

OPEN SOCIETY FOUNDATIONS  
LATIN AMERICA PROGRAM:

**Human Rights Field Portfolio Review**

Advisory Board Meeting - August 14, 2014

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## I. Introduction and Summary

The Latin America Program's major focus in the human rights field is supporting forward-looking organizations that are working closely with government actors to advance human rights, and that are increasingly focused on developing local constituencies and broadening public discussion of human rights issues, rather than relying only on counter-majoritarian mechanisms. Our support in the human rights field is concentrated in a relatively small group of organizations receiving substantial general support grants, often with co-funding from the Human Rights Initiative (mainly for criminal justice work, though also for work on disability rights and the right to information). The eight main grantees in this portfolio (CEJIL, CELS, Conectas, DeJusticia, Due Process of Law Foundation - DPLF, Fundar, Instituto de Defensa Legal - IDL, and Washington Office on Latin America - WOLA) all receive general support (institutional support that gives the organization full discretion over how funds are spent).

Over the three years I have managed this portfolio, we have increasingly focused our support on this small group of organizations we believe are: a) working closely with government in ways that recognize its complexity and the multiple, often competing perspectives within government that can be engaged effectively to advance human rights; b) self-critical, both in terms of their own work and of the human rights field as a whole; and c) willing and open to experimenting with new approaches, including efforts to influence public opinion, expand constituencies, and collaborate with non-traditional allies. In that same period, we have discontinued support for several organizations we felt are focused on more rigid, adversarial approaches to human rights work.

This portfolio review aims to carry out an in-depth examination of the support to organizations in LAP's human rights field over the last three years. First, I will provide background on the human rights field in Latin America, the relationship of OSF network partners' human rights work in Latin America to LAP's human rights field, and the role of other human rights donors. Second, I will discuss the grants in the human rights field, including: a) our experience with general support grants and co-funded general support grants; b) our support for efforts to influence reforms of the Inter-American Human Rights System (IAS); and c) our decisions to discontinue support for human rights organizations we believe are relying too heavily on traditional approaches. Finally, I will identify possible adjustments to the direction of the human rights portfolio, as well as outstanding questions about the portfolio.

## II. Human Rights Field in Latin America: Background, Role of OSF Network and Other Donors

### ***Background on human rights field in Latin America***

The history, nature, and relative strength of the human rights field in Latin America varies substantially within and across countries. Many human rights organizations, such as CELS in Argentina and IDL in Peru, emerged during periods of military dictatorship and internal armed conflict, and their early efforts to address abuses committed in these contexts continue at the core of their identity. With the democratic transitions, several organizations expanded their agendas to focus on human rights challenges in the region's new, imperfect democracies, including criminal justice system reforms, minority rights and social, economic and cultural rights. In addition, important new human rights organizations, such as Conectas in Brazil and DeJusticia in Colombia, were established focusing on the role of the Global South and advancing public policies in these young democratic contexts.

An increasing number of national human rights organizations in Latin America are working regionally and globally, playing a central role in reshaping and diversifying the global human rights movement.

However, differing national contexts continue to influence the nature, perspectives and approaches of such organizations. In countries that are polarized and/or where there have been threats of a return to more authoritarian governments, such as Venezuela and Peru, human rights organizations generally remain focused on domestic rather than international issues, and are more likely to have a defensive rather than proactive approach. In Mexico, where decades of PRI rule impeded the development of civil society, human rights organizations continue to employ more traditional, adversarial approaches and are less likely to work regionally or globally (Fundar, a Mexican transparency and access to information organization, has started playing this regional human rights advocacy role).

As a result of the geopolitical changes underway in the region, human rights organizations in Mexico and Central America are generally more focused on influencing U.S. foreign policy and collaborating with U.S.-based and international human rights organizations than are organizations in South America. In South America, where Brazil is a growing reference point, human rights organizations are more likely to want to intervene directly in regional and international spaces rather than rely on international organizations to channel information, as many Mexican and Central American organizations still do. Expanded challenges to human rights norms and mechanisms in Latin America for being external and not home-grown has left many human rights organizations grappling with questions about the legitimacy of, and constituency for, their demands.

There appears to be an emerging divide in Latin America's human rights field between a smaller group of forward-looking organizations seeking to rethink human rights advocacy and mechanisms to respond to present-day challenges and opportunities, and a currently larger group of organizations still focused on more rigid, adversarial approaches and resistant to change. One recent example of this divide was evident in recent efforts to reform the Inter-American Commission on Human Rights (IACHR). CELS, Conectas, DeJusticia, DPLF, Fundar and IDL collaborated to prevent the adoption of damaging reforms, while acknowledging that some of the concerns that states raised were legitimate, helping generate space for the IACHR to negotiate and reach a compromise solution. A larger part of the human rights movement, including organizations such as CEJIL, Aprodeh, Corporación Colectivo de Abogados José Alvear Restrepo (CCAJAR) and many others, rejected the reform efforts outright and were much more critical of the procedural reforms that the IACHR eventually adopted.

### ***Relationship of LAP human rights field portfolio to other fields LAP supports***

Several core grantees in LAP's human rights field also receive LAP support for their contributions to the citizen security & justice, drug policy or transparency and accountability fields. LAP's human rights field contains the largest number of general support grants in the program and most grantees are human rights organizations working regionally and sometimes globally on a broad range of issues. As violence and insecurity has increased in parts of the region, a growing number of these organizations focus on citizen security issues, even though much of the region's human rights movement is still reluctant to focus on citizen security. Drug policy reform is a much newer focus area for our core human rights partners (except for WOLA), but DeJusticia, CELS and *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos* (CMDPDH) have started significant work on this issue over the last couple of years. Finally, Fundar is the only organization supported for its work in both the human rights and transparency and accountability fields, and has brought important expertise on budgeting to the human rights field in Mexico and Latin America. The capacity of these core human rights grantees to operate effectively in multiple fields and take on new issues also means they are often important partners for other programs within OSF working in Latin America.

### ***Relationship of OSF network grantees' human rights work in Latin America to LAP's human rights field***

At the start of the period covered in this portfolio review, human rights funding in Latin America by other (non-LAP) programs within OSF was primarily comprised of: a) international human rights organizations working in Latin America supported through Presidential Grants, such as Human Rights Watch; and b) funding by the Rights Initiative on the rights of criminal defendants, disability rights, the right to information and LGBTI rights. In 2013, the Human Rights Initiative (HRI) was established, bringing together the human rights portfolio of the Presidential Grants (primarily general support grants for human rights advocacy and the fields of transitional and international criminal justice), the Rights Initiative (four global initiatives to advance LGBTI rights, disability rights, defendants' rights and the right to information), and the Human Rights and Governance Grants Program (working to support human rights in Central Europe and Eurasia).

Currently, the most substantial overlap in terms of shared grantees between the LAP human rights field and HRI is with the rights of criminal defendants portfolio. I coordinate closely with Mary Miller Flowers, the senior program officer managing this portfolio, and we have increasingly shifted to consolidating our separate grants to these organizations into co-funded general support grants (see Appendix I). This shift has facilitated a more shared understanding of organizations' strengths and challenges, and is contributing to greater integration between the areas of work that are the primary motivation for each program's support for the organization. There is also a little overlap with HRI's disability rights portfolio, where we have one co-funded general support grant (see Appendix I).

As HRI expands the areas in which it works in Latin America, HRI and LAP likely will collaborate more. We are engaging with HRI staff exploring and starting work in Latin America on transitional justice, right to truth, human rights defenders and business and human rights, connecting them with local actors and helping them assess opportunities. We are processing a co-funded grant for CMDPDH with HRI as part of that program's new focus in the region on right to truth and human rights defenders, and may carry out additional cofounding of some organizations in LAP's human rights field portfolio.

The Open Society Justice Initiative (OSJI), an operational program within OSF, seeks to secure legal remedies for human rights abuses, and promote effective enforcement of the rule of law. In Latin America, OSJI carries out work on criminal justice with a focus on reducing pretrial detention. In 2014, OSJI began to promote accountability for and reforms to address murder, torture and disappearances in the context of Mexico's drug war, engaging with several LAP grantees in the human rights and citizen security & justice fields. OSJI and LAP also collaborate in work on the justice sector and human rights cases in Guatemala, including through a joint reserve fund request in 2014 aimed at improving the justice sector nomination processes in Guatemala. OSJI also started focusing on the IAS in 2014, as part of a larger focus on regional human rights systems, and has coordinated closely with LAP and several key grantees, including CEJIL and DPLF. Finally, OSJI focuses on statelessness in the Dominican Republic, advocating for the rights of Dominicans of Haitian descent, is exploring work on racial discrimination in Peru and engaging with Brazilian LAP grantees on police powers to stop and search.

### ***Role of other human rights donors and relationship to LAP's human rights field portfolio***

There has been a significant decline in international funding for human rights organizations in Latin America for many years. Economic growth in Latin America and increased political stability led many European donors to shift their resources elsewhere. More recently, economic downturns in Europe and changes in governments have accelerated this trend. Despite these decreases, the European Union remains a substantial human rights donor in Latin America and other European agencies also continue to provide some level of support to the human rights field in the region.

The main private donors in the human rights field in Latin America are the Ford Foundation, Sigrid Rausing Trust, Oak Foundation and MacArthur Foundation (see Appendix II for detailed information

on their human rights portfolios in Latin America). The Ford Foundation has long supported a broad range of actors in the human rights field in Brazil and the Andean Region and Southern Cone through its offices in Rio de Janeiro and Santiago. Ford's Brazil human rights portfolio focuses on urban human rights issues, particularly the right to housing. Ford's Andean Region and Southern Cone human rights portfolio focuses on social and political exclusion, and racial discrimination. In 2012, Ford also began supporting several Latin American organizations as part of its portfolio to strengthen human rights worldwide aimed at diversifying and reshaping the global human rights movement. Three of the four Latin American organizations that received \$1,000,000 annual grants are also in LAP's human rights portfolio (CELS, Conectas and DeJusticia, but not Justiça Global). Ford's large grants to CELS, Conectas and DeJusticia gave their international work a huge boost. However, they also generated concerns for CELS and DeJusticia (organizations initially focused on national work, which gradually built their regional and global work) about their ability to secure sufficient funding for their national work, which both see as essential building blocks for their international work.

Sigrid Rausing Trust's global Advocacy, Research and Litigation and Transitional Justice Programs support ten human rights organizations in Latin America, overlapping with LAP's human rights field, but also with relevant differences. Oak Foundation's International Human Rights Program supports three human rights organizations in Brazil and three in Argentina, as well as CEJIL, which works regionally. MacArthur Foundation's human rights support in Latin America is concentrated in Mexico, with a strong focus on the implementation of Mexico's 2008 criminal justice reform, funding 16 Mexican and regional human rights organizations, including the two Mexican human rights organizations and three regional human rights organizations in LAP's human rights portfolio.

A significant trend among private human rights donors in Latin America (and elsewhere) is focusing support on organizations based in the Global South and decreasing a previously larger focus on support for organizations in the Global North. Ford's \$1,000,000 grants to Global South organizations is the most visible example, but the Oak Foundation and Sigrid Rausing Trust have also started framing their support in this way. For LAP, our primary focus has long been to support organizations based in Latin America and we share the sense that there have been significant disparities historically between support for human rights organizations based in the Global North and the Global South. At the same time, more than an organization's zip code (whether in the Global North or Global South), what should matter is how they approach human rights advocacy and interact with the significant geopolitical changes underway. For example, two private human rights donors have told U.S.-based DPLF they will not support the organization because it is not based in Latin America. We have chosen to continue supporting DPLF because of their close collaboration with leading Latin American human rights organizations in experimenting with new approaches and their focus on parts of the region, such as Central America, Ecuador and Bolivia, where there are less vibrant local human rights movements.

Three of the four private foundations have global human rights portfolios with some funding in Latin America (Sigrid Rausing, Oak Foundation and Ford Foundation), and two of the foundations have country/sub-region specific human rights portfolios (Ford Foundation and MacArthur Foundation). Among the major private human rights donors, OSF's Latin America Program human rights field is the only portfolio to have a Latin America regional focus (though the Ford Foundation has recently expressed interest in trying to create a more regional approach).

The regional focus of LAP's human rights field has distinct advantages and disadvantages. A key advantage is the ability to observe and engage with regional human rights trends, particularly as the core grantees in the portfolio increasingly play regional roles and collaborate and work outside of their base country. The regional focus also positions LAP well to address challenges and opportunities in the IAS, and to focus on human rights spaces in emerging regional and sub-regional bodies, such as Mercosur, UNASUR and CELAC. Important disadvantages include the difficulty in covering a very large

geographic area with a small staff (for LAP, approximately 30% of the time of a senior program officer and program coordinator, and 20% of the time of a program associate), and being more removed from the day to day developments in key countries (of course, this disadvantage is even more extreme in the case of foundations with a global human rights portfolio with funding in Latin America, but no regional presence). LAP's proposed restructuring, including opening an office in Rio de Janeiro and possibly opening smaller offices in Mexico and Colombia, will help address this disadvantage, while allowing the program to maintain its valuable regional focus.

For the most part, substantial economic growth in Latin America has not yet translated into local support for human rights organizations. However, there are a few, but exciting, exceptions emerging in Brazil and Mexico. The Lafer Foundation in Brazil has started supporting human rights, citizen security and drug policy partners in Brazil in the last few years. Other foundations, such as the Arapyauá Institute, are starting to support more structural, social-change oriented work (rather than the much more prevalent service delivery philanthropy), though are not currently funding human rights work. A growing number of LAP human rights grantees increasingly recognize the role that local philanthropy will have to play in the future of the human rights movement in the region, both for sustainability and legitimacy reasons. We aim to support grantees' efforts to raise funds locally by developing relationships with local donors and seeking opportunities to collaborate and co-fund with such donors.

### **III. The Latin America Program Human Rights Field Portfolio**

In the three years I have managed the Latin America Program's human rights portfolio, we have increasingly focused our support on a small group of organizations we believe are: a) working closely with government in ways that recognize its complexity and the multiple, often competing perspectives within government that can be engaged effectively to advance human rights (rather than only criticizing government and/or relying only on litigation or other counter-majoritarian mechanisms to advance human rights); b) self-critical, both in terms of their own work and of the human rights field as a whole; and c) willing and open to experimenting with new approaches, including efforts to influence public opinion, expand constituencies, and collaborate with non-traditional allies.

Within this overarching focus on new thinking and experimentation with how to advance the rights of democratic minorities, we have focused support on the following issues:

- Improving the fairness, effectiveness, accessibility, and accountability of law enforcement and justice sector institutions;
- Increasing access to justice and related law enforcement and justice sector reforms for victims of serious human rights violations committed by security sector actors;
- Promoting drug policy reform and addressing the human rights consequences of the war on drugs, including military and law enforcement abuses, lack of due process and over-incarceration;
- Promoting changes in the IACHR to allow it to respond to 21st century human rights challenges and the development of new human rights mechanisms in emerging regional bodies; and
- Advancing the rights of communities affected by extractive and infrastructure projects to access information on, be consulted about, and benefit from such projects.

Four of these five focus areas are clear priorities for much of the human rights movement in Latin America, including LAP's human rights field grantees. Drug policy reform is an area only a few of our human rights grantees are focusing on, though they have long focused on the consequences of the drug war, and we have actively encouraged their interest and engagement.

There are eleven core grantees in the human rights field portfolio, and eight of these grantees receive general support (rather than project support). CELS (Argentina), Conectas (Brazil), DeJusticia (Colombia), Fundar (Mexico), and IDL (Peru) are organizations based in Latin America with strong advocacy and policy reform track records, which increasingly work regionally and globally (with significant variation among them in terms of their regional and global engagement).

CELS and IDL are well-respected human rights organizations that emerged during periods of repression in Argentina and Peru, respectively, having utilized the IAS to achieve significant democratic and human rights advances in their countries. CELS has developed an influential regional and global focus in its human rights work, and effectively combines litigation and policy reform. IDL has impressive media and communications areas (with its own radio program, investigative journalism unit, and magazine) that allow the organization to significantly influence and shape public debate in Peru, and has only started working regionally recently.

Conectas and DeJusticia are comparatively newer organizations that have injected fresh ideas and approaches into the human rights movements in Brazil and Colombia, achieving high regard in a short period. Conectas has worked globally since it was founded, and is a global leader on efforts to influence the human rights foreign policy of emerging powers. DeJusticia significantly expanded its regional and global work in recent years, and has strong relationships with academia in Colombia, Latin America and globally, which it uses strategically to advance DeJusticia's work. Fundar, which focuses primarily on citizen participation and budget analysis, has developed a significant human rights focus in Mexico and is increasingly working regionally, applying its budget analysis expertise to human rights issues.

The other three general support grantees are U.S.-based organizations working regionally (CEJIL, DPLF and WOLA), each playing a distinctive role. CEJIL has an impressive track record using strategic litigation and advocacy in the IAS to advance human rights, working with victims and partners through offices in Washington DC, Rio de Janeiro, Buenos Aires and San José. However, there has been little renewal in the organization's leadership or board of directors, and I think CEJIL is less innovative than others in LAP's human rights field portfolio in its approaches to human rights advocacy. DPLF, a regional human rights organization based in Washington, DC, has been perceptive and responsive to significant regional geopolitical changes, and collaborates closely with leading organizations, such as DeJusticia and IDL. DPLF focuses on areas where there are fewer strong local organizations, such as Central America, Ecuador and Bolivia, and has developed more horizontal partnerships, while being pragmatic. WOLA, based in Washington DC and working in Latin America, focuses on Mexico, Central America, and Colombia and U.S. policy in these countries. Like DPLF, WOLA is very aware of the changes underway in the region and human rights field, and is consciously reassessing its role and exploring new approaches to advocacy and its relationships in the region.

The three project grants in the human rights field portfolio include two grants to Mexican human rights organizations (CMDPDH and Centro Prodh) to address the human rights consequences of Mexico's drug war, including extrajudicial executions, forced disappearances, torture, and arbitrary detention, through strategic litigation, defense of victims of abuses related to the security policies, and advocacy for citizen security policies that respect human rights. Centro Prodh and CMDPDH both do impressive work nationally, but have not been very active outside of Mexico (this is starting to change for CMDPDH under new Executive Director José Guevara, a recent recipient of OSF's New Executive Fund award), have experienced frequent leadership and staff turnover, and have been less inclined to experiment with new approaches and issues than our general support grantees (again, this is starting to change for CMDPDH, with their new focus on drug policy reform under José Guevara's leadership).

*Equipo Argentino de Antropología Forense* (EAAF), based in Argentina with offices in Mexico and South Africa, applies forensic sciences to investigate human rights violations in Argentina and globally. With its more technical forensic science focus, EAAF is an outlier in LAP's human rights field portfolio. However, EAAF's demonstrated ability to take on present day human rights challenges, such as the ambitious and innovative Central America-Mexico-US Border project aimed at identifying human remains in this migration corridor, and close collaboration with government actors to build local capacity to use forensic sciences in human rights investigations and judicial proceedings, make the organization a good fit in terms of our criteria for the human rights field.

### ***General support***

Prior to my arrival at OSF, the Latin America Program started increasing its use of general support for organizations the program felt were playing a central role in their fields and where a certain level of trust had developed between LAP and the organization. In-depth institutional assessments of organizations being considered for general support were carried out to give the program more insight into their strengths and weaknesses. Organizational development support was also provided to help address issues identified in the assessments or otherwise identified by an organization (such as clarifying board roles and job descriptions or thinking through leadership transitions). Seven organizations in the human rights field portfolio have received general support for several years and one organization (DeJusticia) only started receiving general support in 2013.

In the three years I have managed these general support grants (and added DeJusticia as a general support grantee), we have deepened our relationships with these grantees through more regular communication with a broader set of stakeholders (in addition to regular communication with executive directors, occasional meetings with board members and senior and junior staff). Through this process, significant new information about several grantees came to light, including challenging board dynamics or financial issues. When challenges emerged and the organization was interested in changing, as with IDL, we dedicated significant time to help organizations address financial challenges, create external governance mechanisms and adjust to new funding and political contexts.

A common challenge with general support when I took over the portfolio was how organizations perceived, used and communicated about general support. Oftentimes, general support was seen as funding that covered rent, electricity and other office expenses, while project grants were credited for all of an organization's major successes. One organization was so unfamiliar with general support that they treated it as project support. We have worked hard to encourage organizations to see and use general support as funding that gives them flexibility to experiment with new issues and approaches, and to respond to opportunities and challenges as they emerge, rather than sticking to work plans that may no longer make sense in a changed context. I think we have been able to shift the approach to and characterization of general support in most cases, but it remains an ongoing dialogue.

Another challenge I experienced when I took over the human rights field portfolio was determining the appropriate funding level for organizations receiving general support (rather than project support, where project objectives and activities provide some parameters for funding levels). As I got to know the general support grantees and formed my own view of their role in the field, I felt there were significant disparities in the levels of funding we were providing. Some of these disparities may be a consequence of LAP's longer funding history in Peru and Mexico, where general support grants to IDL and Fundar became quite large over time. Over the last two years, I have started adjusting funding levels gradually to bring them in line with my assessment of the role the organizations are playing in the human rights field in Latin America and the relevance of their work in fields and concepts that are OSF priorities. This has and will continue to involve gradually decreasing support for IDL and WOLA, and slightly increasing support for CELS, Conectas and DeJusticia. As a program, LAP has not focused

much on discussing criteria for funding levels and there is probably more we can develop on this front, particularly in terms of thinking about funding levels over a period of several years.

While the underlying power asymmetries in the donor-grantee relationship naturally remain, I think I have developed open, frank working relationships with the general support grantees, involving regular dialogue on developing human rights issues and possible approaches. These general support relationships are more dynamic and productive than project support relationships, which tend to feel more transactional. Not surprisingly, general support grantees are the organizations we generally go to first to brainstorm about new ideas and often become key partners in concepts we develop.

Over the last couple of years, we have consolidated our general support grants to several human rights grantees (CELS, Conectas and IDL) with HRI project support into co-funded general support grants. This change was prompted by increased interest in general support within OSF and requests by CELS and Conectas for us to consider this possibility, and it has generated closer coordination and shared understanding of organizational strengths and weaknesses between LAP and HRI.

### ***Reforms to the Inter-American Commission on Human Rights***

As referenced briefly in the human rights field background sub-section, LAP was actively involved in efforts to prevent negative reforms to the IACHR, while encouraging much-needed discussion of possible changes to the IACHR's operations and approaches to its work. In 2012 and early 2013, several influential OAS member states, including Brazil, became highly critical of the IACHR and proposed a series of detrimental reforms. In response, we made a grant to CELS, Conectas, DeJusticia, DPLF, and IDL to work together to prevent the adoption of damaging reforms, while acknowledging legitimate concerns raised by states. I worked closely with these organizations on strategy, was in regular communication with them about developments and adjustments to our approaches, and also engaged in direct advocacy with OAS member states.

I believe these organizations' advocacy efforts contributed meaningfully to improvements in the positions of Argentina, Brazil, Colombia and Peru – key states that were initially very critical but gradually largely shifted to support the IACHR. This left the ALBA countries alone in pushing for continued reforms at the OAS Extraordinary Assembly in March 2013. As the new IACHR Executive Secretary negotiated with states and proposed reforms taking into account some of their concerns, these organizations played a parallel role in civil society, acknowledging some of the state concerns about the IACHR and helping to carve out space for the IACHR to reach a compromise solution.

This effort complemented the strategies of more traditional civil society actors, which rejected the reform process and state concerns outright. We supported this complementary approach through a grant to CEJIL, which had a more critical view of the process and its outcome. We also provided: a) a small grant to DeJusticia for communications efforts on the reform process, including op-eds, policy briefs, and interviews; and b) a small grant to Americas Quarterly to bring together Latin American journalists to discuss the reform process shortly before the decisive OAS Extraordinary Assembly in March 2013. Increased media attention resulting from the Americas Society convening and DeJusticia's communications strategy, alongside CEJIL's campaign against the proposed reforms (including compelling video testimonies by survivors of human rights abuses with cases before the IACHR), increased the costs for some member states of openly supporting reforms that would weaken the IACHR's independence and capacity.

With the reform process largely concluded by mid-2013 (Ecuador has continued to try to revive the reform process unsuccessfully), there was an opening to shift from a defensive posture to supporting the IACHR in developing a proactive agenda to regain influence and experiment with changes to

address some of the factors that led to the crisis. We made a second grant to CELS, Conectas, DeJusticia, DPLF, Fundar and IDL for this purpose. The IACHR has taken some positive steps in this direction since then, including creating the Special Rapporteurship on Economic, Social, and Cultural Rights, which addresses critiques about insufficient attention to these issues and excessive focus on freedom of expression (previously, there was only one special rapporteurship focusing on freedom of expression). However, despite the IACHR's Executive Secretary's keen interest in experimenting with changes, including a stronger public policy focus instead of relying primarily on reviewing petitions, progress has been slow. Ecuador's efforts to revive the reform process have kept the IACHR on the defensive, and there has been significant internal resistance by long-time staff members to proposed changes.

In addition to the grant making and advocacy around the reform process, we continued grants to American University to train government officials and civil society organizations on the IAS, a program which received positive reviews from participating individuals and organizations sending staff members. We also made a grant to Cyrus R. Vance Center for International Justice and *Fundación Pro Bono Chile* to train lawyers from private law firms to represent petitioners before the IACHR and provide pro bono support to the IACHR's legal staff. In hindsight, I would not make the grant to the Vance Center again. My belief that greater engagement by private Latin American lawyers with the IACHR could help expand its constituency, particularly as it was under attack, was a key reason for recommending the grant. In a context where human rights movements are often isolated in their countries and do not interact with private law firms, which represent important national actors, the project seemed like an opportunity to start bridging this divide. However, I overestimated the Vance Center's capacity to carry out this delicate project. My sense is that the Vance Center has had difficulty building trust with the IACHR and human rights organizations, though changes in the IACHR during the project period also made its execution more difficult, and I have been disappointed with the grant.

The Latin America Program's grant making and advocacy around the IAS was funded as part of the program's human rights priority area in 2012 and 2013 (prior to the creation of 'Field' and 'Concept' categories at OSF), and established as a stand-alone concept in the strategy submitted in mid-2013. In our proposed 2015-2018 strategy submitted in mid-2014, we decided to discontinue the concept on reforming the IAS, and to reintegrate this work into the human rights field at a lower level of funding and engagement. As there is a well-positioned group of partners in the human rights field focused on this agenda and the pace of change now seems likely to be more gradual than initially anticipated, we no longer can justify devoting increased human and financial resources to this issue as a concept, particularly considering the new priorities we have identified in our proposed strategy.

### ***What we stopped funding and did not start funding***

As we fine-tuned our criteria for organizations we believe LAP should support in the human rights field, we also made difficult decisions to discontinue support for organizations we felt did not meet these criteria or were not interested in changing their approaches to position themselves to address present day challenges and opportunities. This included discontinuing support for two Peruvian organizations, *Equipo Peruano de Antropología Forense* (EPAF) and *Aprodeh*, which played important roles in challenging human rights abuses committed during the internal armed conflict in Peru. In both cases, the lack of renewal in leadership, absence of effective external governance mechanisms, lack of innovation and resistance to new ideas in the human rights field, increasing disconnectedness from and limited efforts to engage public opinion, and absence of interest in exploring changes to the organization's structure and approaches motivated our decision to discontinue funding.

We also discontinued support for Project Counselling Service, CCAJAR, *Comisión Intereclesial de Justicia y Paz*, and *Fundación Comité en Solidaridad con Presos Políticos*, a group of organizations working on accountability for human rights violations committed by paramilitaries in Colombia. While we were

less closely engaged with the governance structure of each organization, as the funding relationship was shorter and involved a collaborative effort among four organizations, the traditional human rights tools employed by the organizations, including overreliance on litigation without sufficient relationship to broader policy reform efforts, disconnectedness from key public debates underway in Colombia, and resistance to new approaches informed our decision to discontinue support.

During the last three years, we have received many human rights funding requests that we have declined. These decisions have been guided primarily by the criteria we set out for those organizations we should support in the human rights field, as well as budget constraints and other considerations. While there are many examples of such organizations, I will focus on Justiça Global, as it is an organization supported by two of the four other main private human rights donors in the region (Ford Foundation and Sigrid Rausing Trust), which we have opted not to fund. Though Justiça Global has clear strengths and achievements, our assessment is that it has a fairly fixed, traditional approach to human rights advocacy and is disinclined to engage and collaborate with government actors.

#### **IV. Going Forward: Lessons, Adjustments and Outstanding Questions**

Our experience supporting and collaborating closely with this small group of strategic human rights organizations has informed our Democratic Minorities Sub-goal in LAP's proposed 2015-2018 Strategy. To varying degrees, we consider the current LAP human rights field grantees to be among the few organizations that have started to think about what the new types of checks and controls might look like to advance the rights of democratic minorities in 21st century societies, recognizing the gap between 21st century societies and 19th century democratic institutions.

Despite our great enthusiasm about the work these organizations are carrying out, the concentration of our human rights field support in substantial general support grants to a core group of leading organizations also generates some questions for the program. By concentrating support in the consolidated leaders in the field, are we overlooking or missing opportunities to bring in new voices to the human rights debate in Latin America? Given the now substantial level of general support to a few organizations, how should we start thinking of the trajectory of our support for these organizations over a multiple years and how such support should increase or decrease over that period?

Though leaders in their field, our core human rights grantees are still largely outliers in terms of their appetite for change and exploring new approaches. A majority of the human rights field still worries that changes in existing mechanisms or approaches will lead to a weakening or undermining of existing human rights frameworks. While it is exciting to have a core group of organizations pushing in new directions, there are also limitations to what a small group can achieve and the still prevailing risk averseness in the human rights movement in the region can limit efforts to promote change.

For example, after the IACHR reform process, the IACHR's Executive Secretary and CELS, Conectas, DeJusticia, DPLF, Fundar and IDL were interested in promoting new thinking and experimentation in the IACHR's work. Possibilities include consolidating and prioritizing cases to address the IACHR's absurd backlog, and a greater focus on engaging with governments on public policy reforms, rather than relying only on reviewing individual petitions. These ideas have met a lot of resistance from a broad range of human rights organizations with cases before the IACHR and from the IACHR's staff, significantly slowing down and preventing these efforts from advancing.

I am increasingly aware of the need to expand the number of organizations and individuals willing to rethink the role of existing mechanisms and approaches for advancing human rights. I have started discussing this with our core human rights partners, and exploring ideas for how we might achieve

this. It remains unclear how much this should focus on trying to persuade and change the perspective of existing actors in the field, which strikes me as challenging, versus trying to bring in new voices. DeJusticia feels that more direct engagement with academia in new formats can help push the thinking of the human rights movement, and we will explore this idea with them. It may also make sense to support organizations that do not see themselves primarily as human rights organizations, but are eager to experiment with new approaches for addressing complex human rights issues.

A likely growing focus for the LAP human rights field portfolio will be support for creative efforts to influence public opinion on challenging human rights issues. This proposed focus is motivated by our belief that counter-majoritarian institutions, traditionally charged with defending the rights of democratic minorities, have long been and likely increasingly will be influenced by public opinion. As a result, we should not expect that judiciaries and human rights mechanisms alone will be able to safeguard the rights of these groups. Instead, we should engage more proactively in efforts to shape public opinion, using the rapidly expanding tools and channels for democratic participation. Seeking to influence public opinion does not mean human rights organizations should yield to public opinion or always focus on winning over the majority's opinion, but much more experimentation is needed.

One current grant that illustrates what this type of work might entail is VerdadAbierta.com, a joint project of the Fundación Ideas para la Paz (FIP) and the Semana weekly magazine in Colombia. The site's analysis and reporting on paramilitarism and other aspects of the Colombian armed conflict has contributed to the transitional justice processes in Colombia, is cited in mainstream media frequently, is utilized by justice sector actors in their cases involving former paramilitary members, and is referred to by organizations and victims of paramilitary violence seeking to hold perpetrators accountable. Our grant to Pública, a relatively new investigative journalism outfit in Brazil, to carry out investigative reporting on public safety, human rights and drug policy is another example. A third example is our support (through a reserve fund request) for the "No a la Baja" campaign to prevent the lowering of the minimum age of criminal responsibility in Uruguay in national elections in October 2014, which is being carried out by a diverse coalition and led by ProDerechos. While these grants have not previously been grouped under a common focus of increased engagement with public opinion, as we go forward we expect to experiment more with and learn from such grants.