




Charities working in the field of human rights





The Charity Commission is the independent regulator for charitable activity. This is one of a series of reports that present our case-working experience, supplemented by additional research. Their purpose is to help increase understanding of an issue. They are part of our mission to help charities maximise their impact, comply with their legal obligations, encourage innovation and enhance effectiveness.

This report looks at those charities which have registered with a specific focus on human rights issues.




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Introduction

Charities have a long tradition of promoting their beneficiaries' rights. Examples abound: one charity working for the relief of disabled people may lobby for a change in the law that would benefit their client group. Another charity for the relief of poverty abroad campaigns for the adoption of human rights in a particular country where that would help alleviate poverty there.

This report looks at those charities that have registered with a specific focus on human rights issues. In preparing it we visited seven of these charities to learn from their day-to-day experience of working in this field. We found some interesting common themes: for example, the high value human rights charities place on their independence, the importance and the challenges of getting their message across to different audiences and the issues they face when measuring their impact. Some of these charities said they would like greater clarity in understanding the extent to which charities can engage in campaigning, and the Commission is currently rewriting our guidelines to make this clearer.

We found plenty of evidence of good practice: it is clear that many human rights charities are familiar with the benefits of working in partnership with others and avoiding duplication to maximise resources and results across the fields in which they operate.

Broadly speaking we found that these charities' performance and governance arrangements were in line with other charities. We did, though, find evidence of more complaints about their work than other types of charities. This is perhaps unsurprising given the generally high profile and contentious nature of the fields in which they work.

With human rights consistently under the media spotlight, and the recent recognition of the promotion of human rights as a description of a charitable purpose in its own right in the Charities Act 2006, we hope this short overview illustrates some of the diverse ways charities seek to promote and safeguard human rights.

Executive summary

The promotion of human rights is a relatively new charitable purpose, only recognised in its own right by the Charity Commission in 2002. This may explain why there are not yet many human rights charities with these purposes listed on the Commission's Register of Charities. Before this, it was charitable to educate people in human rights issues; or relieve the need of those whose human rights had been breached, and these make up the bulk of the purposes of those human rights charities registered before 2002.

Our key findings from an analysis of these charities were that:

- Just 206 charities have registered with charitable purposes directly involving human rights issues, a tiny number representing just 0.1% of all registered charities.
- The numbers of charities registering to tackle human rights issues have risen from a maximum of one or two per year since 1960 to 28 registrations in 2006. The sharp increase in numbers of registrations over the last five years is unsurprising given the current developments in the human rights field, including our recognition of human rights as a charitable purpose in its own right in 2002.
- The total latest recorded income of human rights charities was nearly £160 million. This represents just under 0.4% of the total recorded income for the whole of the Register.
- Whereas over three-quarters (76%) of all charities on the Register have been established to operate in local areas, over four-fifths (82%) of human rights charities have been established to work both nationally and internationally.
- Broadly speaking, human rights charities do not differ from other types of charities in terms of their governance arrangements – for example, the types of legal structures under which they are established and the numbers of trustees on their board are similar to those of other charities.
- The one area in which human rights charities do differ, according to our case working archive, is the numbers of complaints we are asked to deal with about human rights charities. This is higher than those for other charities; and may be a result of the generally contentious and high profile nature of their work.

Emerging themes for human rights

To understand more fully the current environment in which human rights charities operate, we undertook in-depth visits to seven charities. Some interesting common themes emerged.

Establishing the charity

As with most charities, we found those working in the field of human rights had been established as a result of a particular cause or ongoing situation. Some¹ said they had problems setting up the charity initially because of funding difficulties and negative overall public perception of the causes they wished to promote.

While many were registered with a wide geographical remit, in practice, the majority typically focus on particular areas or regions.

Independence

In order to retain the confidence of their beneficiaries, funders and wider stakeholders, some charities emphasised the importance of maintaining, and being seen to maintain, their independence. While important for all charities, this appears to have a particular impact on those promoting human rights as it strongly affects issues such as funding and the physical location of the charity. For example:

- some charities would not accept funding from the governments in the regions in which they worked; and
- many had bases outside the regions in which they worked. One charity said that this gave individuals reassurance that it was independent of the conflict existing in the region.

Public perception

Generally, these charities told us that they face ongoing difficulties building support for the issues they deal with. Often this is because these issues are unfamiliar to, or geographically remote from, the people whose support is sought. As a result, these charities place a strong emphasis on raising awareness and educating the wider public about the human rights issues concerned.

There was general agreement that publicising the charities' causes in a way that is accessible and

understood by the general public is difficult. However, most reported very different approaches to their relationship with the media, ranging from a charity with a full time press officer to another which tightly limits press releases as it has insufficient resources to deal with the volumes of work they generate.

Funding

Many charities face difficulties in funding and human rights charities proved to be no exception, although their perspective is perhaps different. For example, one charity said that prospective funders can be put off by the perception that human rights charities are political. Another concern is the possibility that some prospective funders may seek to use their funding as leverage to manipulate the charity to fulfil their own agendas.

Successes and making a difference

The charities we visited gave examples of the major areas in which they are making a difference. Reforming policy or legislation was a key theme. Many of the charities were involved in the introduction or monitoring of policy or legislation, both in the UK and abroad. Some raised specific concerns about the extent to which they could campaign under the banner of human rights.²

Demonstrating impact

Because of the complex environment in which these charities operate, demonstrating the impact of their activities can be difficult for a number of reasons. For example, working in areas of conflict made it hard to collect hard facts or figures. Another difficulty in measuring impact occurs due to the sheer number of factors they need to address to make a difference. However, overall, most of the charities demonstrated varied and tangible ways in which they have found working solutions to those issues.

Avoiding duplication and working in partnership

We found that these charities placed a particularly strong emphasis on avoiding duplication either with other organisations or within branches of their own organisation. One, for example, carried out a feasibility study before it was even set up to ensure that there was a place for the kind of work they intended to carry out. Most will typically work in partnership with other organisations to contribute towards campaigns of mutual interest.

¹ As this is a mainly qualitative report and these findings are only based on seven charities, we use the terms 'some', and 'many' are used to express general levels of agreement between charities. These terms are not meant as substitutes for exact numbers.

² The Commission is working to clarify the extent to which charities can become involved in campaigning and will be publishing a revised version of *Campaigning and Political Activities by Charities* (CC9) in early 2008. In the meantime, we have published complementary guidance, *Campaigning and Political Activities by Charities – some questions and answers* (April 2007), available on our website, www.charitycommission.gov.uk

1. Background

The Charity Commission has always recognised as charitable the advancement of education in human rights issues and relieving those victims of human rights abuses who are in need of help. Human rights are seen as fundamental to the healthy functioning of society and respect for human rights is generally seen as a moral imperative. In this country, the implementation in 2000 of the Human Rights Act 1998 reinforces the legal imperative.

In 2002, the Government's Strategy Unit report *Private Action, Public Benefit* recommended the inclusion, in the proposed new Charities Act, of the promotion of human rights as a charitable purpose in its own right. Its reasoning was that this would "...allow charities to play their full part in the vital tasks of protecting human rights both in the UK and overseas..."³ In the same year, the Charity Commission recognised the promotion of human rights as a charitable purpose in its own right.

Backed by the findings from the Strategy Unit Report and following public consultation, in 2005 we reaffirmed our stance on why we recognise the promotion of human rights as a charitable purpose and published revised guidance.⁴ The Charities Act 2006 now includes the advancement of human rights as one of the descriptions of purposes that can be charitable.⁵

There are many ways in which a charity may promote human rights on a practical level, for example:

- monitoring abuses of human rights;
- obtaining redress for the victims of human rights abuse;
- relieving need among the victims of human rights abuse;
- research into human rights issues;
- educating the public about human rights;
- providing technical advice to government and others on human rights matters;
- contributing to the sound administration of human rights law;
- commenting on proposed human rights legislation;
- raising awareness of human rights issues;
- promoting public support for human rights;
- promoting respect for human rights by individuals and corporations;
- international advocacy of human rights; or
- eliminating infringements of human rights.⁶

This report takes a qualitative look at a small number of human rights charities on the Register, complemented by an analysis of data we hold on the Central Register of Charities to illustrate patterns of registration and emerging trends.

³ Section 4.41, *Private Action, Public Benefit: a Review of Charities and the Wider Not-for-Profit Sector*, Cabinet Office (2002).

⁴ *The Promotion of Human Rights* (RR12), Charity Commission (2005).

⁵ The advancement of human rights for the benefit of the public will be a charitable purpose in its own right when the descriptions of charitable purposes in the Charities Act 2006 come into force in 2008.

⁶ These examples are taken from our publication *The Promotion of Human Rights* (RR12), Charity Commission (2005), in which we set out the ways in which the purpose can be furthered and explain what we mean by the different phrases.

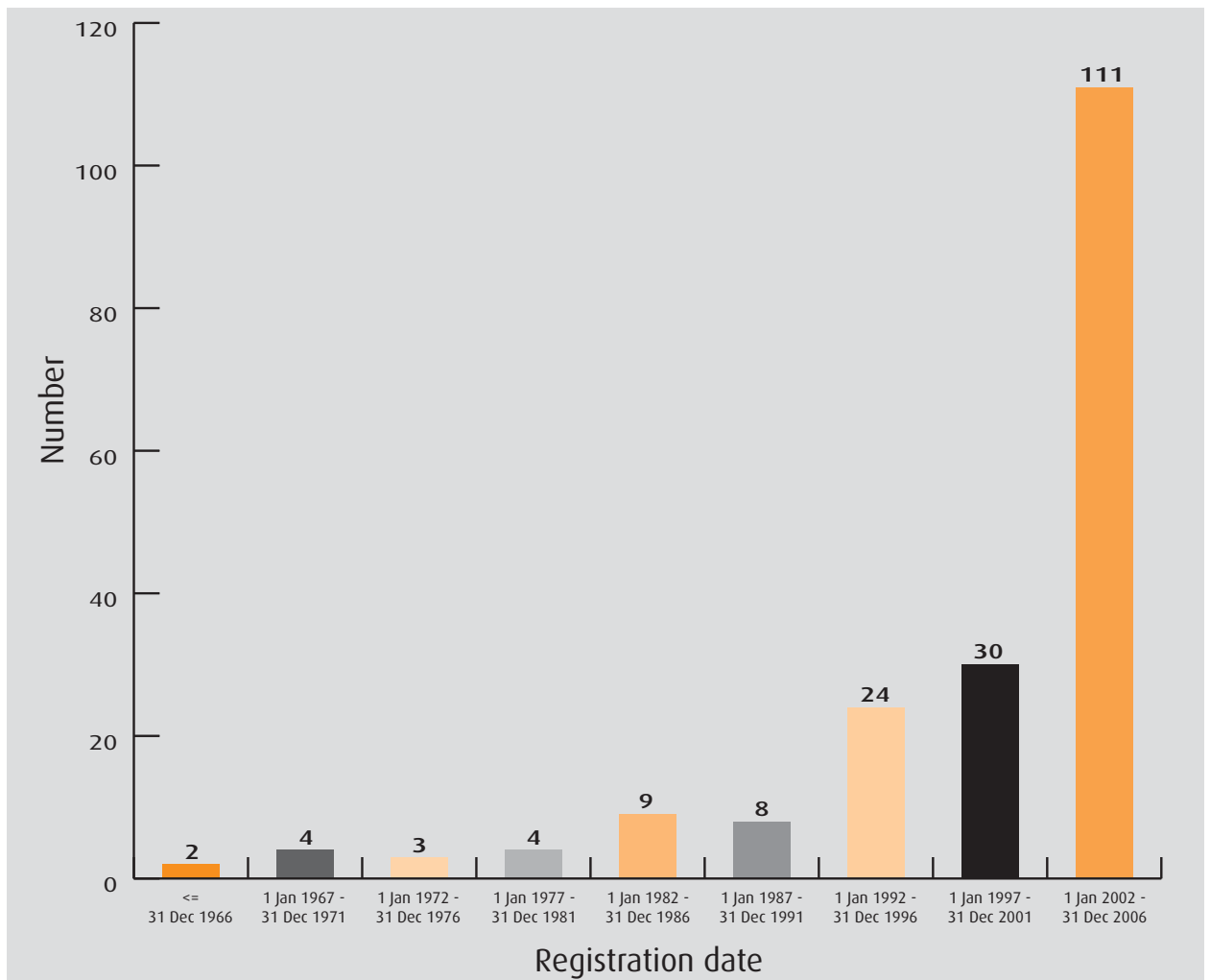
2. About human rights charities

2.1 Patterns of registrations

206 charities have adopted objects including those relating to human rights since the Register of Charities in England and Wales was established. 14 charities have subsequently been removed. These charities make up just 0.1% of the 168,794 'main' charities on the Register, yet their combined annual income represents nearly 0.4% of all registered charities' overall income.

The small numbers involved reflect the relatively new emphasis on the importance of human rights in societies; and our own recent recognition of the promotion of human rights as a charitable cause in its own right.

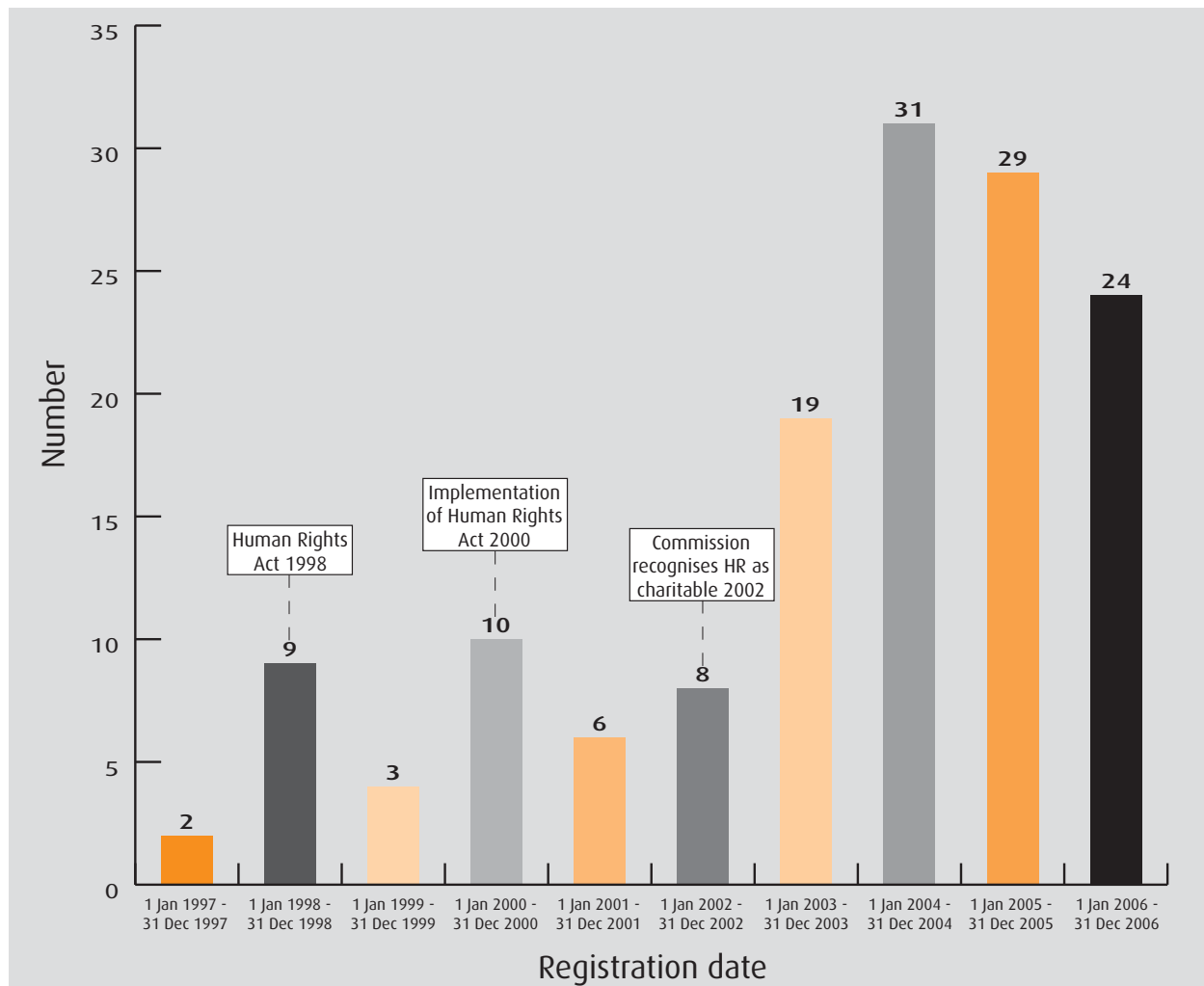
Charity registration since 1960



Trends in registrations show that the sharp increase in the last ten years follow key developments in the field of human rights. For example, the first peak in registrations occurred when the human rights

legislation was enacted in 1998 and the second peak when that legislation was brought into force in 2000. In recent years, registrations have been in the 20s or low 30s.

Charity registration year-on-year since 1997



11 charities have registered with objects that include human rights in the first six months of 2007.

broad geographical focus. In practice, though, many will typically restrict their activities to a smaller area.

76% of charities on the Register as a whole have been established to operate in local areas; whereas the majority of human rights charities (82%) are able to operate globally, having been established with a

The remainder were established only to operate in local areas in England and Wales, nationally in the UK or exclusively internationally outside of the UK.

2.2 Size of human rights charities

As noted, the total income of human rights charities is very small compared to that of the total income of the Register as a whole. A breakdown of the Register shows that overall the average size of human rights charities is slightly larger than the average for the total population of the Register, which is perhaps to be expected as many work on an international rather than local level.

At the date of research for this report, the three largest human rights charities on the Register were:

- The United Kingdom Committee for UNICEF,⁷ with an annual income of over £61 million;

- The Thailand Burma Border Consortium,⁸ with an annual income of over £16 million; and
- Amnesty International Charity Limited,⁹ which last recorded an annual income of over £13 million.

Overall, 17 charities had annual incomes greater than £1 million.

Supplementary information on human rights charities can be found in *Annex B*.

2.3 Role

We looked at the role human rights charities play through the areas of activity in which they operate. Looking at the purposes for which these charities were established, we found that most were set up to advance the education of the public in human rights (102 charities). Typically, many will do this through the provision of information, advocacy or advice. Others will sponsor or undertake research in the field. This emphasis on education can be explained by the timing of their registration: many will have been registered before we made human rights a charitable purpose in its own right.

The sample breaks down as follows:

- 54 charities have general purposes to promote human rights in such ways as are charitable;
- 44 charities have objects involving relief of victims of human rights abuses (whether their needs relate to poverty, sickness or distress); and
- 48 charities have other types of objects related to human rights outside of education, relief of victims or promotion of human rights.¹⁰

Many human rights charities also have additional charitable purposes which complement their human rights activities in their chosen area of benefit, for example:

- the preservation and protection of good health;
- the advancement of the Jewish religion;
- the promotion of the sound administration of the law;
- community capacity building;
- the promotion of racial harmony;
- the promotion of sustainable development;
- the promotion of moral and mental improvement;
- the conservation and protection of the environment; and
- the promotion of ethical investment for the public benefit.

⁷ "a) to promote human rights for children (as set out in the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child and other relevant United Nations conventions and declarations, and other relevant international and regional human rights instruments) throughout the world..." [extract]; registration number 1072612.

⁸ "...and (d) to promote human rights (as set out in the Universal Declaration of Human Rights and subsequent United Nations Conventions and Declarations) in the Thailand border area by monitoring and research." [extract]; registration number 1109476.

⁹ "a) to promote research into the maintenance and observance of human rights and to publish the results of such research;(b) to provide relief to needy victims of breaches of human rights by appropriate charitable (and in particular medical, rehabilitational or financial) assistance..." [extract]; registration number 294230.

¹⁰ The numbers in this and the preceding paragraphs add up to more than the total number of human rights charities because charities can have more than one object.

“To advance the education of the public in environmental matters, the preservation and conservation of the natural environment and its sustainable development and the causes and effects of environmental degradation; ...”

The Global Witness Trust¹¹

“To promote for the benefit of the public and to relieve poverty in any part of the world, in particular by promoting any charitable purpose to stimulate improvements to the conditions of life in the community and abroad, by ... the provision of information by the use of the internet and other information and communications technologies as a means of addressing the charitable needs of the poorest communities and by the provision of training equipment to the poor communities to allow them to access the above information ...”

Kenyan Action Mission¹²

“For the advancement of the education of the public in particular (but without limitation) in the following subjects ... the fine arts, in particular (but not exclusively) the arts of music, drama, painting, sculpture and literature.”

The Tom Paine Project¹³

2.4 Profile

We found that in terms of their governance arrangements, human rights charities are broadly similar to that of other charities on the Register. The average size of boards of trustees of human rights charities, for example, and the type of governance structure they have adopted reflect trends across the Register as a whole.

However, there was one area in which human rights charities did stand out. Analysis of the kinds of issues we as regulator are asked to deal with by or about charities shows that human rights charities appear more likely to attract complaints about the nature of

their work or the way the charity is perceived. Complaints to us made about these charities were generally higher than for other types of charities.

Reassuringly, the majority of these were quickly resolved and had arisen through misunderstandings about the charities' work. But the higher than average incidence of such types of cases reflects the often contentious and high profile nature of their work; and bears out these charities' concerns, detailed below, about the difficulties they have in getting their message across.

¹¹ Registered charity number 1071946.

¹² Registered charity number 1113803.

¹³ Registered charity number 1079892.

3. Emerging themes

To obtain an insight into what certain human rights charities think and the issues they face, we carried out further qualitative research, visiting seven charities working in the field of human rights. Several common themes emerged.

3.1 The charities

The charities we interviewed were selected to cover a broad range of human rights activities across a range of countries. All had objects which allowed them to operate both nationally and internationally. Where the charity had a specific geographical focus for its main efforts, this has been indicated below. Further details on all of these charities can be found on the Register of Charities on our website.

Anti-Slavery International¹⁴

Anti-Slavery International is a charity which falls within the £1 million plus income band. The charity aims to eliminate all forms of slavery throughout the world. It does this by various means, including:

- conducting research and reporting on slavery today;
- campaigning and raising public awareness about the continued existence of slavery;
- working closely with those whose rights it seeks to defend by building working alliances based on mutual respect and transparency; and
- identifying and challenging oppressive regimes and systems that hold people in slavery.

Article 19 Research and Information Centre on Censorship¹⁵

Article 19 Research and Information Centre on Censorship is a charity which falls within the £1 million plus income band. The charity aims to educate the public by promoting and protecting throughout the world, freedom of expression and the free flow of information and ideas within the meaning of article 19 of the Universal Declaration of Human Rights. It works in partnership with more than 80 national organisations, to achieve lasting institutional, cultural and legal change. Some of its activities include:

- researching, monitoring and reporting on censorship and abuses against the media;
- providing legal/policy expertise and standards-setting to secure the adoption of legal guarantees and progressive policies for the protection of freedom of the press and expression;
- advocating for the respect and protection of the right to access information to ensure transparency and strengthen citizens' participation;
- strengthening vulnerable groups' right to be heard and right to know through capacity and coalition building with the media, women's, health, environment, and minority organisations; and
- building national capacities, providing targeted training and assistance, producing resource materials, model laws, principles, etc.

British Irish Rights Watch¹⁶

British Irish Rights Watch is a charity able to operate in Britain, Ireland and elsewhere in the world but has a particular focus on Northern Ireland. It falls within the £100,000 to £250,000 income band.

The charity aims to promote the observance and maintenance of human rights through education and research; to promote and disseminate knowledge, information and understanding of such human rights through exchanging information by different means; and to procure the abolition of torture, extrajudicial executions and arbitrary arrest, detention and exile. The charity achieves these aims by:

- researching alleged human rights violations;
- sending independent observers to trials, inquests and inquiries;
- providing consultancy services for lawyers;

¹⁴ Registered charity number 1049160.

¹⁵ Registered charity number 327421.

¹⁶ Registered charity number 1048335.

- making representations to international human rights bodies and organisations such as the United Nations;
- organising seminars for lawyers and others;
- making third party interventions in human rights cases and providing expert testimony;
- publishing articles and reports; and
- organising conferences.

Equality Now¹⁷

Equality Now is a charity within the £100,000 to £250,000 income band. The charity works with other human rights organisations and individuals to document violence and discrimination against women and mobilises international action to support efforts to prevent these human rights abuses by:

- distributing information about human rights violations;
- taking action to protest about these violations; and
- bringing the public attention to human rights violations against women.

Kurdish Human Rights Project¹⁸

Kurdish Human Rights Project is a charity which falls within the £100,000 to £1 million income band.

The charity is established for the promotion and protection of the human rights of people in the Kurdish regions of Turkey, Iraq, Iran, Syria and elsewhere. It aims to help Kurdish people (and their families) who are in need and who are or have been the victims of torture or other contraventions of their human rights. The charity's main activities are:

- human rights advocacy and training;
- providing financial and legal assistance;
- trial observation and fact-finding missions;
- researching and distributing information by various publications; and
- raising public awareness and providing education and communication strategies.

Reprieve¹⁹

Reprieve is a charity that provides frontline investigation and legal representation to prisoners denied justice across the world, from death row to

Guantánamo Bay. It works within a legal framework - applying domestic and international law as a tool to save lives, deliver justice and make the case for world-wide reform. It falls within the £100,000 to £1 million income band.

More specifically its efforts are focused on:

- representing prisoners facing execution at the hands of the state in the conventional criminal justice system, or those outside of the reach of the law;
- prioritising the cases of prisoners facing the death penalty particularly in America or where British nationals are involved; and
- raising the profile of human rights abuses surrounding the death penalty and the war on terror, educating the public and provoking debate.

None of the prisoners Reprieve helps can afford to pay for representation.

Sudan Organisation Against Torture²⁰

Sudan Organisation Against Torture is a charity working mainly in the Sudan and falls within the £100,000 to £1 million income band. The charity's main objective is preventing torture and challenging impunity. It works to rehabilitate Sudanese survivors of torture and provides legal assistance to survivors of, and individuals threatened with, inhumane and degrading punishments. It does this by:

- providing legal aid;
- providing medical treatment and rehabilitation;
- conducting research;
- advocacy and campaigning;
- arranging a women, children and prisons programme;
- providing information via various media and a freedom of expression programme; and
- providing human rights education and an awareness programme.

¹⁷ Registered charity number 1107613.

¹⁸ Registered charity number 1037236.

¹⁹ Registered charity number 1114900.

²⁰ Registered charity number 1040432.

3.2 Establishing the charity

All the human rights charities we interviewed were established as a result of a particular cause or ongoing situation, often in a specific area or region.

While the majority focus on a particular area or region, in reality, all have objects which allow them to work far wider than their current area of operation, but they have chosen for practical reasons to concentrate on a specific area.

The following summarises the reasons why each of the charities was established:

- as a result of conflict in Northern Ireland;
- after being at the forefront of the movement to abolish the slave trade;
- after the realisation of a growing need for an impartial non-government organisation capable of focusing on the rights of all people in various Kurdish regions;
- following concerns about censorship and other restrictions on freedom of speech throughout the world;
- as a result of an identified need to represent and support people living on death row, identified by a British lawyer qualified to practice in the USA who had worked with many death penalty clients;
- by a group of victims who had escaped the country after being tortured, and wanted to do something to help colleagues still in the country; and

- an established charity in the USA working for the promotion and protection of the human rights of women around the world decided that, because of the diversity of its work, a base outside the USA was needed. London was chosen as a key site (along with another in Nairobi) to take advantage of the advocacy work and good communication networks within the European Union.

Some of the charities told us about the difficulties in establishing the organisations initially. This took two forms: for one, the controversial nature of their proposed work, human rights issues in Northern Ireland, meant there was some public suspicion about the motivations behind setting up the organisation and whether it was directly involved in the conflict on one side or the other. For others, there had been difficulty determining that the purposes of these charities, although evidently worthy, were charitable within the strict legal sense, as they had sought registration prior to the Human Rights Act 1998, which incorporated much of the European Commission of Human Rights into domestic law, and the resulting acceptance of the advancement of human rights as a charitable purpose.

One charity told us that it has worked hard to build its reputation and prove its status as an impartial and independent organisation. The quality of the organisation's research has helped to build its respectability and good reputation, to the extent that larger charities such as Amnesty International rely on it for information and research.

3.3 Independence

The importance of independence was a theme raised by most of the charities we interviewed. For example, several told us their policy was not to accept government funding to maintain a degree of independence. One told us they would not accept any funding from any organisations or institutions, governmental or non-governmental or from anyone with ties to them in their area of operation, the Kurdish regions. Instead, the charity's funding derives from charitable grant-making trusts and foundations and non-statutory sources from around the world.

Two charities said they are careful to maintain independence from the British Government as they felt it could be damaging to their own work.

Another charity, operating in Northern Ireland, spoke of their need to remain independent from polarised and sectarian groups. It felt that having a base in London, and therefore outside of the area they focus on, actually encouraged some people to approach the organisation as it was not 'on their doorstep'. Individuals therefore felt reassured about confidentiality.

3.4 Public perception

There was a general theme that charities working in the field of human rights had difficulty gaining support for the issues they deal with. For example, one charity has found that many people believe slavery is no longer an issue in modern society despite its existence in many different forms, such as human trafficking and bonded labour.

Another told us that it was often difficult to get the public's attention on a particular campaign because it was happening elsewhere, so some people would not relate to the issue and dismiss it as someone else's problem. To try and overcome this, the charity has focused on individuals' cases in their reports: this not only highlights the issues involved, but also gives the audience someone they can relate to.

This charity also told us that their work is challenging and can sometimes be difficult because human rights violations against women can be attributed to being part of a society's culture, religion or tradition. To combat this, the charity works with groups within those cultures, religions or traditions who oppose such violations to amplify their voices to the wider world.

The charity also told us their work requires careful organisation. Due to the nature of the issues dealt with, such as female genital mutilation and breast

ironing, campaigns and presentation of findings need to be done in a way which does not expose the charity's integrity or reputation to risk by ensuring that the information is presented in a way in which it maintains media interest, but does not sexualise the issue.

Another charity, working for freedom of speech, said that this can be a controversial topic. Because its mandate is based on international human rights standards, it does not take an absolutist position on freedom of speech which leaves it open to criticisms from those organisations and people that do. For instance, it recognises that there are, under international human rights law, legitimate restrictions to freedom of expression or freedom of the press. These restrictions may be too much for those that advocate for a more absolutist approach, and too little for many within the general public. Education is key, but identifying the correct approach is difficult as these kinds of awareness raising activities require time.

One charity told us there has often been a misconception among funders and the public that the charity was somehow involved in the conflict it was established to help resolve.

"This is not a very 'cuddly' cause." **Relieve**

Several of the charities we spoke to stressed that part of their role was to educate the public. For example, one charity told us they educate the public by highlighting issues relevant to field of human rights, in this charity's case in relation to the conflict in Northern Ireland. Another told us about difficulties educating the public on their work in the field of

human rights, such as explaining all the strands of their work within a short interview or article. This charity also said that it faced challenges on how it is perceived because some organisations, it believed, misuse the banner of human rights, which can adversely affect the reputation of legitimate human rights organisations.

3.5 Communicating the message

There were mixed responses from the charities about their relationship with the media, ranging from those who employ press officers, or actively use the media to help publicise a particular cause, to those who told us they deliberately limited any press coverage of the charity.

One charity said it did not proactively approach the press through issuing many press releases - it has only released around six in the time it has existed - because it cannot cope with the amount of work generated by this type of coverage. It did, however, get a lot of publicity and press coverage because of its reputation as an expert in its own field. But it also said that it believes there is an educational issue here and media coverage is not always helpful as it is hard to convey the complexities of human rights situations in 'sound bites' for news stories. Furthermore, it is a difficult message to get across that, although a person may have committed a crime, they are also entitled to basic human rights.

Another charity has a very pro-active press strategy, issuing about 6 press releases a week to highlight particular concerns in the world or to announce an important activity or report it is launching. However, while it is able to get good press coverage in the countries it works in, it is not so easy to gain coverage in international, UK or Western press. While these media will approach the charity for comment in response to crises, these are usually few and far between.

3.6 Funding

Funding is a perennial issue for most charities and those we met with discussed their general funding arrangements, giving examples of both positive and negative experiences.

One charity said that, in common with many others, maintaining and strengthening core or unrestricted support is a major concern. Yet this support is crucial as it gives organisations the flexibility they need to respond to crises and opportunities as they occur. The other problem area is attracting funding for innovative or controversial projects. Yet, once funded, such projects have the potential to develop into established standards or policies, such as this charity's recent project in access to information and

While needing the media to publicise a particular cause or educate the public, another charity told us that it also finds its relationship with the media can be challenging. For example, when raising awareness of certain issues they need to be careful to make sure information is presented in a way which maintains media interest without misinterpreting the charity's message.

Two charities told us they actively use the media to promote human rights. One, for example, has press officers and produces action briefings and a quarterly magazine. Another refers to worldwide press and broadcast media coverage in their annual impact report.

One charity gave an innovative example of how they had used a different medium to highlight an issue: it produced a play in London based on the true story of a man with mental health issues facing the death penalty. The charity used audience numbers to measure the success of this as a medium to publicise their work.

One charity said a current concern was that the climate of anti-terrorist legislation will fuel people's fear and may drive a wedge between sectors in society. This could potentially undermine the observance of human rights. The charity is therefore considering outreach work to help educate people about human rights.

sexual and reproductive rights. Many donors, though, prefer to stick with funding less controversial projects.

This charity also noted that the culture of large giving in European societies is not as well developed compared to that in the United States.

Another charity told us that it felt reporting to funders was getting more complex over time. It needs to provide information to funders in various formats. Some funders want to know how each individual was helped and at what cost, others require overall figures on average spend and numbers of people assisted.

Another said that, to maintain its independence, it does not accept any money from any organisations or institutions, governmental or non-governmental, nor anyone with ties to them, in the region in which it operates. It also highlighted the funding difficulties they experience:

- human rights charities are all fishing in the same pool for funders to support them financially;
- large corporations seem to have a fear of nominating human rights charities as their benefiting charity and that this is because of a public perception that human rights charities are political;
- prospective funders have been known to try to manipulate the charity to fulfil their own aims and objectives (the charity representatives stressed that they retain their independence and would not pursue a funder who made such demands and didn't fit in with their aims); and
- funders often want tangible results which can be difficult for the charity to deliver in a set period of time.

One charity said that a statutory funder which provided some of their funding preferred to remain at arm's length from grass-roots human rights causes and instead provided finances to the charity to deliver the assistance needed.

In terms of funding for specific activities, one charity dealing with women's rights found resourcing their work was a problem, as there is little funding available for this cause specifically and the charity has a policy of not accepting government funding.

3.7 Successes and making a difference

Many of the charities we interviewed reported on individual achievements via impact reports or other media and provided tangible examples of key successes in making a difference.

For example:

- One reported that it had proved internationally that having human rights mechanisms in place can make a real difference to the lives of individuals and to communities.
- Following a long period of pressure applied by another charity, and by working with other local organisations, a law had now been passed in that country declaring bonded labour illegal.

Many of the charities told us that they have varied and diverse funding arrangements, with the majority of the charities interviewed listing more than five different funders in their accounts. Funding sources ranged from individual donors who preferred to remain anonymous to international grant making organisations and UK or foreign governments. For example, one charity receives 35% of its funding from trusts and foundations and 65% from statutory funders including the Department for International Development, Irish and Dutch governments, EU and other large organisations.

Another told us that, in its early days, one large, well-known funder refused funding on several occasions. Obtaining registration as a charity, as well as the funder seeing the charity's reputation improve and its respectability being proven, helped change the perception of the said funder, which is even now contributing to the charity's work. The Director has years of fundraising experience and knows how to build a good working relationship with funders; once the charity has secured funders, it tends to keep them. Another charity, as well as complying with funders' reporting requirements, also invites them to events and the Director sends a regular letter detailing activities.

This charity has also set aside money from a legacy made by a previous chair for the winding up of the charity when the time comes, and is planning to record the charity's history for archive purposes, as they believe that it will be a good case study for other human rights charities in the future.

- One charity considered one of its main successes was in building legal frameworks and helping governments of newly democratic countries.
- Another told us that its action has contributed to the signing of a comprehensive peace agreement that has led to a bill of rights, paving the way for an improved environment to work in.

Finally, another charity's recommendations on access to information and freedom of information legislation were adopted in Cambodia, Macedonia, the state of Kelantan in Malaysia, Mongolia and Nepal; while its recommendations on various media bills or practices and defamation were adopted or the objects of large debates in Cambodia, Nepal, Moldova, Hong Kong, Kenya, Fiji and South Sudan.

3.8 Demonstrating impact

Many of the charities were able to tell us how they measure the impact of their work and most provided positive evidence of this. For example:

- some outlined their achievements in reports specifically for impact reporting purposes;
- some charities quoted examples of tangible ways they have identified to measure results, for example, one charity not only counts the number of slaves freed; but as well as this, it has also developed a series of impacts and objectives which are used to agree programme and campaign priorities; and provide some longer term measures against which the charity can judge its work and achievements, such as monitoring the rehabilitation of freed individuals and the implementation, enforcement and effect of human rights-related legislation; and
- others measured impact in different ways, for example, the introduction of concrete discussions on a new mechanism within the UN which focuses on eliminating laws which discriminate against women.

However, our research did highlight the challenges that some charities face in demonstrating their impact, as well as how they found working solutions to those challenges:

- One charity told us it was often difficult to obtain hard facts or figures and it needed in some instances to rely on anecdotal evidence to demonstrate the actual scale of their impact, especially in cases where measuring would involve trying to evaluate where nothing happened – for example, not having been subjected to a human rights violation, where

previously this might have been likely. However, it gave one example where it worked with the police, government and local ministries to enforce a law that had not been active. This brought about measurable reductions in human rights' violations in the country concerned and meant that the charity had identified another way in which to measure its impact.

- Another told us that funders often want tangible results which can be quite difficult for the charity to deliver in a set period of time. But it had produced an impact report highlighting their achievements. Included in this was, for example, the number of research reports it published, the number of trials observed and the number of hits on its website.
- One charity told us that they can directly measure impact by the number people treated and assisted, and by legal challenges mounted, but the latter can be difficult to measure accurately due to the deficiencies they experience with the legal system.

Providing evidence for funders was the impetus for at least one charity to report on successes and in turn, this funder would assesses how the charity's profile had been enhanced by its presence in the media.

Finally, one charity told us that demonstrating the short-term impact of activities that aim at lasting cultural and institutional changes in the field of freedom of expression raises specific difficulties. It is also difficult to take ownership of a particular success or impact, as it may be that other agencies or factors have made a significant contribution to the resulting change.

3.9 Avoiding duplication and working in partnership

One charity said that, prior to its establishment, the founders carried out a feasibility study which highlighted there was no independent organisation working on highlighting the gross human rights violations in this area.

One cause, initially established in the United States, now has offices in Nairobi and London. The three sites are all working towards the same ultimate

cause, but each part of the organisation avoids duplication by concentrating on a different aspect of work.

Another told us that they carry out a feasibility study on all potential partners to make sure that any work the charity does is not only cost effective but also avoids duplication of roles between working partners.

One charity told us they were keen to develop working with other human rights organisations: having identified internally what the charity hopes to get from the other organisation, the two organisations liaise. Generally the charity seeks to tap into others' resources, such as lawyers' networks, and to avoid duplication of work.

Most of the charities we interviewed told us about working in partnership to further the aims of the charity. For example, one charity told us about working with other human rights organisations and the United Nations, also meeting with other European organisations to discuss issues of mutual concern and to collaborate on campaigns of mutual interest.

Another currently works with 80 implementing partners that are active in areas such as human rights, freedom of information, democratisation, the media, women, health and the environment. These in turn connect with around 100 grass-roots organisations. All of the charities' projects are directed at capacity building for local organisations to ensure that they are able to continue their work in the futures without – or with limited – international involvement and support.

Another gave practical examples of how it puts working in partnership into action. It recently collaborated with Friends of the Earth England, Wales and Northern Ireland, the Cornerhouse and Platform as well as many other organisations to work on the Baku-Ceyhan Campaign. The campaign's role is to secure environmental justice on the installation of the new Baku-Tbilisi-Ceyhan pipeline by:

- enhancing the systems for the monitoring of a pipeline;
- helping people and communities whose rights have been violated; and
- examining the broader economic, social and environmental impacts of the pipeline.

One charity spoke of the difficulties they experience working with branch offices overseas and that this was directly as a result of the nature of the work of the organisation. For reasons of risk and safety over prolonged periods, communication can be dangerous and/or slow, which can have a practical impact on the charity's work, for example, on financial reporting.

3.10 Campaigning for, changing or monitoring policy and legislation

Some charities made specific reference to issues related to campaigning. One charity specifically acknowledged that this was a difficult area in which they would like greater clarification. We agree that in the climate in which such types of charities operate, this is an area in which charities need to be able to explain the reasoning behind their activities. Since this evidence was gathered, we have published some questions and answers to supplement our guidance in *Campaigning and Political Activities by Charities (CC9)*²¹, which explains in greater detail what charities can and cannot do, and are currently consulting with the sector on this issue.

Another charity gave an example of how other countries allow a certain percentage of campaigning activities to be undertaken. They felt that this type of approach would make it easier for them and other charities.

Reforming policy or legislation in some way was a theme raised by several of the charities. For example, one charity was involved in reforming a new code of ethics requiring greater representation of under-represented faiths in a police force. It was also involved in the subsequent monitoring of the new code.

Another had worked to revisit the definition of what is classed as 'torture' at a European level, for example by bringing a case before the European Court of Human Rights. The case resulted in a ruling in 1998 which meant that, for the first time, rape constituted a form of torture contrary to the European Convention on Human Rights.

²¹ *Campaigning and Political Activities by Charities (CC9)* – revised version to be published in early 2008. In the meantime, we have published complementary guidance, *Campaigning and Political Activities by Charities* – some questions and answers (April 2007), available on our website, www.charitycommission.gov.uk

Conclusion

Our findings were that human rights charities are broadly very similar to other charities on the Register in terms of their structure and governance. They have very similar concerns and issues to other types of charity. However, in some areas, while the concerns are similar, they are magnified for human rights charities.

A key example is the importance of transparency and accountability in their day-to-day work; another area is the need to place a high emphasis on increasing public understanding of their work. Because of the

difficult and controversial areas these charities work in, they are potentially more susceptible to misunderstanding and they put great effort into raising awareness of the issues they were set up to resolve and explaining their efforts to resolve them.

Another area in which human rights charities proved to be particularly strong is the emphasis they place on working in partnership both to achieve results and to avoid duplication of effort and resources.

Annex A – Research techniques

Our research focuses on the range, role and profile of charities with objects that specifically include human rights as at the end of June 2007.

We have used the following sources of data and material in our research:

- our casework;
- the Register of Charities;
- charities' Annual Reports and accounts;
- Annual Return forms;
- Summary Information Return forms (for charities with a gross income over £1 million); and
- a selection of charity websites.

Our Review Visit teams also visited seven charities. We have used the information gathered from these visits to report on these charities' perspectives on operating in the field of human rights.

Annex B – Facts and figures

The number of human rights charities and their income

Since the Charities Act 1960 created the Register of Charities, 206 charities with objects including those relating to human rights have been registered.²² 14 have subsequently been removed - ten charities ceased to exist and four charities wound up and were re-established as charitable companies.

At the end of June 2007, the total latest recorded annual income of human rights charities was nearly £160 million.²³ These charities make up 0.1% of the 'main' charities on the Register for England and Wales, yet their combined annual income represents just under 0.4% of all registered charities' overall income.

Where human rights charities operate

Charities may choose to define in their governing documents the geographical areas of benefit in which they want to carry out their activities. These areas can be broken down into charities operating:

- 'locally';
- 'nationally';
- 'internationally'; or
- both 'nationally and internationally'.

In practice, charities may opt to work in a smaller area of operation than the prescribed area of benefit.

Working locally

The activities of the nine local charities range from the promotion of human rights of, for example, disabled people in Rochdale through to the education of the wider public by giving a series of public lectures in Kingston-upon-Hull. The areas of benefit of these locally based charities range from this narrow focus to county level and beyond, such as 'Warwickshire' through to the 'Devon area'.

Other human rights activities promoted on a local basis include:

- the promotion of racial harmony; and

- promoting the social equality and human rights of young lesbian, gay, bisexual and transgender people.

Working nationally

Our research found that eight charities have chosen to operate nationally, either covering all of England and Wales or the whole of the UK. The specific human rights elements of their objects include a range of activities for the promotion of human rights, with the majority focusing on people of other nationalities who have settled or want to settle in the UK.

Working internationally

Six human rights charities have an area of benefit limited to an international geographical location. These areas range from named areas and countries such as Abu Dis (a region of Palestine), the Thailand Border Area and Romania to the more general 'Developing Countries', South East Asia and Africa.

The wide geographical focus of these charities is matched by an equally wide range of activities international charities can undertake to promote human rights. These activities include, among other things:

- education about human rights;
- promoting women's human rights;
- raising awareness of human rights and human rights abuses; and
- providing aid to children who have been the victims of human rights abuses.²⁴

Working nationally and internationally

A total of 169 human rights charities have no restriction on their area of benefit, meaning that they can carry out their objects either here in the UK or abroad, or in certain circumstances, both.

Some national and international charities include specific classes of beneficiaries in their objects whose human rights they seek to promote. This could be as wide as educating the public about human rights, for example, to raising awareness of human rights issues among companies and investors.

²² Human rights objects are outlined in our publication *The Promotion of Human Rights* (RR12), Charity Commission (2005).

²³ £159,724,232 representing the latest recorded annual income for the 192 human rights charities on the Register as at 30 June 2007.

²⁴ Our guidance, *Charities Working Internationally*, gives advice on the legal requirements and recommended good practice for charities whose work is either wholly or partly international or overseas based.

Other charities promote the human rights of:

- poor children and youth;
- women;
- African women;
- young forced migrants and long-term refugees; and
- those who suffer discrimination on the grounds of their caste.

Some charities have drawn up their objects with a wide remit, but have inserted an emphasis on a particular ethnic, religious or geographical community:

- *Africa*; for example Africa, Republic of South Africa, Central African Region, Sudan or Zimbabwe;
- *Asia*; for example Indonesia, Tibet, India or Nepal;
- *Europe*; for example Germany;
- *Middle East*; for example Israel and the Occupied Territories, Gulf Region, Yemen or Iraq;
- *Other worldwide*; for example Fiji, Latin American or Caribbean countries;
- *Specific ethnicity*; for example Kurds; and
- *Specific religions*; for example the Jewish Faith, the Catholic Community or Coptic People.

The use of electronic media such as the internet, electronic newsletters, website teaching aids and

interactive television programmes are cited in the objects of at least three charities as methods for promoting human rights and getting the charities' messages across.

One charity includes the promotion of the sound administration of human rights law by providing and publishing materials for the study of human rights law, such as digests of human rights law. Another two charities mention advancing education to ensure "*fair and accurate media coverage*" and "*free, accurate and responsible media coverage*" within their objects.

Since the Commission recognised the promotion of human rights as a separate purpose in 2002, some charities may now have educational objects which they no longer fulfil. We recommend that all charities regularly review their objects and that they update them (approaching us when necessary) so they accurately reflect the charity's current objectives and activities.

How human rights charities operate

We analysed information provided by charities in their Annual Returns about how they set about achieving their objects. Analysis of the ways in which human rights charities operate showed that the majority – 125 – are providing information, advocacy or advice. 94 charities sponsor or undertake research, either as well as or separately to providing information, advocacy or advice.

Type of operation	Number of charities undertaking this operation
Provides advocacy/advice/information	125
Sponsors or undertakes research	94
Makes grants to organisations	67
Provides human resources	66
Provides services	63
Acts as an umbrella body or resource body	53
Makes grants to individuals	43
Provides buildings/facilities/open space	28
Provides other finance	3
Other or none of these	0

One hundred charities, representing 49% of the total, have been established as charitable companies. Many of these registrations have taken place over the last 5 years and reflect the overall trend towards choosing an incorporated status. Of the rest, 38% have been set up as charitable trusts and 14% as membership organisations governed by a constitution.

Most common cases

Complaints against the charity were significantly higher for human rights charities, being the fourth most common type of case for human rights charities compared with ninth most common case for charities generally.²⁵

The higher incidence of complaints made to us about human rights charities perhaps reflects their higher visibility and the controversial areas in which they operate, making them more vulnerable to complaints.

Our research found that we dealt with 22 cases involving complaints against 15 human rights charities, the majority of which were relatively minor.

Ten of these cases, involving seven charities, concerned claims made by members of the public that charities were either undertaking political activities or had objectionable campaigns and/or fundraising methods. None of the charities involved were found to be in breach of the principles laid down in *Charities and Campaigning by Charities* (CC9).

Ten other cases concerned other specific complaints against seven charities. These cases ranged from a complaint about the policies of a particular charity, which we did not uphold, to a complaint from an ex-trustee that her name still appeared on the charity's website, which proved to be an administrative oversight.

The remaining two cases related to the name of a charity removed from the Register. We found no cause for concern in this instance.

²⁵ As part of our research we analysed the ten most recent cases for each human rights charity on which we provided advice and guidance over the last five years. Complaints against the charity (including removed charities) accounted for 7.8% of the total number of recent cases.

Annex C – Glossary of terms

In this report, where we use '**must**', we mean it is a specific legal or regulatory requirement affecting trustees or a charity. Trustees must comply with these requirements.

Charitable company means a company that is:

- formed and registered under the Companies Act 1985; or
- to which the provisions of the 1985 Act apply as they apply to a company so formed and registered; and
- which is established for exclusively charitable purposes.

(The) Commission: The Charity Commission.

Governing document: Any document which sets out the charity's purposes and, usually, how it is to be administered. It may be a Royal Charter, trust deed, constitution, memorandum and articles of association, will, conveyance or Charity Commission Scheme.

Trustees means charity trustees. Charity trustees are the people who are responsible for the general control and management of the administration of the charity. In the charity's governing document they may be called trustees, managing trustees, committee members, governors, or directors, or they may be referred to by some other title.

Annex D – Sources of information

The Charity Commission for England and Wales

The Charity Commission is the independent regulator of charities in England and Wales. Its aim is to provide the best possible regulation of charities in England and Wales in order to increase charities' effectiveness and public confidence and trust. Most charities must register with the Commission, although some special types of charity do not have to register. There are some 190,000 registered charities in England and Wales. In Scotland the framework is different, and the Commission does not regulate Scottish charities.

The Commission provides a wide range of advice and guidance to charities and their trustees, and can often help with problems. Registered charities with an annual income or expenditure over £10,000 must provide annual information and accounts to the Commission. The Commission has wide powers to intervene in the affairs of a charity where things have gone wrong.

More information about the Commission together with a range of guidance for charities can be found on our website www.charitycommission.gov.uk, or by contacting Charity Commission Direct:

Telephone: **0845 300 0218**

Typetalk: **0845 300 0219**

By post: **Charity Commission Direct**

PO Box 1227

Liverpool

L69 3UG

Charity Commission publications

Trustees and staff of human rights charities may find these Charity Commission publications helpful:

Campaigning and Political Activities by Charities (CC9)

*Campaigning and political activities by charities - some questions and answers*²⁶

The Promotion of Human Rights (RR12)

²⁶ This is available on our website at: <http://www.charitycommission.gov.uk/supportingcharities/campaignqa.asp>

Annex E – Bibliography

Cabinet Office (2002): *Private Action, Public Benefit: A Review of Charities and the Wider Not-for-Profit Sector* reviewed the legal and regulatory framework of the not-for-profit sector, of which charities form the majority. Available at:

<http://www.cabinetoffice.gov.uk/upload/assets/www.cabinetoffice.gov.uk/strategy/strat-data.pdf>

Charities Act 1993

Charities Act 2006

Charity Commission (2004): *Campaigning and Political Activities by Charities (CC9)* describes those activities the Charity Commission considers charities can properly undertake under the existing law and outlines the risk factors charities should assess as part of their planning for campaigning activities. Available at:

<http://www.charitycommission.gov.uk/Library/publications/pdfs/cc9text.pdf>

In response to questions charities have asked, in 2007 we also published on our website ***Campaigning and political activities by charities - some questions and answers*** as a supplement to our guidance, CC9. The questions and answers are available at:

<http://www.charitycommission.gov.uk/supportingcharities/campaignqa.asp>

Charity Commission: *Charities Working Internationally* contains guidance on the legal requirements and recommended good practice for charities whose work is either wholly or partly international or overseas based. An updated version will be published on the website towards the end of 2007. This guidance is available only on our website at:

<http://www.charitycommission.gov.uk/supportingcharities/cwi.asp>

Charity Commission (2007): *Commentary on the Descriptions of Charitable Purposes in the Charities Act 2006* gives a broad overview of the scope of each of the descriptions of purposes listed in the Charities Act 2006 and the sorts of charitable activity that might fall within each one. Available at:

<http://www.charitycommission.gov.uk/spr/corcom1.asp>

Charity Commission (2007): *Consultation on Draft Public Benefit Guidance* explains what the public benefit requirement means and sets out for consultation some proposals on what the Charity Commission thinks charity trustees should report on their charity's public benefit. Available at:

<http://www.charitycommission.gov.uk/news/pbnewsindex.asp>

Charity Commission (2005): *The Promotion of Human Rights (RR12)* clarified our guidance on the promotion of human rights as a charitable purpose. (The revised guidance explains how the promotion of human rights is charitable by analogy with other charitable purposes.) Available at:

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Notes

This publication can also be accessed at the Charity Commission's website: www.charitycommission.gov.uk

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