

**International Human Rights Funders Group Semi-Annual Meeting
The Commonwealth Club, San Francisco, CA
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MONDAY, JANUARY 12, 2004

Welcoming Remarks

Surita Sandosham, Rockefeller Foundation

I. Human Rights Education Session: “Women's Rights: Bridging the CPR-ESCR Divide”

Facilitator: Sara Gould, Ms. Foundation for Women

Sara Gould

Executive Director, Ms. Foundation for Women (New York, NY)

Work on women's rights as human rights began in the early 1990s as women tried to articulate concerns they faced. When it was being articulated, the division between civil and political rights (CPR) and economic, social and cultural rights (ESCR) was clear.

Women's lived experience doesn't fit in simple human rights categories. An example of a woman being beaten by her husband has many human rights lessons. Her first need is for physical safety. This is a fundamental right to life. To secure this right, she needs to leave her home (even though she's the victim). She loses shelter in the process. In many countries, her original family refuses to take her in. In most societies, if she's worked in the home, her labor has no value and now she needs an income. If she worked outside the home, she can't go back because her batterer knows where she works. For women's securities, it means freedom from violence and access to resources to better her life and her kids' lives. In understanding the lived experience of women's lives, we better understand the broader range of human experience.

This session will try to address the following questions:

- Why do women's organizations and advocates bridge the divide?
- What does a focus on women as a core constituency bring to fullness of human rights as expressed in the Universal Declaration of Human Rights (UDHR)?
- What is the relationship between bridging this divide and bringing true social change?
- What challenges remain to women's human rights groups trying to bridge the divide?
- What lessons do they bring for other movements and issues trying to bridge this divide?

Emilienne de León

Executive Director, Semillas- Sociedad Mexicana por los Derechos de la Mujer (Mexico City, MEXICO)

A key question here in talking about women's human rights is - what makes the law effective? There are several conventions: CEDAW (Convention on the Elimination of All Forms of Discrimination against Women); UN Cairo Summit (1994); UN Beijing Summit (1995). But the laws aren't taking effect in many countries, including Mexico. What are the main problems that prevent this from happening?

Semillas, a women's fund in Mexico, has been promoting women's rights in Mexico for 13 years. Our perspective is not shared by multilateral governmental institutions in Mexico. Our assumption is that women's empowerment comes from the following things, and is a central question in our grantmaking.

The first assumption is giving support to small economic projects and microcredit lending. Giving money to women is an empowerment but not enough. We respect women's decisions on how to spend the money. With a microcredit program in Oaxaca, some women decided to go into small business, others bought household goods. One of the women decided to sell cosmetics door to door. Her business wasn't able to grow, since she lacked skills to make it grow, but she felt more empowered. Another woman bought a gas stove to replace a charcoal stove – she wanted to study to look for a job, and the new stove freed up lots of time. She recognized her time to improve her life, the right to use her own time.

The second example is part of this assumption. Many groups have been funded for reproductive rights. With health centers, a key issue that it involved is creating a healthier infrastructure. Clinics don't care about the right

of women to be informed about their bodies and health. There is another example of a group that ran a health center that achieved the following: persuaded leaders to let women leave the community to visit the health center that was about 25 miles away; arranged for a translator; and led workshops on health and reproductive rights. In getting people to understand the importance to this – this is an understanding of human rights.

The third assumption is that a just system exists for people to access. We worked with a group in Oaxaca on the right to live without violence and taught how to make statements against violence. An indigenous women's group became a solidarity group against violence. They denounced three cases, but the court didn't listen. They took action and went to the abusive man and told him to stop beating, otherwise they would beat him. Another group addressed a case of sexual abuse of children by a high-level teacher. They wanted parents to denounce him, but the parents were scared. Finally, they persuaded the mother of a disabled girl to denounce him; the court didn't like it. They went to the authorities, made a statement, and the teacher went to jail. When women in community organize themselves, their knowledge empowers them. When women don't know their rights, it is very difficult to access justice. The community is now informed about human rights, and the violence is decreasing.

How do we increase impact? We designed three main strategies to bring about social change and measure the effects:

1. Invest in social change – support project that involves women's human rights (workshops, dissemination of materials, communications, etc.)
2. This is social investment, not philanthropy. We need to promote women's human rights, not just among grantees but among donors. We are mobilizing Mexican women donors and getting women to invest in women. We are doing human rights education and creating peer relationship among donors and grantees.
3. Create list of indicators. There are four levels of empowerment: knowledge of right, change of attitudes, change of practices (you are denouncing abuses); and social leadership (you're not only concerned about your issues but other women's as well).

So what makes law effective? The 5th article of CEDAW mentions to implement adequate measure against discrimination: "States Parties shall take all appropriate measures (a) to modify the social and cultural patterns of conduct of men and women..." This means change of cultural patterns. Change needs to take place through a cultural shift throughout the world. Men and women need to make this change.

Video screening – Two music videos were shown, "Babul" and "Mann Ke Manjeere" which were produced by Breakthrough TV. The videos focus on violence against women and girls in India, and have shown widely in India.

Karen Musalo

Director, Center for Gender and Refugee Studies (San Francisco, CA)

What makes the law effective? It means laws exist, and if we use them. Laws don't reflect the gender paradigm. For women asylum seekers, the laws don't reflect their situations. We need to get to a place where they recognize this gender and refugee status. Women fleeing a country to another country have no rights entering an industrial country. We're talking about very vulnerable people and triple marginalization: they are women, undocumented, and most of them are women of color. There's a prejudice against protecting women who flee their homes. Xenophobia ties in with immigration policy.

I will be explaining refugee laws and how human rights approach hasn't worked but could.

The legal definition of a refugee adopted in the Convention started during the wake of WWII: a person with a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a particular social group. Many countries adopted this definition.

Activists pushed to show that women's right are human rights. Refugee law protection hasn't caught it within the broader frame of human rights. What happens to women is not considered persecution. With female genital mutilation (FGM), enforced polygamy, etc., the response has been that it is not persecution, but a religious or cultural requirement. The second issue is that what happens to women is not directly done by their government (as is the case with men) – it's often at the hands of a community, family, or partner. Refugee status is to protect people from government abuse. However, when a government fails to protect its people from others, the government is responsible for the abuse. FGM or honor killing are legal in countries where homicide normally brings about the death penalty. Or in the case of the Taliban, it is the government itself which barred women from what should be the rights of all. The third issue is that you can make a defense based on persecution on one of the five mentioned grounds, but gender wasn't included. You can't claim, "This will happen because I'm a woman" since gender is not defined as a social group. The UN High Commissioner for Refugees can call it membership in a social group and define that as gender. The UNHCR took the lead fifteen years ago and stated

that you don't need to change the definition; just recognize that a "social group" can describe women. The drafters put "social group" in because they couldn't see into the future and might not know all possible reasons for refugee status: "social group" is a useful catchall. It has been used to describe gays and lesbians or the disabled. Adding gender isn't going out on a very big limb. UNHCR recommended it as a criterion, and told countries to use these definitions to protect women. In the U.S., the INS created guidelines in 1995 in which gender considerations are quite favorable.

Then a young woman from Togo named Fauziya Kasinga fled her country to escape forced polygamy and FGM. She was denied asylum by a U.S. immigration judge, who considered her situation was due to her culture. The case went to the Board of Appeals, who overturned the initial decision, believing this was persecution, gender could define a social group, and human rights abuse could include non-government actions. The victory had a big impact.

A few months after this, Rodi Alvarado fled from Guatemala to the U.S after years of battering by her husband. She was granted asylum by an immigration judge who saw examples from Kasinga's case only 3-4 months earlier. However, then the same judge who heard Kasinga's case overturned this decision saying this case was different. This negative decision reverberated around the country.

Afterwards, the Center for Gender and Refugee Studies and other groups realized the need to work on this issue. What the U.S. does is often adopted in other countries. We were concerned that the UK, New Zealand, South Africa, Canada and Australia, who were doing better with similar cases, could be affected negatively.

In the last seven years, we got the Attorney General Janet Reno directly involved in the case. She did a complete reversal. She vacated the negative decision in the appeal, and on her last day in office, she submitted new guidelines. She wanted this case to be decided again by the new regulations. However, John Ashcroft entered and took the case to decide on his own instead of letting the Board decide. Hundreds of women have come to the United States. It's a mixed message from the U.S. and it's had a chilling effect.

The Center for Gender and Refugee Studies provides training and technical assistance to attorneys on such cases. We're creating a network of advocates and tracking such cases. The Justice Department is very secretive; it doesn't don't publish cases or decisions in traceable forms. You have to just find them one by one. What are effective ways? You need lawyers to file briefs, help document such cases, do litigation and policy work. We can use the tracking and monitoring to make our case that a woman's rights are violated if the government won't protect the woman. It makes the law effective. You need to use lawyers' tools when you work with Congress or the UNHCR. However, all of this is not enough. What we really need, especially with immigration, is to build a constituency who says "Yes, these people should be protected." Get people to accept the fact that women's rights are human rights within the current legal definition.

Leni Marin

Managing Director, Family Violence Prevention Fund (San Francisco, CA)

The Family Violence Prevention Fund is a national organization that has been in existence for more than 20 years. We help those people who lives are destroyed by violence.

FVPF collaborated with the Center for Gender and Refugee Studies earlier for Rodi's case and had two editorials in the *New York Times* and the *Washington Post*. We were trying to build a case for gender. Our effect will help figure out the question – can we build a constituency that works to fight for women's human rights in the U.S. by focusing on efforts to address violence against women?

I was in Vienna in 1993 when the UN recognized that women's rights are human rights. My euphoria evaporated when I came home to the US. Knowing the depth of fragmentation here – all sorts of movements – can women's rights bring them together?

We set about to change immigration law. We worked with a coalition to bridge the domestic violence, immigrants' rights and women's rights movements, which was very effective. Many groups worked together to push the Family Violence Act, which sought to protect immigrant battered women. For the first time, a woman can get legal immigration status without having to depend on her abusive husband. It provides immigrant women the right to have access to justice, health, housing, employment and other services.

Since then, a network of activists has continued to strengthen implementation of this law – the National Network to End Violence against Women joined by the Family Violence Prevention Fund. The National Network and FVPF are opposing anti-immigration legislation now being debated in Congress to deputize local law enforcement to

enforce immigration law. That means that women who might report abuse will be afraid to, and it has a chilling effect on communities in getting help from the police. We are also organizing rural immigrant women in communities in Iowa, Kentucky, Alaska and Hawaii. Globalization has resulted in more and more women having to leave their own countries to get low-paid work abroad. We are also working in partnership with NGOs in India and Chiapas.

The National Network to End Violence against Women joined with the Center for Gender and Refugee Studies to kick off a campaign with the two videos we saw. Our mission is to defend the rights of women as human rights. We provide access to legal expertise and tracking of cases. We mobilized a congressional and grassroots response to Ashcroft's decision on Rodi's case and established the Rodi Watch, which gives the campaign a human face. It is important for us to make important cases visible to the public and to do policy work to put pressure on Congress and the Attorney General.

As we create global community, there is no greater imperative than assuring that women are safe from assault and murder. There is continued resistance in the U.S. to see immigrant and refugee women as persecuted. We need support from funders for the movement to not send women back to their persecutors.

Q & A Session

Q: Karen, can you talk about how you have been engaging in anti-immigration policy, and how to use a human rights agenda? Lessons learned from the human rights agenda?

KM: Although we have a very bad climate now, there was also a very bad anti-immigration climate back in 1995 and 1996 (with the Immigration Act). This was the same time that these two women's cases were happening. You can't make assumptions about any period or climate. Fauziya got a very sympathetic *New York Times* reporter, Celia Dugger, as she languished in detention for sixteen months. She did a very sympathetic article with a photo and we got thousands of calls – "I can't believe my country would do this!" This was at a time when the anti-immigration climate was high. That human face did it. What it takes is telling the stories. People who might not agree with gender asylum will agree that a woman who is gang-raped by guerilla forces shouldn't be deported. Attitudes often aren't based on cases. Congressman Alan Simpson used to say he hated when those advocates told those stories! We all mourn the U.S. being so against international human rights norms. The refugee definition does come from an international treaty that the U.S. ratified. If we can win on this, we can get the U.S. to do what the UN has said they should.

LM: It was raising public awareness as well as that of Congress around domestic violence. It had a lot to do with our accomplishments. When we educate people about these things, will the American public allow this to happen? If the government allows it, they are protecting the abuser.

SG: What about the work outside the U.S.?

LM: I have to say it's the same thing here or outside the U.S. Activists are putting the domestic violence movement together with the human rights movement.

Comment: Fauziya Kasinga wrote a wonderful book about her case and her experience with the INS. It's called *Do They Hear You When You Cry?*

Comment: The Afghan Constitution is a star example of needing to bridge the divide by including women. You need to look beyond women as vulnerable victims and mothers. Add it to the agenda here to come out with a more proactive goal. A critical mass of women can make a difference. Think of the role of women in the Good Friday Agreement. The South African constitution calls for at least 30% of Parliament to be women. In Afghanistan, women are seen as citizens and guaranteed 20% in Parliament. The UN Resolution 1325 on Women, Peace and Security calls for more women at these levels of government.

EDL: Maybe violence has increased so much in this world, efforts are still needed to address all of them. In Mexico, there is a backlash against women's reproductive rights. It's important to have women in government, but in Mexico, a new political party didn't have enough power. We have to be careful that women are in political leadership but this is not enough.

Q: While there have only been a small number of gender asylum cases, there have been hundreds of sexual orientation cases. When you look at cases of transgendered people, they have had more success. Why are there so few gender cases?

KM: It's hard to talk by numbers. Sexual orientation is now accepted as grounds under U.S. law, after a case of a gay Cuban man in 1992 or 93. We don't really know the numbers. Women may be less able to cross borders. A

lot of women are stuck in refugee camps in underdeveloped countries and they don't make it for asylum cases, but more men may be successful. People are more likely to apply if the precedent is accepted.

KM: Before, immigration was all under John Ashcroft, but now some is under Homeland Security. Ashcroft refused to read a brief on Rodi's case that the Center wanted to submit. Homeland Security said that it could brief it on her behalf. So it has become a big battle between the two positions. It becomes more difficult to navigate through with this system, but if you can do it.

Q: What about using the Convention against Torture in persecution cases? Any success?

KM: It's a good vehicle but the problem is that government has a narrow degree of definition for consent or acquiescence. It's been hard to use. Also, if a woman is granted, she can stay in the country but she can't bring her kids, while asylum grants you the right for your family to join you. Rodi has been apart from her kids for ten years.

Q: We've talked about being a political constituency at these meetings. What can be done to build constituency more broadly for human rights?

LM: We need to organize on the ground, educate people about these women, and draw policies to protect these women. In Vermont, they've set up one center to work on these cases to process all these cases.

EDL: We supported an NGO in Mexico to link voices of women on human rights and Congress at state and federal level. Another project involves the murders of young girls in Ciudad Juarez. It is to promote a coalition of NGOs to really try to get justice for those cases. Many of the mothers of the cases are disempowered because of lack of justice.

SG: In this country, there's a huge infrastructure for groups to do human rights work with mixed groups. At Ms. Foundation, we run a women's empowerment institute. This year, we brought women who do work based on rights with other groups. Many were unaware to see how their work was human rights. The capacity building work needs to happen.

Comment: There is difficulty with the definition of human rights. Many funders say we don't fund human rights. But human rights activities can take decades to take affect. We often fund groups with human rights factors, but we fund a small number of groups in areas to bring women together. I often hear, "We don't fund women's empowerment activities."

Comment: We have a global justice program which is expanding. It's clear that much strong work integrates many rights, and workers rights often include women's rights. In order to organize maquiladora workers, you have to organize women on women's right to show they have power. One of their first issues was sexual harassment. No law existed for them.

Comment: We're trying to associate violence against women and HIV work. Funders are only funding in one area over another as being exclusive. What's been effective is the human rights argument – the right to health. We attracted WHO funding for this.

Comment: With human rights actors on the ground, they don't identify what they are, for political reasons, etc. With IHRFG, five years ago, it was a few people who were frustrated about the status of the field. Part of it is language or presentation.

Video screening – A video produced by Breakthrough TV was shown called "Bringing Durban Home" about the World Conference against Racism in Durban, South Africa.

Comment: We need to do holistic funding! The issue of sexual harassment (women's rights) was a tool for starting organizing in Mexico. For example, we need to see the connection of HIV/AIDS and women's violence. The two sets of funders don't necessarily see the other's issues.

Comment: Durban was the straw that ended Mary Robinson's career, which was a huge loss. Durban also became a trigger for possible Senate investigation into funding by a major foundation and ridiculous consequences. We're living in a new environment. Foundations don't fund labor because several foundations got in trouble for funding progressive labor movements. The political climate has serious impact on initiatives that funders are taking. The risk-taking of smaller foundations will become scarcer. The space we're going to be functioning in will become increasingly smaller.

Comment: Human rights has become a generic term. It was a very esoteric word until recently. We haven't used narrative enough, both in educating what human rights means and using it to solve everything – social, economic, global, political. It means using the narrative to do our work.

Comment: This is an international human rights funders group. We are both U.S. funders and international funders. It makes us need to think of other ways to do our work. We need to reflect more how to claim this identity. There are more and more women's foundations in various countries, more national foundations, and more international foundations. There's something in this conversation and in this room that is proactive – a conference of lots of people, defending human rights, as a global force.

Comment: We should be funding civil liberties and media. We need to do a bit more power analysis.

Comment: There are plans for convening a joint conference of rights-based affinity groups (such as for immigrants & refugees, LGBT, environmental, disability, non-discrimination, racism). It's being done through FuNCNet – Funder Network Coordinators Network. 50% of the affinity groups are interested in international issues.

II. Working Groups - Breakouts

Shalini Nataraj, Reebok Human Rights Foundation

The two working groups met concurrently and then reported back to the whole group.

“Leveraging New Funds to Support Human Rights”

Co-facilitators: Michael Hirschhorn, Jacob and Hilda Blaustein Foundation & Miriam Porter, Consultant to IHRFG

Michael Hirschhorn and Miriam Porter received feedback on the Leveraging Committee's draft booklet, designed to educate donors about human rights grantmaking. Approximately 28 attendees read and discussed the booklet, which is currently titled "Righting Wrongs." Suggestions were made on the booklet's message, tone, language, and structure:

- Add more examples of the specific outcomes resulting from a human rights approach, in order to make explicit the value of this type of approach.
- “Punch up the tone” and emphasize the need for funders to support human rights now.
- Add a discussion of current attempts to undermine human rights at home and abroad.
- Give readers more context about human rights, perhaps via a section about the United Nations or via a section on the evolution of human rights between 1948 and 2004;
- Include one-page descriptions of specific human rights
- Add case studies on human rights and peace, on human rights and development, and on civil and political rights.

Next steps include editing, fact checking, and updating the case studies to ensure they are current.

“Fund for Global Human Rights”

Facilitator: Regan Ralph, Fund for Global Human Rights

Regan Ralph, executive director of the Fund, reported on its first year of grantmaking. In 2003, the Fund made fifty-three grants to human rights organizations in eight countries for a total of just over \$1 million. The first grants went to groups in Mexico, Guatemala, Sierra Leone, Liberia, Guinea, India, Bangladesh and Pakistan. The Fund has added new board members, including Pakistani human rights advocate Hina Jilani, and now is chaired by Mary Robinson, former United Nations High Commissioner for Human Rights. Regan outlined the Fund's plans for 2004, which include increasing the total amount of grantmaking, developing an advisor network of human rights defenders, adding a region of the world to the Fund's portfolio, and reaching out to funders new to international human rights issues. Thus far, the Fund has attracted close to \$600,000 in “new” support.

Discussion in the break-out session focused on the challenges of making solid, strategic grants with a small staff and operating budget, feedback on the Fund to date, ways to develop the Fund's work—e.g. will the Fund organize around thematic priorities, how will the Fund decide where and when to expand its grantmaking into more regions—and ways to strengthen grantees beyond with financial support. Karen Colvard and Steve Riskin suggested ways to tap into existing resources for assisting grantees in areas ranging from human rights documentation to proposal writing.

III. Programming Trends Session

Facilitator: Steven Riskin, U.S. Institute of Peace

The session was designed as an opportunity to take stock of the state of human rights funding. According to the results of a questionnaire circulated to members of IHRFG, the amount of money for human rights grantmaking has been relatively stable. Nonetheless, the field has been adapting to new challenges, including the post-9/11 political and economic environments, a drop in endowments and the Treasury guidelines. Is this having a chilling effect on human rights grantmaking?

Comment: There has been an increasing number of proposals addressing conflicts over natural resources. This could be reflective of a new human rights strategy.

Comment: Grantees abroad who disapprove of the policies of the U.S. government want to know where U.S. grant money is coming from. This is increasing our isolation from the international human rights movement.

Comment: Foundations that come under intense scrutiny or attack over their grantmaking have a natural inclination to avoid publicity. Whether there is a real chilling effect or foundations are fighting back, there is little incentive to admit it either way. How then can we be sure we know the true picture?

Comment: How many of us have made accommodations to the Patriot Act by changing grant agreement letters, narrowing areas of focus, etc.?

Comment: In one instance, a grant to do research in Pakistan on the causes of terrorist violence was rejected on the grounds that it's something we don't need to understand.

Comment: The U.S. government has increased foreign affairs spending, in terms of funding, for example to the Middle East. Our government lacks an understanding about what foundations do. Better communication with the government can lead to better understanding and relationship with them.

Comment: Corporate social responsibility programs and such provide more opportunities for leveraging. There's a convergence of nonprofits and for-profits. You can have a bigger force if you know who the players are.

Comment: At U.S. Institute of Peace, legislators have put mandates for funding, but they have been broad enough to do what we need to do.

Q: How has the current political situation affected your program and funding?

Comment: Four Freedoms Fund was created as a direct response to 9/11. Our mission is to provide resources to immigrant communities in the U.S. to end these attacks. It's a collaborative of different foundations – to create a distance from scrutiny of their grantmaking. We've taken extra due diligence to make sure groups are above reproach. We are making it attractive for other funders to become involved, but at the same time, we fund front-line organizations.

Comment: In these times, we need to be less cautious. It's time for us to turn up the volume in these times and say we are looking after you!

Comment: If we as funders can't stand up, how can we expect our groups to do this? If foundations get closed down for doing this, what better reason can there be for this to happen? We are human rights funders; we have documents already showing everything we're doing. It is offensive when they say that we have to do due diligence – we've been doing that already and we have all the documents to prove it!

Comment: New World Foundation has been on the list for a long time. Wall Street Journal printed a story on left extremism in Clinton Administration and they used our foundation as an example. When they did do due diligence, we had proof. If we are going to do this, however, we as human rights funders should be funding human rights in the U.S. We need to do more power analysis in this group. We should think of people in the Republican Party who are interested in civil liberties, which senators, etc; do more thorough work.

Comment: That suggestion is a first practical step for us to do.

Comment: We could think more strategically about whom to engage in dialogue with us. One of the powers of human rights is that it is something many, many countries have agreed to uphold. We need to build more political support. How can we use our position to do this?

Comment: We might consider Harold Koh who is the dean of Yale's Law School.

Comment: Attacks on international giving by foundations is an attempt to conflate activism with terrorism. While foundations can stand up to these attacks, the individual donor base is more susceptible to fear.

Comment: 2003 was a difficult year for foundations – there was the 5% payout issue, New York State Attorney General Spitzer came out saying we need to get rid of foundations with less than \$20 million, and there was a lot of negative press on foundations. All of this affected the public's opinion. Most folks did not do anything about it. We have to say we're fighting for our well-being, not just grantees. Several large corporations stepped out of international funding.

Comment: To reach out to moderate Republications doesn't get you far, since they can only do so much. But Eliot Spitzer should be on our side.

Comment: In looking for new allies, not much of all this is monolithic. Many folks in the Christian right are sympathetic to human rights.

Comment: There's a moment we may make this conversation larger – bring together funders, hold a conference, put ourselves in a consolidated way, and have an enormous number of people behind it. We can determine a specific purpose for this gathering.

Comment: A global conference for human rights! We had an idea a year ago for a conference of joint rights-based affinity groups (immigrants & refugees, LGBT, environmental, food, etc.) to talk about what it means to do human rights work. What do we have in common? There's a group for coordinators for these groups (FuNCNet), who are outlining this meeting and holding a conference call in March.

Comment: With environmental funding, much of the funding goes to conservation groups. Many of these groups are actually hurting indigenous people and displacing them.

Comment: One problem is that most of this is anecdotal. Global Greengrants Fund raises its money and makes grants. We make grants for small funders, individuals, and others who are affected by the fear factor. It's now more difficult because of technical difficulties and the political climate. We need to help people understand that activism and terrorism are not the same. What can we do, in a particular constituency, to promote this?

Comment: At Ford, we made sure to do everything consistently. We need to share information on best practices. We also learned to talk better in a language everyday people can understand. We are well situated to create a communication strategy. For example, with the Treasury guidelines, what do we need to do? We should consider a national communication strategy for human rights funders.

Comment: The Treasury guidelines were premised on the false assumption that foundations were a major funding source for terrorist groups. Why don't we push back and show how foundations have been a force for good?

Comment: Bush has talked about policy to promote human rights and tolerance. Our strategy is to call them on this, the ambassador of UNESCO, and talk to people who are the responsible party, to see how they see it can be implemented. Get a better understanding of where they are coming from.

Comment: It would be helpful to get documentation of how foundations and grantees are affected by the Treasury guidelines.

Comment: We can submit responses online on the Treasury guidelines. We should collect data on how foundations are reacting to the guidelines. Responses can remain anonymous. Please sign up if you're interested on working on a questionnaire on this subject.

Comment: The Treasury guidelines are not the catchall. The guidelines are voluntary for foundations. The only mandatory thing is the Executive Order 12334, which orders you to check names against the government's terrorist list. The Bush Administration is giving more money for aid, but they are things that are already on the books, which they are getting credit for. If you look at where the money is going to, you'll see it is part of privatization.

Comment: The increase of money going to AIDS is actually going to American corporations.

Comment: We need a more sophisticated data collection about human rights funding. My feeling is that more people are going to human rights, not turning away.

Comment: A mapping project was attempted earlier for this purpose. Now, we thought the best thing to do is to get the Foundation Center to do this data collection work. Get a group to work with the Foundation Center to introduce new categories, since they are the ones people turn to for this kind of information.

Comment: The message should not be “everyone is getting out” because of political climate. The Fund for Global Human Rights is making grants to small indigenous groups; they are not saying it is difficult. They have even gotten more money from new funders. It is important to publicize the positive message.

Comment: We need to articulate a benchmark for what we are doing.

Comment: When larger foundations start new behaviors, there’s a domino effect on small foundations. We need to be cautious about what we do and its impact on others. Smaller foundations have historically been the risk-takers in international human rights grantmaking, helping to pave the way for larger donors.

Comment: When you get challenged, you need to say you are doing everything that you need to do. Ford has gotten many challenges about funding issues such as reproductive rights, immigrant rights, and recently from Israeli groups for hate and terrorism. But we didn’t back down from funding in the Middle East.

Comment: The booklet on U.S. human rights – “Close to Home: Case Studies of Human Rights Work in the United States” – by Dorothy Thomas and Larry Cox is a great resource. [NOTE: Please go visit www.fordfound.org for ordering information.]

TUESDAY, JANUARY 13, 2004

I. Networking Session: “Fundors as Advocates”

Facilitator: John Kowal, Open Society Institute

Mark Schmitt

Director of Policy and Research for the U.S. Programs, Open Society Institute (New York, NY)

OSI’s recent experiences have set goals for OSI toward a more active role in advocacy. I’ve been at OSI since 1997 as Director of Policy and Research for U.S. Programs. In 1997, George Soros shifted focus of OSI from Eastern Europe to U.S. At that time, such work was thought of as more service-oriented than advocacy. The Emma Lazarus Fund [for immigration-related work] was a big move at OSI; this was when Congress was cutting benefits for immigrants. Of the \$50 million in the fund, \$5 million was for advocacy to change some of the laws.

Over the course, OSI staff pushed to move the mission of OSI to include greater emphasis on advocacy through grantmaking and the development of infrastructure that can pursue advocacy work broadly. Issues come and go, but that building the capacity and infrastructure for effective advocacy is important. The process was set in motion; OSI now has an advocacy policy director at its office in DC, and the office has 501c4 status, which serves as a nice safety valve to do lobbying. Good advocacy and lobbying are totally unrelated. The institutions we created are not as important as our mindset of what we wanted to do. There’s no impact when individual foundations push to do lobbying—more thinking needs to be done about how foundations’ voices can effectively add to the public debate.

It’s important to be thoughtful of where foundations are at in terms of adding to the debate. Firstly, where can foundations aggregate in the field? OSI can bring together the Soros network from all over the world and can discuss the best ways to bring about civil society and open society. The Joyce Foundation in Chicago is well known for funding in the nearby states. It funded groups focusing on welfare issues and brought them together to produce materials which were sent to Congress. That aggregation of knowledge was useful. Secondly, what is the piece of advocacy that we can do that no one else can do—that can serve the whole field? For example, OSI funds criminal justice and many of our grantees are small advocacy and research groups. These groups didn’t

have good sense of the broader politics nor know how to change the public's opinion on criminal justice. It was important however for the whole field that they did. So OSI did work on public opinion vis-à-vis criminal justice—something the smaller individual groups could not do. Among other things, work of this kind by a single group would have been proprietary. It's important to promote a diversity of thinking and voices, but this can be tricky. Care is needed when balancing between a foundation's efforts to promote diversity on one hand and having and advocating its own views on the other.

Harriet S. Barlow

Advisor, HKH Foundation, (Blue Mountain Lake, NY)

A person's age has an impact on the way advocacy is approached. Older folks did not come into this kind of work as a profession. Advocacy was not part of the philanthropy. We all come to this work with different assumptions. Foundation people think in the framework of what their trustees think.

We don't have a framework about this kind of work, which brings a liberated kind of feeling about this. You do the very best you can do. Respect the knowledge that you have. It is important to do smart convening. Advance the field by deepening the contacts you have. You advocate by introducing new ideas and different viewpoints – you as funders are the choreographers.

A harder question to answer is – what is the role of philanthropy in the power structure in the U.S. and its ability to affect social change? At OSI, there is tremendous respect for philanthropy and its role. It's absolutely good to start even asking what is at the heart of advocacy. It's the most difficult question. If we are prepared to be neutered, if we say we will put our money only where there is no hard rub, are we ready for political success?

We're in the business of social change; power is at the heart of the matter. But is power analysis being done at foundations? The finer thing is how at the institutions where we work, how can we bridge the gap between 501c3 status and our desire to affect social change.

Q: How should we respond to recent attacks on foundations and philanthropy? Does a foundation redo its due diligence process and wait for the attacks to blow over or should foundations engage the attackers? What is the goal for funders?

HB: There are a couple of different questions for me with that. What is the most appropriate response by the funder community? When several members are attacked, the most effective response is a united front. Ford Foundation being attacked is a test run. Picking off foundations one by one is a time-honored approach. We have to defend the right of organizations and individuals to do their work. We have to defend the field. Remember there is great precedent for this kind of activity and it's not going to go away. Those who lived through the Cold War will remember.

JK: We talked yesterday about power analysis. What do you mean by it?

HB: There are different types of power analyses. In the union movement and social movement, one examines the terrain, the actors, the levers of power, where certain people are where they are, how they came to be, other vulnerabilities of others.

Bisi Adeleye-Fayemi

Executive Director, African Women's Development Fund (Accra, GHANA)

There are quite many differences with our foundation and U.S. foundations. I want to emphasize the fact that I am an activist who happens to be in philanthropy. We're based in Ghana and we inherit the political baggage of this country's history. We have severe limitations on advocacy work as a foundation in Africa. We tend to use a soft approach to advocacy in our funding. We give grants for general support, capacity building, and convening/networking purposes to women's groups doing advocacy.

Last December, a domestic violence bill was introduced. I was asked by a coalition of organizations working on this issue to facilitate a meeting. I asked why they asked me, since there were many other groups doing this work. Their reasons were that the funder is perceived as being neutral and we have broad knowledge and perspective due to our work. One lesson I got is that we don't have the luxury to be invisible. Donors are viewed with suspicion and there are questions about the visibility of foundations. They came to us to support the domestic violence bill. We have to be able to stand up and be accountable to the values we claim to stand by. Whose agenda are we promoting?

If donors are really interested in pursuing advocacy work, there are several points that must be considered. Does the field contain the structures and capacity to respond to the challenges? What are the critical entry points—

such as the constitutional process—through which efforts can be pursued? Also, donors need to have a flexible process that will enable them to respond to emerging needs. We developed a new fund just for that.

JK: Being invisible is a luxury that we can't afford. Are you the only foundation in Africa doing this work?

BAF: The African Women's Development Fund is not the only one funding in the women's rights field in Africa. The others are larger foundations. Others have been functioning, but they cannot be vocal with the state. Those groups need to work together. One participant commented that there are institutional barriers and perception issues. Foundations see themselves as playing a "neutral" role, but in choosing issues on which to focus, they're not neutral. There are questions about a foundation's visibility versus invisibility and it being neutral or not neutral.

Q: You talked about barriers. Often times, funders exploit their image as being neutral, but we know they are very partisan about things. We need to flesh out more the barriers and what the fallout has been when funders do this. How can we be more visible and do more direct advocacy?

Kirke Wilson

President, Rosenberg Foundation (San Francisco, CA)

I've been doing philanthropy for 30 years. Over this time, most of the criticisms were for procedural things, not what I did but how I did it. It's wonderful that certain foundations are very clear about their politics. Foundations do have points of view, which make us more effective and relevant. My foundation does much around immigration and low-wage workers issues. The downside is that there are those who are quite vocal on the other side—for example, those who argue that there is a need for low wage workers. Nevertheless, we have to sacrifice the perception of neutrality. The other side of perception is that we work for unaccountable wealth. Why should the point of view of someone from 1931 affect the work of 2004? Why do work to carry out these old viewpoints? It's ultimately a question of democracy: should there be big pots of money to represent old ideas and ideas we don't agree with? When we hear the attacks on the Ford Foundation, we think of 1969 and Congress questioning the appropriate use of funds even though they were perfectly legitimate. The provision (4945) came from actions of foundations in 1965-1969. The vigor and the vastness of the field are greater now than before, and more effective.

JK: We mentioned Eliot Spitzer before. What's the role of foundations in such situations?

HB: It's a question of principle. We should not defend foundations that pay trustees high salaries and hire their friends. On the other hand, the work of foundations should not become a political football and be accused of not being in accord with IRS. The political right should not get away with accusing the Ford Foundation because Ford is doing things the right doesn't agree with. But the history of the philanthropic sector is not a pretty one. When I came in philanthropy, there was no sense that "the foundation money is the people's money." At NCRP's (National Committee for Responsible Philanthropy) first conference, the panels were afraid since audience members were saying things like, "How dare they tell us what to do with our money and that we need to be accountable!" And to do things such as annual reports! When NCRP did a report, it was very appropriate and different. Accountability is one thing, politics is something else. The two should not be confused.

MS: I can't conceive the idea of funders being neutral. What's interesting is how foundations can manipulate their image to be perceived a certain way and use this to their advantage. Because of Joyce Foundation's works on cultural issues in the Midwest with ties to corporations, so they have credibility when they go out there. When designing advocacy strategies, it is useful to bring in foundations that are perceived in different ways. Bringing in donors like the Smith-Richardson Foundation can buy some insurance. Local foundations can position themselves as being solid members of a community, giving them incredible power. Some perceptions can be dangerous, such as with OSI and Soros. The board of OSI is diverse and staff have the freedom to shape programs. OSI is not the embodiment of one person, but little has been done to change the perception. We will always be perceived as a fairly reckless leftist foundation.

Comment: There is an advocacy component in all of the work of the Steward R. Mott Charitable Trust, which is both an operating and private foundation. We work at the nexus between advocacy and politics. In 1994, I served on the board of NCRP. There was a report relating to activities of Scaife and Gingrich that I was arguing that needed to be exposed. But many were hesitant because they didn't want to "gore their own ox." Just a report was done; no investigation was made. Foundations need to be smarter and more coordinated and should not be shy about exposing the other side.

MS: When the right wing chooses to attack, you can't prevent them from not doing it by not doing anything. They choose the fight.

KW: The problem with what's happening with Ford is they were not doing anything. They didn't know how coordinated and thorough the thing was. There was a lot of learning from these experiences that all foundations could have benefited from.

HB: We're relieved when we think that foundations are not sacrosanct. Human rights is sacrosanct. When the primary focus of our work becomes how to protect our institutions, we are in trouble. Foundations need to be prepared and vigilant because the attacks will continue.

Q: Is there a unique role of individual funders at this moment? Such as George Soros who has been so vocal?

MS: There are tons of opportunities for political work for individuals. But there's no benefit with Soros being outspoken as a donor. Voters and candidates need to be vocal. Individual donors speaking up are distractions.

BAF: Don't send all your soldiers and generals to the front line at once. As an intermediary, we have to make them feel safe for donors. Money and politics in the same sentence is very dangerous. Keep it simple.

Q: Draw a distinction of funders as advocates and funders funding groups doing advocacy. How are international human rights funders dealing with issues that groups work on that our government or the IRS frown upon? There are different levels of standards applied for international human rights than for domestic. Are we as funders concerned about such standards?

BAF: It depends. We have to manage that we are neutral. I'm adverse to the strategy of foundations setting up their own advocacy programs. There is one foundation that goes around the world and sets up its own program when grantees are already doing that work.

Comment: I want to challenge the idea of restrictions being so onerous that foundations can't engage in lobbying/advocacy funding. When you get your lawyer and accountant together, you can do a lot of funding that is direct lobbying.

Q: With funders who have their own lobbying and advocacy policies, it's most important that funders say what they are doing and why. For example, Ford's U.S. human rights booklet says why they are doing this. They are being accountable. As funders, we worry about defending our institutions but not what and why we're doing it. On another point, shouldn't we give more voice to the global south?

HB: In trade area, the primary orientation has been to give voice to the global south. This is because in the U.S., the only voice for a long time was the U.S.

BAF: Not much has been done to sustain that infrastructure in the south. Foundations simply check off their categories and think they are done. That's why they are floundering.

Comment: GWOB is dedicated to increasing the voice of the global south in the funding community. We bring people from the global south to attend conferences.

Q: How do we strategically take the offensive? The American people are our audience. We have to be careful of tax-deductible money. It's easy to lose our credibility.

KW: There's a whole lot we need to be doing to make our grants better. Choreographing is a correct word to describe foundations. Our foundation lends research and communication; 99% had to do with making organizations more effective to do the job.

Comment: Guggenheim Foundation has five staff but we all have different views. If we were asked to advocate on specific issues, I'm not sure what our foundation's single voice would be. The best thing we can do rather than advocating on specific issues is provide information, critique, etc. When foundations such as Scaife Foundation took one position across the board, they seem superficial.

HB: At our recent EGA meeting, there was clear concern about whether Pew Charitable Trust has worthy goals. There was a feeling that the actions of Pew were shortchanging long-term strategy. Their money can't be matched by the aggregation of these groups. It was a serious issue of power.

Q: Was there any question of whether funders should be advocates at the meeting?

HB: There was a de facto understanding that being funders are advocates.

Comment: There's a degree of accountability when funders set up their own programs. There are few checks and balances of power of foundations. It should be last resort, as the funder role is unique and fills a gap, but grantees voices should be supported, especially in these times.

Comment: Scaife Foundation is not visible; it doesn't do press releases. But they are very strong advocates within their club. They organize on college campuses and are very disciplined in doing their form of advocacy.

Comment: In Northern Ireland, working as a low radar foundation, we were able to do more than high profile foundations. Not sure being above the radar is always beneficial.

KW: One of the least favorite areas is to get a balance; we use all tools available to foundations to achieve our ends. The trick is to both doing work that is honest and effective. We should be doing more than throwing money over the fence. The bigger picture is what we're accountable to.

HB: The role of funder as an issue advocate when times and fad change is difficult (eg. nuclear arms, arms race). It doesn't make one popular to keep bringing up these issues, but there will be no infrastructure when we need to respond. Maggie Wilson has said that if we don't protect the fringe, we have no right calling ourselves progressives.

Comment: Foundations such as Scaife and Bradley are providing resources to foundations lost in the woods. They did the analyses and responded. The meetings like these and others we have are our responses. We need to jump a step.

Comment: I would like to make a plea for us to not use cold war language. I'm not comfortable with left and right rhetoric. We are donors for decency, responsibility, peace, etc. There is no contradiction between being a responsible donor and being an American citizen (and world citizen).

JK: A begging question here is – are we taking advantage of our privileged position and calling on ourselves to be leaders? How comfortable are we acting as leaders? Can we bring this down from theory to reality?

Comment: We should not manipulate grantees. We should just be listening to our grantees, not telling them what to do.

BAF: Our grantees know what we are and what we are not. We need to ask ourselves the following: Are we credible enough? What is our agenda? Are we open about it?

Comment: It comes down to power analyses within ourselves. One of our powers is to convene. The next step to question- is our goal as a facilitator or director? Astraea will be doing a convening. If out of this, we give a direct agenda afterwards, then we cross the line.

Comment: As a program officer, I can listen to the field and collect information and understand contacts. One of the problems is isolation of grantees – a lot of good things are happening in isolation.

KW: Our power can be to bring optimism – via convening and storytelling. Things like this meeting is to show there are good things happening in doom and gloom. Times are always bad, so despair is not an option.

MS: One of the dangerous things we do is define the groups we fund as The Field. It's a very arbitrary position, especially when convening.

Comment: The orthodoxy is a trap – everything has to come to the field. It's not the funder's role to be directive but we have to be intellectually honest when something is missing. We shouldn't always wait for the field to come to us.

Comment: We went through a strategy meeting process, and often faced with the question of how U.S. policy has huge effect on women's groups worldwide. We're struggling to define advocacy vs. education. We launched a campaign to increase funding in the Middle East and Africa, and to get advisors in the field. We also have an advocate-in-residence program, to do education with groups in the areas. Public foundations have a responsibility with the increasing amount of individual donors.

Comment: Activists in the field don't necessarily know each other. Bring people together who don't normally talk to one another. Philanthropists have an overview of the field not usually available to activists. Communication across fields – eg. death penalty activists with LGBT activists – don't naturally happen, but the cross-fertilization is helpful.

KW: The challenge that we face now is greater than 30 years ago, because the world is simply more complicated. Things that used to work before are inadequate now.

MS: The question of next year comes down to what we can do.

BAF: We have always lived in dangerous times. We have to put our money where our mouth is, and our mouth is where our money is.

II. The Funders' Soapbox!

Facilitator: Valentine Doyle, Lawson Valentine Foundation

Sara Gould & Mia White: Ms. Foundation is going through a human rights analysis of their grantmaking. They are also focusing on worker's rights with the Labor Community Alliance and the Women and Labor Fund.

Evelyn White: International Funders for Indigenous Peoples (IFIP) represents a group of funders who fund indigenous issues. The Bush Administration is very adversely affecting indigenous people. In the current climate

of "war on terror," indigenous people are being characterized as terrorists by governments they are protesting against. Contact ifip@firstnations.org.

Atossa Soltani: Governments are not fulfilling their commitments. There is a need to go to corporation in the U.S. where there has been some success. We need to think of how to move the issue from government to include corporations where there is significant power. Visit www.nativeamericas.com for information about Native Americas Journal, published by First Nations Development Institute.

Shalini Nataraj: Reebok's Human Rights Award Program is soliciting nominations for its 2005 award. Deadline is May 31, 2004. Nominees need to be age 30 or younger and must have worked on a human rights issues as defined by the UN Declaration on Human Rights in a non-violent manner. Past awardees have formed a network called Forefront, who are active as the "front line of human rights defenders" around the world.

Katherine Acey & Christine Lipat: Astraea Foundation's Social Change Opportunity Fund gives multi-year grants to groups to make institutional change. The first convening of these LGBT groups from eight countries will happen in Thailand, with the agenda for social change. Astraea welcomes advice from other funders with their experiences with pitfalls and what to anticipate for outcomes of such meetings.

Malak Poppovic: Conectasur is a network of mostly small NGOs and scholars in the global south (Latin America, Asia, and Africa) to exchange information and dialogue on international human rights. If you have grantees who would be interested in joining this network, please refer them to this site: www.conectasur.org.

Shira Saperstein: Funders Network on Population, Reproductive Rights and Health is focusing on funding coalitions across broad human rights issue areas and building a diverse movement involving youth. The Network will have briefing on March 15-16 in D.C. and the annual meeting November 15-17 in Atlanta. On April 25, there will be a March for Women's Lives.

Steve Riskin: U.S. Institute of Peace is gearing up for work in Iraq on governance, transitional justice and constitutional issues. USIP has also been asked to facilitate a peace process between the Philippines government and Moro Islamic Liberation Front. USIP is publishing a volume on U.S. human rights policy around the world. It is also planning a conference on transitional justice mechanisms (Truth and Reconciliation Commissions) and to assess the impact on victims.

Jose Malvido: Since 1990, there's been an intercontinental indigenous movement involving over 900 organizations, groups and peoples. Every four years, they organize a spiritual run from Alaska to Argentina. Indigenous people want to assert their human rights. This year, it will begin on May 1 and will focus on restoring indigenous cultural ways of honoring women and matriarchal ways.

Miriam Porter: Please contact if you can suggest books on human rights for children!

Elizabeth Branoff: Elizabeth is the regional director of American Jewish World Service in the Bay Area. AJWS works to solve poverty and hunger in the world, on issues such as sustainable agriculture and economic development. They give support to people regardless of nationality, religion, and also give support to the former Soviet Union. They also send volunteers to developing countries to work with grassroots organizations.

Susan Freundlich: All of the Women's Foundation's funding is looked at through a gender lens and human rights framework. Within California, they gave \$1.7 million in grants last year. They raise all the money they give in grants. They also began a circle of individual donors to work on intersection of race, gender and human rights, with a focus on criminal justice system's impact on women and girls.

John Kowal: Small group of funders came together last September to talk about the gay marriage issue and a challenge to the proposed federal marriage amendment to the Constitution. They are moving to build a funders collaborative to fund groups working on this issue at a state level. An email listserv has been developed at marriagefunders@yahoo.com.

John Harvey: Grantmakers Without Borders is a funders' network of public and private charities and individual donors. They hold conferences and workshops; last year's conference's theme was funding social movements. The next conference will be held in Miami in October, focusing on the impact of U.S. policies. GWOB will also send a donor delegation to Haiti and to El Salvador. GWOB is also currently looking for a program coordinator for the Bay Area. Membership is free to funders.

Helena Brykarz: Earthrights International has a case against the company Unocal for its human rights abuses in Burma. The group is using the Alien Tort Act, which is now in danger of being removed by the Bush Administration. Groups are organizing around this issue. For more information, visit www.earthrights.org.

III. Working Groups - Breakouts

“U.S. Treasury Guidelines”

Presenters: Barnett Baron, The Asia Foundation; Emilienne de León, Semillas; John Harvey, GWOB
Co-Facilitators: Conrad Martin, Stewart R. Mott Charitable Trust & Melanie Oliviero, Consultant to Grantmakers Without Borders

Barnett Baron

My paper emerged from participation at Council on Foundation’s meeting in November 2002. It started with considering how these anti-terrorism financing policies affected the Asia Foundation. John Harvey and others of you were also there, as well as accountants and lawyers. The Treasury Guidelines presented the most difficult problems.

There were three actions after 9/11. The first was the Executive Order 13224. Names of grantees had to be checked against a known terrorist list (this is mandatory). Right now, what we do at our foundation is download these three lists of terrorist groups to our database. We do a search to see if there’s a match and print out that results page and document it.

The USA PATRIOT Act imposes other potential civil liability if one’s funds are used for terrorist acts.

It is the Treasury Guidelines—with 17 steps for due diligence—which is most difficult. It mixes voluntary and mandatory things together. It assumes best practices are set. As a practical matter, it’s chilling, designed to frighten and deter. The three lists of terrorist organizations are easier to use but it is still confusing.

Although it could be sloppy drafting, it is actually intentional, designed to deter corporate attorneys. The Treasury Department says it’s still not a guarantee you are not liable; these guidelines simply may reduce risk. It creates all these hoops for grantees. It becomes practice for chilling affect.

The government accounting office (GAO) came out with a report saying terrorists acquire income from a variety of sources.

Only the IRS asked for public comment after issuing the guidelines. Nothing has happened since, at least from the IRS and the Treasury Department. The Treasury Department has been quiet, though they expressed a desire to meet with Council on Foundation.

They don’t need to do more. Already, a number of foundations and corporate employees have been cutting money to groups internationally (such as with corporate matching grants).

Q: How do you know if these lists are even valid?

BB: Financial institutions need to check against the lists. They have a Treasury hotline to report “false positives” (i.e. a name on the list in error). In case of airlines, there is no due process. With grants, there are no real actions for you to take if your group matches one of the listed names. You check the list periodically. There is no systematic way.

EDL: 70% of Semilla’s funding comes from U.S. foundations. We recently received a grant from MacArthur. They requested more information than usual from us. I’m very concerned about what’s going on. It’s a matter of dignity. We’re looking to raising more money within Mexico.

JH: GWOB became concerned last year. Heather Ryan has been involved with a task force on these guidelines. We began working separately on responses to IRS and Treasury and submitted a response to Council on Foundation’s response to these guidelines. We also encouraged other funders to respond separately to these guidelines and the IRS. We were led to believe volume mattered. Neither agency has responded. Then the Council on Foundation got involved with the 5% issue. A press release was circulated by charities protesting the

Guidelines, but the press picked up the erroneous statement of the former General Counsel of Treasury, saying U.S. charities are the second largest funding source to terrorists.

MO: We're getting more information now, such as where the real source of funding for terrorists comes from. One of our goals is to collect more authoritative information. We're trying to figure out how to engage more civil liberties groups. We're also considering whether or not to approach a legislative strategy. We need to engage a broader coalition of groups.

Comment: How broadly do we want to define the issues? There is too much hysteria on these issues. On the other hand, all of this can become mandatory.

CM: We need to define what victory is for us.

Comment: It seems there's potential here. But what would the goal be? It depends on what their motivation is. The fundamental premise is wrong, not to just accommodate them.

Comment: The other fight is in the public domain, making funders look wasteful. There are benefits for the next presidential election.

Comment: Do we assume the goal is to be true? Or is it to stop grassroots organizing?

Comment: I recommend the book by Loretta Napoleoni called "Modern Jihad."

BB: We can get involved with the COF session on guidelines. It's worth going back to COF with more information.

MO: We need to be more responsive to our grantees. Organize it out first among ourselves, then contact our grantees.

CM: We need to consider also how to make our boards feel more comfortable.

Proposed Action Goals

- Treasury withdraw Guidelines
- Make lists easily and cost-effectively accessible for searching (follow up Asia Foundation software, USIG inquiry, others)
- Aid grantees and fellow funders on understanding and coping and complying with requirements
- Make clear that the only legal requirement is checking the lists
- Consider a targeted legislative strategy (Appropriations Rider preventing enforcement of Guidelines)
- Increase grantmaking to understand and combat terrorism
- Cooperate with the Council and make alliance with money-laundering experts
- Explore the blurring of "activism" and "terrorism"
- Clarify how names get on the list, and are removed (example of indigenous groups in Ecuador being branded as "terrorist")

Immediate Next Steps

- Hone argument to create a "warming" effect to counter-act the chill:
 - 1) Make the case for the responsible and essential good works of international funding
 - 2) Distinguish clearly fraudulent use of charity status
 - 3) Highlight how counter-productive effect of these policies
- Form joint IHRFG-Gw/oB Steering Committee
- Coordinate with USIG and Toronto meeting of CoF
- Assemble skills sets (funders, lawyers, insider DC view) for power analysis assessments
- Support Gw/oB's proposal to continue work (made available, but not discussed)

Barnett Baron's paper is available on www.icnl.org/journal (Jan 2004 issue) or on www.usig.org.

"U.S. Human Rights"

The discussion focused on four areas:

1. Why human rights in the U.S. and why now
2. How things are shifting
3. Movement for human rights in the U.S., including opportunities for grantmaking and emerging issues
4. Next steps to create space for funders doing a range of funding relating to U.S. human rights

Why human rights in the U.S. and why now (Larry Cox)

The human rights movement in the U.S. is part of a long struggle but one not unique to this country. The struggle is between a government that wants to appear in favor of human rights but at the same time fights to make sure human rights doesn't affect what they do at home. The U.S. has been highly successful in keeping human rights outside its borders. The U.S. system of government is not conducive to human rights, with policies and practices in place to ensure that human rights standards can't be used to challenge human rights violations within its border. The U.S. refused to sign treaties that made the Universal Declaration enforceable as law. Although it did sign the Genocide Convention, it did so with reservations and made the convention non-self-executing. This is the case because the U.S. government is terrified of power of human rights to create impetus for change.

Nevertheless, human rights remains a powerful weapon in the fight for equality and justice. DuBois and the NAACP tried to use Universal Declaration on Human Rights in civil rights efforts in the U.S. Their work met with efforts to paint them as subversives. This discouraged NGOs in the U.S. to not use the human rights legal framework, robbing Americans of a powerful tool to improve society.

How things are shifting (John Kowal)

Reflecting the way the courts interpret the laws and the power of Congress to legislate rights, funders and advocates often worked in separate silos, fighting and losing separate battles and working at cross purposes. The National Campaign to Restore Civil Rights, also fighting in a narrow terrain and in constant losing battle, decided to look at new approaches using the human rights framework. Given both the opportunity and the uncertainty, there was a need to provide a safe place to connect people to human rights and repackage their issues into something that appeals to public and consider the question, "What do we really stand for?" Human rights provided an all-encompassing umbrella to pull together people across the spectrum to come together.

Four of nine Supreme Court Justices have embraced international human rights law. Justice O'Connor has a clerkship program on an international level. Justice Ginsburg has indicated that the U.S. should look to Canada and other countries that are ahead of us. Although international human rights law is being embraced on the elite level and at the grassroots, at this point, there are no connectors, no echo chamber. Many Americans don't think about international treaties or their role as citizen of the world. But it's wise to bond to an international structure and think about how we can take advantage to raise the value of international human rights.

And there are several instances where international human rights laws are being used. Juvenile death penalty offers one example (the U.S. is the only country in the world to execute a juvenile in 2002-03). The Missouri Supreme Court is using international law to strike down the death penalty in that state. In the cases of the detainees held at Guantanamo and those charged as enemy combatants, greater attention is being paid to international human rights law where U.S. laws have fallen short.

Movement for human rights in the U.S., including opportunities for grantmaking and emerging issues (Dorothy Thomas)

Many factors operating at once are contributing to the rise of the human rights movement here in the U.S. An incredible amount of energy comes out of community activism over the past decade, from community-based groups working with immigrants, women, prisoners, welfare recipients. There is large but not sufficient mobility to overcome division to link issue-specific work but still a compulsion to link that work without abandoning your own work. There is also increasing effort by CBOs and local organizing groups to become empowered and organize to defend specific issue areas, resulting in policy advancements at the city, state, national, and international levels and transformation happening in many issue areas. The tools have been rigorous research and fact finding, litigation, scholarship, and community based activism. See "Something Inside So Strong," a publication by the first national network on human rights in the U.S.

The human rights framework allows people to maintain issue-specific work and method while coming together to look across issues in the global frame. This new energy takes advantage of the elite's interest in human rights and reflects a distinct sense of fundamental change taking place at both the grassroots and elite levels.

We need to discuss strategies to overcome issue segregation. The U.S., unlike anywhere else in the world, has difficulty in doing so because activists haven't been exposed to human rights, so there is an immediate capacity problem. This is not a random problem but a challenge to move forward and take advantage of opportunity at hand.

Next steps for the working group to create space for funders doing a range of funding relating to U.S. human rights (group discussion)

Comment: How do we use human rights with the skepticism of bringing something to grantees (e.g., lawyers, activists, or organizers) that they're not already using? How much should funders expose grantees to this new approach and framework? Are we pushing grantees in directions they don't want to go? At the same time, how do foundations take leadership?

Comment: Human rights is not an external thing being imported; it's part of our history and the constitutional values of life, liberty and pursuit of happiness.

Comment: Human rights is about core human values and that resonance should connect us all.

Comment: Mertz Gilmore Foundation is working to develop a U.S. human rights program, possibly focusing on economic rights. What is the human rights framework? Can it be used as a tool to promote the international human rights convention? The LGBT community uses human rights in the wider sense, but it doesn't use the human rights framework necessarily.

Comment: Human rights is both a tool and an end. But it has lots of tools and methodologies, e.g., documentation, that are ultimately about holding a government accountable.

Comment: The first broad step is organizing, using human rights in organizing and introducing the language. Funders need to support organizations that can actually reach people.

Comment: Elite like judges are ready to receive human rights and that their interest didn't bubble up from the ground.

Comment: Immigrant groups often bring human rights to the U.S. The human rights framework is part of the traditions in their home countries.

Comment: We are looking at a moment in time, but we understand that change is taking place though it maybe too slow or fast for us to see it. Individual donors are funding what they understand to be human rights and are willing to support human rights. However, they don't want that work to be classified as human rights. This resistance is borne out of fear.

Comment: In Brazil, human rights funders are perceived as supportive bandits, prisoners etc. But the human rights framework has been used, for example, by landless, indigenous people who question separate rights and who have denied but later came to accept gay and lesbian rights, using the human rights lens. Those in the U.S. need to give greater credit to international meetings on how to conceptualize human rights.

Comment: Work on corporate globalization has been instructive for human rights. It's created a global groundswell in many countries, along many lines interests. A lot of this work was educational. With economic, social, and cultural rights, how can we create entry points for small family foundations to support this work but in a tangible and manageable way?

Comment: We need to view the U.S. as a member of international community and consider what kind of a country we want to be. Affinity groups in philanthropy are useful for educating ourselves on specific issues.

Next steps for the working group to create space for funders doing a range of funding relating to U.S. human rights

Dorothy asked the group to identify their needs in terms of how the working group can help advance the U.S. human rights agenda. Below is a summary of the ideas generated.

Hold further discussions on the following:

- The reluctance to use the term “human rights,” including by those who do fund activities considered to be framed around human rights. Can it be human rights if you don’t call it human rights?
- The concern that NGOs will frame their work as human rights for the purposes of getting funding.
- How small family foundations can grapple with broad human rights topics such as economic, social, and cultural rights? What are the entry points that are tangible and manageable?
- The human rights framework is powerful, but we need to think about the de-legitimizing forces, e.g., human rights is everything. How do we not lose what’s being done at the community level?
- The value added for funding human rights and how to frame this for trustees.
- How the human rights framework affects how we’re operating and how it is being done.
- Connecting the history of the U.S. to human rights abuses and the Universal Declaration on Human Rights.
- The concern that we’ve unleashed a great deal of grassroots interest and that we’re not going to meet the needs that will be coming. We need to have a mechanism to share information about groups seeking support.

Take action to:

- Create a subcommittee or steering committee to address some of the needs, e.g., list of approaches, funding, or thinking about troubleshooting questions and problems raised above.
- Create a listserv to share information, articles, LOIs, etc. to keep cohesion between phone calls. The group agreed with the listserv suggestion. Dorothy, John, and Larry will take the lead.
- Share good resources such as the reports by Ford and the New World Foundations.

Upcoming meetings:

- Next meeting—add another afternoon to the IHRFG meeting (for three hours) or add another meeting date.
- There will be a Ford meeting in summer 2004 to convene donors and activists to look at the history, movement, and funding of human rights via case studies. So far, Ford will be working with the Women’s Foundation of California and Otto Bremer Foundation. Dorothy will get out the information on dates.

IV. Business Meeting Session

Facilitator: Michael Hirschhorn, Jacob and Hilda Blaustein Foundation

➤ **Old Business: July 2003 meeting decisions**

▪ **Membership Dues**

At the request of IHRFG members, a voluntary dues system was introduced by IHRFG steering committee at our last meeting. Last December, one representative from each member foundation was invited to contribute dues to support the work of IHRFG. Mijoung Chang reported that dues letters were sent to 80 foundations and that within two weeks of sending the letter, five foundations submitted their dues, totaling \$7,500. Mertz Gilmore Foundation underwrote \$82,000 of IHRFG’s 2003 budget. The remaining expense is hoped to be matched by dues and contributions, instead of the usual system of having various funders cover each meeting. John Kowal stated that from his earlier research, IHRFG’s dues structure was fairly similar with other international affinity groups. Please contact Mijoung if you would like a form to submit your dues.

▪ **Joint conference of rights-based affinity groups**

Mona Younis participated with other affinity groups (Joint Affinity Group) on a call to discuss a gathering of their cross-fertilization work.

▪ **Funders Database (Steve Riskin)**

Steve reported on the many feedback and comments submitted by users of IHRFG’s website from around the world. Most found the website and the funders database very useful:

- From: Oludare Odumuye, Alliance Rights (LGBT), NIGERIA (11/22/03) Email: all_aidsng@yahoo.co.uk
I will like to contribute by first thanking your organisation for developing this Initiative, it has been most enlightening.
- From: Onwudiwe Ikechukwu, Bold Step Initiative, NIGERIA (11/23/03) Email: boldstep2003@yahoo.com
Your web site is great.
- From: Curt Arnson, HaMoked: Center for the Defense of the Individual, ISRAEL (11/24/03) Email: mail@hamoked.org.il
It has been a pleasure watching the site grow in scope and size. The continual addition of links and organizations shows that there is a desire to nurture the site and not just leave it stagnant. Best wishes and thanks for your assistance to our work.
- From: P.CHENNAIAH, National Agricultural Workers Forum, INDIA (11/26/03) Email: chenyya@sancharnet.in

It is extremely useful website with regard to the details of various human rights organisations - particularly support agencies.

▪ From: Juana Kweitel, Conectas Human Rights (12/13/03) Email: juana.kweitel@conectas.org
I am writing you on behalf of Conectas Human Rights an international human rights NGOs based in São Paulo, Brazil. Conectas is the facilitator of a network of 400 human rights activists from the South, called HRDialogue. This network has a website (www.conectasur.org) where members can publish information about their activities. I also want to congratulate through you, the members of the IHRFG for the initiative of creating this data base on human rights funding sources. The IHRFG web site is a critical source for this important information that must reach those organizations and initiatives who need it.

▪ **Reading Group (Miriam Porter, Consultant to IHRFG)**

Miriam reported that the group held two discussions (on works by Arthur Helton and Stephen Golob) via conference call. For people who want to suggest titles, you are encouraged to coordinate the discussion. Please contact Mijoung Chang if you're interested. Discussions will be held every two month, on the first Monday of the month at 3PM EST. The next discussion will be in March.

▪ **Visit to Office of UNHCHR in Geneva (Malak Poppovich and Shalini Nataraj)**

The committee will contact the new High Commissioner as soon as that person is announced. Participants will also meet with other human rights groups in Geneva. Meanwhile, the committee needs to gauge the current level of interest for the trip. Please send suggestions regarding the trip even if you don't plan to attend. As for dates, it was suggested to schedule it around the European Foundation Centre's 2004 annual meeting in Athens in late May. It was also suggested to have the visit when the human rights committee is in session.

➤ **Annual Report – 2003**

- IHRFG's 2003 expense and income reports – IHRFG expense totaled \$100,506. IHRFG income (from members' contributions) totaled \$29,139. See handouts.
- Funders Database – The IHRFG website currently has 63 funder profiles in the database.
- Conferences – Proposals for IHRFG panels were accepted for the 2004 Family Foundations and Council on Foundations conferences. Dorothy Thomas mentioned that the three-hour panel at the Family Foundations conference will be very participatory and will go deeply into the how and why. A compilation video on human rights will also be shown.
- Other accomplishments for this year include the following: Fund for Global HR has recruited Mary Robinson as Chair; expansion of IHRFG's membership; creation of IHRFG dues system.

➤ **Moving Forward – 2004**

- Budget – See handout. The budget for next year totals \$163,185.
- Leveraging Project – The LP booklet will soon be going to print.
- Human rights videos – Two videos (compiled by Witness) will be created to help reach more funders.

➤ **Next three meetings**

- July 2004 – Our next meeting will be held on July 12-13, 2004 in Chicago, IL. Raoul Davion has offered for MacArthur Foundation to host our meeting if space will allow.
- January 2005 – After considering other potential cities, participants felt it was good to keep the January 2005 meeting in San Francisco and the July 2005 meeting in New York to keep the balance.
- Other places to consider for future meetings – Brussels and Ottawa. We need to have more international linkage and voice, so meeting outside the U.S. will be important. Also consider having next meeting in September, to coincide with the Geneva trip.

➤ **Other business**

- Participants expressed a need to meet for two to four hours for the U.S. Human Rights working group without adding more days to the meeting.
- Breakout sessions deserve to be assessed. Should we continue concurrent group meetings or rotate working group sessions?
- The Business session should be scheduled earlier in the day, instead of at the end. Consider 2 ½ hours each for Networking and Human Rights Educations sessions.
- Suggestion was made to have childcare available at our meetings.

Working Group on Human Rights in the U.S. (Larry Cox, John Kowal and Dorothy Thomas)

Opportunities for grantmakers to support the U.S. human rights movement

This is just a very brief list of sample funding opportunities currently available in the field of human rights in the United States. We would be grateful for your thoughts and amendments.

1. Human rights education aimed at various audiences, including disempowered communities and constituencies, rights advocates (civil, constitutional, individual, economic, human, etc.), elite audiences (including media, policymakers, etc.), students, general public, etc.
 - a. Support integration of HR information/themes into existing programs
 - b. Trainings for advocates (e.g., ACLU conference, Howard meeting)
 - c. Education programs for communities/constituencies
 - d. Outreach to educators
 - e. Model curricula for students
 - f. Educational programs for funders
 - g. Communications strategies (focus groups, message, branding) to overcome resistance to the domestic application of “human rights”
2. Human rights organizing (both in response to human rights violations and in support of appropriate remedies)
 - a. Leadership development (particularly within affected communities)
 - b. Build institutional and technical capacity of community groups
 - c. Resource materials/guides/manuals for activists
 - d. Assist the development of strategic campaigns (including research, education, media, litigation and direct action)
 - e. Develop capacity for international advocacy
3. Documenting and publicizing human rights violations
 - a. Training for community members and activists engaged in this work
 - b. Assist the development of tailored communications, media and advocacy strategies to maximize the effectiveness of documentation projects
 - c. Assistance with research methodologies, adherence to standards of transparency/accountability, and the use of alternative forms of documentation including video etc.
4. Infusing international human rights standards into the US legal system
 - a. Litigation and the development of effective long-term legal strategies
 - b. Education and training for legal advocates and judges
 - c. Development of clinical/fellowship programs
 - d. Networking and collaboration (including the building of effective partnerships with groups working to combat the erosion of civil rights protections and progressive legal groups working to counter the far right’s efforts to capture the legal system)
6. Influencing US domestic rights policy in human rights terms
 - a. Campaigns on the local and state levels
 - b. Treaty ratification campaigns in US Senate and at the city and state level (eg CEDAW/CERD ratification in SF and NYC)
 - c. Educating policymakers
7. Support for foundational legal and other scholarship
 - a. Conferences/articles on domestic application of HR overall and by issue area
 - b. Convening scholars and activists around specific issue areas
8. Support for funding collaboratives and networks
 - a. To facilitate the provision of support to groups at the community level
 - b. To help break down the “silos” prevalent in the civil/economic rights fields by developing a broader human rights movement
 - c. To enhance visibility and quality of overall work
 - d. Increase the use of information technology for links, strategizing and information sharing
 - e. Connect to counterparts in other countries and at the international level