illegal money transfers—money laundering, illicit drugs, tax fraud. Banking has been the vehicle for this, not donors or charities. We need to involve high-level policy/political specialists who know Washington, develop talking points and engage such bodies as the Congressional Human Rights Caucus, the Congressional Hunger Office and people from Senator Shelby’s office.

One participant suggested that working within the proposed framework may not be the right approach. Might we discuss civil disobedience?

Another participant thought that there needs to be a political strategy because if we are not engaged, the guidelines will become law.

Yet another participant thought that there is a need for both an “inside and outside strategy” and proposed a three-step approach:

- 1) Work with the Council on Foundations (inside)
- 2) Encourage a process by which Treasury people will come to the conclusion that “this [the guidelines] is a waste of time and OFAC resources.”
- 3) Pursue public education about this issue. (“What if France wasn’t allowed to fund the patriots?”)

Conrad suggested funding lobbyists to raise awareness about the issue. We could make grants to OMB Watch and others who would contract with lobbyists to conduct research. This research will inform working group members. (Step 2)

The Council on Foundations (Step 1) is functioning with little input from us. What we propose to fund could help them. If the Council views these guidelines as only “inconvenient,” we need to disabuse them of this notion. The guidelines are illegitimate. This is why public education is an important component of this strategy.

Conrad noted that we are moving far too slowly on this issue. We must go beyond the Council’s work to do additional intelligence work, look at proposals and make some grants. There seemed to be some consensus on moving ahead on this idea. A sub working group to advance this issue was established. It includes Conrad, John Harvey, Regan Ralph, Rebecca Rittgers and possibly a staffer from the Global Fund for Women. This group will review proposals from strategists who would do power analyses and media consultations, select RFPs to share with the IHRFG and posit some [funding] recommendations on moving forward with specific projects.

It was suggested that information about this issue be posted on the IHRFG web site.

Working Group 2: Get Off Your Assets!

Co-Facilitators: Jay Beckner, Mertz Gilmore Foundation; Craig Cramer, EMPOWER - The Emerging Markets Foundation

Guest presenter: Bill Dempsey, *Central States Director*, Service Employees International Union, AFL-CIO, CLC

The Get Off Your Assets (GOYA) Working Group was created by IHRFG to assist members in understanding the possibilities of adding value to philanthropic mission through proxy voting, and to help them move forward within their foundations. The Working Group is led by Jay Beckner; Craig Cramer; and Stephen Viederman (retired President of the Jessie Smith Noyes Foundation).

How Proxy Voting Works

Publicly-owned companies (i.e., companies whose stock is bought and sold on national securities exchanges) typically have annual meetings of shareholders for the purpose of electing corporate board members and deciding important questions of corporate policy. Each shareholder is entitled to vote with a voting power proportional to his or her stock ownership interest.

Because it is impractical for most shareholders of a public company to physically attend shareholder meetings, the laws allow them to vote by proxy—that is, to appoint others who will be in attendance at the meeting to vote in accordance with the shareholder's instructions at the annual meeting. The federal securities laws and the regulations of the SEC govern the process by which shareholders can have an issue put to the ballot at an annual meeting, how information about the issue will be sent out to all the shareholders, and how proxies are solicited and voted.

Most foundations' proxies are voted by investment managers, who, in the absence of special directions from the foundation, vote as recommended by corporate management. By developing proxy guidelines, foundations can direct managers to vote in accordance with the foundation's philanthropic mission. (See <http://www.foundationpartnership.org> for samples of guidelines reflecting different aspects of mission-related investments, including proxy voting).

In many foundations, there is a striking disconnect between programmatic goals, which are well-informed by concerns for social, economic or environmental justice, and investment goals, which usually strive to strike an appropriate balance between risk and return with little regard for social policy goals. Part of the disconnect is traceable to the fact that program (grants administration) and portfolio management are usually entrusted to distinct and separate sets of people, with very different sets of professional qualifications. The very idea of "socially responsible investing" is frightening to many trustees, who believe that they have a fiduciary duty to maximize returns, and who are reluctant to interfere with the mandate of investment advisors to pursue that goal.

Whatever the validity of these concerns as they relate to other strategies for socially-responsible investing¹, these concerns have no application to the use of proxies. Proxy decisions are not investment decisions. The use of proxies does not intrude into the process of deciding where or how to invest funds. It merely leverages the voting power that foundations legally enjoy as shareholders, and uses that power in a manner consistent with philanthropic mission.²

The power of the proxy is considerable. Foundations, together with universities, religious institutions, public employee pension funds, and union pension funds, control vast wealth amounting to trillions of dollars. The voting power of these institutions is amplified to the extent that they are able to affect the overall voting behavior of the investment advisors and fund managers with which they cultivate relationships. And yet, only 30-50% of foundations pay any attention to their proxy voting rights.

¹ The use of proxies is but one technique within broader discipline of socially-responsible investing for foundations. Other techniques include:

- (a) Program investments—that is, investing foundation endowment assets in enterprises that affirmatively advance programmatic goals of the Foundation, while (hopefully) yielding a financial return; or
- (b) Screening investments, and refraining from investing in certain companies or industries on conscience or social policy grounds, even though they may provide attractive financial returns.

² Indeed, apart from their use to encourage socially responsible practices by corporations, proxies are also used to demand greater accountability from corporate management, and to punish poor corporate performance. In this sense, the use of proxies is perfectly consonant with the goal of maximizing investment returns.

A shareholder resolution does not have to win anything near a majority of votes in order to have a major impact. In fact, one can achieve great success by winning as little as three to five percent of the votes cast, or by merely succeeding in having a question put to the ballot. By forcing a conversation about an important issue, and by demonstrating that a non-trivial number of shareholders care enough to vote their shares on the issue, one can often persuade management to adopt important changes.

Here are some examples of successful outcomes from the use of proxy voting:

- Occidental Petroleum Corporation has been charged with significant human and indigenous rights abuses in Colombia and Ecuador. In response to shareholder activities, in December 2004, Occidental adopted a corporate-wide human rights policy, including social risk assessments prior to and beginning operations outside the U.S.; human rights provisions in foreign contracts; and human rights training programs for employees and contractors.
- A number of companies, including Costco, have been encouraged through proxy contests to adopt Vendor Codes of Conduct.
- Religious investors, in particular, are actively involved in activities to get pharmaceutical companies to reduce the price of HIV/AIDS drugs for the poor in the less developed world.
- In addition, as a result of the efforts of religious investors, corporations are beginning to assess the financial and labor impact of HIV/AIDS on their operations in developing countries, and Coca Cola and Ford Motor Company have agreed.
- Dell Computers and Starbucks Coffee are the first companies to sign on to a Calvert Fund initiative to prevent discrimination against women in business, including the removal of a "glass ceiling."
- A number of companies, notably the Gap, have begun preparing reports auditing the working conditions in their manufacturing sites in less-developed countries, based in part on ILO Global Standards. Mechanisms for monitoring changes will also be put in place.
- A number of companies have adopted workplace policies to include formal provisions against discrimination on the basis of employee sexual orientation.
- A number of companies have agreed to report on the financial and other risks associated with climate change and the efforts they are undertaking to mitigate these risks.
- Many corporations have agreed to prepare diversity reports as a first step toward accountability and transparency.

Resources for foundations interested in developing policies or practices around proxy voting:

- *The Calvert Funds* have a practice of voting proxies in a socially responsible manner.
- *The Service Employees International Union*, with more than 1.7 million members and \$1.79 trillion in its pension funds, has a well-developed and multifaceted program of promoting socially responsible investing, including the use of proxy voting. The SEIU can make its expertise available as a resource to foundations.
- *The AFL-CIO* has well-developed proxy voting guidelines for its fund managers, which address a wide range of issues.
- *The Investor Responsibility Resource Center* is a proxy service that will vote shares in accordance with investor instructions.
- *Institutional Shareholder Services* provides reports and analysis of issues that are being brought forward as shareholder resolutions.
- Other resources also include the *Interfaith Center*, and the *Social Investment Forum*.

- For more information on issues relating to human rights shareholder activity and how your foundation can begin voting its proxies, contact the GOYA Committee, care of Steve Viederman at stevev@igs.org, or call 212-639-9497.
- For an excellent general overview, please see Unlocking the Power of the Proxy: How Active Foundation Proxy Voting Can Protect Endowments and Boos Philanthropic Mission, a joint publication of Rockefeller Philanthropy Advisers and the As You Sow Foundation, <http://www.rockpa.org/PubAndPres.aspx>.

If you are reluctant to raise the issue of developing a proxy policy with your board of trustees, because you do not know what work or expense it would require to implement such a policy, an intermediate step might be to merely identify all of shareholder resolutions that were put to proxy last year by the corporations in your foundation's investment portfolio. You might be surprised at how manageable the task really is.

Working Group 3: Leveraging New Funds to Support Human Rights

Facilitator: Michael Hirschhorn, Jacob and Hilda Blaustein Foundation

The Leveraging Committee provides an opportunity for current human rights funders to outreach to and encourage other grantmakers to give to human rights causes. Several key questions frame the purpose and approach of the Leveraging Committee:

- How do we think cleverly about introducing the concepts, importance, and approaches of human rights funding to a much larger array of grantmakers?
- How can we help grantmakers working in fields that aren't explicitly within the human rights movement to begin to perceive and articulate their causes as human rights-related causes?
- Exactly what does it mean to approach grantmaking through a human rights perspective?

Human Rights Speaker Series

The idea behind the speaker series is to get non-human-rights funders onboard by inviting them to attend a series of presentations by grantmakers working in the field of human rights. Ideally, the series would take place in one to three cities across the United States. Each city would have one to four sessions within its respective series. The sessions would be designed to provide participants with the chance to learn how to gradually integrate human rights into their grantmaking. With each consecutive session, participants could go deeper into their discussions and strategizing, using the time in between sessions to attempt to implement their approaches and modify their programming.

The first speaker series is scheduled to be held in Baltimore. Because one of the objectives of the series is to target grantmakers beyond the New York and San Francisco corridors, the Leveraging Committee intends to hold each series in less traditional cities where opportunities for leveraging are still abundant. The Committee hopes to engage interesting speakers, who do important and innovative work in the human rights realm and beyond, to speak on the intersection of various issues with human rights work. Many meeting participants agreed that each city's respective series should be designed to cater to the interests and needs of grantees and grantmakers in the area and to catalyze long-term collaboration between them.

One participant questioned whether the series needs to be operated by foundations. He suggested getting other entities, such as local organizations working on human rights-related issues, to host and maintain the series in order to ensure their long-term sustainability. Another proposed that the series focus on making funders aware of the

human rights dimensions of their existing work rather than trying to motivate funders to initiate new human rights programming. Another attendee highlighted the need to develop a variegated approach to outreach that takes into account funders' varying degrees of commitment to and comfort level with integrating human rights into their work.

An additional suggestion was to split up the four sessions so that two would focus on empowering potential grantees with information on approaching funders, and the other two would focus on getting potential grantmakers onboard and educating them on the work of organizations in their region. In terms of locations, one participant recommended looking to the South, while another recommended Arizona as an ideal location, particularly given the recent passing of Measure 200. Another suggested holding a series in San Francisco because of the immense amount of funders already in the area as well as the many new grantmakers popping up in Silicone Valley. Boston was also mentioned. One participant suggested that the Leveraging Committee piggyback on the meetings of regional grantmaking associations in various cities.

Current Human Rights Funding

In addition to the speaker series, the meeting's discussion focused on how to understand the current state of human rights funding as well as the spectrum of human rights grantmakers. Many participants agreed that a survey of existing funding and funders should be the preliminary step to measuring interest in human rights and gauging opportunities for intersection with other issues. Recommending that this proposed assessment take certain realities into account, one attendee pointed out that many funders find it difficult to admit they don't understand human rights in this age of U.S. exceptionalism. Therefore, any programming designed to educate, inspire, and involve funders in human rights-related work should aim to be comprehensive, without being condescending.

Another attendee highlighted the importance of knowing about cutbacks in human rights funding, since understanding the challenges facing grantmakers in the field is crucial to formulating a tenable strategy of how to increase the pool. She suggested that the Leveraging Committee identify foundations that have been cutting back or stopping their human rights funding completely and design a different strategy for approaching them and including them in the equation. Another participant agreed, adding that the Leveraging Committee should incorporate discussions on exit strategies or soft landings into its outreach so that organizations aren't left in the dark when funders drop issues due to political or other reasons.

Human Rights 101

During the discussion on subject matter for the speaker series, one attendee introduced the idea of developing a Human Rights 101 curriculum for funders. It would provide human rights funders as well as grantmakers coming into the human rights field with a solid understanding of the core human rights treaties so they could work and collaborate most effectively with their grantees. By highlighting points of intersection with other issue areas, both within and outside of the human rights field, Human Rights 101 would also help funders understand how to fund a right across all sectors and in all its possible forms.

Another participant suggested that the Leveraging Committee address the different needs of foundation staff and trustees by designing two separate tracts of donor education that take these difference into account. Another attendee proposed that Human Rights 101 be more of a historical summary of the movement than a technical description of the treaties, since the latter might be alienating for non-IHRFG members with strong interest but limited experience in human rights. She also suggested that the process of donor education be iterative and collaborative rather than pre-packaged, since it's very difficult to survey the

needs and potential of funders until they're actually in the room. However, she emphasized the importance of making certain resources (such as information on presenting human rights to one's board of trustees) available in advance so that funders can move quickly with integrating human rights into their programming once they've demonstrated a strong interest to do so.

Meeting Summary

The first speaker series will take off in Baltimore. The idea of the series was created in response to a growing desire among many grantmakers to really get to know what human rights are all about (without letting on that they don't know already). Past sessions focused on human rights in various locations throughout the U.S. have revealed a great deal of enthusiasm from the funding community. There are indications of influence in terms of shifting guidelines, greater collaboration, and more innovative approaches to funding. Many of the Leveraging Committee meeting participants agreed that a donor outreach strategy should be synthesized into a workable model for educating more people and bringing them into the mix. Several participants indicated that they would be willing to contribute to or host one of the speaker series.

Special Event and Dinner

Honorable Gavin Newsom, Mayor of San Francisco

Welcome by Kavita Ramdas, Global Fund for Women

Tuesday, July 13

IV. Business Meeting

Facilitator: Mona Younis, Mertz Gilmore Foundation

Mona Younis began the session by welcoming the two newest members of the Steering Committee—Kari Suzuki Bardy of the Otto Bremer Foundation and John Taylor of Wellspring Advisors.

Old Business – Valentine Doyle, Lawson Valentine Foundation

At the July 2004 meeting members adopted the "Recommendations for Moving Forward, 2004-2007." Changes that were recommended and adopted were incorporated into the revised version [which was distributed at the meeting and can be found in the **appendix** to these minutes). It was noted that the IHRFG's general objectives have not changed but the earlier emphasis on North American funders who fund international human rights "over there" has broadened to include a more serious engagement with human rights work in the U.S. and with funders in other countries that are supporting human rights work internationally.

Steering Committee members have assumed responsibility for various items in the Recommendations and would appreciate any input members may have about prioritizing the 12 recommendations.

Paul Bennett was acknowledged, with thanks, for his hard work on updating the Funders Database.

2004 Report

Members discussed the draft 2004 Report that will be sent along with thank you letters to those members who paid dues. Mona sought feedback on what IHRFG activities over the past year were most helpful for members' work. The following comments were made:

- The new Human Rights in the News e-mail periodical was well formatted and helpful—drawing an increasing number of visitors to the IHRFG website.
- IHRFG sessions at Council on Foundations (COF) gatherings have been very useful exercises. An important part of this process is to think through what should be included in these sessions and assessing what worked and what didn't. The lessons gleaned from these sessions are helpful in advancing the leveraging project.

Steve Riskin reported that the COF is very interested in the work of the IHRFG and in helping us get the message out about the importance and centrality of human rights across a broad range of fields. In September, he met with the Council's Director of International Programs, Rob Buchanan, who mentioned the various programs at the Council (International, Family Foundation Services, Corporate Philanthropy, Community Foundation Services, etc.), each of which has publications and conferences that the IHRFG should try to engage. As a result of that contact, the International Program's newsletter, *International Dateline*, published in its First Quarter 2005 issue, an article written by Mona Younis entitled "A World Made New: Making it Happen Through Human Rights" (available on our website). Steve encouraged members, particularly from family and corporate foundations, who are interested in outreach to and building bridges with the Council's various programs to be in touch with him.

It is important to keep in mind that other affinity groups are also promising vehicles for outreach.

New Projects

Services for Human Rights Grantees Committee

Shalini Nataraj, Reebok Human Rights Foundation
Julia Greenberg, American Jewish World Service

Shalini discussed the fact that IHRFG provides many services for grantmakers, but we also need to think more clearly about one constituency, human rights NGOs. How can we hear from grantseekers and NGOs in the field? Through our website, there is a Funders Database and a vehicle for posting articles and publications vital to work of human rights practitioners. How can we expand these services and provide better mechanisms for hearing more about the needs from the field?

Julia suggested that it is possible to open channels with human rights NGOs and activists without funders getting "freaked out." We can help facilitate connections between grantees and grantseekers on the one hand and funders on the other. This can be done through field visits. We also need to disseminate information about donor delegations and develop guidelines for appropriate behavior by donors. Another idea is to have a foundation commit to hosting an event/lunch for visiting human rights practitioners—a kind of speakers' bureau—inviting ten or so local foundations in such cities as Washington, DC. New York, San Francisco, Boston, and Chicago. To cut down on costs, these events can be timed to coincide with major UN or other meetings that human rights practitioners will be attending. It was noted that these events would be helpful opportunities for visiting HR practitioners to hone their speaking and presentational skills. There could also be an on-line newsletter for grantees and a survey. Another suggestion was to conduct an anonymous survey of

grantseekers to get feedback about donors and grantmaking processes and how we, as grantmakers, are doing our job. Are our guidelines clear? Are our monitoring techniques appropriate? Please sign up for the working group or send ideas, concerns or other feedback about this line of work.

Comment: In yesterday's leveraging meeting there was discussion about the need for more basic human rights education (Human Rights 101). Could we combine some of our leveraging and education efforts, and involve grantees, to implement a series of human rights education programs—perhaps meeting with a few key human rights organizations and other thoughtful groups? (It was noted that the Human Rights Information Series initiative will soon be launched with the first program taking place in the Baltimore-Washington area.)

Comment: It is likely that a large number of human rights groups will be coming to New York City for the UN General Assembly session in October 2006 when human rights will be on the agenda. Does it make sense for IHRFG to plan a meeting in New York around that (or perhaps around the upcoming Commission on the Status of Women session in New York) and meet some of these practitioners/organizations and provide an opportunity for them to meet with funders? We could plan such events around various gatherings and the IHRFG working groups can get the word out about them, but members need to feed us the information.

Comment: We have a leveraging group, a services group and other activities. We need a formula or a template for members to plug into when groups need to host events. In a recent follow up briefing to IHRFG members about a conference in Bucharest, working with Mona, we had to invent things from scratch. We need to standardize these activities. The website can be used to help in this regard.

Comment: We need to know how the event will be triggered, how information about it will be disseminated, how it will work, how it will be paid for. NOTE: Andrew Park volunteered to help work on this.

Comment: We need to find a systematic way to do this and be clear about what, specifically, we want to achieve beyond the meeting.

Mona explained the distinction between the leveraging project—whose audience is funders who have never funded human rights with the objective of expanding the number of human rights funders—and services to human rights grant seekers—whose audience is all funders with the objective of hearing more directly from human rights organizations. We also need to get input more directly from human rights organizations, since they are ultimately what our work is about. Being closed onto ourselves is unhealthy.

Concerns were expressed that we may be working at cross purposes, but the underlying purpose of these activities is education. There needs to be more discussion conceptually about these activities—and about who the audience is and how to utilize our contacts with grantees. How can we bring people together and educate? If we want to bring new people in, we also have to educate.

Comment: We also need to work with human rights practitioners on preparing and writing proposals.

Foundation Center

John Taylor, Wellspring Advisors

John reported on his efforts to gather information on, analyze, and, ultimately help revise the National Taxonomy of Exempt Entities (NTEE), the classification system and database developed and maintained by the National Center for Charitable Statistics at the Urban Institute. It is used by the Foundation Center, IRS, Guide-Star and others to classify nonprofit organizations and in turn grantseekers use these databases to find funders. There are many problems with this taxonomy. It is seriously flawed and out of date, with human rights whether domestic or international, falling through the existing taxonomy.

A broad approach (as opposed to an individual or ad hoc approach) is needed to change this system. Affinity groups represent important indicators of texture and complexity of funding, but we need to connect with the NTEE in an effective way. We have our own taxonomy, but we need a connection. If we contact other affinity groups interested in revising this taxonomy, we could, working together, end up with a better taxonomy that would provide a more accurate picture about the flow of charitable dollars. Ideally, the process of revising the taxonomy would incorporate our input. It would provide more useful and usable information to grantmakers, grantseekers and others. Such a revision has profound implications for human rights funding, with one member describing the initiative as “potentially revolutionary.” Anyone interested in assisting this effort, please contact John Taylor: jtaylor@wellspringadvisors.com.

Comment: It would important to be in touch with the National Committee for Responsive Philanthropy, a group that might have useful input for this effort.

Comment: Will you only be working with COF-recognized affinity groups?

Mona: We’ll be working with the COF affinity group network as well as JAG (Joint affinity Group) and the members of FuNCNet (Funders Network of Coordinators Network).

Washington Briefs: Human Rights on the Hill

Conrad Martin, Stewart R. Mott Charitable Trust

Conrad noted that the idea for a Washington Human Rights Briefing is an outgrowth of dinner with Rep. Jan Schakowsky and a number of IHRFG members the evening before the IHRFG meeting in Chicago last July. He noted that even some well informed funders were unaware of the Human Rights Caucus in Congress of which Schakowsky is a member.

The idea is to have a human rights policy briefing in Washington—every two years, pegged to the electoral cycle to help inform our work and to better understand what’s happening on the Hill with respect to human rights. Other affinity groups, such as the Peace and Security Funders Group, have similar, and very successful, Washington briefings. It is an opportunity to meet representatives, human rights practitioners, and lobbyists to better understand what they are confronting. Conrad offered the Maryland House on Capitol Hill as a possible venue for a reception. Parliamentarians from abroad could also be included in the briefings.

Logistically, this could mean adding one additional IHRFG meeting every two years or, perhaps, substituting one regular semi-annual meeting with a Washington briefing.

Members generally thought that the Washington Briefing was an important initiative. One member commented that more information is needed on where members of congress stand on human rights issues, the dynamics on the Hill and how we can play a useful role.

Another member suggested tying the briefings to issues that are "hot." It was noted that a European connection on the Hill might be important, particularly since the courts are looking more at international law.

Conrad noted that these briefings need not be statically focused on the federal government. Other affinity groups have had success in bringing together grantees with people on the Hill. He viewed February as a particularly good time to hold the briefings.

NOTE: Regan Ralph and Steve Riskin volunteered to assist Conrad in developing and advancing this initiative. (Other volunteers are welcome.) As this initiative moves forward materials will be prepared and circulated.

Visit to the Office of UNHCR

Shalini Nataraj, Reebok Human Rights Foundation

Shalini presented the developing plans for an upcoming funders site visit to Geneva and the Office of the UN High Commissioner for Human Rights. The last round of plans for the visit to Geneva were delayed by the tragic death of UN High Commissioner for Human Rights, Sergio Vieira de Mello. Canada's Louise Arbour has been appointed to the UN's top human rights position within the past year. She has a strong background in human rights and welcomes a possible visit by funders. Such a visit is timely and important and would represent a good opportunity for funders to learn about the workings of the Office of High Commissioner, engage in dialogue on specific strategies to confront new human rights challenges, and learn more about other UN treaty bodies. We are looking at dates during which the UN Commission on Human Rights would be meeting, thus enabling visitors to observe their deliberations.

Three days would be set aside for meetings in Geneva. The agenda would include the history, structure and function of the UNHCHR as well as opportunities for networking with human rights NGOs and establishing relationships with European counterparts. We need about 20 participants to go forward with this site visit to Geneva.

[Since the January meeting, the date for the Geneva visit has been set for April 17-20, 2005.]

The **appendix** to this includes the materials on the trip to Geneva, which were distributed at the meeting.

If you have questions or comments or wish to sign up for the trip, please contact Shalini Nataraj at Shalini.Nataraj@reebok.com.

Budget 2005

Mona reviewed the IHRFG's 2004 expenses and budget for 2005. She noted that the projected 56% increase from 2004 and 2005 was largely due to a number of new projects being undertaken by the IHRFG, although Mertz Gilmore Foundation's decision to include its in-kind contribution of office space (\$20,000) also contributed to the increase. We will need to raise \$28,000 more in 2005 than we did in 2004. In order to explore the various options available, we are forming a committee of members to think through finance and budgetary issues. NOTE: The following members volunteered: Rebecca Adamson of First Nations Development Institute, and Andrew Park of Wellspring Advisors to work with Mona.

Included in the materials distributed for the business meeting was a list of the 33 members who have paid dues. In-kind contributions have also come from the Steward R. Mott

Charitable Trusts and Wellspring Advisors who covered the costs of speakers for their working group sessions to the January meeting. Such expenses will be included in future budgets.

Next three meetings

The next meeting will be on July 11-12 in New York City at the Open Society Institute offices and will address issues associated with human rights and security.

Our 2006 meetings are scheduled for January 9-10 in San Francisco and July 10-11 in New York. Please communicate any concerns you may have about these dates to Catherine.

There are two human rights sessions at the upcoming annual meeting of the Council on Foundations. Grantmakers Without Borders is conducting a workshop on trafficking of women.

V. Networking Session: "Funding the Engagement of New Constituencies"

Facilitator: Alan Jenkins, Ford Foundation

Speakers:

- **Tina Eshaghpour** *Program Officer*, The Women's Foundation of California (San Francisco, CA)
- **Geri Mannion** *Chair*, Strengthening U.S. Democracy Program and the Special Opportunities Fund, Carnegie Foundation (New York, NY)
- **Alvin Starks** *Associate Director*, Open Society Institute (New York, NY)
- **Tim Sweeney** *Senior Program Officer*, Evelyn and Walter Haas, Jr. Fund (San Francisco, CA)

Alan Jenkins (AJ), the facilitator, introduced each speaker with brief summaries of their bios, which were provided to attendees.

Tina Eshaghpour (TE), The Women's Foundation of California

Thank you for the opportunity to participate at this gathering and share our work at the Women's Foundation of California. We recognize that women's lives aren't easily segmented into tidy issue areas. Rather, we always look at the life of the whole woman. The human rights framework supports this holistic view of women's lives. Environmental health also isn't easily segmented—both fit nicely into the human rights framework.

The Women's Foundation looks at the intersection of gender, health, economics and the environment. Mainstream environmentalists haven't traditionally seen the social justice links to their work. Nor have women's health advocates seen the clear linkages to the environment. The isolation of program silos means that people don't easily recognize the connections across issues.

The work that we do requires us to work with a variety of constituents from a diverse cross-section of disciplines. We build new constituencies in three primary ways:

1. by telling the story;
2. by building capacity; and
3. through policy advocacy.

I want to take a few minutes to talk in more detail about each of these.

- 1) **Telling the Story:** How are women's lives impacted by environment health issues? How do we get people to care about environmental issues? Through our research and publications we tell the stories of how women's lives are affected by environmental contamination in a way that connects *personally*. In order to write our report we brought together researchers, health providers, reporters, social scientists, health-affected groups and educators to share information. We connect to people. The process of writing and distributing this report built new partnerships, that now, two years later, have borne fruit:

One of our grantees profiled in the report was the Center for Community Action and Environmental Justice (CCA EJ) based in the Inland Valley:

- San Bernardino County is the 4th most polluted region in the world. Diesel trucks and trains converge at a station to transfer goods for distribution around the country. The station is three blocks from an elementary school and a day care center.
- A child born in Riverside or San Bernardino Counties will be exposed to more pollutants in its first 12 days of life than most people are in 70 years.
- Pregnant women who are exposed to high levels of ozone and carbon monoxide are three times more likely to give birth to babies with cleft lips or palates and defective heart valves.

CCA EJ began by reaching out to concerned mothers and grandmothers who started reaching out to their neighbors. In time, they've now gained allies in researchers at local universities, physicians and nurses, health-affected groups (asthma, among others), local school districts, women's organizations, philanthropy and, ultimately, key decision-makers applying pressure to prompt the California Air Resources Board to tighten air requirements for diesel exhaust in the area.

But we can't do strong, innovative environmental health and justice work without providing resources and skills to get the job done. Thus, our second strategy for building constituencies is through 2) **Grantmaking and Capacity-building:**

We support building women leaders through funding a range of strategies including community organizing, research, media, communications, and advocacy and ultimately we bring our grantees together in convenings to identify allies and to learn from one another's strategies.

We're currently funding a public training program on pesticide drift in the Central Valley.

- California's Central Valley supplies one-quarter of the food America eats.
- Over one-third of the pesticides used in California agriculture are known to be toxic to humans. (Farm workers are more likely to develop leukemia, cervical, uterine and stomach cancer. Area residents are at a higher risk for stillbirths and miscarriage.)
- We supported the Pesticide Action Network in documenting the widespread health impacts of drift. More than 75% of pesticides miss their target and drift to nearby homes, schools, and workers.
- The project has compelled partners to collaborate, uniting scientists, health providers, farmworker women, faith-based organizations, immigrant rights advocates, policy advocates, the media, and mainstream environmental groups.
- The collaboration led to passage of the Pesticide Exposure Response Act, requiring the agriculture industry to comply with clean air standards.

- 3) **Policy Advocacy:** Finally, recognizing that solutions to environmental health and justice issues often require larger, systemic change, we developed the Women's Policy Institute—an innovative training program that increases the number of women leaders involved in shaping policies affecting the health of women in California. They're working toward policy reform in the cosmetics industry
- first, by working on legislation to mandate education of nail salon workers about the hazards of chemicals used in their workplace; and
 - second, the Safe Cosmetics Campaign is bringing together constituents to advocate for a law requiring proof of the safety of chemicals currently used in cosmetics BEFORE these products end up on store shelves and in our homes.

Our funding efforts cut across traditional program silos. By telling the story, building capacity, and advocating for systems change, we are creating an understanding that exposure to toxic chemicals in our environment threatens all our health. The core concern that brings us all together is the desire to protect our loved ones and build healthy, safe communities. And women are leading this charge.

Geri Mannion (GM), Carnegie Foundation

I've been at Carnegie for 17 years and this was my 5th election cycle related to voter participation. We do things badly and we finally started to do things right in this last cycle.

We are trying to get disenfranchised voters to vote—we have a very, very at-risk system of democracy in this country. Politics is becoming a tailored industry. We have a 30 year deficit of education in schools. Civics is no longer taught, so many people don't know why they should be voting. There's no understanding of the tax system and why we need it, just so much negativity towards government and taxes.

Two trends:

- People don't know how to vote. They don't know what's behind that curtain and don't want to make a mistake.
- People don't vote down the ticket anymore. Once people get past the President, very few know their local candidates; at local and state level people stop voting. Only a very small minority of people take part in local elections.

What do we do about it?

- **Structural barriers:** we need to advocate for changes in the voting process, write to our legislators and ask why we have to vote on Tuesdays. How can we make it easier to vote? If you have kids and have to work, it's very difficult to get to a polling place that closes at 6:00 or wait in a line for hours.
- **Education:** We need to educate people about why voting is important. We saw a huge influx of funding, \$150 million for voter registration and get out the vote efforts, which is great. The key, however, is how do you keep them involved. We tend to have "election amnesia." Instead of advocating for changing the way we vote, people forget about the problems. How do you maintain the energy? The anger is a great way to keep people involved. We need to hold people accountable and maintain involvement around a particular issue.
- **Money:** We need to maintain the funding and infrastructure of get out the vote efforts. We also need to build strategies that integrate electoral advocacy—you can do it legally. I met this guy who has set up different entities (501(c)3 for one approach, 537 for another, etc.) to each to take on different efforts. We need to be less afraid of using electoral strategies.

Alvin Starks (AS), Open Society Institute

I'm going to speak about hip-hop activism. At OSI, we have sort of backed into it as a strategy. I had read a few articles on grantees and all of them had an underlining theme of hip hop activism, which I thought we should explore.

Our involvement was an organic development that led to creation of a small event that magnified the power of hip-hop in my mind. It's a cultural phenomenon—the event attracted academics, the media, celebrities and even Soros; just imagine this mix of people, it's powerful. Hip-hop activism helped engage new constituencies by connecting issues, such as prison closure, school reform, arts as youth development. The conversation was so lively and attracted so much interest that we developed a second presentation at Yerba Buena Center for the Arts.

Tides and San Francisco Foundation had looked at youth organizing in the Bay area and started looking at the south. We have also been organizing to engage youth around issues of environmental justice which is a big human rights crisis in communities of color.

What's unique about hip hop is that it's rural, urban and international. We've seen NYC-based groups connecting with international groups with exchange groups bringing in activist from Chile and Argentina. People were mobilizing folks around specific issues; the momentum was much greater than the foundation dollars.

In 2004, we used hip-hop to address the political process, targeting pockets of constituencies to use a multi-racial, multi-class approach. You see the creation of organizations such as Indy Voter, and the Hip Hop Political Convention, that are concerned about developing innovative strategies to engage youth—hip hop concerts with grassroots music, etc. Media policy and reproductive rights were all issues in big concerts held in Brazil and Brooklyn and elsewhere.

Tim Sweeney (TS), Evelyn and Walter Haas, Jr. Fund

To build constituencies in the LGBT movement, we need to move beyond identity politics. We need to pick a specific goal and build trust to move a broader alliance, gay and non-gay, around the issue. How did LGBT folks rise above their fear to become activists and in the process define themselves and their issues so that non gay allies joined in and helped shape messaging?

I just want to touch on the following things:

The issue of Safe Schools/bullying has been critical. 2,500 Gay Straight Student clubs have been started in schools. Young people are deciding that discrimination based on gender or sexuality is not good. These groups provide peer support. Young people are taking control of their schools. GLSEN (Gay Lesbian Straight Education Network) sponsored, the National Day of Silence, where student don't speak all day. They had 300,000 participants! They defined harassment and school violence very broadly, including racism and classicism. They drew on the moral persuasion of parents and a range of other groups creating an important constituency.

The LAMBDA Legal Defense and Education Fund has won a series of stunning legal victories to address harassment and violence in schools. Another key organization is the California Safe Schools coalition, a statewide coalition and convening agency that pulls lots of voices together on a \$200,000 budget.

Another area that has seen gains is trans-gendered health and human services. The New York legislature actually allocated \$10 million to programs across New York state—health centers, youth drop-in centers, senior centers, etc. One of the key strategies is for local LGBT organizations to define their community needs the way they want and then build a constituency around that issue (addiction recovery, Medicaid, etc). They have attracted diverse groups of people, racial communities, etc. and really changed what lawmakers think “gay community” is—made their issues more humane. The New York Community Trust and the Gill Foundation have supported the Empire State Pride Agenda.

An emerging area for advocacy is fighting homophobia in communities of faith. LGBT persons are staking their claim within religions; gay and straight people of faith are affirming their inclusion. Recently, the United Church of Faith tried to air an ad welcoming gay people. Unfortunately, our media outlets declined to show the ad, due to its controversial nature. But increasingly, the LGBT community is setting the agenda, and LGBT people of faith are involved in broader issues and creating awareness and claiming the vocabulary long denied to them.

Questions and Answers

AJ: How do we overcome fear and build trust across communities? What are the challenges of overcoming these fears and bringing together folks across different communities?

GM: We have to use individuals within communities to do initial outreach. One of the issues with fear is that it’s a great organizing opportunity. On the issue of immigration, for example, there was the case of a woman whose husband was detained after 9/11. She organized the community to the point where her state legislator called her every week. We can get people who may not normally talk to one another to come together and think of strategy at local level and then connect with, for example, national advocates on immigrant issues. You start by reaching out into the community and first using the people they trust.

AS: It was powerful that hip-hop artists came in with their own infrastructure (such as music stations) and clout. There is a tension with corporate America and its ideas of hip hop and a tension around using celebrities. Is it watering down the movement? It is easy to get academics and activists together, but integrating corporate America into these efforts is important.

TS: We need to work through that fear and understand the basis of it. It stops people from dreaming that dream that they want. Progress is a forward/back process, particularly with regards to same-sex marriage. I think it’s outstanding that over the last ten years the “compromise stance” has been getting conservatives to back civil unions. With the backlash, it’s much easier to get scared off, but it’s important to support historical frameworks and geographic differences and teaching in terms of courts, public opinion. That provides balance so that fear doesn’t take over the hope.

TE: I can’t overstate the importance of the media and funding ethnic and community media. You have to get the stories out to communities, not just the *LA Times*. The local media can cover stories that fit the cultural context in their language. We’ve used the radio too. People can call in, share stories. The other thing we can do is understand how other allies have explored solutions.

Question: With the backdrop of “Four more years,” what are the shock waves going through the communities you work with?

TS: We need to try and create a balanced analysis of what happened. Yes, there were 11 constitutional amendments passed to ban gay marriage, but 14 were defeated. Cincinnati repealed a vicious anti-gay law at the same time they voted to ban gay marriage. Ohio voted for a constitutional amendment. The reality at the state and local level is complex and the media often doesn't capture that. The election was sobering in terms of the money spent organizing etc. In the long run, however, there is a lot of alliance building that hasn't happened yet. I reject wholesale the notion that we're on the run. There is a cultural of resistance and moral values that are *not* those defined by the media. Going forward, the strategy is to focus on local and state victories.

GM: Despite the result of the elections, there is a lot of good news. In Montana, for example, there is more parity in the party make-up of legislators. There was increased turnout and there's also better strategic engagement at the local level than ever before across ethnicity, race and gender.

More and more people are not registering with a specific party. We need to think beyond the usual suspects. There are a lot more people out there on the fence and willing to discuss the issues; we need to reach out to them. The working class has been neglected. We can't just use usual suspects. Instead, we need to find the issues on which people can agree with us and build common ground.

AS: Hip-hop activism has been focused on political activism and in engaging the nascent networks of young people around political processes. It's been an eye opening experience realizing that hip hop has gotten "old." Now we're thinking about, "what are the upcoming themes." We need to create intergenerational connections.

TE: With environmental health and justice, the National Council of Scientists claimed that the rocket fuel found in southern California (impacts 20 million Californians) does not have a health impact. Who appoints these people and what are their backgrounds? The Council is made up of people who have worked in the chemical industry and are now challenging our work. We need to counter these assertions with trusted information experts. Unfortunately, people who are believed to be experts, may in fact, have other people to whom they are accountable. Europe is leading the effort on environmental regulation. We are currently working on a safe cosmetics bill in California, this will eventually force national change.

AJ: Can you talk about the tensions between values and self-interest?

TS: The current messaging isn't working. You can talk about abstract values, like fairness, and hope to draw on people's better angels. But what moves people more are particular stories—a female partner dies and the surviving partner can't get social security for their child. Talk about benefits, rights and responsibilities and then say "How can you not support this?" The story allows people to better see this "fairness."

Question: Often stories are used that generate the most sympathy. How do you get people to see that the death penalty, for example, is just wrong?

TS: There's a continuum of how you talk to people, so they don't shut down. You lead with what engages people the most. Don't give up a core value to go for something, put out a menu of options.

GM: There's a pragmatic policy issue; we have to make trade-offs within the political environment that we all work in. Funders have come late to the table to strategic communications. Given the way people get information today, bloggers, 24/7

communications vehicles, people are overwhelmed with information. How do we discern what's behind what? Who funds them, etc.? We all tell our grantees they need communications strategies. One of the most successful has been the Earth Day Network, which tried the same messages in different communities. We need to find ways to collect shared messages that we can use across communities.

TE: I'd like to share an example of values and self-interest. Access to clean air is a basic human right. We can tell stories of people who cannot bath, cook or drink their water. But what's more powerful is talking about the fact that the water happens to be the same water used to grow the fruits and vegetable that end up on our table. It's an opportunity for people to understand that we cannot allow the water that comes out of anyone's tap to be dangerous.

AS: The hip-hop movement is incredibly progressive, international, left of center, technologically savvy and is creating its own political teeth. We have the situation now of immigrant workers looking at cultural rights and the impact of foreign policy on their homelands.

Question: In response to Geri's comment about single cycle funders, what can we do differently in our own field?

GM: My expectation is that we can maintain the donors who were active last year in funding election related issues. We need to get funders to support coordination work. We need to maintain the systems and forums and reach out to each other. We need to think beyond our immediate goal to the ultimate goal. Funders don't do this enough. Educating the board and staff can be a first step.

TS: We need to be open to when grantees come back and say, "To do this, we need ABC" and provide that support.

Question: I want to pick up on what Alvin said. As funders, we need to recognize a whole generation of people who have different technology systems. In Africa, there are 67 million mobile phones; youth are politically organizing and communicating not by mass mailings, but by telling five people, who tell five people and it spreads. As funders, we need to connect with this. Social movements are changing and we need to address this.

AS: One reality is that technology changes very rapidly, and young people incorporate those changes very quickly; Instant Messaging (IM), films look different and are easier to create than ever before. Media streams that are self-created may not always be in print. Youth media work has been critical for this field. International focus requires that technological piece. When we do meetings in the hip-hop community it's really different. The other day I met a guy at a record store who was IMing [instant-messaging] while he looked around and we met. This is a multi-tasking workforce and we need to adjust to that.

GM: That's why pundits are wrong on the youth vote. Most young people use cell phones, not land lines, so they're missed in much of the polling. Technology is going to change politics with Internet giving and the growth of small donations.

Question: Can we go back and talk about examples of what makes a cross issue conversation possible? What contributes to a shared message?

GM: Money matters so that people have the opportunity to talk to one another, convene, and share strategies. They need on going general support.

TS: On the safe schools movement, GLSEN had the resources and the time to listen to parents about where they were at. Contrary to popular opinion, we don't need to keep trans-gendered issues out of LGBT policy. Check assumptions. Don't just accept the common wisdom. Listen and search for it.

AS: The criminal justice theme connected with people in the hip-hop community. It's holistic in the way people can readily understand, affecting schools, prison construction, census count, jobs. People are sophisticated in their understanding of the issue. The security of young people in terms of jobs crosses many areas; you see concerts around prisoner education, family members who are disenfranchised, etc.

TE: The L.A. Alliance for a New Economy's campaign on the LAX airport expansion is an interesting example. The key element for the organization was that it had a key win and then connected with the mainstream—school districts and faith communities. The groups concerned with community benefits and environmental health advocates came together on the issue. What brings each to the table? What are common areas of agreement? In the end, \$500 million was allocated for community benefits. And they need more than just money, but time; time to understand what brings people to the table, and time to overcome historical mistrust.

Question: Last week on CSPAN, they were showing the ratification of the electoral vote, the Gonzales vote, etc. African-American senators talked about disenfranchisement. Others countered that it was a conspiracy theory. It was an extraordinary debate. Can we have a system that works to fight the electoral amnesia, is there something that we can do to push for structural reforms? How do we develop a message to say it's cheap to invest in infrastructure?

GM: If we look at campaign finance as a structural issue, we're not objecting to money per se, we're objecting to non-regulated financial access. The Help America Vote Act was \$3 billion, but most of it was not appropriated. Yet, in 2006 all states have to have computerized state-wide voter lists. How are they going to get there? These are the structural issues we have to watch.

Question: How has the globalization of rights affected your issues? How is human rights infused into them?

AS: With hip-hop, the global piece looks at cultural rights, particularly in Latin America. But capacity building is needed to help people talk about their work in human rights terms. If you look at media policy work and juvenile justice concerns, there is some exhaustion with civil rights framing. Immigrant rights, however, are more often framed using human rights language.

TS: The human rights framework is a relatively new thing. Recently, Human Rights Watch wanted to talk to Gov. Davis about the physical abuse of LGBT students and he declined. Some of the framing is not inspiring, but other countries have had major advancements using the human rights framework.

TE: A human rights framework has been very well understood in terms of the environment. The tsunami has only heightened people's awareness of the connection. It's coming back to our own country that's more difficult. The challenge is how to infuse it back into our work.

GM: There are lots of examples of great voter mobilization work in Brazil and other countries. We're building a democracy in Iraq while people laugh at ours. Human rights are very incremental in this country. England will soon have an identity card and we may have to go to an identity card for voting in the security environment we have.

One other negative is the recent attacks on nonprofit voter engagement. We need to keep our backbone up and maintain vigilance over any congressional investigation into these practices.

VI. 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.

Mary Ann Stein on **World Organization for Human Rights:** (<http://www.woatusa.org>)

This organization was formerly known as the World Organization Against Torture. They are doing groundbreaking litigation involving women refugees who are trying to gain asylum from female genital cutting. They will also be preparing a response to the U.S. report to the UN regarding torture. They cover areas that are not particularly well funded. I've placed some of their materials in the back of the room.

Shalini Nataraj on **Grassroots International:** (<http://www.grassrootsonline.org>)

They do great work regarding land and water rights. In particular, their work on the privatization of water is impressive. In addition, they are looking for a new Executive Director.

Chet Tchozewski on **networking opportunities:**

1. Global Philanthropy Forum located here in San Francisco (<http://www.philanthropyforum.org/about>).
2. A meeting in Belgium on January 31 when European and American donors will be coordinating a relief response to the Tsunami disaster.
3. The European Foundation Centre will be holding its annual meeting in June as has invited U.S. and African funders to do a workshop.
4. A workshop session at the annual COF meeting on intuitive knowledge (The Power and Role of Intuition in Powerful Grantmaking, <https://www.cof.org/events/ViewSession.cfm?sessionID=1667&returnTo=%2Fevents%2FBrowseTopics%2Ecfm%3Ftopics%3D%26topicID%3D13%26eventID%3D89>)

Steve Riskin on the **International Program at COF:** I've been in conversations with Rob Buchanan, head of this program and they are eager to help IHRFG communicate its message and work with other areas of the Council. We're looking for volunteers from this crowd for each of the sectors, family, corporate etc., to represent IHRFG among these constituents and develop a better relationship with COF.

Andrew Park on the **UN and LGBT rights:**

In 2003, Brazil announced that it would try to add sexual orientation to various UN anti-discrimination instruments. For relatively little money, members of the LGBT movement went to Geneva in support of this work. Additional materials about this effort are available on the back table.

Two hours ago, the House of Illinois passed a gay civil rights bill barring nondiscrimination in housing and health as a human right!!

Mark Lindberg on Minnesota Advocates for Human Rights: (www.mnadvocates.org) works with U.S. groups but also works on violence against women in 12 different countries. It has now applied lessons learned to their work in St. Louis and St. Paul, using a human rights analysis.

Come and bring others with you to Bringing Human Rights Home session at the annual COF meeting. There's a lack of understanding of where human rights fit in, specifically within the work of the Council, as well as a lack of understanding by U.S. organizations of the rights approach.

Rebecca Rittgers on training referrals:

I am looking for referrals to existing "trainings" that other funders have used to help grantees develop more effective capacity around advocacy legislative as well as judicial, message development, evaluation tools.

Mona Younis on Andrew Park:

You get emails from us that say members have suggested X, Y, and Z ... for example, the wonderful E-Soapbox idea. I'm here to tell you that many of these really creative ideas have come from Andrew. We're all appreciative of your help, Andrew. Thank you!

Mary Estrin an appeal for advice:

I represent the frustrated funder. At General Service, we're trying several new things. We want to see what grantees would do to enlarge constituencies with \$5-7,000 each (total of \$30,000). We'll then compile reports on these efforts and make them available to other funders. Another idea we had was emerging leadership training.

John Harvey on upcoming GWOB (Grantmakers without Borders) efforts:

GWOB will be convening a workshop on Thursday at the World Affairs Council from 10-12 in the morning. It will be similar to our conversation yesterday morning, but also on the impact of the Bush administration on global civil society.

We are also doing some work to help coordinate the Tsunami relief. Already, we're seeing organizations into the region with no expertise and wasting donor monies. Is there a progressive response? The framework for the project is leveraging and learning around Tsunami relief and we're looking for donors to sign up for the effort and ask grantees if they would participate. A consultant would work to monitor and evaluate the donors and grantees over the next year or two. At the end, a document summarizing the findings would be made available. Already the media is coming out about wasted money and it would be great to have stories that we can give to media of money well spent.

Rebecca Adamson on COF disaster relief manual:

The Council on Foundations has done a disaster relief manual, *Disaster Grantmaking: A Practical Guide for Foundations and Corporations*. The data is extensive with lots of types of grantees. The manual specifically analyzes a progressive response. The report can be found at: <http://www.cof.org/Content/General/Display.cfm?contentID=2230>

Evelyn Arce-White on upcoming International Funders for Indigenous Peoples (IFIP) events:

IFIP will be holding its annual meeting on May 19-20 at OSI in NYC. Please come and join us. We also have available a conference report from last year's meeting. IFIP has developed an Indigenous Peoples Funding and Resource Guide available in English and Spanish.

At COF, we'll be having a session on the challenges and opportunities to funding indigenous peoples. We'll also be hosting a reception honoring Susan Beresford on Saturday from 3-4p.m.

Ana María Enríquez on

1. Global Fund for Women developments

Beijing +10: The Global Fund for Women continues to fund general support, some of which is for travel grants and organizing events. Beijing +10 will be happening soon with many events and a whole week of advocacy from February 28- March 11. There is more information on our web site (<http://www.globalfundforwomen.org>).

Activist in Residence: As part of our programs, we have a pilot program to bring activists into the organization. Terry Greenblatt, who headed Bat Shalom in Israel, is our first and we look forward to the many ways we can gain from her participation.

Tsunami: We are reaching out to our 47 grantees in the region and working to learn what's needed by groups. While we don't fund emergency relief funds, we are committed to the long-term rebuilding of communities and there is a lot we can share about lessons learned from long-term support in other regions, such as the hurricane in Nicaragua.

2. World Social Forum (WSF): Feminist dialogues will occur before the WSF.

Carmen Roca on IDRC's (International Development Research Centre) work:

IDRC is very excited about the efforts to reach out to European funders. I wanted to share some information about our work and research projects. It's often difficult for grantees to influence government officials without facts. Our work is very multidisciplinary. For example, our research into community justice as restorative justice in Columbia. The system cannot cope with the five million cases pending and widespread impunity. They have developed alternative mechanisms that can contribute to state judicial reform. Our research tries to answer the questions: Is community justice effective? Which models are effective? How can we develop these mechanisms? Your funding is different and welcomes the opportunity to introduce grantees to your funding that complements their funding.

VII. Programmatic Working Groups - Overview

1. Disability Rights Working Group [see notes on full session below]

John Taylor: It's an embarrassment of riches having all three of these working groups at once. International disability rights are a timely and timeless topic. Over ten percent of world's population is affected by disability and in post-conflict countries that statistic is upwards of 25 percent. People with disabilities are often the last in line. The disability

community is organizing itself into an international movement for rights for people with disabilities.

Against the gloom and doom back-drop and defensive posturing, there's a breakthrough with the development of the UN Convention on Rights of People with Disabilities. An ad hoc committee and working group has drafted the convention providing for comprehensive rights. This is one human rights issue where the developed world has not led the way and instead the global South was an active leader. The process was driven by a huge degree by the NGO community. The Convention may be presented for adoption as early as September 2005.

The critical thing is to support actual in-country work to prod governments to take action. We will have three of the leading activists joining us: Kathy Martinez, World Institute on Disability Director, Commissioner Charlotte McClain-NhLapo, a member of the South African Human Rights Commission, and Kirsten Young, Director of the Geneva office of Landmines Survivors Network, who's been involved in the drafting of the convention and advocacy leading to creation of this document.

For your information, there are a number of materials about the Conventions in terms of process, critical dates etc on back tables (please see **appendix** for documents).

2. Fund for Global Human Rights - Beyond Grantmaking [see notes on full session below]

Regan Ralph: Our group is going to try and answer the question: What can funders do to develop capacity in ways supplemental to funding? Such things include, support, training, mentoring, advice, technical assistance on financial planning, how to manage and meet new funders, how to document human rights violations, and how to stage successful advocacy efforts.

We also want to get a handle on what's happening out there. Plenty of these strategies are not successful. We're interested in pooling knowledge and resources on capacity building. The International Council on Human Rights Policy, working on NGO accountability, is being attacked for lack of professionalism. Many are vulnerable to these attacks. Organizations work to raise money, but are then not willing to hold themselves to standards. To whom are we accountable? What we can do to help our grantees be strong as advocates is not only inherently important, but also timely.

We want to pool information on capacity building: what is needed; what are effective responses; not effective; and areas of collaboration. Perhaps we may want to develop a clearinghouse for skill development at human rights organizations.

What kinds of capacity building are we talking about? Let me cite two examples: we have a handful of grantees in two different countries, India and Mexico. In India, there are very developed and sophisticated organizations in the south, but in the northern region they are younger and have had less exposure. What are the ways to bring them together? In Mexico, we're working with human rights organizations that focus on state and national level to develop capacity to mount advocacy campaigns in changing political context. These are small grants to young organizations to develop connections and skills -- that's a start.

3. U.S. Working Group [see notes on full session below]

Dorothy Thomas: Yesterday was extremely sobering. All the speakers touched on various troubling developments that will be a challenge for the field. The diminution of U.S. leadership on human rights is critical. We're going to have an Attorney General who temporizes on core human rights principles and shows undue deference to the Executive Branch. The upside is that the government's overreaching may bring new momentum.

Juan noted new human rights leadership by other countries. Global Fund for Women, Global Green Grants and Fund for Global Human Rights all report a growing interest in their work. The promotion of human rights in the U.S. is developing a base to counter U.S. exceptionalism with the rise of unlikely constituencies, like the military, evangelicals (i.e., The Interfaith Alliance). The nature of the moment creates opportunities to advance the domestic human rights movements and try and address the role of the U.S. government at home and abroad.

We're going to discuss growing interest within U.S. in the promotion of U.S. accountability to international human rights standards in our foreign and domestic policy. We'll:

- map the growing interest in human rights within a wide array of U.S. actors;
- review existing funding; and
- discuss what is needed to advance the overall field of human rights in the U.S. How do we build strong connections?

Elisa will be joining us and talking more about how the developing interest in U.S. noncompliance in human rights is translating into domestic constituencies. Lucas Guttentag, Director of ACLU's Immigrant Rights Project will talk about his organization's internal decision making re: the deployment of human rights law and advocacy in U.S.

Programmatic Working Groups - Break-outs

Working Group 1: Disability Rights

Facilitator: John Taylor, Wellspring Advisors

Guest speakers:

- **Kathy Martinez**, International Director and Deputy Director, World Institute on Disability
- **Commissioner Charlotte McClain-NhLapo**, member of the South African Human Rights Commission (Johannesburg, South Africa)
- **Kirsten Young**, European Regional Coordinator and Legal Counsel, Landmines Survivors Network (Geneva, Switzerland)

Charged with developing a UN Convention on the Rights of the Disabled, an Ad Hoc committee has begun its work drafting a human rights treaty for the disabled. Speakers in the group discussed how the Ad Hoc Committee developed, the current form of the draft treaty, open issues and the opportunities for funders to become involved.

The need for a treaty

Disability is everywhere – one in ten people worldwide is disabled. Disability is one of the few minorities one can join. War, landmines, and AIDS are major causes of disability. Poverty is both a result and a cause of disability.

Some have asked “Why do you need a new treaty when the original UN treaty already protects everybody?” The speakers explained that treaties provide an immediate statement of accountability at the national level, provide a framing for policy through a rights perspective, and an international monitoring mechanism. It’s not a question of adding new rights, but of creating positive mechanisms for the disabled to access their rights. For example, a clause on the right to education becomes meaningless to people with disabilities, unless it requires that all schools are accessible to the disabled. Historically, many human rights activists have said “we don’t do disability.” Where earlier conventions mention disability, it’s often in a medical framework, rather than rights-based one.

The drafting of the treaty has already had an impact on how the rights of the disabled are viewed. Instead of charity, the drafting frames disability as a rights issue – raising the world’s consciousness. Even disabled people often do not realize that they are entitled to certain rights. People tend to speak for disabled people rather than letting them speak for themselves. An important part of the Ad Hoc Committee is that a large proportion of the individuals participating in the drafting are disabled. (That has also created problems, as elevators at the UN stop running in the evening!)

The Committee is also looking at creating a treaty that not only provides for equality and nondiscrimination, but also recognizes that there are times when special measures must be put in place to make all rights accessible. We must address the underlying causes of inequality.

Interestingly, the rights of people with disabilities can be a useful wedge issue in beginning talks with countries with serious human rights problems; it’s less threatening than talking about torture.

Brief history of the development of the Rights of the Disabled at the UN

Already in the ‘70’s, the UN had adopted several declarations in the area of disability, but in the medical area, not human rights. 1981 was declared the Year of the Disabled Person, and then there was the Decade of Disabled Persons. In the mid-80’s, Italy and Sweden attempted to promote a convention. In 1989, the Convention on the Rights of the Child and the Migrant Workers’ Convention were drafted. The General Assembly voted not to create a new treaty because these previous mechanisms covered disabled persons’ rights. However, the rights were not enforceable. At the Durban Convention, Mexico pushed for the rights of the disabled and they were included in the Durban Declaration with African support. Mexico began the call for the creation of a new convention.

Now there’s the Ad Hoc committee working on this draft. Interestingly, the drafting is under the umbrella of UNDP, rather than the OHCHR. That worries the developed countries who do not want economic development assistance to be included in the treaty. At the start of the Ad Hoc Committee in 2002, only 43 governments were present, a few NGOs, and one Arab person, the only one with a disability. The Ad Hoc Committee agreed that there should be a Convention. We were prepared for a fight, and we were shocked – governments *agreed* to the need for a Convention!

What body would draft the document? For the first time in UN history, NGOs are represented in the working group that is drafting a treaty. There are 14 governments, 12 NGOs, and one national human rights institution. More than half have a disability. The speakers expressed the hope that the adoption ceremony might coincide with the 60th General Assembly.

General principles in the draft treaty

- Dignity;
- Independence and autonomy;
- Non-discrimination;
- Full inclusion of the disabled; and
- Equality of Opportunity.

To be resolved

Definitions: A definition of “disabled” has not yet been agreed upon. In some cultures mental or emotional conditions are not seen as disabilities, but as deviant behavior.

Defining disability may actually hurt the movement as it reintroduces the medical framework, rather than a rights one. Northern countries do not want a definition, so that the treaty could be more broadly applied. However, Southern countries are pushing for a definition that will dismantle the social stigma and prejudice often associated with the disabled.

Right to life: This issue has galvanized organizations (well-organized and well-funded) interested in banning abortion, many of which have never been involved before with the rights of the disabled. If parents learn a fetus will be disabled, do they have right to abort? National institutions favor a generic article that says that all people have the right to life, without getting into the abortion debate.

Women and children: There is a contentious debate over whether separate articles should be developed, as these two groups continue to be the most marginalized within the disability sector.

Implementation

Treaties can make a difference because they create accountability at the national level. The treaty cannot just incorporate reporting. Instead a proactive component needs to be built into the monitoring system that will allow state parties to address issues as they unfold. Another important need is international cooperation – not just money but transfer of knowledge. In addition, the new Convention will need a UN agency to sponsor it just as UNICEF has sponsored the Convention on the Rights of the Child.

Opportunities for funders

The speakers provided several ideas on how funders could contribute to the rights of the disabled.

- Capacity building for Disabled Persons Organizations (DPOs)
- Regranting: International Disability Alliance (<http://www.internationaldisabilityalliance.org/>)
- UN Voluntary Fund on Disability (<http://www.un.org/esa/socdev/enable/disunvf.htm>)
- Fund DPOs participation in future ad hoc meetings
- Hire people with disabilities
- Ask your grantees whether they include the disabled in their human rights work

Working Group 2: Fund for Global Human Rights - Beyond Grantmaking

Facilitator: Regan Ralph, Fund for Global Human Rights

Many on-the-ground human rights groups are interested in non-financial resources and opportunities that will help them strengthen their organizations and become more effective in their work. Human rights groups are looking for documentation and monitoring training, mentoring, advice, technical assistance on financial planning, how to manage and meet new funders, and how to develop and implement successful advocacy efforts. These issues have

become even more critical in light of attacks on the credibility of some nongovernmental organizations based on their purported lack of accountability or transparency. Many organizations have had experiences with inadequate or poorly-thought out trainings and workshops that don't serve participants well. Others have seen effective programs that emphasized peer mentoring over time, building networks, and giving grantees control over the agenda.

Many funders would like to be able to identify available resources—written, electronic and human—that they could share with grantees. The IHRFG might be able to play a clearing house role by, for example, identifying capacity-building resources and giving funders opportunities to collaborate on developing more.

Several members of the group agreed to develop a proposal outlining possible areas of action, beginning with pooling knowledge about high-quality written resources and identifying publications that could be shared, translated or updated.

Working Group 3: U.S. Human Rights

Facilitator: Dorothy Thomas, Shaler Adams Foundation

Guest speakers:

- **Elisa Massimino** *Director of Washington, D.C. Office, Human Rights First (Washington, DC)*
- **Lucas Guttentag**, *National Director, Immigrant Rights' Project, American Civil Liberties Union (Oakland, CA)*

Part I: Presentations

Lucas Guttentag, ACLU: Before going to law school, Lucas was doing international human rights work focused on using domestic fora to enforce international human rights. After law school, he wanted to work on these issues, so did civil rights, civil liberties etc. Since 9/11 we have seen progress in the U.S. in terms of recognition, role, and vocabulary of international human rights—this is a dramatic improvement from his days as a pre-law school intern doing work at the United Nations. The current problem is that post 9/11, the U.S. is going from a place of leadership on human rights in the world to a place of where it should be a target of its own concern.

The current ACLU international human rights advocacy fits into two broad steps:

1. **Law and policy**—principles and vocabulary, use these in our advocacy. The ACLU has taken a huge step in the law and policy arena and is determined to build the second step around enforcement.
2. **Enforcement of our domestic courts to international human rights standards.** The ACLU has been encouraged by the Supreme Court *Sosa* decision at the end of the last term. This decision didn't get the coverage it deserved but it recognized the Alien Tort Claims Statute (part of federal law since 1780's). It gives federal courts the jurisdiction to enforce fundamental common law and international human rights law against individuals who engage in rights violations. This doesn't address the full scope of what these laws are, but it is a huge incremental step.

ACLU's current work:

Detention—The ACLU filed a complaint with a UN working group challenging post-9/11 detentions, wide-sweeps of Muslims, and filed on behalf of detainees to UN working group on arbitrary detention to address these discriminatory detentions (see report below). The

issue of detention broadly is one that lends itself to international human rights law, to enforcing prohibition of arbitrary and prolonged detentions in U.S. courts.

Torture—This was used as a defense against deportation from the U.S. and it is shocking that the U.S. government's own conduct in this regard is at issue. There are numerous documentation of torture in Guantánamo, Iraq, Afghanistan.

FOI requests are forcing the government to disclose what is and was going on in hands of U.S. government not only what was clear and improper regarding U.S. use of torture, but also was known at high levels of the U.S. government.

Book recommendation: *Torture and Truth: America, Abu-Ghraib, and the War on Terror* by Mark Danner.

Next steps include an affirmative investigation on behalf of torture victims. Other areas include: workers rights, migrant labor in the U.S., and secret deportation proceedings. The ACLU has hired three new staff, all lawyers with experience in international human rights.

Elisa Massimino, Human Rights First: Some of us have been talking for a long time about trying to bring together international and domestic rights groups. This is a moment of opportunity we should seize. The overreaching of the Bush administration, particularly the issues on torture, gives us a profound chance to achieve this. There are certain things on which we might focus:

- Human Rights treaties ratified by the U.S. have been owned inside government bureaucracy by the State Department (a bureaucratic quirk, but also reflects a deeply held view in U.S. government that these treaties primarily pertain to *foreign* affairs). President Clinton signed an executive order (EO) to try to move these HR treaties into domestic area, to become what constitution says they should be—part of domestic law. The mechanism established by the EO has now lapsed. The more we can do to resuscitate this interconnection, the more human rights will be mainstreamed.
- The fact that some perpetrators of torture in Iraq and Afghanistan were corrections officers in the U.S. allows a fundamental link between groups who work on prison abuse and police brutality in U.S. and those working internationally.
- Torture is now defined as "outside the U.S." in the criminal code. All that's needed is a legislative change of four words: remove "outside of the United States." This campaign could be a concrete way to weave together communities working on these issues.
- The optional protocol to the Convention Against Torture (inspections of prison conditions etc.,) needs 20 signatures to bring it into law. Again, another good opportunity to bring groups together in this work.

Questions and Answers

The discussion focused on a range of questions about

- How to mobilize faith based constituencies in defense of human rights
- The viability of using regional and/or United Nations human rights mechanisms
- The degree to which U.S. human rights work encompasses economic rights
- How to prioritize the U.S. human rights work

Elisa noted that in asylum cases i.e., Human Rights First has had success in enlisting faith based communities, including the Concerned Women of America. These coalitions take time and it's necessary to start where people are. Lucas noted the Mexican nationals on U.S. death row cases in the inter-American system and the ICJ, as well as the ACLU's own report

before the UN working group to underscore the value of international fora “not only for what they can actually do, but for how they can inform future developments in the United States.” Both speakers saw economic rights as key to U.S. rights work, mentioning worker rights, migrant labor, and health. As to priorities, they agreed on:

- the need for a strategic use of human rights, particularly in regard to enforcement in U.S. courts;
- asylum and immigration detention;
- rights of migrants;
- torture and broader criminal justice issues;
- health and privacy rights

Elisa also saw possible opportunities for linking domestic and international human rights advocacy in the up-coming U.S. report on its compliance with the Convention Against Torture. The UN review Committee meets in New York in April.

Part II: Discussion of current U.S. human rights work and ways to strengthen it

Presentation and Discussion

Dorothy Thomas gave a brief overview of current U.S. human rights work, trends in funding of that work and needs identified by the field. The discussion focused initially on examining the interest in U.S. human rights work in international human rights organizations, in the U.S. civil and other rights organizations, in a growing number of domestic human rights groups (like the bringing Human Rights Home Lawyers Network, or the National Center for Human Rights Education) and in think tanks, bar associations and the like.

Current funding has also increased across all the sectors, including at the regional, state and local levels, but it tends to favor national, issue-specific work, within (rather than across) sectors. Relatively fewer resources go to communications/messaging work, capacity building at any level, legal/policy research or to foster links, for example, between the various types of rights groups and/or between local, national and international work.

In short, we see the real beginnings of a “constituency” for human rights in the U.S., not the creation of a parallel structure, but the infusion of human rights into the existing rights infrastructure in the U.S. The real challenge, as one participant pointed out, will be “not to bifurcate” this work when human rights gives us such a great chance to connect.

The discussion then turned to how best to strengthen this work and funding for it and focused on:

- Strategies for building social movements
- Ways to think about prioritizing current work
- How to respond to the much broader range of groups who don’t call their work human rights work but are interested in learning how to do so.

Comment: “Groups we work with who I know intuitively are HR groups have a core of transformative genius about how they see their work, like disability work. They are part of a movement, but don’t feel it, are disassociated from one another. It’s important for us to not just allude to a U.S. human rights movement on the ground, but to understand it. In the middle of the movement it doesn’t have a description but you know it’s there. If you don’t acknowledge it’s there, you will lose the momentum.”

The discussion also focused on ways to better and more strategically resource this work. It emphasized greater donor education, including individual donors. One person commented

that “our role as donors is to help make the case that human rights offer additional tools, help provide these tools, and make our support flexible enough to be able to use the tools.”

Comment: The majority of organizations doing human rights in the U.S. are doing economic and social rather than civil and political.

DQT: for advocacy purposes, the relationships between these groups (example, over housing issues/ rights) are there, the conversation is there, but the advocacy coordination is not. One thing that becomes very clear in the funding of U.S. human rights work (Table 2) is the taxonomy issue, and general operating grants. It makes it very hard to accurately count how much money goes to human rights work in the U.S.

Comment: this isn’t a complete picture but shows a trend that is not surprising, the environmental movement funding went the same way. It started at the top, and by the time it reached the bottom it was gone, and then they bemoaned loss of constituency. We will need find equitable funding in these areas.

DQT: The overall funding for human rights in the U.S. has dramatically increased and the pool is larger. The question remains: Where does this money flow and to what kind of work? Currently, funding is flowing across sectors (international human rights, domestic human rights, civil rights etc.). While there are disparities, there is some spread not only across the types of work (national to local), but there is also work investing in legal scholarship and think-tank work.

1. It’s flowing across the sectors (Left, Right, Center)
2. One of the identified gaps is that money tends to flow up in each sector. The driving energy is coming from core set of domestic human rights groups. There is a sense of connection and isolation. The building of the base is our prime opportunity.
3. Existing funding flows are generally issue specific. It’s not about building the movement overall or building capacity of the actors across the board.
4. We have incremental progress without a broader transformation. We need to have a broader range of issues.
5. The human rights framework helps us to break out of International/domestic split: we have to build relationships for this to work.
6. Another gap is that there are very few resources for building organizational capacity (e.g., technical skill, leadership development, and support. We need to have an overall effort to pursue U.S. accountability.
7. In the U.S. there seems to be a lack of domestic knowledge. From the Supreme Court to the U.S., human rights groups need to have relationships with domestic counterparts at the local level.

Comment: We need to work on communications and develop a more skilled message, timely information, and overall skill.

Comment: One of the gaps seems to be that we are weak in the policy arena. There is no cross-cutting analysis. In order to have a strong U.S. policy we need to have more focused thinking.

Gaps in current resourcing:

- Money tends to flow up in each sector. Yet, we recognize that the majority of domestic human rights funding is coming from that core group of domestic human rights groups. So, the building of the base is quite disadvantaged in the current

funding climate. This will have an impact on our ability to forward this change in values regarding human rights in the U.S.

- The existing funding flows generally tend to be very issue-specific (human rights as applied to xyz issue), rather than building human rights as an issue as whole or building institutional capacity. Existing funding also tends to be silo specific.
- Issue silos, organizational silos, international/ domestic split—to change this in practice we need to build relationships.

Capacity - If you are an organization trying to figure this out, it is difficult to get support for capacity building, technical skills, etc; because to get this you need to believe in building knowledge and skill base generally to advance human rights in the U.S. The problem lies in the U.S. lack of awareness in human rights. Human rights cannot be solved issue by issue.

Comment: Example: Visit to the WILD offices today. They had a \$700,000 budget after 9/11. Currently it is \$400,000. Part of this money came from the city of San Francisco. This gap cut them off from the ability to replicate nationally. They were the ones who helped with CEDAW.

Comment: Communications Investment: We need serious communications work, and this is not being done or funded beyond issue-specific work. All of our activists (international, domestic human rights, civil) are deprived of this.

Comment: We are extremely weak in policy. We don't have cross-cutting analysis, just spotty. Real policy analysis of the U.S.' domestic human rights policy that we could speak to—we are weak in this. The Academy has had some success in this. There needs to be a focused thinking around how to strengthen this aspect of the work and how to get it done.

What would be helpful in strategizing where we go from here? How do we have a more thorough discussion at our next U.S. Working group meeting?

Comment: This is about a human rights social movement. We need actual how-to training on how to do this. Philanthropy doesn't lend itself to anything other than issue-specific silo funding.

Comment: Two-thirds of people we work with don't consider their work as rights-based even though at its heart it is very rights based. How do we create an education for them to see if they want to see their movement this way? I don't want to dilute the import of holding the U.S. accountable vis-à-vis these standards, but also consider how to include people who are already half-way on board.

DQT: To have awareness, interconnection, mobilization about human rights would be an advancement. Many of these organizations on the cusp, many 'civil and other', are going over to the domestic human rights groups to find out how to do it. And international human rights groups by-and-large don't do capacity building. So that interest, which is there, is very hard to build in terms of how to do strategic investment.

Comment: The education we have been talking about for social funders should also be done for these organizations that are on the cusp. Yesterday we had a meeting, 30 organizations—their favorite thing, according to evaluations, was understanding how their work fit into the human rights framework. We are working with a fragmented movement. A movement is one wave of a social response to a particular time. There is a necessity for our group to understand this.

Comment: Can we incentivize the work? If you look at budgets of large groups, especially international groups, we are not large factors in their budget. Individual donors are, so we need to be able to do their work and sustain their budgets w/ individual donors (so being too 'left' could be an issue).

Comment: Assume these groups will do what they need to be effective—part of this is building constituencies and part is advancing arguments. We can't force these groups to take on human rights but we can entice and present to them on the issues and framework but we can't tell them where they have to go.

Comment: We need to recognize the opportunity for doing this kind of work in a movement-building style. The actors themselves are looking for these relationships. It's not that we abstractly think it's a good idea. It's here. Consider that the ACLU's staffing isn't only litigation but for outreach meetings around the country. One reason ACLU is going this way was they went to the meeting at Howard that established the U.S. Human Rights Network and they saw the people there, which were very diverse.

Comment: Would it be useful to do a more thorough-going discussion of this nature that was more-informed with more reliable information (that we as a group will contribute to making more reliable) but also informed by the presence of more of the actors. The emergence of the U.S. human rights movement encompasses all of these sectors (on sheet) so need to think about holistically. A more in-depth analysis would mean more time than we can give in the meeting. By having a more rigorous discussion, strategic sophistication, and looking more explicitly at what's missing (gaps in field and funding) could be a great starting point. Will be in touch w/ Larry Cox and John Kowal about having a longer meeting. If anyone else would like to help plan/ convene, let us know!

Comment: It would be great if Maryann Stein and Reagan Ralph could talk to us about what they're learning.

DQT: Yes, there is a great need for more materials. We are starting to collect guidelines and stories of how people have brought these issues to their boards.

Comment: In reference to the handout of needs identified by the field, let's use the listserve to do some of this updating and development of our charts.

Comment: There is an increased recognition about the role and vocabulary of use of human rights in the U.S. between organizers and lawyers.

Comment: Lucas Guttentag from the ACLU talked about two-pronged advocacy approach: Use human rights based language and principles wherever possible. Some areas organizations focus on are detention and torture. Several other areas were mentioned where transnational nature of the norms applied directly to what's happening in the U.S.: worker's rights, criminal rights, and LGBT to name a few. Policies regarding refugees which are clearly contrary to international standards are often posed.

Comment: Elisa Massimino mentioned custodial work will be an important focus.

Dorothy created **three different charts** to help us think about a **new taxonomy** about where organizations fall—international human rights organizations, human rights organizations based in the U.S., other organizations working on rights issues in the U.S., etc.

Comment: Money has gone up dramatically which is encouraging, but there is a shortage of organizations at a state and regional level working on human rights issues, which means that the domestic organizations are playing an increasingly important role in breathing life in to this system which we know works but hasn't been recognized in terms of work in the United States.

Comment: The Energy seems to be coming (ideas and work) from a core group of national organizations. So, there is a tricky dynamic about how to tease this out with local organizations. The focuses tend to be on issues rather than across sectors, which tends to facilitate silo effect. There is very little money for capacity, strategy, or communications (an area that would benefit strongly from more funding support). And we've been weak in developing policy.

Comment: We had a long conversation about this being part of a movement and whether funders have a handle on how to make strategic grants as part of a movement and about organizations doing rights based work who may not consider it part of this movement.

Comment: This movement covers everything from folks on ground to lawyers in courtroom to schools training lawyers to think-tanks helping develop these ideas—so it's broader than one sector.

DQT: The energy on this is emerging not just from national groups, but many groups at once. From local and state groups energy is emerging calling their work human rights, and that is flowing upward, but a lot of the money is going upward as well.

Next Steps: Ideas for the next U.S. Working Group meeting:

- ✓ New participants, if requested, will be added to the list serve.
- ✓ All agreed on the need to meet for a longer time before or after the next Funders group meeting, probably the Sunday before.
- ✓ Some participants agreed to help identify resource people for this longer meeting.
- ✓ Co-Convenors will check with the Funders' group on this and get back to participants.
- ✓ Session/Training on how to fund social movement(s) (human rights)
- ✓ Strategies to bring more groups/organizations into the work of human rights as well as the opportunities for organizations to make connections with the human rights movement. How do we understand this? How do we incentivize this?
- ✓ Invest in the education of other funders.