



INTERNATIONAL **HUMAN RIGHTS FUNDERS** GROUP



THE RIGHTS-BASED APPROACH:  
THE RIGHT APPROACH?  
KEY TAKEAWAYS

**NEW YORK CONFERENCE**

July 14-15, 2015

**NEW YORK INSTITUTE**

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HOSTED BY:



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Notes from IHRFG's New York 2015 Conference and Institute can be found on our resource archive!

Go to: <https://ihrf.org/resource-archive>

View highlights from our conference at:

[https://ihrf.org/2015 New York conference highlights](https://ihrf.org/2015>New_York_conference_highlights)



## IHRFG's 2015 New York Conference

### The Rights-Based Approach: The Right Approach?

From July 13-15, 2015, nearly 230 funders from 25 countries gathered to attend IHRFG's New York 2015 conference and institute.

At the conference, we put grantmaking with a rights lens on trial, and encouraged members to critically explore its utility and efficacy.

**Human rights grantmaking**, as defined by IHRFG's *Advancing Human Rights: Knowledge Tools for Funders* research, **is funding that seeks structural change in pursuit of the protection and enjoyment of the rights enumerated in the Universal Declaration of Human Rights and subsequent treaties, often in support of marginalized populations.**

What is powerful and dynamic about funding human rights? How can we adapt and extend the human rights lens to different circumstances? When and where is it not the answer? This conference served as a space for funders to learn from their peers, affirm or challenge their own assumptions, and spawn collaboration.

This was not an attempt to oversimplify a complex question, nor to undermine the human rights framework. Quite the contrary. Through the opening plenary session and many of the member-organized sessions, we hoped to strengthen the practice of human rights grantmaking through the study of when, why, and how to apply a rights lens to an issue.

Regan Ralph, President and CEO of the Fund for Global Human Rights, moderated the opening plenary. Regan noted that, while the rights framework has recently taken a beating in academic and policy circles, with some heralding the endtimes of human rights, human rights activism continues to take place and make powerful changes worldwide.

We all want the human rights project to proceed and progress, and therefore we must ask ourselves these critical questions.

What follows is a distillation of some of the main points from the conference.

#### **Video Montage: What does it mean to fund with a rights lens?**

View a collection of interviews with a range of funders who share what a rights framework means for them and their work on our [Vimeo page](#).

#### Working Group Activities

At IHRFG's 2015 New York Conference and Institute, two new working groups launched: **Learning, Monitoring, and Evaluation**; and **International Grants Operations**.

The following other working groups had in-person meetings at our New York Conference:

- **Conflict and Atrocity Prevention** discussed tools for prevention, featuring a presentation from Oren Yakobovitch of Videre
- **Cross-Border Philanthropy** dove deeper into outcomes and next steps from its recent [workshop on closing space for civil society](#)
- **HIV & Human Rights** examined opportunities at the intersection of rights and HIV response
- **Human Rights Defenders** (HRDs) shared strategies and challenges in supporting a movement-building approach to ensure the security of HRDs

To join or learn more about IHRFG's Working Groups, please contact Sarah Tansey, [stansey@ihrf.org](mailto:stansey@ihrf.org).

## Opening Plenary—The Rights-Based Approach: The Right Approach?

The opening plenary session was made up of four different interviews designed to interrogate the idea of human rights grantmaking and look at its contributions and limitations, in order to give funders a space to think critically about the work they do and how to do it more effectively.

### When the Rights-Based Approach is NOT the Right Approach

**If your primary goal is to make a peace deal, then human rights may be a self-marginalizing discourse.** Conor Seyle, One Earth Future Foundation, and Ariadne Papagapitos, Rockefeller Brothers Fund, argued that political leaders making peace deals and policies to end conflicts are not driven by human rights arguments, but by other concerns (political, economic, etc). Human rights language and approaches will not bring the Taliban to the negotiating table, for example. If your goal is to stop the bleeding, power holders may be more receptive to an approach that doesn't come with a pre-conceived notion of how to accomplish your goals. This allows you to work within the system.

### When the Rights-Based Approach *is* the Right Approach

- **People in marginalized communities can see themselves as rights-holders.** Alison Hillman, Open Society Foundations, said that in the past, disability was seen as service provision, or as a medical issue. But since the adoption of the Convention on the Rights of People with Disabilities, people are going to governments and demanding that they be included. The rights-based approach builds more open and inclusive societies.
- **A focus on “less controversial” human rights issues can be a foot in the door for other rights.** For example, Shantha Rau Barriga, Human Rights Watch (HRW), explained that HRW has had a difficult time working in Russia, since the government restricts civil society and human rights organizations. Through its disability rights program in Russia, which the government views as less politically charged, Human Rights Watch has been able to secure meetings on other issues with the government. Disability rights has helped them gain traction and access on other issues.
- **A human rights lens looks at the long-term situation, as well as the immediate challenges.** John Kabia, Fund for Global Human Rights, and Dayugar Johnson, AJWS, discussed how this proved valuable in the Ebola crisis, since many of the problems stemmed from public policy problems and a lack of access to health. Funding human rights during the Ebola crisis helped tackle the stigma head on: by using strong community networks and partners, more people came forward to seek treatment. These groups also ensured that other rights issues were not neglected.

### When the Rights-Based Approach Didn't Work

**In the U.S., human rights are a great vision, but not a very good policy or legal tool,** explained Jay Beckner, Mertz Gilmore Foundation, and Cathy Albisa, National Economic & Social Rights initiative. Duty-holders in the U.S. don't accept accountability when confronted by rights-holders. However, a discussion of rights can be useful for understanding current movements in the U.S., including Occupy. As we focus on inequality, and rebuilding the middle class, we can't ignore those who have been poor for centuries. Because rights are universal, and center the most affected, they can contribute to the inequality debate. In this way, the Black Lives Matter movement serves as a necessary corrective to the Occupy Movement.

### The Rights-Based Approach in Conflict with Itself

**If you layer a human rights lens with a social justice frame, you can find different solutions.** Sarah Gunther, Astraea Lesbian Foundation for Justice, and Javid Syed, AJWS, explained that a social justice frame can supplement a rights lens by highlighting intersectionality and focusing on transforming power relations. On its own, the rights lens doesn't always go far enough, particularly in cases where it focuses on getting governments to accept responsibility for violations. If the state is a key perpetrator of human rights violations, how can you expect it to protect rights? In the case of violence against LGBTQI communities, turning to the state is not always the right solution. You must instead build stronger communities.

[View the full opening plenary here.](#)

## Key Takeaways from Member-Led Sessions

By supporting areas not conventionally covered by human rights, such as emergency relief and health services, funders can work with community organizations to build longer-term sustainable change.

Ways to include rights in these programs include: listening to local groups, going to the grassroots, funding the most marginalized populations, and staying long-term to work on intractable problems (*Undercover Human Rights Funding? Supporting Human Rights Programs through Unconventional Channels*).

Funders can break down silos by looking to other funders supporting work in the same geographic areas, regardless of their focus, and exchanging/meeting regularly.

Because many of the drivers of the issues that human rights funders work on are connected, convenings can be valuable. An example of this is Freedom Fund's work convening funders in pockets of high prevalence of slavery (*Which Human Rights Approaches are Most Effective in Tackling Modern Slavery?*).

**From IHRFG's *Advancing Human Rights: Knowledge Tools for Funders* research**

More than half of all funding for freedom from slavery and trafficking supported economically disadvantaged populations, such as homeless or migrant workers. Around 15% focused on ethnic or racial minorities

Human rights are not inherently anti-racist unless funders and advocates are intentional in their implementation.

It is essential for racial justice to inform human rights work, and vice versa. During negotiations for the free trade agreement between the U.S. and Colombia, there was a lot of discussion about human rights violations in Colombia, but not about rights violations against Afro-Colombians. An opportunity to find allies was missed. The human rights framework can serve to illuminate the structural barriers that perpetuate the criminalization of Black communities (*Promoting Racial Justice: Tools for Mobilization and Security*).



From left to right: Abigail Burgesson, African Women's Development Fund; Mary Rusimbi, Women Fund Tanzania; Ndana Bofu-Tawamba, Urgent Action Fund-Africa; Caroline Brac de la Perriere, Mediterranean Women's Fund; Julienne Lusenge, Fond pour les Femmes Congolaises; Sylvia Shirk, translator

To think intersectionally, funders must ask, "How does my issue intersect with others? Who should be in our conversations that isn't?"

They must also be careful that thinking intersectionally doesn't cause them to say, "I can't help you because someone else can" (*Turning the Human Rights Lens on Ourselves: How Can Movements be More Intersectional, Inclusive, and Connected?*).

The human rights lens is useful in contexts of marginalization.

Funders need to pursue approaches that bring marginalized groups to the table. African women's rights funds have had success helping women gain more visibility in their villages by speaking up to political leaders and engaging in important conversations. Women are gaining capacity in advocating for their rights and challenging harmful gender norms at a local level (*African Women's Rights Funds: New Trends, Critical Analysis, Key Insights, and Knowledge*).

**From IHRFG's *Advancing Human Rights: Knowledge Tools for Funders* research**

13% of human rights funding supported work in sub-Saharan Africa. 41% of the funds for the region support women and girls.

Funders should not focus on changing the mindset of older or fanatical faith leaders when looking for allies, but should instead focus their efforts on younger faith leaders.

There are many opportunities to train faith leaders about human rights, and when faith leaders are properly knowledgeable about issues, they are more likely to become advocates on their behalf (*Opportunities and Challenges at the Intersection of Faith and Human Rights*).

**From IHRFG's *Advancing Human Rights: Knowledge Tools for Funders* research**

Since 2009, 28 funders made 58 grants totaling over \$7.8 million that involved faith leaders



From left to right: Haven Herrin, Global Interfaith Network; Marwa Sharafeldin, Musawah; MacDonald Sembereka, Global Interfaith Network; Randall Miller, Arcus Foundation

## Debriefing: Funder Workshop on the Disabling Environment for Civil Society

Sponsored by IHRFG, Ariadne, and European Foundation Center

Closing space for civil society is a global mega-trend. In recent years, over 100 countries have passed laws restricting foreign funding. This threatens much of the work done to build a global human rights movement. What can funders do to contest closing space and advocate for civil society as a whole? The Funder Workshop on the Disabling Environment for Civil Society, June 11-12, 2015, in Berlin, led to a list of seven “levers” on which funders can work, which were debriefed at our July Conference:

1. **Build Bridges with the Development Sector:** Human rights funders must make the case to development and humanitarian funders that this trend also affects them. Given that the SDGs contain a nod to human rights and civil society more generally, we can find common cause.
2. **Work with Business:** Private foundations can help forge connections between civil society and business. Can we get ahold of the businesses and help them understand the importance of civil society? Can we link this with some of the trade agreements?
3. **Counterterrorism:** While it may be difficult and sensitive, can funders promote and encourage a proportionate response, with relation to counterterrorism? Can we find some alternate language?
4. **Counter-narratives:** Funders can start to build counter-narratives around the issue of closing space. Why is it that we allow business to seek capital all over the world, but civil society is limited to raising money only from their own communities? We can also argue that the legitimacy lies with the people we fund, rather than the funding community at large.
5. **Norm-Setting and Reform:** We’ve seen some international institutions ambushed into passing treaties that clamp down on civil society. Azerbaijan has essentially closed down its civil society sector, with no comment from the Council of Europe. How can funders influence these institutions?
6. **Diplomatic Response:** Talk with governments to find out what they can do for us, and what we can do for them. Although parts of some governments are passing restrictive laws, others want to collaborate.
7. **Resilience:** How can we promote resilience to this trend among our grantees, and encourage resilience over long periods of time?



Each of these levers may work better in some contexts than others. Funders interested in learning more or getting involved in this issue can join IHRFG and Ariadne’s joint working group on Closing Space for Civil Society by contacting Sarah Tansey at [stansey@ihrf.org](mailto:stansey@ihrf.org).

## Plenary Mock Debate

### Be It Resolved That: Human Rights Advocates Should NOT Ally with Large Corporations

There are many disagreements in the human rights community about how, when, and where to engage with corporate actors. The panelists in this mock debate were asked to take very strong positions that do not necessarily reflect their own opinions, or their institutions' stances on this issue. Rather, the purpose of the debate was to have two strongly opposing sides, thesis and antithesis, that could lead to a more nuanced understanding of the issue. The motion up for debate was: "Human rights advocates should NOT ally with large corporations." Read the two sides' key arguments below!

#### Human Rights Advocates Should NOT Ally With Large Corporations

- **If you whitewash the corporation, you co-opt the NGO:** The human rights community gains little in alliances with corporations, but risks all. Corporations don't have the incentive to serve the public good. Human rights NGOs must retain their role as truth-tellers and remain advocates for the most impacted by violations, rather than risking their reputations and diluting their arguments.
- **Naivete:** Those that defend alliances don't understand the power of corporations. They're more powerful than many states. We can't risk weakening our sector at the time when corporations must be met with strong resistance. It is rare that NGOs establish into alliances with governments when there ARE mechanisms for redress, so why should they enter into relationships with corporations where these standards don't exist?
- **Communities will pay the price:** Many corporations seek alliances with NGOs, rather than engaging affected communities. Advocacy must be driven by community priorities. If an alliance goes awry, who pays the price? NGOs walk away, while communities live with the impacts.
- **There is no accountability for NGO staff who engage with corporations:** When NGO staff are lied to by a corporate "ally," or enter into a dangerous alliance, who holds them accountable? They'll hide the failure from their donors, and move on. There's no accountability for the NGO sector.
- **Partnerships don't work because there's no shared definition of objectives or success:** Companies spin their wheels because they want to deal with NGO criticism, rather than the thing the NGO is criticizing. Companies don't have the same objectives as the human rights movement. They want to enter new markets, and NGOs often give them the cover to do it.
- **Companies engage to neutralize:** They get NGOs sitting around the table where they can't do any harm. NGO staff time and resources are limited, and time spent with corporations is not spent in affected communities. The human rights movement is best when it can operate independently.
- **There is self-delusion involved in alliances:** Everyone involved in an alliance has a vested interest in saying that they're successful. It's an illusion, and we know it. NGOs only have access to mid-level managers, Corporate Social Responsibility (CSR) people, and stakeholder people. Their job is to manage NGO staff. If the issue gets higher in the corporation, that's the definition of failure for them. Big multinationals don't need our help, and NGOs are not free consultants for multinational corporations.
- **When examining an issue, follow the money:** Look how often the same multinationals that NGOs lobby spend tremendous amounts of their resources lobbying congress and the EU for very different things. Corporate lobbyists have much more power than the CSR and stakeholder people within these companies.



## Human Rights Advocates SHOULD Ally With Large Corporations

- **Corporations are vastly more powerful than the human rights movement:** They're powerful at the national and international levels, and have left their marks all over the SDGs. Civil society needs to engage them. We have to address this power in flexible ways, and leverage corporate power to our advantage.
- **It's a new world:** These companies have every interest in stable markets and economies. There are a lot of reasons why these companies would want to support human rights. With such disparity in resources, why not bring some of them to our side?
- **The benefits are underappreciated:** We can actually influence these companies, and bring their resources to the HR movement. The impact investment movement could benefit greatly from corporate money.
- **Know your enemy:** The human rights movement can get a lot of important intelligence from corporate allies if they're not so dogmatic.
- **We need systemic solutions:** Not all of the problems the human rights movement faces from corporations can be solved from the outside. Advocates need to treat these companies as potential allies.
- The best thing for human rights is a good regulator that enforces laws. But what can you do when the corporate actors involved are so strong that they influence the laws? **In the absence of standards, civil society has an obligation to look for allies where they can find them.**
- **Change may be slow and incremental, but it is real:** Due to NGO pressure, now many large technology companies are joining civil society to put pressure on the US government's surveillance practices.
- **The human rights movement has a better understanding of what standards should be than corporations, and can help them develop these standards.** When there is government inaction, civil society needs to look for allies where they can find them.

View the full debate [here](#).



From left to right: Louis Bickford, Ford Foundation; Ellen Dorsey, Wallace Global Fund; Audrey Gaughran, Amnesty International; Chris Jochnick, Oxfam America; Arvind Ganesan, Human Rights Watch

## IHRFG's New York Institute

### Detoxifying the Brand: How Framing Can Help Regain Public Support for Human Rights

Sixty human rights funders attended IHRFG's New York Institute, which focused on "framing," an innovative approach to communications that has seen real success in changing public understanding of social issues. Below are some key takeaways on how funders can use framing:

#### Understanding is Frame-Dependent

People come with prior cultural understandings, which shape the way that they process information. A strategic communicator knows what those understandings are, and what they are up against.

#### Public Thinking is Swampy. Get to Know the Swamp

A useful model for understanding what your messages are up against is a 'swamp.' The swamp is the pre-existing psychology, full of rich organic material that becomes activated when you present a message. Certain values and pre-conceived ideas lurk in the swamp of public understanding, and effective communicators must take these into account when disseminating their messages.

#### Values can Shape People's Orientation to Your Issue

Values are broad goals shared by members of a culture. They are effective for explaining why an issue matters. A communicator must determine which values to activate to further their message, and which might harm their message.

#### Metaphors Make Complex Issues Concrete

Communicators should work with metaphors to explain their issues. When looking for the right metaphor, one should be looking for consistent effects that are positive in relation to communication goals. A good example from the U.S. immigration debate is, "Immigration is the wind in America's sails." If you don't explain how an issue works, for example, with a metaphor, then people will fill one in for themselves, often with the wrong assumptions.

#### Narrative Sticks

A narrative is formed by explaining why the issue matters, how the issue works, why the issue is important and urgent, and what to do and why. Narratives create understanding, support, and a demand for change.

#### Communications is an Empirical Endeavor

Figure out your end goal. Determine the deep cultural ways of looking at the world that become active when you introduce your message. Figure out what the empirically demonstrated messages are that you can use to get your distilled messages through the swamp.

#### Urgency Matters, but Must be Framed

Facts are effective at creating urgency, but are only part of the overall frame. When you use facts without framing, they will not do what you want them to. However, if you couple the facts with a value such as efficacy or pragmatism, you can create support for your issue. The sense of the problem must not outweigh the sense of a solution.

#### Provide Solutions to Complete the Story

Make sure to include a solution! People need to see how solutions work to improve outcomes in order to accept your message and support your position. The sense of problem must not outweigh the sense of solution.

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