

Human rights: the bedrock of philanthropy

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Corporations, civil societies, and philanthropic organisations and individuals are increasingly playing a crucial role in achieving human advancement. The Sustainable Development Goals, the world's latest political promises, repeatedly call on private bodies to join in a global partnership to 'end poverty, protect the planet and ensure that all people enjoy peace and prosperity'.¹ Philanthropic organisations and individuals have generously responded to this call and in 2010 gave \$1.2 billion to support human rights.²



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While individuals and civil society organisations aim to protect human rights and ensure that all people, for instance, are able to access clean water, attain the highest quality of health and attend school, there are deep concerns that philanthropic organisations are not accountable for the assistance they provide and paradoxically that they might do more harm than good. There is evidence that public-private partnerships in education are actually undermining the rights of learners in East Africa.³ Furthermore, there is, in some circles, resistance to developing the relationship between philanthropy and human rights. There are perceptions that human rights create unnecessary and burdensome bureaucratic red-tape and that human rights are so indeterminate that they offer little meaningful guidance on how to best structure and provide assistance.

This is misguided. Human rights should be understood as the central bedrock of philanthropy. Human rights norms and accountability mechanisms are inextricably linked to philanthropy achieving its goals of helping the world's most disadvantaged and oppressed.

Incorporating human rights into philanthropy necessitates a paradigm shift in how donors perceive the recipients of aid. Poverty is more than just material want; it entails rejection, isolation, loneliness, insecurity, vulnerability, stigma, humiliation and shame.⁴ It traps people in a web of social exclusion and voicelessness.⁵ Philanthropy often only targets

economic needs and ignores the powerlessness that underpins poverty. It treats people as passive objects of charity that should be grateful for the generosity they receive. Human rights, on the other hand, address the multiple and interlocking dimensions of poverty. They recognise the inherent worth and dignity of all people.⁶ Individuals are active rights holders and the aim is to ensure that they are empowered to draw on human rights standards to hold duty-bearers accountable.

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Including a human rights perspective in philanthropy requires that programme and policies enhance the autonomy of individuals. Thus, before implementing any programme of assistance it is vital to ensure 'the active and informed participation' of the targeted recipients in the formulation, implementation and monitoring of the programme.⁷ Participation is not a box-ticking exercise. It should be meaningful and significant weight should be given to the needs and desires of those in poverty. Rather than seeing participation as an additional obstacle or hurdle, it should be considered a fundamental human right



that upholds the dignity of each individual and recognises that individuals have agency over their own lives. Participation is crucial in breaking cycles of disempowerment and can ensure that philanthropic endeavours respond to the actual needs of people.

Focus on equality

Attention to human right norms, particularly equality and non-discrimination, are essential to ensuring that philanthropy is effective. Discrimination both contributes to and perpetuates poverty.⁸ Women, children, older persons, persons with disabilities, migrants, refugees, asylum seekers, internally displaced persons, minorities, persons living with HIV/AIDS and indigenous people are more vulnerable to poverty and experience greater challenges in accessing, controlling and enjoying economic resources.⁹

The intersection between inequality and poverty is complex. Unless the different ways identity groups experience poverty are appreciated, any measures designed to promote development and advancement can actually entrench disadvantages.

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Two examples help illustrate the dangers of being inattentive to inequality. First, at-home prenatal medical care may redress women's disadvantages in health care but reinforce women's exclusion from public life, particularly in societies that are heavily gender segregated. Second, conditional cash transfers (CCTs) require women to fulfil certain conditions such as taking their children to health centres or enrolling

them in school to receive assistance. While these programmes address women's material disadvantage, they can maintain gender stereotypes and undermine women's rights.¹⁰ CCTs place the onus on women which reinforces that it is women's primary role to care for children and ignores the role of men in the family. It is also paternalistic as it assumes women in poverty need financial incentives to care for their children. Proving that the conditions have been met can also be time consuming and reduce the time women in poverty have for economic endeavours or leisure.

A human rights-based approach to philanthropy directs organisations and individuals to evaluate if their policies work towards achieving equality. There are many competing understandings of equality.

Framework for designing programmes

Fredman's four-dimensional model of equality provides a useful analytical framework that philanthropic organisations can draw on when designing and implementing programmes.¹¹ The four dimensions are:

- Breaking the cycle of disadvantage
- Promoting respect for dignity and worth
- Participation and accommodating difference by achieving structural change
- Promoting political and social inclusion.¹²

The first element – breaking the cycle of disadvantage – recognises that individuals and groups have suffered because of their personal characteristics. To redress this imbalance, specific and positive measures are required, including temporary special measures. The second element addresses recognition harms such as: harassment, prejudice, stereotypes, stigmas, negative cultural attitudes, indignity and humiliation. Third, the

participation dimension requires inclusion of women in all public, private, political and social decision-making processes. Fourth, the structural dimension requires institutions rather than individuals to change. Using the four dimensions and paying attention to the intersection between them, can help philanthropic programmes be sensitive to the needs of vulnerable people.

Accountability

Human rights are grounded on accountability. They not only set out the rights and freedoms people are entitled to but also places duties on those who 'exercise authority or forms of power'.¹³ Accountability is backward looking and seeks to correct and remedy wrongdoing by individuals and institutions. It is also forward looking and helps 'determine which aspects of policy or service delivery are working... and which aspects need to be adjusted'.¹⁴ A culture of accountability links to other human rights values. It recognises the equality and dignity of every individual and encourages participation in decision-making processes. Moreover, it delineates zones of responsibility, encourages those in positions of power to answer for their decisions and ensures that human rights are enforced and meaningful.

Human rights law at both the domestic and international level has multi-faceted accountability mechanisms including courts, tribunals and legislative committees. With the increasing power and role that philanthropy plays in achieving human rights, it is time to carefully consider how these organisations can be answerable to the people they seek to assist. Creativity is required to find affordable and accessible accountability mechanisms so philanthropy and those who live in poverty are able to enter into a mutually beneficial and iterative dialogue on how best to achieve human advancement.

Conclusion

Incorporating a human rights perspective into aid and assistance immeasurably enriches philanthropic endeavours. By listening to recipients, paying attention to inequalities, structuring programmes to empower individuals and a willingness to be held to account, the generosity and goodwill of philanthropy can be a strong force to assist states in respecting, protecting and fulfilling human rights.

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¹ Goal 17 of the Sustainable Development Goals <http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>.

² Christen Dobson, Lucia Carrasco Scherer and Emilienne de Leon, 'The state of global human rights philanthropy' (Open Democracy, 2013) <https://www.opendemocracy.net/openglobalrights/christen-dobson-luc%C3%ADa-carrasco-scherer-emilienne-de-le%C3%B3n/state-of-global-human-righ>.

³ UNSR on education?

⁴ Deepa Narayan et al *Voices of the Poor: Crying out for Change* (OUP and World Bank, 2000) 31.

⁵ *ibid* 265.

⁶ Universal Declaration of Human Rights, 10 December 1948, 217 A (III).

⁷ Office of the High Commissioner for Human Rights, 'Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies' (2006) HR/PUB/06/12 <http://www.ohchr.org/Documents/Publications/PovertyStrategiesen.pdf>

⁸ UN Special Rapporteur on extreme poverty and human rights, 'Final draft of the guiding principles on extreme poverty and human rights' (2012) A/HRC/21/39 [8]

⁹ *ibid*.

¹⁰ Sandra Fredman, 'Women and Poverty: A Human Rights Approach' (2016) 24(4) *African Journal of International and Comparative Law* 479

¹¹ Sandra Fredman, 'Substantive Equality Revisited' (2016) 14(3) *International Journal of Constitutional Law* 712.

¹² Sandra Fredman, *Discrimination Law* 2nd ed (Clarendon, 2011) 27-9.

¹³ Office of the High Commissioner for Human Rights 'Who Will Be Accountable: Human Rights and the Post-2017 Development Agenda' (2013) HUB/PUB/13/1 <http://www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf>.

¹⁴ *Ibid*.