New Business Models for Human Rights:
Post-Webinar Responses to Participant Questions

This webinar, co-hosted by OpenGlobalRights and Rights Co-Lab, took place on May 22, 2019 and involved 57 participants. The speakers of the session were [Almut Rochowanski](#) and [Dimitrina Petrova.](#)

Participant question: This very interesting discussion seems to assume that there is a single or principal approach to human rights advocacy. What are your thoughts about whether different advocacy models are applicable in different geographic regions? Or whether different models are applicable to different human rights issues? (E.g., Is the same model applicable to freedom of expression and association as applies to esc rights?)

Almut: We didn't assume anything. On the contrary, we tried to show the practices of very different types of human rights actors—pro bono lawyers, bloggers, those providing comprehensive services etc. We just didn't have a lot of time to set down the conceptual framework of our discussion. Obviously, there are an infinite number of advocacy models, all over the world. I don't think there are linear answers as to whether a certain advocacy model suits a certain issue. It depends on the context, on the moment, on your objectives. I work primarily on women's rights, so we start from a baseline of oppression occurring at all levels— within the family, the community, state actors, in all sorts of institutions. Of course you can't fix that with strategic litigation—or with strategic litigation alone. But women's rights activists have developed comprehensive models of resistance for more than 150 years. "Classic" human rights advocacy, like strategic litigation, is often part of such comprehensive models and can deliver real results. I, too, sometimes work on strategic litigation or use UN treaty body mechanisms—but I also utilize a whole range of other models, like extra-curricular education for teenage girls, feminist blogging, regional and international movement-building.

There is not just one model that works for promoting freedom of expression. Therefore I can't say whether such a model would also apply to social and economic rights advocacy. In any case, things can play out in such a broad range of ways. For example, threats to freedom of expression and threats to housing rights can result in very similar responses by the public— street demonstrations, social media mobilization, people simply claiming and performing the right they feel is at risk (expressing themselves through gathering dressed in certain ways or praying in public, occupying buildings, etc.).

It is a misconception, I believe, that geography determines whether certain models of advocacy are valid and effective. It's a lot more circumstantial. Successful movements anywhere typically apply a package of models. For example, in Russia these days, many if not all movements that use street demonstrations for their diverse objectives have a serious litigation component attached to them, often led or advised by a small number of highly specialized strategic litigation organizations. Whatever is safe, effective, has a good cost-benefit ratio, has been shown to work before or is worth a try.

Dimitrina: Not much to add to Almut's comprehensive reply with which I generally agree. Yet in the broad range of advocacy options, including advocacy issues, levels (local, national, international), targets, forms of action and expression, strategies of timing, messaging, choice of spokespersons, etc., I would highlight the continuing importance of targeting governments as the key duty-bearers in realizing rights and insisting on compliance with international human rights law.

Participant question: Also, the financial crisis extends to the UN human rights system itself. The OHCHR recently announced cancellation of upcoming treaty body reviews because States aren't paying dues. As the international legal structure loses strength, how can local, national, regional, organizations bolster and protect the UN human rights system itself?

Almut: I'd like to be a little contrarian here. I have never considered that international system to be oh so very strong and efficient, as offering decisive, final, incontrovertible outcomes. From where I was looking at it, it was always limited, it always fell short. Maybe I have just worked on the wrong countries, the especially recalcitrant and incorrigible ones? For example, when was the time when states would go to treaty body reviews, come back with a homework list of sternly worded recommendations and implement them all? But this realistic view of the limited impact of treaty body mechanisms is also what I was taught in international law class 20 years ago, so it can't be all that novel and shocking.

And yet, if the treaty bodies are indeed unable to schedule sessions because of funding cuts, this will affect my own work, because, together with partners, we utilize those mechanisms. We don't think of them as the most important thing we do, not by any stretch. But it's part of our tool kit, a piece of the puzzle. No organization I work with directly has time or resources or the mandate to lobby in high places for restoring the treaty bodies' funding. But there are organizations that do exactly that—FIDH, HRW etc.—who have staff and resources designated precisely for that end. If they would come to me and ask me for whatever limited support I can provide to a campaign for better funding for the treaty bodies, I'd gladly provide it. But that's about the extent to which most local or national human rights organizations can go. They're already so stretched, and the demand to help members of the community almost always trumps expanding their international advocacy.

Dimitrina: The UN treaty body system is weak in respect to monitoring states human rights records and particularly in respect to improving those records. But accepting that a further

weakening of the treaty body system is inevitable would be a self-fulfilling prophesy. I prefer to think of it as a work in progress that depends on the political will of, among others, civil society groups and movements around the world. In 2009, a review process aimed at strengthening the UN treaty bodies was launched, and in 2014 it concluded with the adoption by the General Assembly of a Resolution that represented a small step toward streamlining the treaty body work, especially in terms of resource economies and simplifying states' reporting obligations. But the Resolution did not endorse many of the good proposals of the Office of the High Commissioner on Human Rights. For a clear and simple analysis of this so called "Dublin Process" of treaty body reform, see this paper by Christen Broecker and Michael O'Flaherty.

At this time, it is up to us in civil society to push for a more radical reform of the treaty body system to strengthen its role in the protection of human rights. This is a long-term and very difficult task but I believe it is worth our efforts, whoever "we" are in rights-minded civil society. One thing human rights groups could do on their own is advance their efforts of advocating existing treaty body recommendations relevant to their issues and mandates. A second thing would be joining forces to push for a relaunch of a treaty body reform.

Participant question: Hello, thank you all for this valuable discussion. in terms of discussing the reasons behind the "failure" of the current human rights model, governments are always referred to as one of the primary causes; however, how about business and corporates? Especially in light of the lack of binding obligations on business to respect human rights, shouldn't we be thinking of the huge impact business have on human rights which translate into putting pressure on human rights work in all its forms. In terms of relying on communities "in a way", do you consider putting financial pressure on communities as a downside? and could it be seen as relieving governments from their obligations?

Almut: First of all, I don't know if governments are obliged to support human rights work—unless they have committed themselves to it in a legally binding manner. Many of the big human rights organizations have rules against ever taking any money from governments (even "nice" ones), because of an inherent conflict of interest. They also have rules against taking money from those kinds of businesses who might present a conflict of interest (extractive industries, tobacco companies, etc.). Second, this all sounds a bit theoretical. It's not like today governments fund global human rights work at anywhere near what is required (and if they were so inclined, would we want most of our funding to come from governments? I wouldn't.). And consequently, we're also not telling them "it's ok, we got this, we don't need your money anymore". We're also not in any way "putting pressure on communities"—that's not our style, and let's not forget that human rights organizations are hardly in a position to "put pressure" on anyone. On the ground, it plays out more like this—people want to be involved, want to help, contribute, solve problems in their communities, and we give them a chance to be part of a fight for justice and dignity.

Finally and most importantly, I think there is already a strong and diverse global movement to hold business accountable for its human rights record, with organizations like Global Witness,

Crude Accountability, Publish What You Pay. I don't work on this personally, so I can't speak about it in detail.

Dimitrina: I agree that governments have been one of the key factors in undermining the traditional business model of the human rights advocacy NGO, primarily through their actions captured in the phrase "closing spaces for civil society." I should also note that legislative, policy and practical efforts by governments have been quite selective almost everywhere, with human rights and pro-democracy NGOs being targeted most viciously while groups perceived as non-threatening to the status quo allowed to function. As to corporates, I don't see them as having played a significant role in weakening the traditional human rights business model. But corporates/businesses are among the rights violators and one of the most dynamic segments of the global human rights movement is creating a new culture of holding businesses to account.

As to funding models, I see no risk of putting pressure on the community by asking it to contribute to human rights work, in that this would release governments from their own obligations. If anything, governments would feel more pressured to respect, protect and fulfill rights if human rights civil society is funded by the community, not least because it consists of voters.

Participant question: A lot has been discussed about the "old model", the new forms of fundraising and the use of social media. Can you please summarize the essential components/aspects of the 'new model'?

Almut: There is not one "new model", just like there never was one "old model". Add to this that the "old" model isn't all that old, if we have organizations like Amnesty International in mind. What about the abolition movement or the suffragettes? This isn't an excursion. I mean to point out that even much of what makes up "the new model" has been around for a long time—mass mobilization, creativity, humor, individual liberation as the basis of fighting oppression together. The only thing that has changed in a big way is technology, the fact that we're more connected and that having conversations and shifting resources has become so much easier. Although not as easy as we're often led to believe; try to contribute to a Russian crowdfunding campaign with your Western credit card, for example…

To me, a new-and-improved model is accountable to its own community. In this new model, activists are in a constant two-way conversation with the community, including its marginalized and oppressed members. It is a model that does not suffer from constituency confusion – the people for whom you do your work are also the people who gave you the mandate to do so (and the clearest way to give a mandate is through a financial contribution). If this model also includes some ingenious ways for maximizing the impact of resources and labor, if it can and does go to scale, so much for the better. The absence of accountability, mandates and constituencies are, in my opinion, the clay feet of the "old" model (by which I mean a very specific phenomenon—the foreign grant-funded, elite NGO).

Dimitrina: There is no one "new model". We are speaking of new business models, in the plural, in an attempt to capture the dynamic of transformation in respect to accountability, constituency and funding of human rights groups. It would be wrong to state that mainly foreign-funded, professional human rights NGOs of the "old model" lack a constituency or accountability. Rather, they are accountable to their governments (through the usually onerous requirements of the regulatory regimes of national NGO law), their boards and members (if they have any), and of course their donors; their constituency exists but is informal and fragmented. In the developing new models, we see accountability extending, or more or less shifting to a larger and better identifiable constituency, be it formal (membership) or informal, via moral and financial support from segments of the community. Some new business models combine non-profit human rights work with for-profit initiatives or social enterprises as ways of funding the non-profit work. Others manage without any funding and rely exclusively on voluntary work by activists and community members. Many try to achieve maximum diversity of funding sources through a portfolio approach in which grant funding, corporate funding through partnerships with businesses, individual sponsorships from community members, crowdsourcing campaigns and other fundraising strategies are brought together to strengthen sustainability. There are many illustrations of such approaches on the website of Open Global Rights, in the contributions related to new business models.

Participant question: I'm wondering about the ability of local or grassroots human rights organizations to be able to fund themselves. Could the groups actually raise enough money from crowdfunding or new business models? Do you feel optimistic about local funders being able to support these groups? Should fundraising itself be totally decentralized? (I work for the Fund for Global Human Rights.)

Almut: this very much depends on the context and lots of other factors. I have come across several human rights initiatives that have reached sustainability purely from local sources, including in places like Kyrgyzstan, which is a desperately poor country. I also know plenty of examples of NGOs and community foundations across the former Soviet Union who never took a grant, foreign or otherwise, who built themselves up from the start on the confident assumption that their community should and would support them. Many of them do no worse than comparable grant-supported organizations, some of them markedly better.

With organizations that 1) work on human rights (and in a pretty specific way); 2) built themselves on a grant-based business model; and 3) now want to/are forced to transition to a different financing model, (e.g. donations), I have not yet come across one that has managed to do that, completely. But wholesale transformation is also not the point. The main goal is to diversify resources. There is nothing wrong with accepting grants, if they are part of a healthy mix of sources of income. I would never advise an organization to decline grants as a matter of principle, unless it's that a particular grant and the process through which is becomes available to them is harmful to them.

I have some interesting take-aways: all the previously grant-dependent human rights NGOs I worked with found that it was easier to raise money from donations from citizens than they

had expected. They also often left a lot of opportunities untapped, either because they're uncomfortable, or because they didn't have the manpower to exploit those opportunities. And those who did stick with it and started raising a steady 10-20% of their revenue in donations or other self-generated resources told me that this brought them peace of mind, confidence and stability, to a far greater extent than the numbers themselves would suggest.

I'm not sure what you mean by "local funders". If you mean domestic grant-making foundations or something equivalent, then that's just not a model of philanthropy that's equally well-developed everywhere, even as formal models of pooling resources for charity exist in all cultures. I believe that activists and movements must create the demand for foundation-type philanthropy to emerge, not the other way around (under which rich people create formal philanthropic institutions that set the agenda for what their communities need). If you mean private citizens and businesses, I think the potential is vast, but I don't deny that it will take years to build a large enough base of donations. That's not a tragedy. We're used to that. Many activists worked for years before they ever won their first grant. If it takes us years to go from a handful of donations to a few hundred, that's ok.

If by "decentralized", you mean broad-based geographically, i.e. not coming from one country or a small group of countries and being distributed globally, with strong local co-funding for whatever work is financed in any given country, then I think this is a model we should aspire to. Or rather—we should aspire to build such a model, which will take time and a lot of rethinking and de-centering. The gains in legitimacy, accountability, relevance, effectiveness, security etc. are worth the effort of transformation.

Dimitrina: Whether local or grassroots human rights organizations are able to fund themselves depends on their thematic issues and the local context. Some whose issues are too sensitive will probably not be able to raise any funding if contributing would put a local person at high risk of persecution. In any case, it appears that grassroots funding, including crowdfunding, renders underwhelming results most of the time compared to the size of grant funding, even in places where fundraising is relatively politically safe. I am afraid that without grant funding from trusts and foundations and/or institutional donors, some of the most valuable human rights groups would be wound up and some of the most sensitive causes related e.g. to vulnerable groups would disintegrate. Further, without grant funding, the quality level of professional human rights work achieved so far would be at risk of plummeting. I am not optimistic about local funders being able to support human rights groups in non-democratic societies without external grant funding. I see local funders as a complementary rather than alternative resource.

I find the rosy picture presented by some activists and experts, including Almut, quite disturbing as it may mislead foreign funders. Having worked extensively inside Russia and other former Soviet Union states for difficult causes such as LGBTI, religious minorities, non-discrimination and freedom of expression, I do not agree with Almut that what we have there is a vibrant and thriving civil society working on human rights. While I would argue that Western human rights funders should revise their strategies of funding human rights groups in oppressive societies, I

would regard it as extremely unfortunate if foreign funders simply went away, much to the delight of Mr. Putin and Mr. Xi Jinping.

Participant question: Are there good examples of resource mobilization from countries in East Africa? Is it different from the former Soviet countries?

Almut: As it happens, I recently met, at several international events, women from Echo Network Africa, a Kenyan foundation based on a women's banking network that has been operating since the 1980s and was deeply impressed by their can-do attitude. To specify, they started out working on community banking, but they now also raise money and build endowments to fund women's political participation. It's extremely different from the former Soviet Union, in more ways than I have space here to explain. I guess the main difference is their confidence, the trust they have in their community and the mandate they have from this community, their secure knowledge that they can do big things by and for themselves, because they have been doing it so long already.

Dimitrina: I know many human rights initiatives in East Africa but when I list them in my mind, they all seem to benefit from funding that originates in the West, even if the distribution is mediated by locally based foundations run by East Africans themselves. But I am sure there are successful projects that rely on local funding only, even though I have not come across them. My limitation is that in East Africa, I have worked mostly on anti-discrimination law initiatives, an area in which local funding may be a bit more difficult to raise.

Participant question: Can membership be risky in some countries? Does it expose people to police harassment, for example?

Almut: Yes, of course it can be risky. But first, activists and the community members who support them are best-placed to devise ways to share resources safely. They wouldn't just adopt some model they heard about at a training or read about in a brochure, without considering how it will affect their security. But there is also another nuance to this – sometimes, citizens want to show courage and make a visible commitment to a cause, even if it comes with a degree of risk. Maybe they feel strength in numbers. Maybe they want to signal that being courageous is what it takes to make change. They can gauge the severity of the risk very precisely, and as informed citizens they are well-placed to make this choice.

Dimitrina: Yes, membership can be risky, leading to police harassment and much worse. But it is up to local activists to decide for themselves what personal price they are ready to pay. External experts should withhold judgment.

Participant question: Dr. Stellah from Kenya, Co-ED of an activist and participatory led grant making Organisation that makes grants for LGBTIQ and Sex Workers in 7 Eastern Africa countries. My question: What are your thoughts on the changing philanthropic thoughts around supporting community led processes in human rights works against the traditional method of pushing their objectives to grassroots Movements?

Almut: Actually, one of the things I have learned over the past years is that these discussions are far more advanced in places like Eastern Africa than in the region I work on. With the exception of a few areas, where we hear a little more about community-led processes (e.g., Roma rights), this conversation is not happening much in the part of the world I work on. For example, I'm trying to introduce community-based participatory grant-making to human rights work in Russia, and most of my usual interlocutors there have never even heard of it, let alone done anything like it. There are many complex political reasons for this, which I can't go into here. In my observation, foreign funding, in this region, has created an entire caste of institutions ('human rights NGOs') in this region, which are now its main interlocutors and together they form an echo chamber, in which they largely reaffirm each other's assumptions.

In the past few weeks, a large private foundation that works on women's rights globally told me they are interested in trying participatory grant-making in one post-Soviet Country. They faced strong resistance from their partner, a regional foundation that acts as their grants distributor, along the lines of "this is impossible here, our people are not ready, etc.". I have just done some extensive civil society mapping in that country, and I disagree—this is very much possible there, and people are very much ready.

Dimitrina: I wish the transition from top-down donor-designed to grassroots participatory philanthropy were really happening everywhere. But in reality, there is a long way to go for donors. To date, insofar as I can tell, they are not yet giving up the driver's seat, even though they can be heard saying that they are led by locally identified needs. In Central and Eastern Europe and the former Soviet Union, I have seen very little done in this regard. Funding power is totally asymmetrical in practice.

Participant question: Almut, what helps to change groups' mindset and push them to think about alternative models more actively?

Almut: I wish I had a perfect answer to this, which works every time. With some of them (and to be clear, we're talking only about organizations that have always had grant-funding, or at least always assumed that that was the only way to be) it's fear or an existential threat—you either go to the public, or you have to lay off all your staff and close your doors. But I also know so many grass-roots activists who consider that nothing out of the ordinary, who got used to working for free for years, who don't expect to be able to pay their staff (who are their friends and relatives, in any case) a regular salary. I think this motive applies best to large, prestigious, well-established organizations that cannot fathom closing themselves down just because they lost a few grants. Where the leadership feels a deep sense of responsibility to the institutional history and reputation.

With other organizations, especially small ones who didn't do well on a grants-based business model, it's the fact that getting funding in other ways is much less traumatic for them than applying for grants. All over the world, there are brilliant activists who have been indoctrinated that grant-writing is some mysterious, sophisticated skill that will forever be beyond them, and

that if they fail to attract grant funding, they are to blame for it (when it's really that no grant maker has any attention to fund their type of organization). So as a result, the grant-seeking process is scary and painful to them, which is not surprising given that it is futile. One such small-town organization told me recently that they dream of starting a social enterprise, so they can finally stop the nerve-wracking, depressing process of applying for grants.

Related to this, I have found that many activists are astonished and deeply moved when they see how generous, trusting and thoughtful their community is. That experience certainly helps overcome some barriers, but not all. This kind of inspiration and moral encouragement is also not sufficient for introducing comprehensive new habits and practices to their organizations. That still takes resources—"you need to spend money to make money".

One of the greatest barriers to overcome is the stubborn thought in the back of their minds that having sufficient grant funding is a state of "normal" that they will eventually reach (even if in 20 years, they never once had a year when they could cover all their costs from grants); that the only way one can do serious work ("projects") is via grants. Indeed, planning your work not based on a grant budget, but on a constant, but unpredictable, flow of donations, that's a big change. To many NGO leaders, it seems completely absurd, unnatural.

I don't like to think that in my work I "push" people to do anything. In any case, it doesn't work to "push" accomplished, seasoned adult professionals to do something they don't want to do. The best I can do is help them see their reality for what it is, both the difficult and painful truths and the hopeful and inspiring ones. Being informed is being empowered. For my work, this means I focus on facilitating honest conversations that do not usually take place—between grant-makers and their grantees, between human rights defenders and "civilian" members of the public etc.

Participant question: I notice that while we are talking about new models of human rights work, we keep using the human rights framing to do that. I would be curious to hear Almut's and Dimitrina's perspectives on the new types of framing/ language that could replace the 'old', conventional framing based on the universality of human rights.

Almut: when I have this conversation with partners in remote, grass-roots places that feel very far from "the universality of human rights", the conversation sounds very different. It's about people suffering and needing help and compassion, for example. About fairness, about getting what you're entitled to. About feeling powerless, and how to (re-)claim power and justice. About acknowledging the real-life obstacles that stand between them and their rights, and how big and scary they are.

Also, in parts of the former Soviet Union, the very terms "human rights" and "human rights defender" have become dangerous to use or dubious, maligned. They were maybe never a natural fit. Human rights defenders in places like Osh in southern Kyrgyzstan or Chechnya tell me "our people don't understand what human rights are, they don't like this term". I remind

them that their people do very well know what *justice* means—and what the *absence of justice* means.

I use human rights and I reference international mechanisms, but I do so sparingly in these conversations. Only when my interlocutors clearly want it and feel empowered by it, or are intellectually curious. Also, for the most part, we talk about practical steps that can be taken to protect or reclaim rights. We talk about ordinary laws and local courts and law enforcement, or about strategies in the community, school, family etc. We talk about customary norms that often have a much stronger impact on people's lives than official laws. For example, women in patriarchal societies live under life-long de facto guardianship, they have to ask for permission to do everything—work, travel, get an education, choose their place of residence, marry, divorce, even what clothes they wear. So when I talk to my colleagues about how they overcome these limitations, we talk in very practical, tactical terms. But at the beginning of the conversation, we do a little preamble. I'd literally say something like "just as a reminder, we all here know that under the law of your country and international human rights instruments, you have the right to move around your country freely, and no father/uncle/brother can prohibit it. If you cannot enjoy this right, it is not because you don't have it, but because someone is violating it. And now, let's talk about how you can safely claim this freedom in real life".

Dimitrina: For me, the human rights framework, far from being inevitable, is a meaningful political strategy as long as it can express and channel people's aspirations for justice and dignity. If/when this is no longer the case, for example, because oppressors, too, refer to human rights, or have usurped the human rights discourse, I trust that people's aspirations for justice or fairness would find a more effective form of expression. In my view, there is a sense in which the unity and solidarity of the human rights movement is not discursive but deep and real. Let me humbly quote myself here, from a book chapter I wrote a long time ago, on the future of the human rights movement (the book's name is *Human Rights with Modesty*):

> "Beyond all words, and apart from all discourses, and regardless of occupation, cultural identity or other status, some people simply refuse to sit still in the face of injustice. There is a kind of wordless clarity among them. Their solidarity may even survive any possible justification. Wittgenstein says: "If I have exhausted the justifications I have reached bedrock, and my spade is turned. Then I am inclined to say: 'This is simply what I do.'"